



ERF 2643 PINELANDS

Removal of Restrictive Title Deed Condition



PROFESSIONAL
PLANNERS

September 2023

ERF 2643 PINELANDS

Removal of Restrictive Title Deed Condition

Prepared by:



**PROFESSIONAL
P L A N N E R S**

September 2023

CONTENTS

1.0 INTRODUCTION

- 1.1 Summary of the Project
- 1.2 Property Location
- 1.3 Property Details
- 1.4 Summary of Applications
- 1.5 Restrictive Condition to be Removed

2.0 DEVELOPMENT PROPOSALS

- 2.1 Intentions for the Property
- 2.2 Removal of Restrictive title deed condition.

3.0 MOTIVATION IN SUPPORT OF THE PROPOSALS

- 3.1 Title Deed Condition to be Removed
- 3.2 Origins of the Title Deed Condition
- 3.3 Merits of the Application to Remove Title Condition
- 3.4 Consideration criteria in terms of Section 99(2) of the MPBL
- 3.5 Consideration criteria in terms of Section 99(3) of the MPBL: Extent of Desirability of the Development Proposals

4.0 SUMMARY AND CONCLUSION

LIST OF FIGURES

Figure 1.1: Property Concerned

Figure 1.2: Aerial Photo

Figure 2.1: Existing Situation

Figure 2.2: Ground Floor Plan

Figure 2.3: First Floor Plan

Figure 2.4: Elevation Plan

Figure 3.1: Spatial Transformation Areas.

Figure 3.2: Transit Accessible Precincts

Figure 3.3: Local Context

Figure 3.4: Gateway Sites

Figure 3.5: Existing Situation

Figure 3.6: Zoning

LIST OF PHOTOS

Photo 1: SAWAS façade facing Cedar Road

Photo 2: Shows the boundary condition between Erf 2643 and 3133 Pinelands

Photo 3: The Howard Drive façade and edge that is located approximately 8,74m from the road reserve

Photo 4: The existing Elsieskraal Canal edge

LIST OF ANNEXURES

Annexure 1: Ownership Printout

Annexure 2: Power of Attorney

Annexure 3: General Plan

Annexure 4: Deed of Transfer

Annexure 5: Conveyancer's Certificate

Annexure 6: Existing Floor Plans

Annexure 7: Land Use Application Form

1.0 INTRODUCTION

1.1 Summary of the Project

JONO Trust Professional Planners have been appointed on behalf of the owner on Erf 2643 Pinelands (refer to **Figure 1.1: Property Concerned**) to prepare and submit the required removal of restrictive title deed condition application to the City of Cape Town in order to permit the property to be used in accordance with the General Residential zoning.

The proposal is to remove the title deed condition that prevents the site from being used as a block of flats. The title deed condition to be removed is Condition B (b), which controls the use of the site.

1.2 Property Location

Erf 2643 Pinelands is located at the intersection of Cedar Avenue and Howard Drive. The property is adjacent to the open space along the Elsieskraal Canal (refer to **Figure 1.2: Aerial Photo**).

1.3 Property Details

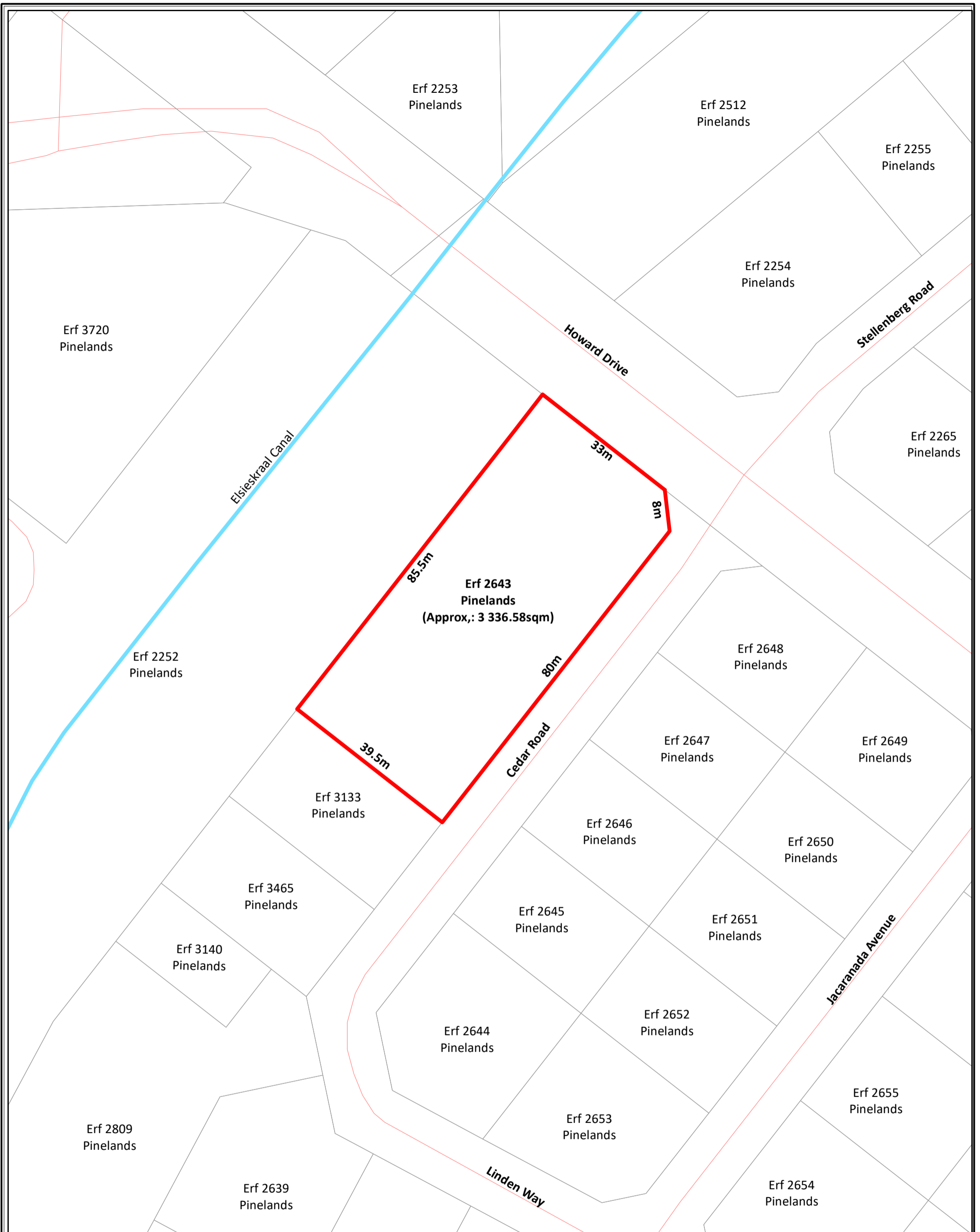
Property Description:	Erf 2643 Pinelands (refer to Figure 1.1: Property Concerned)
Registered Owner:	Communicare (refer to Annexure 1: Ownership Printout)
Applicant:	JONO Trust Professional Planners (refer to Annexure 2: POA)
Extent:	Approximately 3 334m ² (refer to Annexure 3: General Plan)
SG Designation	GP No. 656/1951 (refer to Annexure 3: General Plan)
Title Deeds:	T82043/2007 (refer to Annexure 4: Deed of Transfer)
Restrictive Title Condition	<p>Refer to Annexure 5: Conveyance Certificate, which lists the following condition that controls development on the property:</p> <ul style="list-style-type: none"> • Clause B(b): It shall be used only for the purpose of erecting thereon an aged persons home together with such outbuildings as are ordinarily required to be used therewith.
Applicable Zoning Scheme	City of Cape Town Development Management Scheme
Current Zoning:	General Residential 2
Current Land Use:	Old aged home

1.4 Summary of Applications

This application seeks to remove the restrictive title deed condition that prevents the property from being used in accordance with the uses permitted under General Residential 2 zoning.

The application contained in this report is:

- Application in terms of Section 42(g) of the By-Law to grant approval for the deletion of a restrictive condition, in respect of Clause B(b)



Erf 2253
Pinelands

Erf 2512
Pinelands

Erf 2255
Pinelands

Erf 2254
Pinelands

Erf 3720
Pinelands

Stellenberg Road

Erf 2265
Pinelands

Erf 2643
Pinelands
(Approx.: 3 336.58sqm)

Erf 2252
Pinelands

Erf 2648
Pinelands

Cedar Road

Erf 2647
Pinelands

Erf 2649
Pinelands

Erf 3133
Pinelands

Erf 2646
Pinelands

Erf 2650
Pinelands

Erf 3465
Pinelands

Erf 2645
Pinelands

Erf 2651
Pinelands

Erf 3140
Pinelands

Erf 2644
Pinelands

Erf 2652
Pinelands

Erf 2809
Pinelands

Erf 2653
Pinelands

Erf 2655
Pinelands

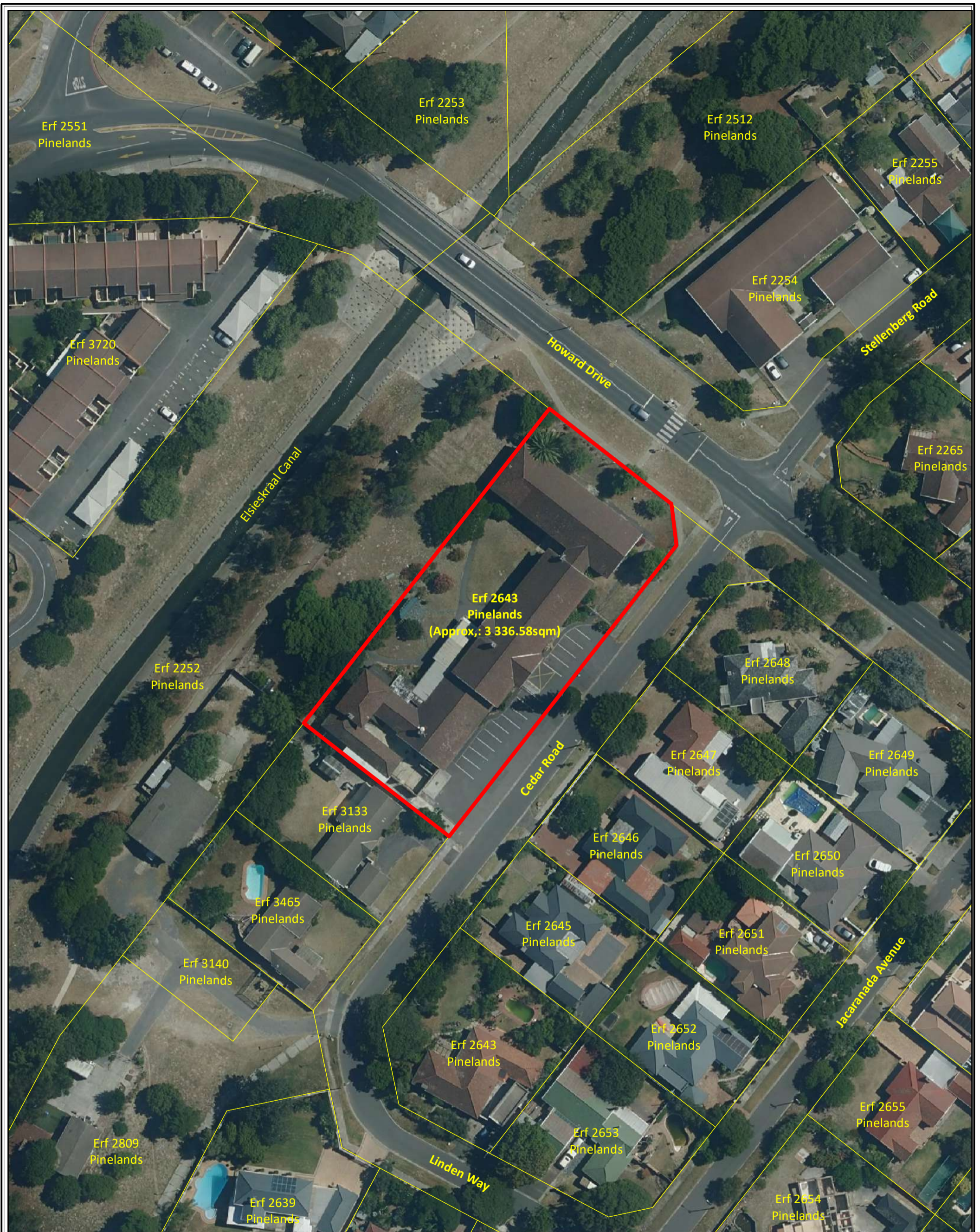
Erf 2639
Pinelands

Linden Way

Erf 2654
Pinelands


Key		Erf 2643 Pinelands		1.1
	Site Boundary: Erf 2643 Pinelands (Approx: 3336.58sqm)			
	Surrounding Properties			
	Surrounding Roads			
	Canal			
			PROPERTY CONCERNED	
SCALE at A3 1:750			 0 2.75 5.5 11 16.5 22 27.5 Meters	
			JONO TRUST	
			town & urban planning environmental design project facilitation www.jonotrust.co.za planning@jonotrust.co.za	
Job:23.265			Date: May 2023	






**Erf 2643
Pinelands
(Approx.: 3 336.58sqm)**

Key

 Site Boundary: Erf 2643 Pinelands
(Approx: 3336.58sqm)

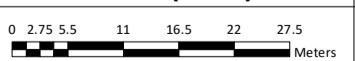
 Surrounding Properties

Erf 2643 Pinelands

1.2

AERIAL PHOTO (2022)

SCALE at A3
1:750  0 2.75 5.5 11 16.5 22 27.5 Meters



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Job:23.265 mxd: Aerial Photo (2022) Date: May 2023

The application forms are attached as **Annexure 7: Land Use Application Forms**.

1.5 Restrictive Title Deed Condition to be Removed

The following condition is to be deleted:

- Clause B(b): It shall be used only for the purpose of erecting thereon an aged persons home together with such outbuildings as are ordinarily required to be used therewith.

