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28 JULY 2026

YOUR REF.:

OUR REF.: **TPH26728**

Tel: (012) 809 2229
E-mail: bea@tph.co.za

**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
THE MANAGER: TOWN PLANNING
BOKSBURG CARE CENTRE
TRICHADT STREET
BOKSBURG
1460**

PO Box 11437
Silver Lakes
0054

Tijger Vallei Office Park
Block 9, 1st Floor
78 Pony Street
Silver Lakes
0054

**APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS IN TERMS OF SECTION 50
OF THE COEMM SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2019 READ WITH THE
CITY OF EKURHULENI LAND USE SCHEME, 2021:-
ERF 975, BOKSBURG**

The registered owner of the above-mentioned property instructed our office to submit an application with your Municipality, for the removal of restrictive Title Conditions contained in the Deed of Transfer of the aforementioned property.

Attached for your attention is the following:

- ANNEXURE A - A copy of this cover letter.
- ANNEXURE B - A copy of the application form - Schedule 13 ROR-1
- ANNEXURE C - A copy of the Power of Attorney.
- ANNEXURE D - A copy of the Motivational Memorandum.
- ANNEXURE E - A copy of the proposed Site Plan.
- ANNEXURE F - A copy of the Locality Plan.
- ANNEXURE G - A copy of the registered Title Deed.
- ANNEXURE H - A copy of the bondholders consent.
- ANNEXURE I - Proof of Registration with SCAPLAN.
- ANNEXURE J - A copy of the proof of payment to the amount of R890-02 being the application fees.

We trust you find this in order.

Kind regards,



**B.E. FLETCHER (PR. PLN A/1202/2001)
THE TOWN PLANNING HUB CC**



SCHEDULE 13 – REMOVAL OF RESTRICTIVE TITLE CONDITIONS APPLICATION FORM

ROR-1



APPLICATION FORM FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS IN TERMS OF SECTION 50 OF THE COEMM SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2019 READ WITH THE CITY OF EKURHULENI LAND USE SCHEME, 2021

TO: Manager: Town Planning

Boksburg Sub Section

COE REFERENCE NO.

DATE: 28 JULY 2026

1. DESCRIPTION OF LAND ACCORDING TO TITLE DEED

Erf/Holding/Portion	ERF 975
Town/Agricultural Holdings/Farm	BOKSBURG
Number and Name of Street or Road	37 Cedar Avenue

2. REMOVAL OF RESTRICTIONS IN TITLE DEED

Title Deed Number	T41939/2013
Conditions to be Removed / Amended	1.; 2.; 3.; 4.; 5.; 6.;
Summary of reasons for Amendment or Removal of Condition/s	KINDLY REFER TO THE MOTIVATING MEMORANDUM

3. PROPERTY INFORMATION

Town Planning Scheme	City of Ekurhuleni Land Use Scheme, 2021	
Current zoning	Residential 1	
Property size (m ²)	942m ²	
Bond	YES	N/A

Bondholder's Name	ABSA Bank	
Special Power of Attorney	YES	N/A
Company Resolution	YES	N/A

4. **APPLICANT'S DETAILS**

Type of applicant	INDIVIDUAL	LEGAL ENTITY/OTHER
Name of Legal Entity/other	The Town Planning Hub CC	
Company / CC Registration number	1999/010392/23	
Representative name	Beatrix Elizabeth Fletcher	
Title	Mrs	
Initial	BE	
First Name(s)	Bea	
Surname	Fletcher	
Postal Address	PO Box 11437 Silver Lakes 0054	
Physical Address	Tijger Valle Office Park Block 9, 1 st Floor 78 Pony Street Silver Lakes 0054	
E-Mail Address	bea@tph.co.za	
Cell Phone	082 807 2030	
Telephone	012 809 2229	

5. **OWNER'S DETAILS (if different from applicant)**

Type of applicant	INDIVIDUAL	LEGAL ENTITY/OTHER
Name of Legal Entity/other	Lance Kibel	
Company / CC Registration number	N/A	
Representative name	N/A	
Title	Mr	
Initial	L	
First Name(s)	Lance	

Surname	Kibel		
ID Number	800213 5146 08 0		
Postal Address	18 Desborough Avenue Winston Ridge Johannesburg		
Physical Address	As above		
E-Mail Address	lance@cedarmanor.co.za		
Cell Phone	074 290 2317		
Telephone	N/A		
Details of Owner's/ Marital Status	Not Applicable	Married in Community of Property	Married out of Community of Property