Clause B(b) were imposed into the title deeds by the Administrator in terms of Township Ordinance 33 of 1934.

2.0 DEVELOPMENT PROPOSALS

Section 2 will provide the detail of the application.

2.1 Intentions for the Property

The property owners intend to offer accommodation opportunities to a wider range of end user on Erf 2643 Pinelands.

In terms of the DMS, general residential zonings are designed to provide a healthy, safe, and pleasant environment for urban living at higher densities, in order to promote efficient urban development, manage the pressure of urban growth and reduce urban sprawl. The City can achieve this by removing Clause B(b), which limits the use of the property for accommodation for the aged persons home.

The current structure provides 54 accommodation units. It is intended to continue providing 54 units after the removal of restriction application. The units that exist, and that will continue after the removal of restriction are:

	Accommodation Type	Area (m²)
1	Bachelors/Bath	16.73
2	Bachelors/Bath	15.47
3	Bachelors/Bath	14.99
4	Bachelors/Bath	15.01
5	Bachelors/Bath	31.26
6	Bachelors/Bath	16.78
7	Bachelors/Bath	12.31
8	Bachelors/Bath	12.22
9	Bachelors/Bath	12.25
10	Bachelors/Bath	15.75
11	Bachelors/Bath	25.91
12	Bachelor	12.25
13	Bachelor	12.14
14	Bachelors/Bath	36.62
15	Bachelors/Bath	23.16
16	Bachelors/Bath	15.50
17	Bachelors/Bath	15.44
18	Bachelors/Bath	15.50
19	Bachelor	12.25
20	Bachelor	12.25
21	Bachelors/Bath	17.91
22	Bachelors/Bath	18.04
23	Bachelors/Bath	17.95
24	Bachelors/Bath	17.51
25	Bachelor	12.26
26	Bachelor	12.23
27	Bachelors/Bath	17.06
28	Bachelors/Bath	15.19
29	Bachelors/Bath	15.09
30	Bachelors/Bath	15.49
31	Bachelors/Bath	15.53
32	Bachelor	12.22
33	Bachelor	12.28

34	Bachelors/Bath	12.33
35	Bachelors/Bath	12.29
36	Bachelors/Bath	12.29
37	Bachelors/Bath	12.29
38	Bachelors/Bath	12.32
39	Bachelors/Bath	12.26
40	Bachelors/Bath	12.26
41	Bachelors/Bath	12.27
42	Bachelors/Bath	12.35
43	Bachelor	12.30
44	Bachelors/Bath	12.48
45	Bachelor	12.23
46	Bachelors/Bath	12.78
47	Bachelors/Bath	13.22
48	Bachelor	12.26
49	Bachelors/Bath	13.61
50	Bachelor	12.23
51	Bachelor	12.27
52	Bachelor	12.20
53	Bachelors/Bath	20.19
54	Two Bedroom	47.63

Figure 2.1: Existing Situation shows how the existing building footprint on Erf 2643 Pinelands. Figure 2.2; 2.3 & 2.4 show the internal arrangement and elevations of the current building.

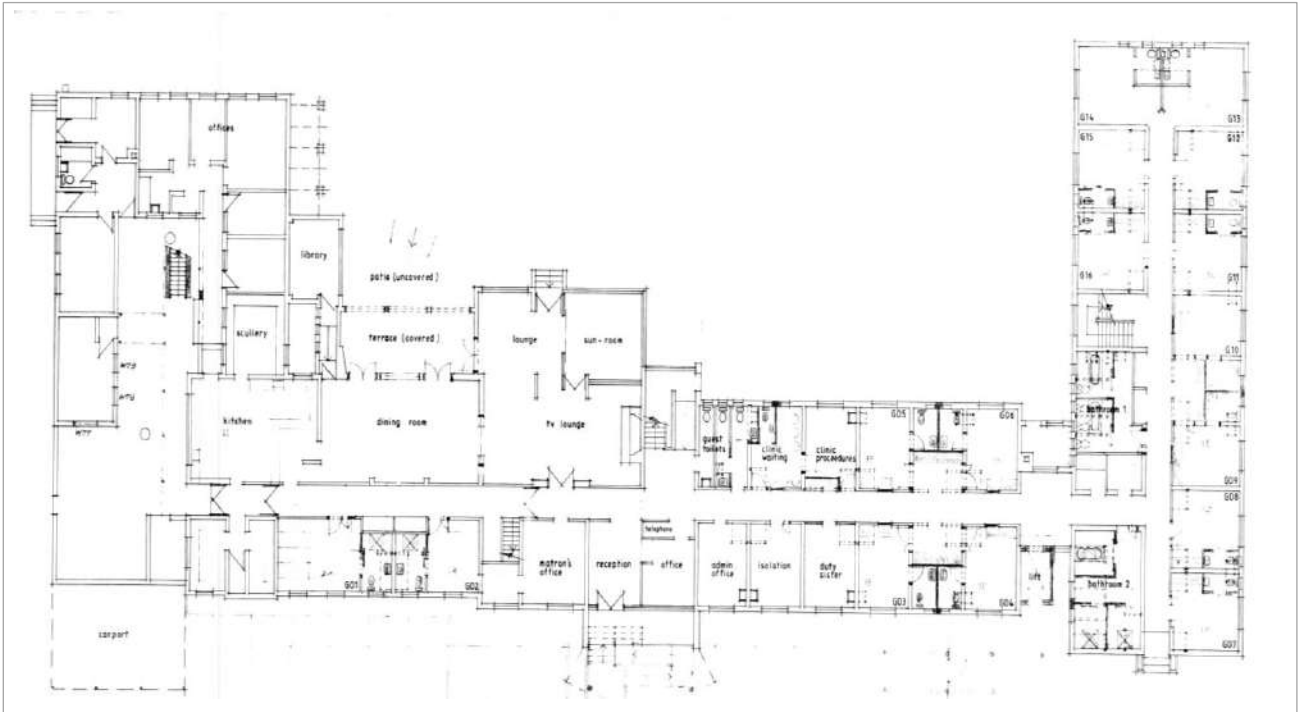












Figure 2.2: Ground Floor Plan



Key

-  Site Boundary: Erf 2643 Pinelands (Approx: 3336.58sqm)
-  Surrounding Properties
-  Dimensions
-  Property Extension
- 

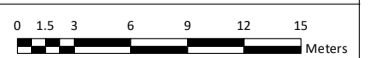
- 
- 
- 
- 
- 

Erf 2643 Pinelands

2.1

Existing Situation

SCALE at A3
1:400



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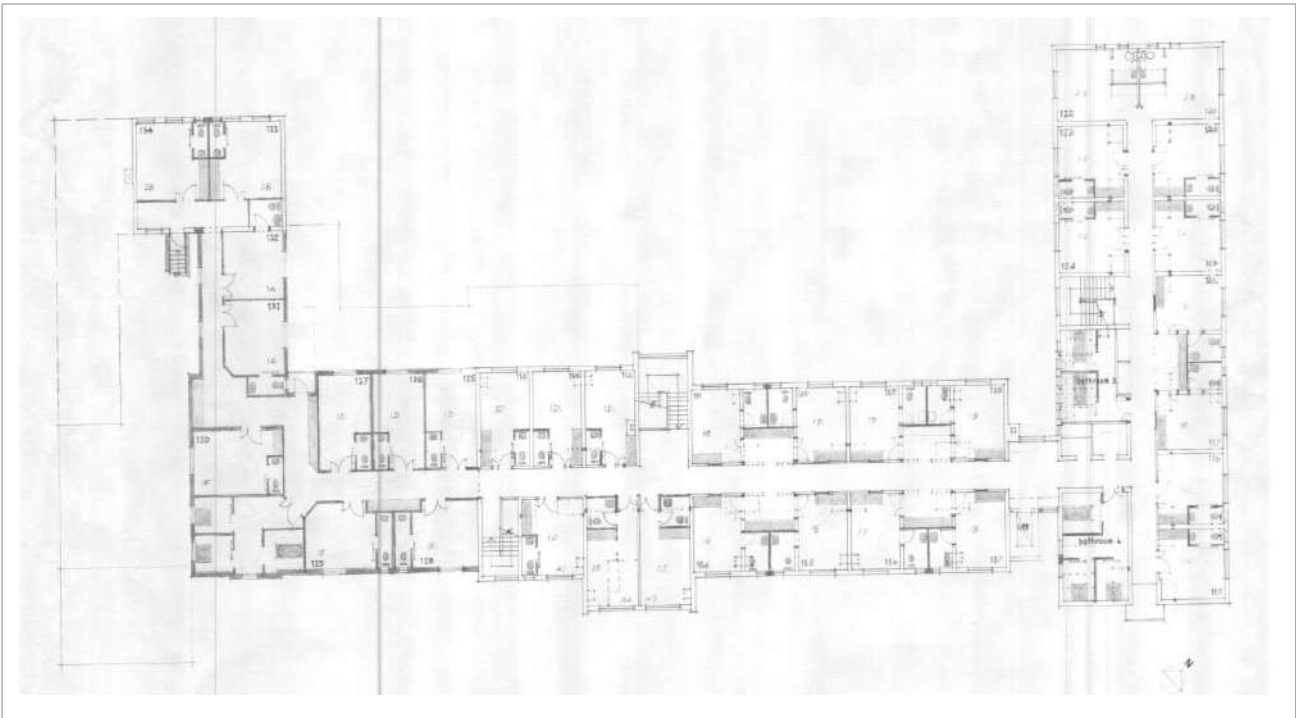


Figure 2.3: First Floor Plan

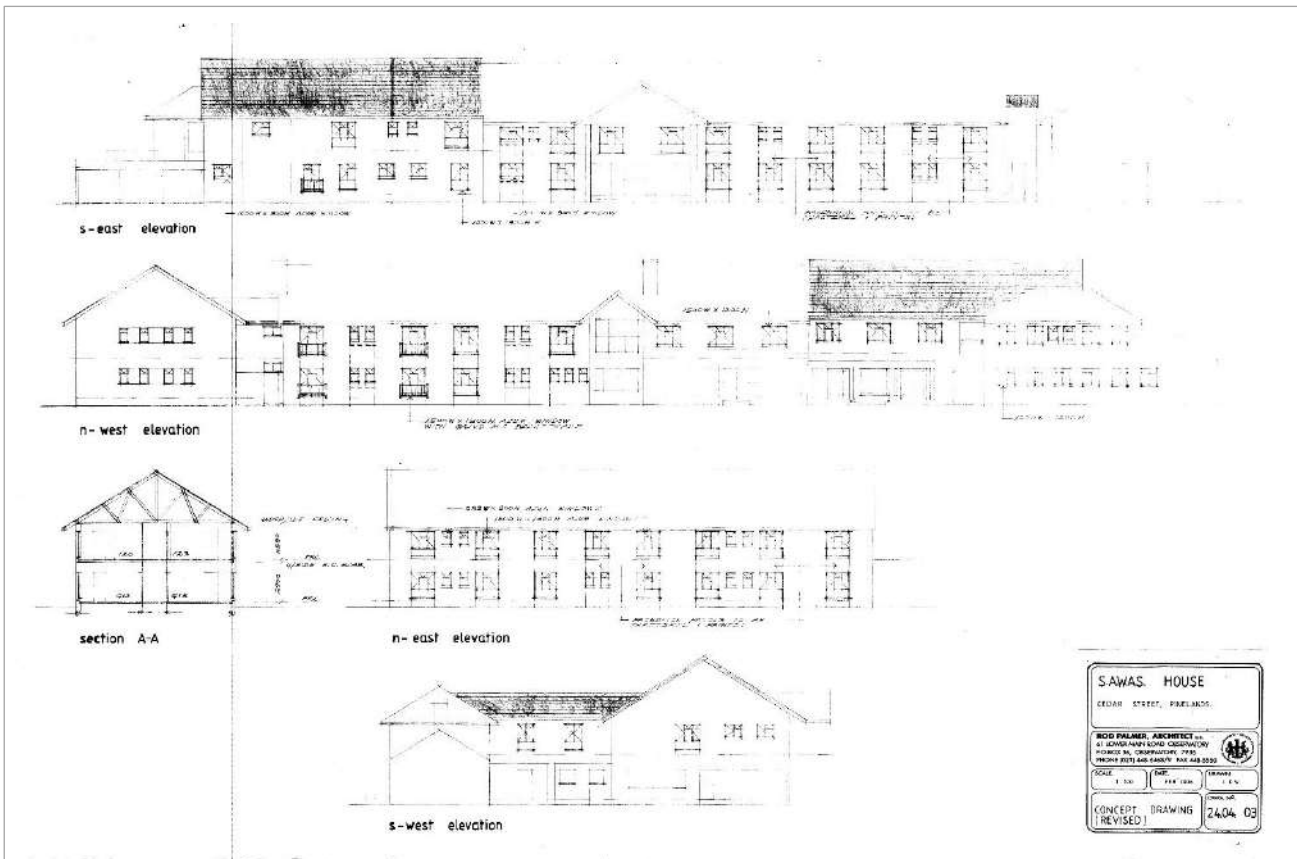


Figure 2.4: Elevation Plan

The proposal to remove the Title Deed Clause B (b) will not have change how the building relate to the public realm or neighbours, because there are no changes to the building footprint or envelope.

The existing plans and elevations are attached as **Annexure 6: Existing Floor Plans.**

2.2 Removal of Restrictive title deed condition.

The application aims to remove Title Deed Clause B(b), which limits the use of the property to elderly people.

The development proposals are:

- To retain the existing building together with such outbuildings on the site.
- The existing situation will remain the same and only the use of the property will change (from an aged persons home to flats)
- To allow the property to used for accommodation for a broader range of end users.
- The removal of Title Deed Clause B(b) will not fundamentally change the existing structure nor its relation to adjacent properties.

3.0 MOTIVATION IN SUPPORT OF THE PROPOSALS

The application to remove title deed condition Clause B(b) is made in order permit the property to be used according to its General Residential 2 zoning uses.

3.1 Title Deed Condition to be Removed

The following condition are to be removed from Deed to Transfer T82043/2007:

- Clause B(b): It shall be used only for the purpose of erecting thereon an aged persons home together with such outbuildings as are ordinarily required to be used therewith.

Clause B(b) were imposed into the title deeds by the Administrator in terms of Township Ordinance 33 of 1934.

The application is made in terms of Section 42(g) of the By-Law.

3.2 Origins of the Title Deed Condition

SAWAS House was established in approximately 1956-7 to house women who served in the South African Women's Auxiliary Services (SAWAS). SAWAS offered support to families of service men who served in World War 2.

Clause B(b) was inserted into the title deeds to address the need for the elderly ladies who served SAWAS. Over time, the need to house SAWAS ladies has decreased as these the women passed on. The facility has a 20% occupancy. The original purpose (to house SAWAS ladies) has come to an end, the need in modern times is to open the facility to a wider range of end users, who require accommodation.

3.3 Merits of the Application to Remove Title Condition

SPLUMA, LUPA and the Municipal Planning Bylaw sets the criteria for deciding removal of restrictions applications (refer to Section 2 above). The considerations that apply to the removal of restrictions applications are:

- The personal benefit that accrue to the person seeking the removal of the holder of the rights;
- The social / societal benefits of the restrictions remaining place;
- The social / societal benefits of the removal of the restrictions; and
- The implications of removal some rather than all rights.

We deal with these various considerations below.

3.3.1 Financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity

The removal of title deed Clause B(b) will allow the property owner the flexibility to use the property for the range of uses under General Residential 2 Zoning. This will allow the owners greater flexibility when considering the future of the property.

In the current context of sustainable use of land and the demand for accommodation in well-located areas, the ability to serve a broader end user and use the property more efficiently, is a benefit to the owner.

Retaining the limitations contained in Clause B(b) offers no value, since the people for whom the facility was established, are no longer present.

3.3.2 Personal benefits which accrue to the holder of the rights in terms of the restrictive condition

The title deed condition were imposed by the Administrator in 1955 long after the establishment of the township. The condition does not result in a personal benefit to other owners within Pinelands. These owners are not entitled to any real rights over Erf 2643.

3.3.3 The personal benefit, which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended.

The removal of title deed Clause B(b) will allow the property owner the flexibility to consider redevelopment options that will serve a wider range of end users. This, will allow the owners greater flexibility when considering redevelopment options. It will also allow greater income opportunities, which directly affects the owners ability to maintain the property.

In the current context of sustainable use of land and the demand for accommodation in well-located areas, the ability to serve a broader end user and use the property more efficiently, is a benefit to the owner.

Retaining the limitations contained in Clause B(b) offers no value, since there are not enough SAWAS ladies to occupy the building.

3.3.4 The social / societal benefits of the restrictions remaining in place in its existing form.

There are no benefits of retaining the restrictions. If the restriction is not deleted, the property cannot be used for alternative accommodation opportunities.

In the current context of sustainable use of land and the demand for accommodation in well-located areas, the ability to serve a broader end user and use the property more efficiently, is a benefit to the broader society.

3.3.5 The social benefit of the removal, suspension or amendment of the restrictive condition

The deletion of the condition will enable flexibility with regards to who can use the building, and increases the spectrum of people who could potentially benefit from accommodation here.

3.3.6 Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The remove of the condition does not affect the rights of the owners.

The proposal is in line with the City's MSDF and District Plans, which is in the direct interest of the City

3.4 Consideration criteria in terms of Section 99(2) of the MPBL

Section 99 of the City's Planning Bylaw sets out the criteria for deciding applications. These include:

3.4.1 Applicable Spatial Development Framework and Policies

➤ Western Cape Provincial Spatial Development Framework (PSDF)

The PSDF encourages use diversity and intensification within existing urban areas, particularly those which are well located in respect to opportunities. Pinelands central location adjacent to key growth corridors (Voortrekker Road) and public transport (rail, bus and taxi) suggests that, in terms of a planning approach, is ideally suited as a place that could accommodate a diversification and intensification of land uses.

The PSDF's push for developing integrated and sustainable settlements advocates the need to balance and coordinate informality, inclusion and urban land markets. By achieving a wider range of accommodation opportunities with regards to the diversity of size, tenure, density, height and quality to promote a hierarchy of upward mobility for households as economic circumstances change over time. Any efforts to limit the type of end user who could benefit from residential development is contrary to the PSDF.

➤ Cape Town Spatial Development Framework (CTSDF):

The SDF was approved on the 25th of April 2018. Together with the Provincial Spatial Development (PSDF), these two policies have the highest legal status in respect of the spatial planning for the Cape Town Area.

Cape Town's Municipal Spatial Development Framework (MSDF) sets out the spatial vision and development priorities to achieve a reconfigured, inclusive spatial form for Cape Town. The document is a spatial interpretation of the City of Cape Town's Integrated Development Plan and flows from the five-year review of the previous MSDF, which was drafted in 2012.

Erf 2643 is located within the Urban Inner Core, refer to **Figure 3.1: Spatial Transformation Areas**.

The Urban Inner Core is where the City will focus its support for development in an effort to spatially transform Cape Town by 'creating more opportunities for more people in highly connected areas'. The current MSDF is fundamentally different in that it refocuses growth towards the inner areas and actively discourages the outward expansion of urban areas. This fundamental change is positive in that redevelopment will occur in existing urban areas, especially those that have easy access to public transport or offer easy access to the different parts of the city and have existing engineering infrastructure

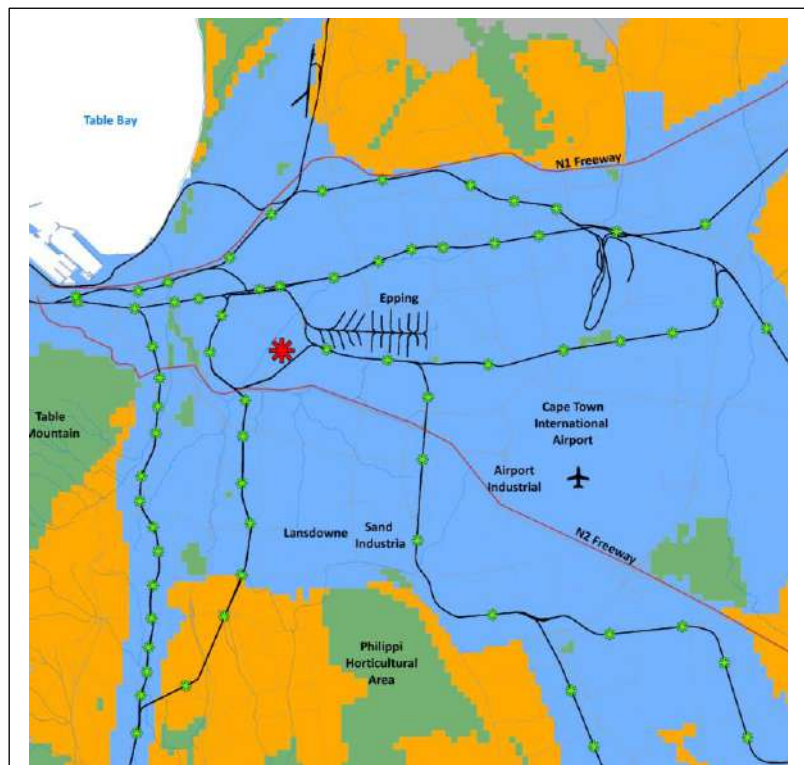


Figure 3.1: Spatial Transformation Areas

The strategies contained in the SDF that have direct implications for the assessment of the proposed application areas are:

- **Spatial Strategy 1: Building and inclusive, integrated vibrant city**, the following policies are relevant to this application:

Policy 3: Redress existing imbalances in the distribution of different types of residential development and actively pursue integration outcomes in future decision-making.

The development on Erf 2643 Pinelands will address existing imbalances of housing tenure, by providing accommodation opportunities for a range of people rather than only the elderly.

Policy 5: Encourage public/private partnerships to develop integrated human settlements and diversify housing delivery.

The potential development of Erf 2643 within the development controls set by the DMS will allow the owner to explore a range of development options, and thereby increase the range accommodation options.

- **Spatial Strategy 2: Manage urban growth and create a balance between urban development and environmental protection**; the following policies are relevant to this application:

Policy 19: Promote appropriate land use intensity.

This is particularly important within the Urban Inner Core, especially where the potential impacts on neighbouring properties can be managed and mitigated.

Policy 24: Reduce the impact of urban development on river systems, wetlands, aquifers. Aquifer recharge areas and discharge areas.

The development on Erf 2643 Pinelands will not affect the existing canal, which is canalised through Pinelands. The removal of the title deed condition has no effect on the building relation to the canal.

Policy alignment:

Erf 2643 Pinelands is located within the Cape Town Municipal Spatial Development Framework's "*Urban Inner Core*", where growth and development is encouraged; and diversification and densification of land uses is encouraged in order to support the objectives of TOD.

➤ **Table Bay District Plan, and Environmental Management Framework, Technical Report (2023):**

The District Plan applies the CT SDF principles and proposals to the local area. The relevant interventions promoted by the District Plan are:

- **Strategy 2: Manage urban growth and create a balance between urban development, food security and environmental protection**

The District Plan recognises that there is a significant pressure on open space and environmentally sensitive areas, as well as alongside watercourses and wetlands and within their floodplains and ecological buffers. The proposed changes to the title deeds will not affect the watercourse.

- **Strategy 3: Building inclusive, integrated and healthy City**

The district reflects a range of residential neighbourhoods of varying character and residential densities and there are marked differences in the resultant service levels index. Land development should therefore be integrated settlements where housing is mixed with public facilities, functional open space and economic opportunities must be seen as a guiding principle throughout the district.

The District Plan is concerned with the quality of the environment that is created. New development areas should support the creation of a wider mix of residential options and income groups, as well as make provisions for an appropriate provision of social (including civic precincts and economic opportunities).

The removal of the title deed condition will allow greater flexibility in how the site could potentially be used, thereby increasing the range of accommodation types to a diverse group of end user.

- **Transit Oriented Development Strategic Framework Policy (2016)**

The TOD Strategic Framework was approved by the Council of the City of Cape Town on 31 March 2016. The policy framework is seen as a policy mechanism to implement Transit-Oriented-Development of Cape Town.

The TOD establishes principles for Urban Development, which are intended to foster spatial configurations that enable high-quality, car free lifestyles. The principles are as follows:

- Develop neighbourhoods that promote walking [WALK]
- Prioritize non-motorized transport networks [CYCLE]
- Create dense networks of streets and paths [CONNECT]
- Locate development near high-quality public transport [TRANSIT]
- Plan for mixed use [PLAN]
- Match density and transit capacity [DENSIFY]
- Create compact regions with short commutes [COMPACT]
- Increase mobility by regulating parking and road use [SHIFT]

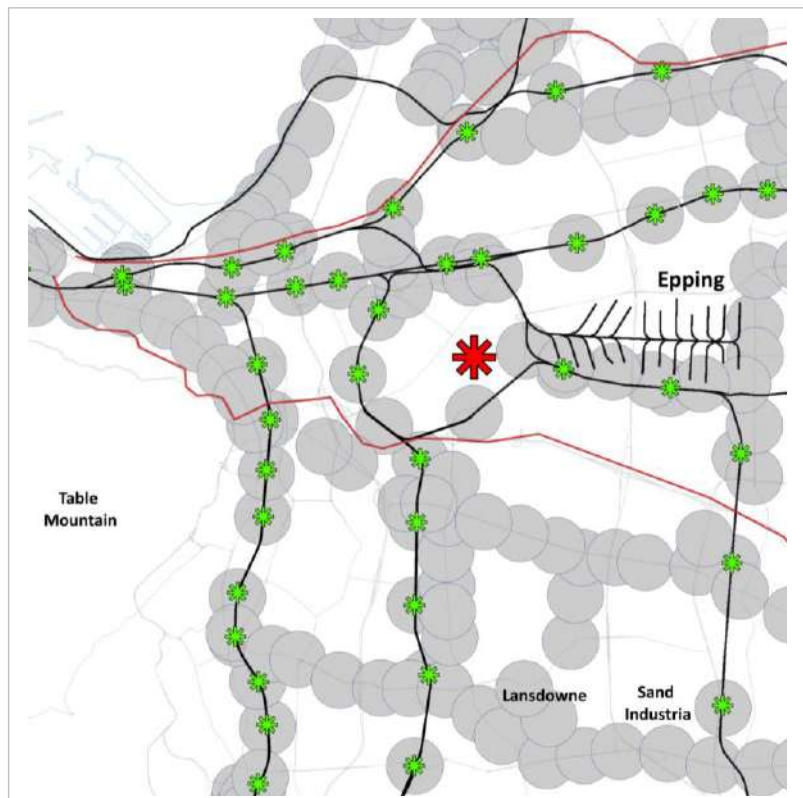


Figure 3.2: Transit Accessible Precincts

The objectives of TOD, as stated in the policy, are:

- Maximise “location efficiency” so that people can walk, cycle and use public transport. This can be achieved through a comprehensive approach to land use density, mix and intensity, as well as a focus on prioritised public transport at a metro, corridor, nodal and precinct scale.

- Boost ridership and minimize congestion thereby ensuring that the public transport system becomes more viable.
- Provide a rich mix of housing, shopping, recreational and transportation choices.
- Enable cost and operational efficiencies in the provision and design of urban infrastructure.
- Drive down the cost of the User Access Priority for both new and existing residents.
- Create a sense of place.

TOD therefore seeks to identify those accessible areas (referred to *Transit Accessible Precincts*: TAPs) where development intensity and diversity should be promoted in order to create a more sustainable city. **Figure 3.2: TAPs** shows the site's position in relation to TAPs.

Policy alignment:

Erf 2643 is located in close proximity to TAPs where more intensive mixed use development is encouraged. Allowing a wider range of end users to reside on the property is consistent with the TOD's efforts to maximise use of well-located areas.