6. **REQUIRED DOCUMENTS TO BE ATTACHED TO APPLICATION FORMS:**

Documents required	Number of copies	Submitted (X or N/A)
Documents to be attached to application forms:		
Application fee		X
Proof of registration as Registered Planner	1	X
Bondholder's Consent (if applicable)	2	X
Comments for External Departments (if applicable)	2	N/A
Company Resolution (if applicable)	2	N/A
Motivated memorandum	5	X
Site / Development plan (A3/A4 size)	5	X
Special Power of Attorney (if applicable)	2	X
Title Deed / Leasehold Title	5	X
Documents to be submitted prior to finalisation of the application:		
Affidavit confirming that the site notice was placed	1	
Photographic evidence of site notice	1	
Proof of Newspaper advertisement	1	
Proof of Provincial Gazette advertisement	1	
Proof of notification of the adjoining property owners	1	

DECLARATION OF COMPLIANCE

I, Beatrix Elizabeth Fletcher,

ID Number: 750509 0058 083

hereby declare that:

I/~~We~~ have provided the correct information to the Municipality to enable it to take an informed decision.

I/~~We~~ understand that the Municipality has the authority to ensure orderly built environment through land use management.

I/~~We~~ declare that all conditions attached to this application, if approved, will be fully complied with.

I/~~We~~ certify that the municipal officials shall be granted access to the property in order to conduct inspections and other related municipal functions.

Signed at PRETORIA on day 28th month JULY year 2026

A handwritten signature in black ink, appearing to read 'S. M. M. M.', is written over the signature line.

SIGNATURE OF APPLICANT/S:

If the property is registered in more than one person's name all owners need to sign.

SPECIAL POWER OF ATTORNEY

I, the undersigned,

LANCE KIBEL (ID No. 800213 5146 08 0)

in my capacity as registered owner of the property mentioned hereunder, hereby nominate, constitute and appoint **B.E. FLETCHER (ID NR: 7505090058083)** of the firm **THE TOWN PLANNING HUB CC (REGISTRATION NR: CK1999/010392/23)** and/or any employee of the Close Corporation with power of substitution, to be my lawful Agent in my name, place and stead, to make to the competent authorities application(s) for the removal of restrictive title deed conditions and/or appeal in respect of the undermentioned property:

ERF 975, BOKSBURG

and to take all such steps, do all such acts, sign all such documents and appoint or involve all such persons as may be requisite or necessary in order to give effect to the powers hereby granted and, for effecting the aforesaid purposes, to do or cause to be done whatsoever shall be requisite, as fully and effectually, as I might or could do if personally present and acting herein - hereby ratifying, allowing and confirming all and whatsoever the said Agent shall lawfully do, or cause to be done.

The intention of the application is to apply to the Ekurhuleni Metropolitan Municipality for the removal of certain restrictive Title Conditions.

Signed at Johannesburg on this 29 day of June 2026, in the presence of the undersigned witnesses.

AS WITNESSES:

SIGNATORY:

1. [Signature]

[Signature]
L. KIBEL

2.

APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS IN TERMS OF SECTION 50 OF THE COEMM SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2019 READ WITH THE CITY OF EKURHULENI LAND USE SCHEME, 2021:-

ERF 975, BOKSBURG

PREPARED FOR: LANCE KIBEL

BY: THE TOWN PLANNING HUB CC

Tel: (012) 809 2229
E-mail: bea@tph.co.za

PO Box 11437
Silver Lakes
0054

Tijger Vallei Office Park
Block 9, 1st Floor
78 Pony Street
Silver Lakes
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APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS IN TERMS OF SECTION 50 OF THE COEMM SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2019 READ WITH THE CITY OF EKURHULENI LAND USE SCHEME, 2021:- ERF 975, BOKSBURG

1. THE APPLICATION

Application is made in terms of Section 50 of the City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management By-Law, 2019 for the removal of restrictive conditions contained in the Title Deed T41939/2013 on Erf 975, Boksburg.

The intention of the application is to remove restrictive Title Conditions so that the Architect will be successful in the submission and approval of a Site Development Plan and/or building plans.

It is further requested that additional “outdated” and “mundane” conditions contained within the Title Deed be removed.

2. GENERAL INFORMATION

2.1 Local Authority

Ekurhuleni Metropolitan Municipality.

2.2 Property Description

Erf 975, Boksburg.

2.3 Registered Owner

The property is registered in the name of Lance Kibel.