3.4.2 Impact on Existing Rights

The proposal will not have a negative impact on existing rights because:

- The removal of restrictive condition does not take away or interfere with the rights and ability of neighbouring owners to use and enjoy their properties.
- The proposal to remove the restrictive condition does not change the fundamental 'accommodation' function that the site currently offers.
- The proposal to remove the restrictive condition will not lead to a physical impact on the adjacent properties, since the building remains the same.
- The proposal does not affect or interfere with the City's ability to continue to provide utility services to the surrounding properties and local area. The services demand for GR2 (the current zoning) is already accounted for in the City's services planning.

3.4.3 Legal Considerations (national and provincial)

➤ Spatial Planning and Land Use Management Act (16 of 2013)

This national legislation sets out principles that must be encouraged:

- The principle of spatial sustainability, whereby spatial planning and land use management systems must:
 - Promote land development that is within the fiscal, institutional and administrative means of the Republic
 - Uphold constancy of land use measures in accordance with environmental management instruments;
 - Promote and stimulate the effective and equitable functioning of land markets;
 - Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;
 - Promote land development in locations that are sustainable and limit urban sprawl; and
 - Result in communities that are viable.
- The principle of efficiency, whereby:
 - Land development optimises the use of existing resources and infrastructure;
 - Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and

- Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.

The legislation encourages development that is efficient and diverse in order to optimise the use of land for future developmental growth.

The removal of Clause B (b) will remove an artificial limit on who can reside on the property and will have a direct effect on the owners ability to generate an income from the property.

➤ **Land Use Planning Act (3 of 2014)**

The Land Use Planning Act sets out the principles for development as well as the minimum requirements for municipal planning matters as well as the minimum content for metropolitan spatial development frameworks and zoning schemes at the provincial level. The minimum requirements set out in Section 2 apply. These include:

- Municipalities are responsible for land use planning in their respective municipal areas and within their jurisdiction.
- A municipality must regulate at least the following:
 - the development, adoption, amendment and review of a zoning scheme for the municipal area;
 - the procedures in terms of which the municipality receives, considers and decides on land use applications;
 - the procedures in terms of which the municipality facilitates public participation in its consideration of land use applications;
 - the criteria for deciding on land use applications;
 - the imposition of condition of approval for land use applications;
 - the procedures applicable after a land use application has been approved; and
 - the enforcement by the municipality of its by-laws and decisions about land use planning.
- A municipality must perform the functions referred to in this section in accordance with this Act.

In terms of the above extract of LUPA, the Cape Town Municipal Planning By-law has been adopted, which provides the mechanism to delete restrictive condition.

➤ **City of Cape Town Municipal Planning By-law**

The City of Cape Town Municipal Planning By-law provides the mechanism for land use applications, including consent use. The By-law also provides the general procedures for all applications. The procedures include making an application, notice and comment, process and criteria for deciding application, the decision, the appeal process, etc.

This application report for the development of Erf 2643 Pinelands shows that the proposals are consistent with the applicable spatial planning frameworks and are desirable within the local context. The DMS has assigned a GR2 zoning to the site which allows a range of accommodation options, which are limited by the artificial limitation on use in the title deed.

➤ **National Environmental Management Act, 1989 (Act 107 of 1998)**

The National Environmental Management Act and Environmental Impact Assessment (EIA) Regulations identify certain activities that may be detrimental to the environment. The proposal to remove restrictive title deed condition does not trigger the need for an environmental assessment.

➤ **National Heritage Resources Act, 1999 (Act 25 OF 1999)**

The legislation “aims to promote good management of the national estate, and the enable and encourage communities to nurture and conserve the legacy”. Section 38 lists a host of development categories, which if pursued, requires that the responsible heritage resources authority, Heritage Western Cape (HWC), be notified. The proposal to remove restrictive title deed condition does not trigger Section 38 of the Act.

The buildings on Erf 2643 Pinelands are older than 60 Years, future changes to the structure will require permits from heritage Western Cape. The required permits will be submitted should the building be redeveloped.

3.5 Consideration criteria in terms of Section 99(3) of the MPBL: Extent of Desirability of the Development Proposals

➤ **Socio-Economic Impact**

The removal of the restrictive condition will allow a wider range of occupation options to be investigated. The approval of the application to remove the restrictive condition will allow a wider spectrum of end-users to access the accommodation. Together, these create residential opportunities for people with diverse backgrounds in a site that is relatively well located and serviced.

➤ **Compatibility with Surrounding Uses (Site Analysis)**

The amend / removal of the restrictive title deed condition does not change the zoning or use of the site. The property will continue to offer accommodation within the General Residential zone. There is therefore no change to the current situation and the issue of compatibility is less of a concern.

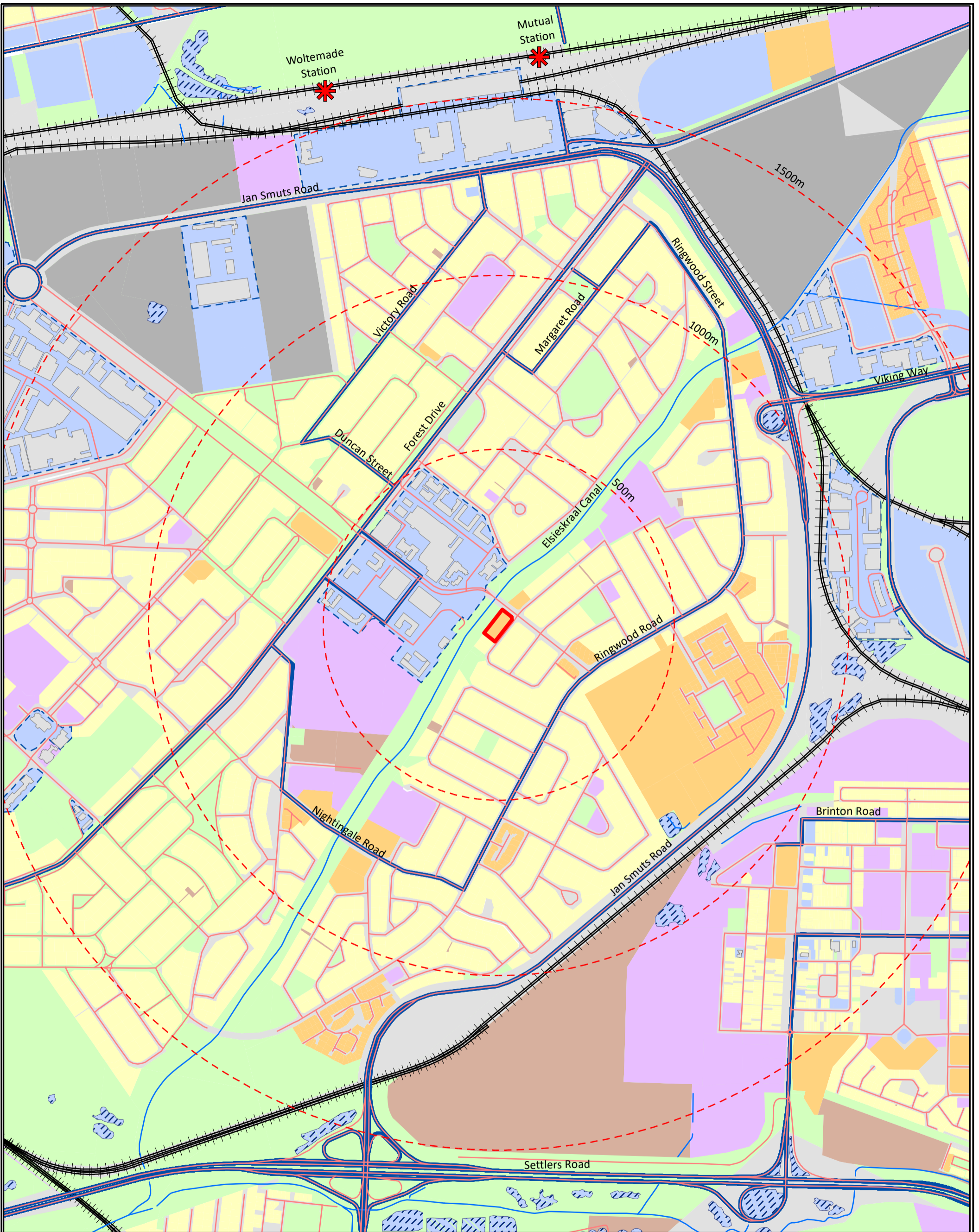
The following sections that describe the contextual characteristics of the area and site will demonstrate that removing the limiting title deed condition to allow the site to be used to accommodate a broader range of end user (and not only the elderly) is appropriate and desirable.

Local Context

















The development of Pinelands started in 1923 and the area has grown to accommodate approximately 4917 single residential erven. The area has a very low gross residential density of approximately 8,4du/ha and low population density of approximately 24,3ppl/ha (based on 2011 statistics). This is well below the City’s MSDP that suggests that a population density of 80ppl/ha is necessary to support a public transport in the form of a regularly scheduled bus service.

Figure 3.3: Local Context shows the site in the locational issues that support the intensification of land use:

- Erf 2643 is located within 200m from the productive economic uses within Pinelands, where a range of services and work opportunities exist;
- The site is adjacent to the Elsieskraal Canal, a key structuring element within the suburb, which provides the local areas with a publicly accessible passive recreation space.
- The local area has easy access to the full range of services that is generally associated with well-performing residential areas. Pinelands has direct access to:



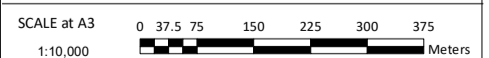
Key

- | | | |
|---|--|---|
|  Erf 2643 Pinelands |  Open Space |  Productive Uses/
Economic Activity |
|  Site Boundary (Approx: 3 336.58sqm) |  Conventional Residential |  Transport Zone |
|  Street Centrelines |  Multi - Storey |  Waterbodies |
|  Public Transport Routes |  Community Facilities |  Railway Stations |
|  Railway Lines |  Utility |  - |
|  Rivers | | |

Erf 2643 Pinelands

3.3

LOCAL CONTEXT



JONO TRUST

town & urban planning
 environmental design project facilitation
www.jonotrust.co.za planning@jonotrust.co.za



Job: 23.265 mxd: Local Context Date: June 2023

- Employment: The 4th highest office space (at 11%) in the Cape Peninsula after CT CBD (39%), Bellville/Tygervalley (25%), and Century City (12%) (source: The Tygerberg Partnership: Voortrekker Road Corridor, 2013).
- Immediately adjacent to Ndabeni Industrial area
- 7 schools,
- Numerous pre-primary schools,
- Howard Centre Shopping Centre
- Local Shopping Centre at Central Square,
- Municipal offices,
- Municipal clinic,
- A variety local dental and doctors rooms,
- Vincent Palloti Hospital
- A golf course and numerus sport facilities,
- 1 library,
- 1 Hall,
- 14 Places of worship.

Figure 3.4: Gateway Sites shows the landmark sites that offer the opportunity to create focal points as one moves through the suburb. The potential for Erf 2643 to become a focal point is already reflected in the GR zoning. Both sides of Howard Drive, adjacent to the canal (structuring element) are zoned General Residential.

Accessibility

The area is well connected by transport infrastructure linking it to the wider metropolitan area:

- The area has access to 2 railway stations (Pinelands and Mutual Stations);
- A taxi route internally (and in the Voortrekker corridor);
- A bus route and Uber services;
- Howard Drive offers good east-west connectivity by linking Voortrekker Road – Jan Smuts Drive and the N2 Freeway.

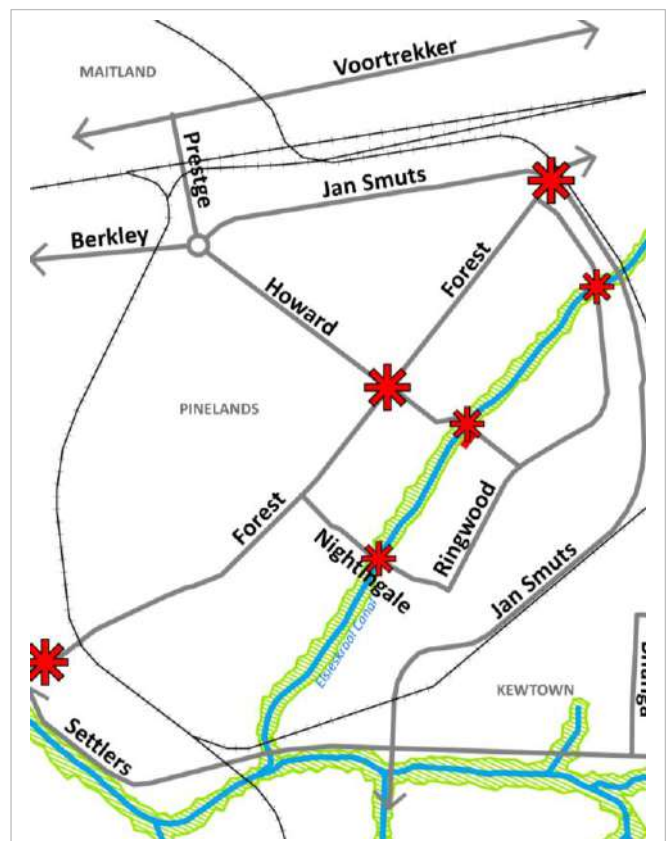
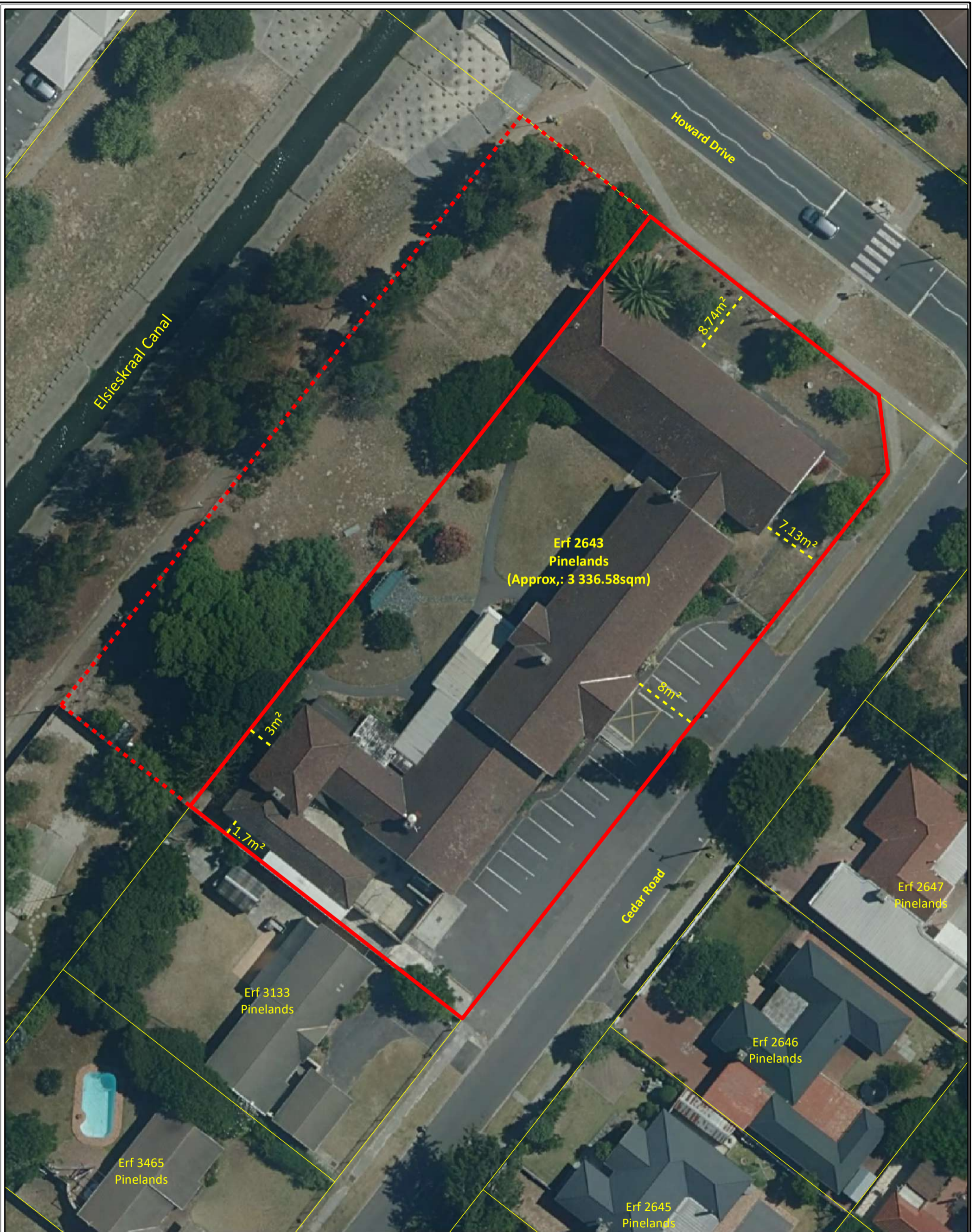







Figure 3.4: Gateway Sites

Existing On-site and Surrounding Uses

Photos 1 to 4 show that the site is currently being used for retirement accommodation and already transgresses the title deed setbacks (refer to **Figure 3.5: Existing Situation**).



Key


-  Site Boundary: Erf 2643 Pinelands (Approx: 3336.58sqm)
-  Surrounding Properties
-  Dimensions
- 
- 

- 
- 
- 
- 
- 

Erf 2643 Pinelands

3.5

Existing Situation

SCALE at A3
1:400  Meters



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environmental design project facilitation
www.jonotrust.co.za planning@jonotrust.co.za

Job:23.265 mxd: Aerial Photo (2022) Date: June 2023





Photo 1: SAWAS façade facing Cedar Road



Photo 2: Shows the boundary condition between Erf 2643 and 3133 Pinelands



Photo 3: The Howard Drive façade and edge that is located approximately 8,74m from the road reserve



Photo 4: The existing Elsiekraal Canal edge

Zoning

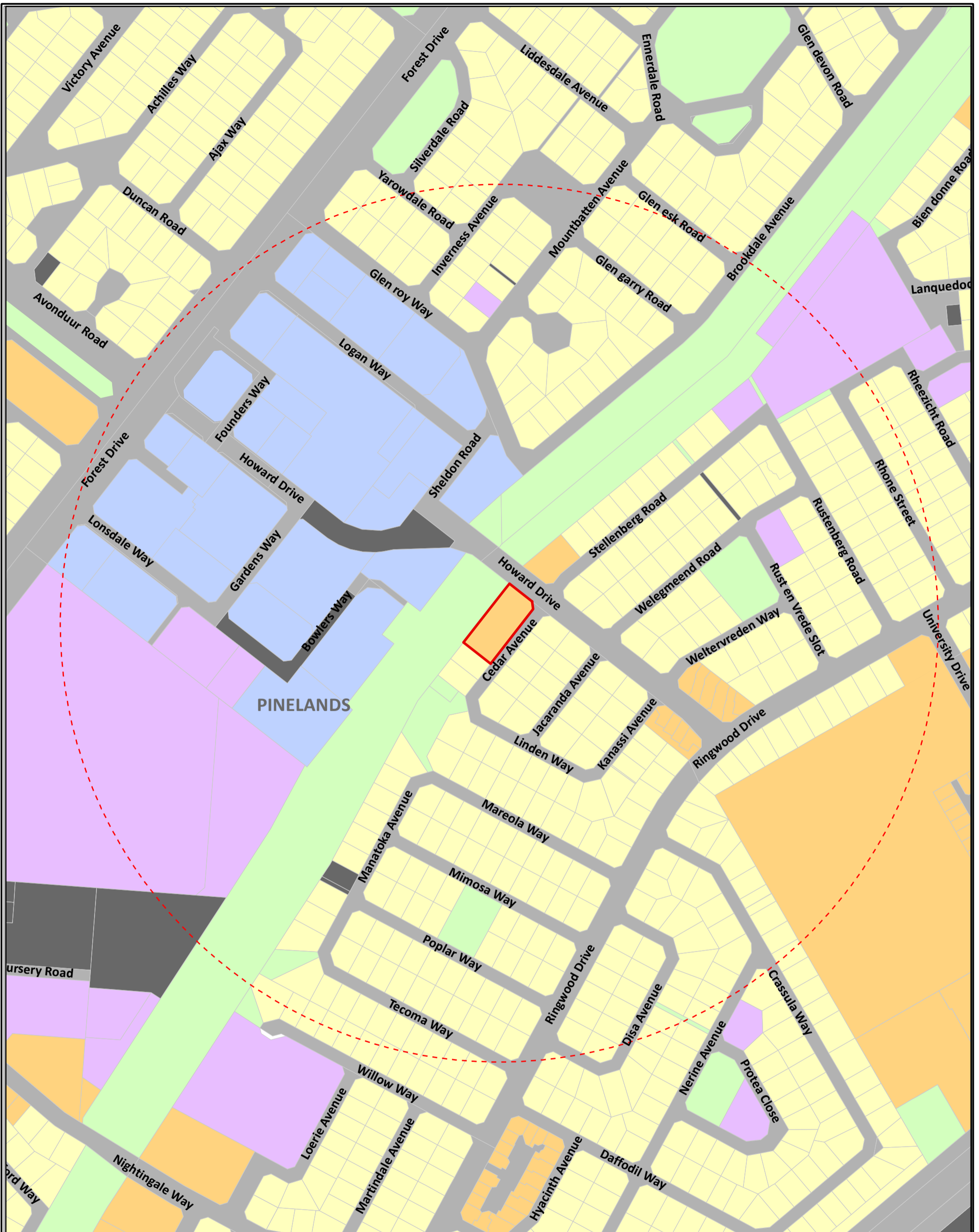
Figure 3.6: Zoning shows the use zones on and around Erf 2643:

- The heart of Pinelands commercial / retail district (indicated by General Business zonings) is less than 300m to the east;
- Landmark sites adjacent to the canal crossings on Howard Drive and Nightingale Way are zoned General Residential.
- There are extensive areas zoned Community Zone, reflecting the extent of facilities available to the Pinelands community.

Summary

The proposal to remove title deed condition B (b) to allow Erf 2643 to be used to accommodate a broader range of end user (and not only the elderly) is reasonable and appropriate because:

- The approval of the removal of the restrictive title deed condition does not change the use of the site for residential accommodation. The approval does allow a broader range of future users.
- Pinelands has a very low gross residential density of approximately 8,4du/ha and population density of 24,3pp/ha. This is well below the MSDP proposals that suggest that 80ppl/ha is necessary to support public transport in the form of a regularly scheduled bus service. The removal of the limiting title deed condition will potentially allow a wider range of end users to reside here.
- The site is well located in relation to social, retail and community services. Broadening the range of people that can use the site, will allow a range of people easy access to the social, retail and community services.
- The site enjoys a landmark position at a gateway that crosses the Elsiekraal Canal. Such gateway positions are ideally suited for landmark and taller buildings.
- The zoning will remain GR2.



Key		Erf 2643 Pinelands		3.6
Site Boundary: Erf 3065 Gardens (Approx: 220.44sqm)	Single Residential	General Residential	Transport Zone	
Surrounding Properties	General Business	Community Zone		
Open Space	Transport Zone			JONO TRUST
General Business	Community Zone			town & urban planning environmental design project facilitation www.jonotrust.co.za planning@jonotrust.co.za
		Job:23.264 mxd: Fig 3.5 Zoning Date: March 2023		

➤ **Impact on the External Engineering Services**

The removal of the restrictive title deed condition does not have a significant impact on the services demand by this site. The City's engineering services department has already accounted for the engineering services demand as a result of the GR2 zoning.

➤ **Impact on safety, health and wellbeing of the surrounding community**

The development of the site will not have a negative impact on the safety, health and wellbeing of the surrounding community because:

- The proposed removal of the restrictive title deed condition does not change the use of the site (for residential accommodation) and offers to accommodate a broader range of end user
- The City's engineering services department has already accounted for the engineering services demand as a result of the GR2 zoning.

➤ **Impact on Heritage**

Erf 2643 Pinelands not located within an HPOZ.

The existing building is older than 60 years, and any changes (demolition, extensions etc.) will be considered in terms of Section 34 of the National Heritage Resources Act (Act 25 of 1999) should the building is to be demolished or altered.

The amend / removal of restrictions is concerned with the use of the site and does not require the building to be demolished or altered.

➤ **Impact on the biophysical environment**

The removal of restrictions is concerned with the use of the site and does not require the building to be demolished or altered. The current building is located approximately 33,6m from the edge of canal.

NEMA does not apply.

➤ **Traffic Impacts, parking, access and other transport related considerations**

The removal of restrictions is concerned with the use of the site and does not require the building to be demolished or altered.

4.0 SUMMARY AND CONCLUSIONS

The application is for the removal of title deed condition Clause B(b) in order to allow the property to be used to accommodate a broader range of end user (and not only the elderly).

The objective of the application is to have access to the full range of uses under the GR2 Zone. This will allow a broader range of end user to be accommodated on the property.

Section 99 of the City of Cape Town's planning bylaw sets out the criteria for deciding applications. The preceding sections of this report showed how this proposal passes the tests set by section 99. The proposal will have no impact on existing rights of the surrounding residents. The development of this site will not affect the City's ability to provide services to the existing erven in the area.

In light of the factors in the above Sections, we believe that the application for Erf 2643 are worthy of approval.

JONO TRUST PROFESSIONAL PLANNERS

**Annexure 1:
OWNERSHIP PRINTOUT**



Any personal information obtained from this search will only be used as per the Terms and Conditions agreed to and in accordance with applicable data protection laws including the Protection of Personal Information Act, 2013 (POPI), and shall not be used for marketing purposes.

SEARCH CRITERIA

Search Date	2023/05/09 15:20	Erf Number	2643
Reference	-	Portion Number	-
Report Print Date	2023/05/09 15:21	Township Remaining Extent	NO
Township	Pinelands	Search Source	WinDeed Database
Deeds Office	Cape Town		

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T8294/1955
Township	PINELANDS	Local Authority	CITY OF CAPE TOWN
Erf Number	2643	Province	WESTERN CAPE
Portion Number	0	Remaining Extent	NO
Registration Division	CAPE RD	Extent	3334.0000SQM
Previous Description	-	LPI Code	C01600460000264300000

OWNER INFORMATION (1)

COMMUNICARE			Owner 1 of 1
Company Type	ASSOCIATION	Document	T82043/2007
Registration Number	192900159008	Microfilm / Scanned Date	2007 1291 4579
Name	COMMUNICARE	Purchase Price (R)	100
Multiple Owners	NO	Purchase Date	2007/07/30
Multiple Properties	NO	Registration Date	2007/10/11
Share (%)	-		

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	I-872/2021-I	2202/2021-20210420	-	20210715 06:29:21

DISCLAIMER

This report contains information provided to LNRM by content providers and LNRM cannot control the accuracy of the data nor the timely accessibility. LNRM will not be held liable for any claims based on reliance of the search information provided. This report is subject to the terms and conditions of LexisNexis Risk Management Agreement. LexisNexis Risk Management (Pty) Ltd is a registered credit bureau (NCRCB26).

HISTORIC DOCUMENTS (2)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	B15633/1956	-	Unknown	2000 0310 0025
2	T8294/1955	VOLUNTARY WORKERS HOUSING UTILITY CO/MPY	Unknown	2007 1291 4592

DISCLAIMER

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Annexure 2: POWER OF ATTORNEY



POWER OF ATTORNEY (REGISTERED OWNER'S CONSENT)

I/we, the registered owner(s)/applicant []

registered owner(s) of the following property(ies) []

[]

wish to certify that authority is hereby granted to the following agent / consultant

[]

in terms of the enclosed resolutions* (applicable if land owner is a registered company/closed corporation, trust or other juristic person) to submit the following application types (*tick appropriate box.)