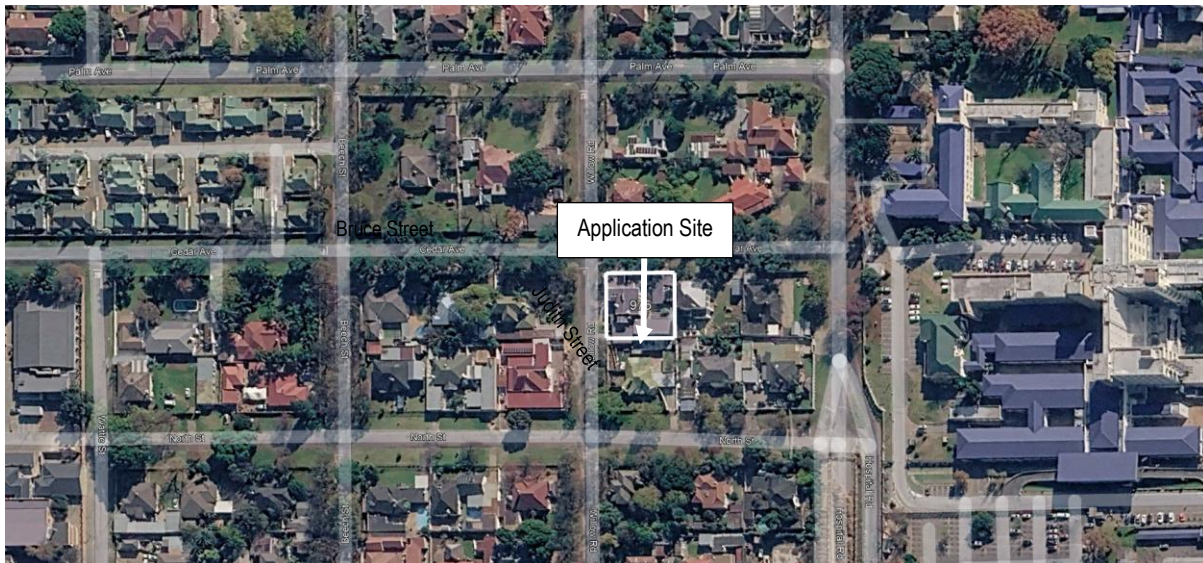
2.4 Property Size

The property measures 942m² in extent.

2.5 Locality

The property is situated at 37 Cedar Avenue, Boksburg.

Please refer to the below aerials as well as the attached locality plan.



2.6 Existing Zoning

The property is zoned “Residential 1”, including a Consent Use for a Home Care Facility for a maximum of 20 patients. Refer to the attached Zoning Certificate.

Kindly note that a Consent Use application was approved by the Municipality in order to establish a “Home Care Facility”.

2.7 Existing Land Use

There is an existing dwelling house on the property.

2.8 Deed of Transfer

The property is registered under Deed of Transfer T41939/2013.

2.9 Bond

The property is bonded with ABSA Bank. The bondholder’s consent has been obtained and attached hereto.

3. MOTIVATION

3.1 Background

As mentioned above, the registered land owner obtained Special Consent Use approval in order to establish a Home Care Facility on the property. The appointed Architects have compiled the Site Plan / Building Plans for submission, however were referred, due to there being restrictive conditions contained within the Title Deed.



From there this application.

3.2. Removal of Restrictive Conditions

The applicant accepts that the conditions of the title deed operate as controlling measures in favour of every single lot holder in an approved township. Accordingly, such conditions should not be lightly uplifted where it is unnecessary in the circumstances of the case to do so.

However, certain conditions of the title deed are often registered at a time that they are deemed necessary. Circumstances and time often overtake the efficiency of such conditions and render them susceptible to alteration or upliftment. Development is one of the pressures that come to bear on such conditions of a title deed.

They can never be cast in stone and nor is it intended that they endure in perpetuity. To this end there has always been legislation in place enabling the upliftment of conditions of a title deed that either became redundant or which frustrate development.

Times have changed and so doing forcing land owners and developers alike to look at alternative means to do business within the city to provide jobs and housing to the continuous population growth of the city.

It is respectfully submitted that there should be no impediment to the Municipality granting the removal of the conditions contained in the said Title Deed.

T41939/2013

We are applying to remove the following restrictive Conditions of Title:

1.; 2.; 3.; 4.; 5.; 6.;

1. *The registered owner shall have no right to sub-divide or transfer any portion of a stand.*

The above condition is archaic and not relevant at this time. A Local Authority has been established. All land use applications are controlled by the prevailing By-Laws and Land Use Schemes.