- Rezoning of land, including rezoning to subdivisional area overlay zoning
- Permanent departure
- Temporary departure
- Subdivision of land
- Implementation of a subdivision approval in phases
- Consolidation of land
- Amendment, suspension or deletion of a restrictive condition
- Consent or approval in terms of, or the relaxation of, a restrictive condition in a title deed where the restriction relates to use, subdivision, development rules or design criteria
- Consent, approval or any other permission or requirement in terms of the development management scheme
- Amendment, deletion or addition of conditions in respect of an existing approval granted or deemed to be granted in terms of this By-Law
- Extension of the period of validity of an approval
- Amendment or cancellation of an approved plan of subdivision or general plan
- Permission required in terms of the conditions of approval of an application
- Determination of a zoning, a non-conforming use right or any other matter which the City may determine in terms of this By-Law
- Correction of a zoning map
- Alteration or amendment of a street name or number
- Determination of an administrative penalty as contemplated in section 129(1) (LUM016 form)
- To exempt a subdivision from the need for approval in terms of this By-Law as contemplated in section 67(3)
- Permission for the reconstitution of a building or a substantial part of it within the envelope of a non-conforming use as contemplated in section 37(6)
- Any other application which the City Manager may prescribe in terms of this By-Law

in respect of the afore-mentioned property(ies), to enable it to be developed/utilised for the following purpose(s):

[]

[]

The undersigned therefore nominates, constitutes and appoints the above party with power of substitution to be the registered owner's legal representative/agent and to act in the name, place and stead of the registered owner(s) in the above regard. Accordingly, power of attorney is hereby also granted to the agent to sign and receive all correspondence in respect of the matter referred to above during the applicable process.

Owner's name []

Date [D D M M Y Y Y Y]

Registered owner's signature

C. Procter



30 July 2019

To whom it may concern

DELEGATION OF AUTHORITY

Please note that authority is hereby granted to Ms Carol Procter, ID Number 700523 0277 08 1 to sign all building regulation and land use planning documents (whether national, provincial and/or municipal government forms, architectural or professional plans, or other related documents) on behalf of Communicare in accordance with Communicare's Delegation of Authority.

This authority relates to Communicare's own maintenance and construction projects, or as a consultative party in the governmental land use and construction applications of its neighbours. This authorisation extends to any person who may from time to time be acting in an official capacity for either of the two persons listed above or to such supervisor(s) to whom the respective persons report.

Yours sincerely

Nazli Wagner
Company Secretary

Annexure 3:
GENERAL PLAN 858 LD OF PINELANDS TOWNSHIP EXTENSION 7

C.D.R.

T.P

GENERAL PLAN 858 L.D.

C.D.R.

No. 656/51

PINELANDS TOWNSHIP EXTENSION No. 7

Situate in the Municipality of Pinelands
Province of Cape of Good Hope

SCALE 1:1000

Approved
[Signature]
Surveyor-General
20 MAY 1951

Surveyed in November 1950 by me

[Signature]
Land Surveyor

For data and areas see Sheet 2.

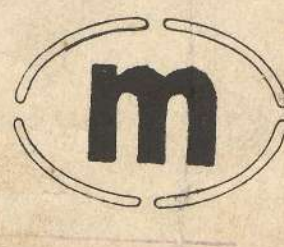
Pinelands Township Extension No. 5
(Erf 2552)

Pinelands Township Extension No. 6
HOWARD DRIVE



S.G. OFFICE NOTES
BCNS. OF ERF 2813 (PP) REPL. VIDE E566/77
BCN OF ERF 2626 REPL. VIDE E956/77

S.G. File No S/11409/51
Survey Records No. E. 185/51
Noting Sheet 13 MR 261 2
Original diagram No. 655/1951
Noted on Manuscript Shts. BH/CA/218 A 14
BH/CC/VII & VIIA



GENERAL PLAN 858 LD. OF PINELANDS TOWNSHIP EXTENSION No. 7

comprising 283 Erfen numbered 2523 to 2805, & Public Places numbered 2806 to 2813, and thoroughfares situated on Erf 2228 Pinelands, in the Municipality of Pinelands, Division of Cape Province of Cape of Good Hope

SCALE 1:1000

Main table with columns: Erf No., Area Sq. Feet, Diagram No., Transfer No., Erf No., Area Sq. Feet, Diagram No., Transfer No. It lists numerous erf numbers and their corresponding areas and transfer details.

Approved L.W. Hunt Surveyor-General 28 MAY 1952

The beacons of each erf represented on this plan are in accordance with regulations and have been placed under the supervision. Surveyed in November 1950 by me. Land Surveyor

Data for main figure table with columns: Side, Feet, Angle of Direction, Chain System, Co-ordinates X, Y. Lists various points and their coordinates.

Reference Marks table with columns: Mark, Description, Coordinates. Lists various reference marks and their locations.

Description of Beacons: S.C.K. = Standards projecting 6" RM1 to RM4 = 1/2" round iron peg in concrete 6" below ground level. All other beacons are 1/2" round iron pegs.

Administrators Certificate of Survey No. 11444B/25, 11444B/26, 11444B/27, 11444B/28, 11444B/29, 11444B/30, 11444B/31, 11444B/32, 11444B/33, 11444B/34, 11444B/35, 11444B/36, 11444B/37, 11444B/38, 11444B/39, 11444B/40, 11444B/41, 11444B/42, 11444B/43, 11444B/44, 11444B/45, 11444B/46, 11444B/47, 11444B/48, 11444B/49, 11444B/50, 11444B/51, 11444B/52, 11444B/53, 11444B/54, 11444B/55, 11444B/56, 11444B/57, 11444B/58, 11444B/59, 11444B/60, 11444B/61, 11444B/62, 11444B/63, 11444B/64, 11444B/65, 11444B/66, 11444B/67, 11444B/68, 11444B/69, 11444B/70, 11444B/71, 11444B/72, 11444B/73, 11444B/74, 11444B/75, 11444B/76, 11444B/77, 11444B/78, 11444B/79, 11444B/80, 11444B/81, 11444B/82, 11444B/83, 11444B/84, 11444B/85, 11444B/86, 11444B/87, 11444B/88, 11444B/89, 11444B/90, 11444B/91, 11444B/92, 11444B/93, 11444B/94, 11444B/95, 11444B/96, 11444B/97, 11444B/98, 11444B/99, 11444B/100.

858 SHT. 2

C.D.R.

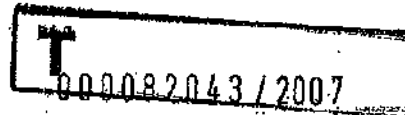
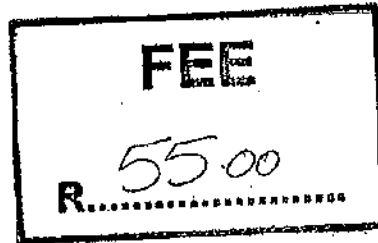
Annexure 4:
DEED OF TRANSFER: T82043/2007

21

CLIFFE DEKKER INC
12TH FLOOR CLIFFE DEKKER PLACE
11 BUITENGRACHT STREET
CAPE TOWN
8001

Prepared by me


CONVEYANCER
GOMES JJ



DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

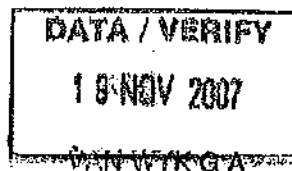
ANTHONY JOHN NOYES PLUMMER

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at ~~CAPE TOWN~~ on 24 August, 2007 granted to him by 
CLAREMONT.

VOLUNTARY WORKER'S HOUSING UTILITY COMPANY

(Incorporated Association not for gain)

No. 1948/029865/08



And the appearer declared that his said principal had, on **30 July 2007**, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

COMMUNICARE

(Incorporated Association not for gain)

No. 1929/001590/08

or its Successors in Title or assigns,

**ERF 2643 PINELANDS, IN THE CITY OF CAPE TOWN, CAPE DIVISION,
PROVINCE OF THE WESTERN CAPE;**

**IN EXTENT 3334 (THREE THOUSAND THREE HUNDRED AND THIRTY
FOUR) SQUARE METRES**

**FIRST REGISTERED AND STILL HELD BY Deed of Transfer No.
T8294/1955 with Diagram No. 3385/55 relating thereto**

A. **SUBJECT** to the conditions contained in the Agreement dated 21st June, 1919 annexed to Crown Grant dated 24th February 1920, (Cape Quilrents Volume 46 No. 18A) of the Garden Cities site and which Agreement shall be regarded as incorporated in and forming part of the said Crown Grant insofar as the said conditions are not superseded by any of the conditions subject to which Crown Grant No. 46/1942 was made, which conditions apply to the whole of Erf No. 2151, of which Erf No. 2643 hereby transferred is a portion, reading as follows :-

- (1) The land hereby granted shall not, without the consent of the Minister of Lands, be used other than for the purpose of establishing thereon and developing a township on the lines of modern Garden Cities.
- (2) That Garden Cities or its successors-in-title shall, when called upon by the Government of the Union of South Africa through its Department of Agriculture and Forestry, establish at its own expense a clean fire-belt thirty (30) feet wide on its side of and along the boundary common to the land hereby granted and the Uitvlugt Forest Reserve. The said fire-belt shall be maintained in good order by Garden Cities or its successors-in-title at the pleasure of the aforesaid Government.

- (3) The Government of the Union of South Africa shall be allowed rights-of-way over existing roads or any roads that may be substituted therefore or constructed on the land hereby granted.
- (5) Subject to the provisions of the Reserved Minerals Development Act, 1926, and of the Precious Stones Act, 1927, as amended, all rights to all minerals, mineral products, mineral oils, coal, base or precious metals or precious stones in or under the land are reserved to the Government.

(In respect of which Reservation a Certificate of Rights to Minerals No. 35/1942 was issued to the Government.

B. SUBJECT FURTHER to the conditions contained in Deed of Transfer No. T8294/1955 imposed by the Administrator of the Cape of Province under the Townships Ordinance No. 33 of 1934, reading as follows :-

- (a) It shall not be subdivided.
- (b) It shall be used only for the purpose of erecting thereon an aged persons home together with such outbuildings as are ordinarily required to be used therewith.
- (c) Not more than half the area thereof shall be built upon and no building erected on this erf shall exceed three storeys in height.
- (d) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 30 feet to the street line which forms a boundary of this erf, nor within 10 feet of the rear or within 15 feet of the lateral boundary common to any adjoining erf.
- (e) In the event of the provisions of a Town Planning Scheme being made applicable to this erf, which provisions are more restrictive than the provisions contained in the above, then the provisions of such scheme shall apply.

WHEREFORE the said Appearer, renouncing all right and title which the said

WHEREFORE the said Appearer, renouncing all right and title which the said

TRANSFEROR

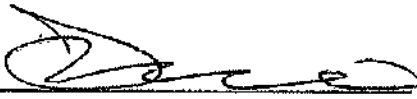
heretofore had to the premises, did in consequence also acknowledge It to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

TRANSFeree

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R100,00 (ONE HUNDRED RAND).


IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Cape Town on 11 October 2007



q.q.

In my presence



REGISTRAR OF DEEDS

Annexure 5: CONVEYANCER'S CERTIFICATE

Property reference

EFF 2642 Pinebds

Allotment

ADDENDUM A

	APPLICABLE LEGISLATION OR TYPE OF CONDITIONS	APPLICATION NECESSARY TO CITY OF CAPE TOWN	AFFECTED CONDITION FOR PROPOSED DEVELOPMENT ON PROPERTY		BENEFICIARY IDENTIFICATION TO BE SUPPLIED BY CONVEYANCER	BENEFICIARIES (If insufficient space is provided in each block, then please attach a separate document or file)
			Title deed no.	Clause no.		
RESTRICTIVE CONDITIONS IMPOSED AT TIME OF TOWNSHIP ESTABLISHMENT	Municipal Planning By-law 2015	Mandatory			<ul style="list-style-type: none"> * All properties in affected Township (attach a copy of approved general plan) * Specified state departments 	
	33/34 or LUPO or any other legislation repealed in terms of LUPA (see section 77)	Mandatory	T8202/2018	B	<ul style="list-style-type: none"> * All properties in affected Township (attach a copy of approved general plan) * Specified state departments 	<ul style="list-style-type: none"> - Not subdivided - Shall be used as aged home - Not more than half area to be built. - Building lines inclusions.
	Prior to 33/34	Voluntary			<ul style="list-style-type: none"> * Properties or individuals affected by the condition * Specified state departments 	
	Developer	Voluntary	T8202/2018	A	<ul style="list-style-type: none"> * Developer (if still alive) * Company (if not deregistered) * Properties or individuals affected by decision on application * Specified state departments 	<ul style="list-style-type: none"> - Develop Township (Garden Cities) - Fire belt (30) feet - Gravel allard rights of way
TRADITIONAL CONDITIONS IMPOSED AFTER TOWNSHIP ESTABLISHMENT	Praedial (multiple affected parties)				<ul style="list-style-type: none"> * Persons whose rights are affected * Specified state departments 	
	Personal (individual party)				<ul style="list-style-type: none"> * Individual named * Specified state departments 	

It is acknowledged that the information on beneficiaries supplied will be relied upon by the City as being correct for Public Participation purposes.

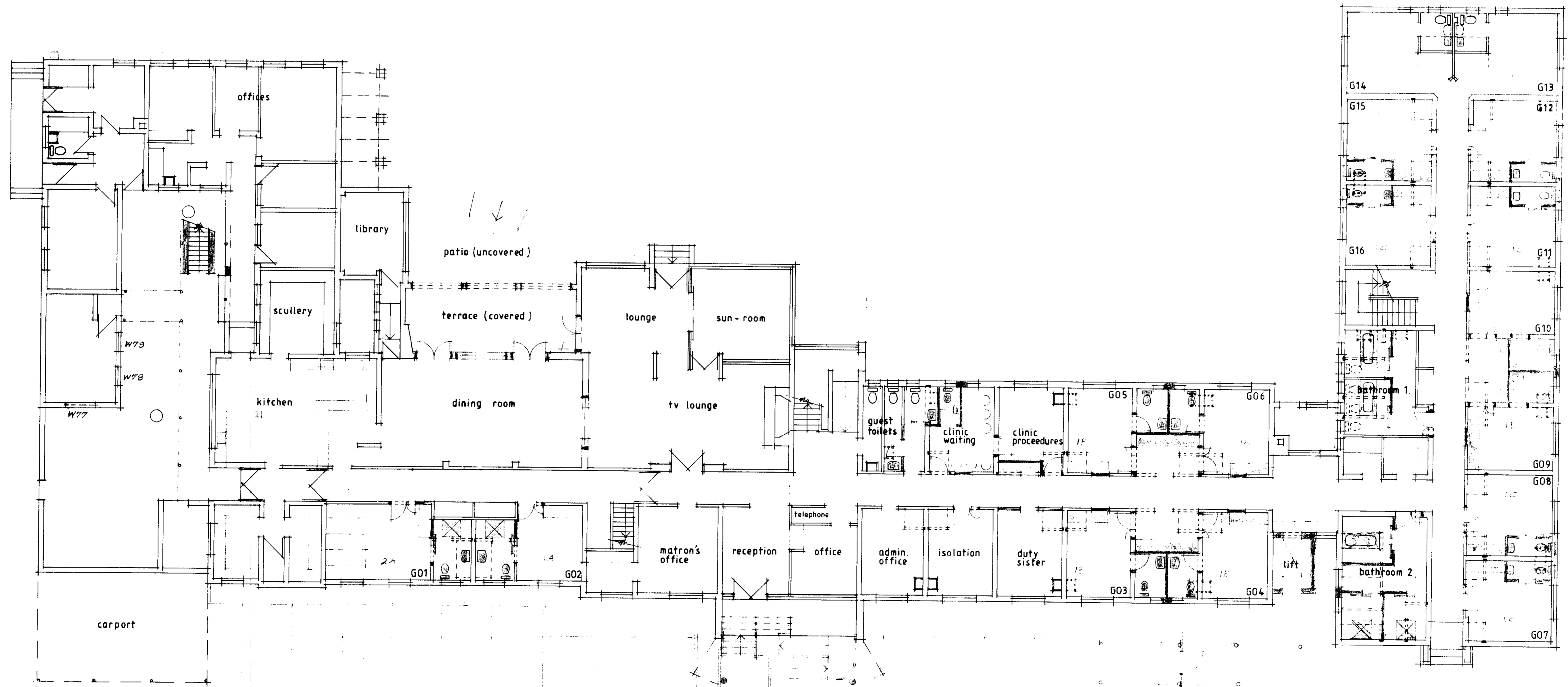
Annexure 6: EXISTING FLOOR PLANS

S.AWAS. HOUSE
 CEDAR STREET, PINELANDS.

ROD PALMER, ARCHITECT cc
 61 LOWER MAIN ROAD OBSERVATORY
 P.O. BOX 36, OBSERVATORY, 7935
 PHONE (021) 448-5468/9 FAX 448-5550

SCALE: 1:100 DATE: FEB '2006 DRAWN: L.P.W.

CONCEPT DRAWING (REVISED) DWG. NO. 24.04.01



ground floor plan

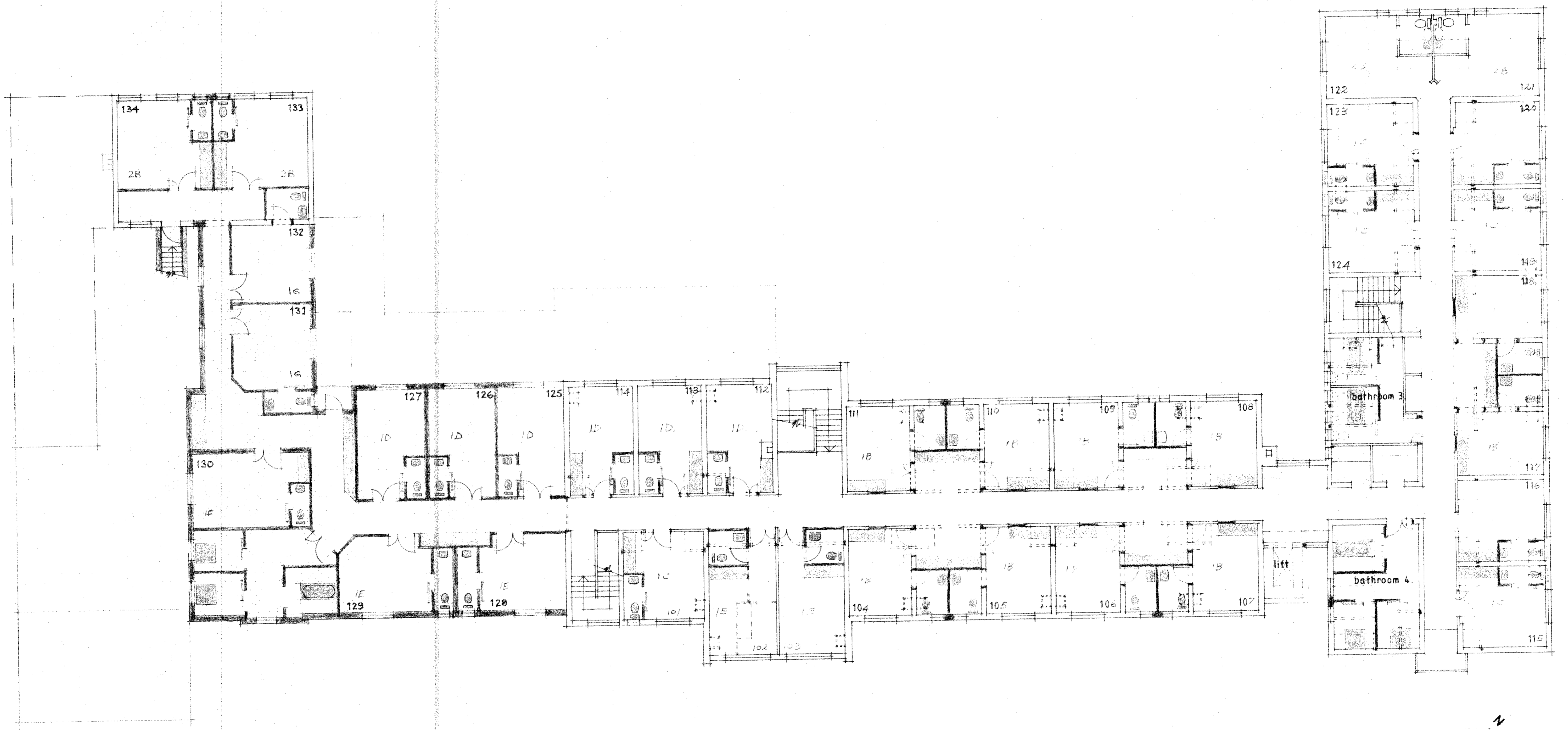
S.AWAS. HOUSE
CEDAR STREET, PINELANDS

ROD PALMER, ARCHITECT cc.
61 LOWER MAIN ROAD OBSERVATORY
P.O. BOX 36, OBSERVATORY, 7935
PHONE (021) 448-5468/9 FAX 448-5550

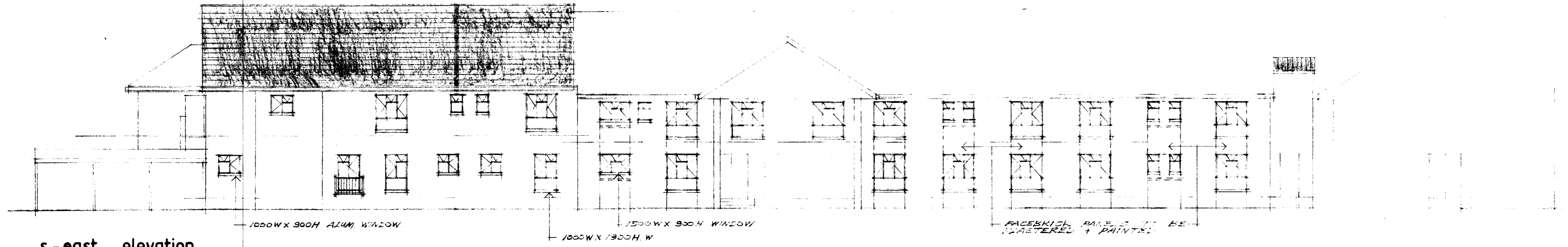


SCALE: 1:100	DATE: FEB 2006	DRAWN: L.P.W.
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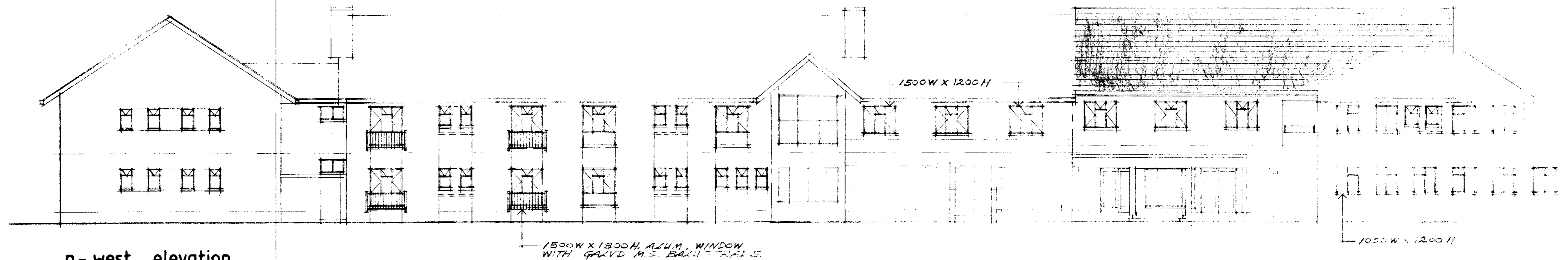
CONCEPT DRAWING (REVISED)	DWG. NO. 2404.02
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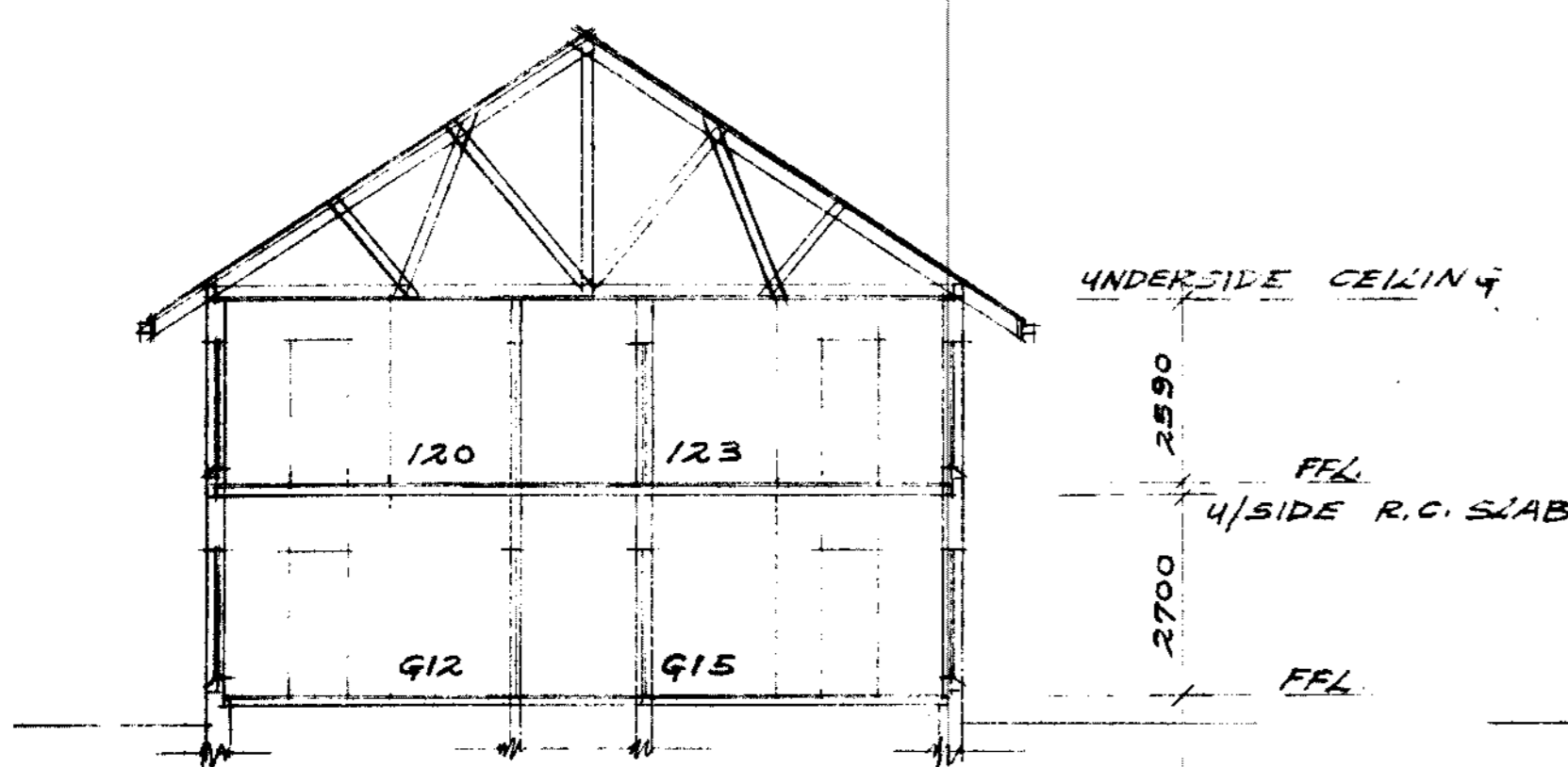
first floor plan



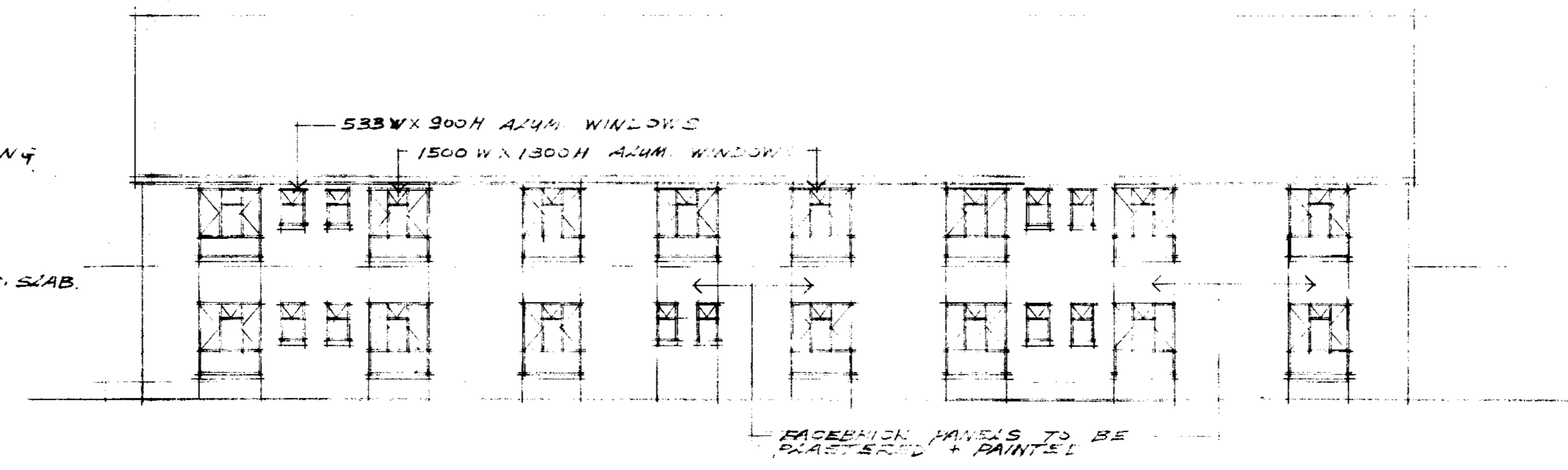
s-east elevation



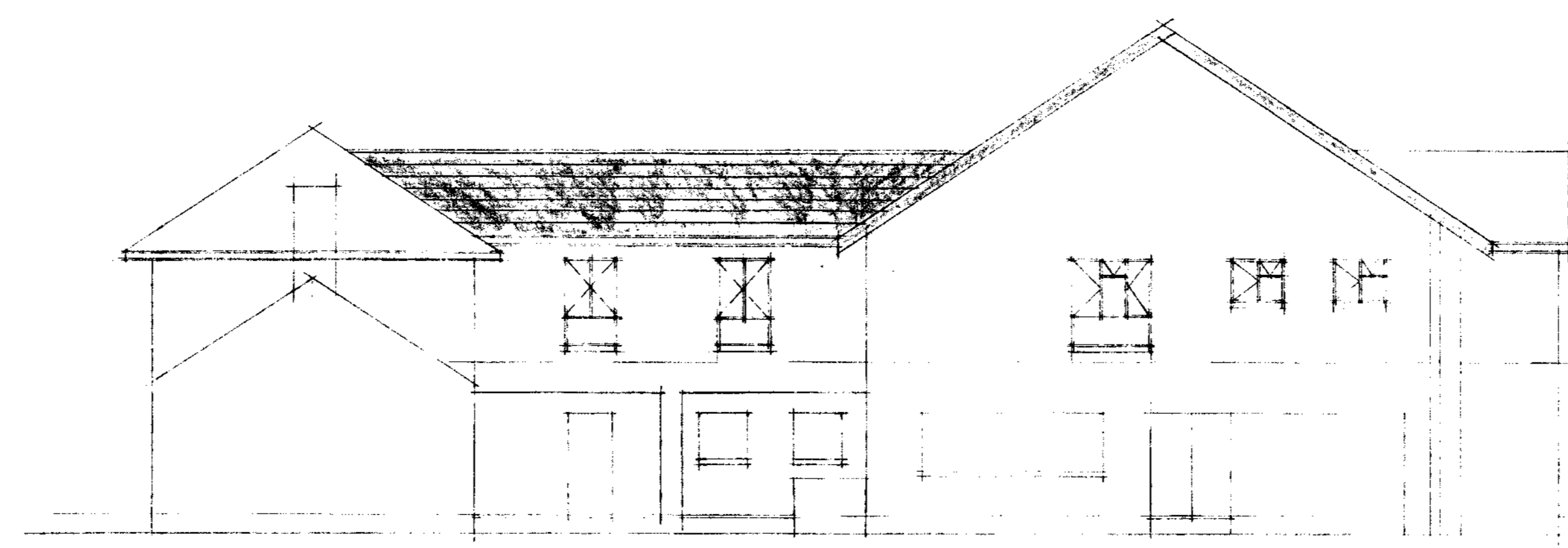
n-west elevation



section A-A



n-east elevation



s-west elevation

S.A.W.A.S. HOUSE		
CEDAR STREET, PINELANDS.		
ROD PALMER, ARCHITECT c.c. 61 LOWER MAIN ROAD OBSERVATORY P.O. BOX 36, OBSERVATORY, 7935 PHONE (021) 448-5468/9 FAX 448-5550		
SCALE: 1:100	DATE: FEB 2006	DRAWN: L.P.W.
CONCEPT DRAWING (REVISED)		DWG. NO. 24.04.03

Annexure 7: LAND USE APPLICATION FORM



LAND USE MANAGEMENT APPLICATION in terms of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL)

SECTION A: APPLICANT / AGENT DETAILS

First names Surname

Company / Trust Name

Business partner no VAT no

Business address

Postal code Contact number

Email Cell number

SECTION B: SUBJECT PROPERTY DETAILS

Erf / Erven / Farm no Allotment area

Street address

Suburb

Current Zoning

Title deed no T / Title deed date

Title deed no T / Title deed date

Approximate age of existing buildings Property Extent m²/ha

Any restrictive title deed conditions affecting development on the property? If Yes, please specify

Is property encumbered by a bond? If Yes, bondholder?

Any unlawful landuse(s) on the property that relate to this application? If Yes, has owner / operator been served with a notice in terms of the MPBL to rectify?

Any unlawful building work / structures on the property that relate to this application? If Yes, has owner / operator been served with a notice in terms of the MPBL to rectify?

Note: If the purpose of this application to rectify a contravention in terms of the MPBL then an application must also be made for the determination of an administrative penalty in terms section 42(r) of the MPBL. A separate form (LUM016) must be submitted with this application.

SECTION C: OWNER(S) DETAILS (compulsory if different from applicant)

First names Surname

First names Surname

(1) Business partner no (2) Business partner no

Company / Trust Name

Business partner no VAT no

Business address

Postal code Contact number

Email Cell number

SECTION D: APPLICATION TYPE

Has there been any previous related application? Y N If Yes, reference/application no

In terms of the City of Cape Town Municipal Planning By-Law, 2015, mark all applications being applied for below

- Section 42(a) Rezoning of land, including rezoning to subdivisional area overlay zoning
- Section 42(b) Permanent departure
- Section 42(c) Temporary departure
- Section 42(d) Subdivision of land
- Section 42(e) Implementation of a subdivision approval in phases
- Section 42(f) Consolidation of land
- Section 42(g) Amendment, suspension or deletion of a restrictive condition
- Section 42(h) Consent or approval in terms of, or the relaxation of, a restrictive condition in a title deed where the restriction relates to use, subdivision, development rules or design criteria
- Section 42(i) Consent, approval or any other permission or requirement in terms of the development management scheme
- Section 42(j) Amendment, deletion or addition of conditions in respect of an existing approval granted or deemed to be granted in terms of this By-Law
- Section 42(k) Extension of the period of validity of an approval
- Section 42(l) Amendment or cancellation of an approved plan of subdivision or general plan
- Section 42(m) Permission required in terms of the conditions of approval of an application
- Section 42(n) Determination of a zoning, a non-conforming use right or any other matter which the City may determine in terms of this By-Law. If a non-conforming use right determination then LUM15 form also needs to be submitted.
- Section 42(o) Correction of a zoning map
- Section 42(q) Alteration or amendment of a street name or number
- Section 42(r) Determination of an administrative penalty as contemplated in section 129(1) only need to complete LUM016 form
- Section 42(s) To exempt a subdivision from the need for approval in terms of this By-Law as contemplated in section 67(3)
- Section 42(t) Permission for the reconstitution of a building or a substantial part of it within the envelope of a non-conforming use as contemplated in section 37(6)
- Section 42(u) Any other application which the City Manager may prescribe in terms of this By-Law
- Section 42(v) Approval in terms of section 55 (4) (b) of this By-Law

If required, has application for Environmental Impact Assessment, Heritage Impact Assessment, Transport / Traffic Impact Assessment, Major Hazard Installation Assessment or Spatial Development Framework approval been made? Y N

Has the pre-application consultation record been attached if required for your application in terms of section 70(2) of the MPBL? Y N

Brief description of proposed development / intent of application (including conditions / site development plan amendments required)

SECTION E: ATTACHMENTS AND SUPPORTING INFORMATION INCLUDED

- Motivation report (which addresses the criteria contained in section 99 of the MPBL. Where applicable the development principles contained in Chapter 2 of SPLUMA and LUPA must also be addressed. If they are not applicable, motivate why).
- Power of attorney Landscaping / Tree plan Floodline certificate
- Bondholder's consent Contour plan Copy of EIA / HIA / TIA / TIS / MHIA or RoD
- Copy of title deed Locality plan Phasing plan (required for S42(e) application)
- Copy of trust deed Abutting owner's consent SG noting sheet extract / Erf diagram / General plan
- Conveyancer's certificate List of title deed conditions to be removed / amended / relaxed
- Services report Indication of all municipal services / registered servitudes
- Site development plan Site layout / Sketch plan (and elevations) illustrating proposal
- Typical unit types (plan and elevation) Proposed Plan of Subdivision (including street names and numbers)
- Home Owners' Association consent / approval stamp Other (please specify)

SECTION F: NATURE OF DEPARTURE

<input type="checkbox"/>	Building line encroachment				
	Street	<input type="text"/>	From	<input type="text"/> m	To <input type="text"/> m
	Street	<input type="text"/>	From	<input type="text"/> m	To <input type="text"/> m
	Common	<input type="text"/>	From	<input type="text"/> m	To <input type="text"/> m
	Common	<input type="text"/>	From	<input type="text"/> m	To <input type="text"/> m
	Common	<input type="text"/>	From	<input type="text"/> m	To <input type="text"/> m
<input type="checkbox"/>	Exceeding permissible site coverage		From	<input type="text"/> %	To <input type="text"/> %
<input type="checkbox"/>	Exceeding maximum permitted floor area		From	<input type="text"/> m ²	To <input type="text"/> m ²
<input type="checkbox"/>	Exceeding maximum permitted floor factor		From	<input type="text"/>	To <input type="text"/>
<input type="checkbox"/>	Exceeding height restriction		From	<input type="text"/> m/st	To <input type="text"/> m/st
<input type="checkbox"/>	Exceeding height restriction related to wallplate		From	<input type="text"/> m	To <input type="text"/> m
<input type="checkbox"/>	Relaxation of window and door placement setback requirement		From	<input type="text"/> m	To <input type="text"/> m
<input type="checkbox"/>	Relaxation of on-site parking / loading bay requirements		From	<input type="text"/> bays	To <input type="text"/> bays
<input type="checkbox"/>	Other (please specify)	<input type="text"/>			

SECTION G: DECLARATION

I/we hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. That I/we am/are properly authorised to make this application on behalf of the owner and (where applicable) that copies of such full relevant powers of attorney are attached hereto.#
3. That where an agent is indeed appointed to submit this application on the owner's behalf, it is accepted that correspondence and formal notification as required in terms of Planning law will only be sent to such consultant / agent and that the owner will regularly consult with the agent / consultant in this regard.
4. That this submission includes all necessary planning applications required to enable the development proposed herein. I/we specifically confirm that I/we have read the relevant title deed(s) or the attached conveyancer certificate. I/we confirm that there are no restrictive conditions which impact on the this application, or alternatively where there are applications for the removal / amendment / suspension of these or consent required in terms of a title deed condition, form part of the submission.
5. I/we am/are aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.
6. That where the proposal involves existing building work erected and / or used in contravention of the development management scheme, that I/we have consulted with the Section Head: Land Use Management for the applicable area to ensure the correct application in terms of Planning law is being made. I/we confirm that I/we have not been served with a demolition directive in terms of section 128 (1) (b) (ii) of the MPBL on the property.
7. That, as owner / applicant / developer, I am/we are aware of the state of existing bulk services provision and infrastructure availability in the subject area and any development contributions that might be payable in respect of the development proposed herein (if applicable).
8. The email address and cell number provided on this form is to be used by the City to communicate when there is correspondence relating to the application(s) for my attention that will be available through e-Services. If my email address or cell number changes, I/we will notify the Corporate Call Centre on 0860 103 089 to update my/our business partner details.

If the application is made by a person other than the registered owner(s) (e.g. an agent / consultant) the requirements in terms of section 71 (1)(b) of the MPBL must be adhered to.

Registered owner's signature	<input type="text" value="C. Procter"/>	Date	<input type="text" value="1 6 0 5 2 0 2 3"/>
Full name and surname	<input type="text" value="Communicare"/>		
Registered owner's signature	<input type="text"/>	Date	<input type="text"/>
Full name and surname	<input type="text"/>		
Agent / Consultant's signature	<input type="text" value="Mark Job"/>	Date	<input type="text" value="6 June 2023"/>
Full name and surname	<input type="text" value="Mark Job"/>		
Professional capacity	<input type="text" value="Professional Planner"/>	Applicant's ref	<input type="text" value="23.265"/>