2. *The stand are sold for residential purposes only, and the registered owner, his heirs, executors, administrators or assigns, shall have no right to open or cause to be opened upon thereon any spirituous or liquor business, hotel, restaurant, wholesale or retail shop, butchers' shop or other*



place of trade or business, nor to erect, open or establish any workshop or factory of any kind whatsoever on the said residential stand, or any of them. Anything to the contrary herein contained, notwithstanding the Council of the Municipality of Boksburg reserves to itself the right to grant permission to any bona fide club, who may be the purchasers or owners, occupiers or tenants of one or more stands, and who shall have erected thereon a Club house and premises to the satisfaction of the said Council to apply to the Liquor Licensing Court, Boksburg for a Club Liquor Licence.

The above condition is outdated and not relevant at this time. A Local Authority has been established. All land uses are controlled by the Land Use Scheme.

3. *No buildings shall be erected on any stand at a distance of less than 3.66 metres from the street boundary, and no building or wood and iron only or of either only shall be allowed to be erected.*

The above condition is archaic and not relevant at this time. A Local Authority has been established. All land uses are controlled by the Land Use Scheme. Building material for buildings is controlled by the relevant Building Regulations and Standards and also controlled by the local building office on submission of building plans.

4. *At least one house or place of residence only, of a minimum value of R1 000,00 (One thousand rand), together with the usual appertances, stabling and outhouses, shall be erected upon each stand and each stand such house or place of residence must be completed within 3 (three) years from the date of sale by the Municipality of such stand. If the purchaser shall purchase to stands adjacent to and abutting upon each other such purchaser shall, anything to the contrary in this present clause notwithstanding, have the option of building one house or place or residence only, of minimum value of R1 500,00 (One thousand five hundred thousand rand) together with appurtenances and outhouses as aforesaid, and to be completed within the same*



period on such two stand. Stand separated by a back sanitary passage are not adjacent.

The above condition is archaic and not relevant at this time.

5. *Any breach of the foregoing conditions, or any of them, shall entitle the council of the municipality of Boksburg to cancel the sale and transfer, as well as may subsequent transfer of any stand in respect of which such breach has been committed, and shall further entitle the said council to obtain an order from the any competent Court of Law for such cancellation and to resume possession and ownership of such stand without payment of any compensation in respect of buildings or structures on or improvements affected to the said stand and without repayment of any purchase price or payment of any loss or damage sustained in respect of the said stand, or such cancellation, whether by the original or subsequent purchaser, his heirs, successors or assigns.*

The above condition is archaic and not relevant at this time.

6. *By the word “purchaser” or registered owners” in these conditions it is understood the Transferee hereinbefore mentioned, his heirs, executors, administrators and assigns or any subsequent registered owner or owners of any stand.*

The above condition is archaic and not relevant at this time.

3.3 Need and desirability

3.3.1 Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA)

The recent introduction of the SPLUMA requires for all land development applications to comply and be motivated in accordance with same. This application complies with the objectives and development principles of SPLUMA which will be elaborated on further below.

Section 7

7. ***The following principles apply to spatial planning, land development and land use management:***



(a) *The Principle of spatial justice, whereby –*

- (i) *Past spatial and other development imbalances must be redressed through improved access to and use of land;***
- (ii) *Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation;***
- (iii) *Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantages communities and persons;***
- (iv) *Land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;***
- (v) *Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and***
- (vi) *A Municipal Planning Tribunal considering an application before it may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land of property is affected by the outcome of the application;***

The removal of restrictive title deed conditions will have no impact on the principle of spatial justice, as it does not alter the fundamental objectives of redressing past spatial imbalances or ensuring equitable access to land. The removal of such conditions simply eliminates outdated or unnecessary barriers, while spatial justice remains focused on addressing historical inequalities and promoting inclusion. All land development and management processes will continue to be guided by policies and frameworks, with a particular emphasis on supporting disadvantaged communities and areas previously excluded from formal planning processes. Therefore, the action of removing restrictive conditions does not interfere with the broader goals of spatial justice.

(b) *The principle of spatial sustainability, whereby spatial planning and land use management systems must –*

- (i) *Promote land development that is within the fiscal, institutional and administrative means of the Republic;***
- (ii) *Ensure that special consideration is given to the protection of prime and unique agricultural land;***
- (iii) *Uphold consistency of land use measures in accordance with environmental management instruments;***
- (iv) *Promote and stimulate the effective and equitable functioning of land markets;***
- (v) *Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;***



- (vi) ***Promote land development in locations that are sustainable and limit urban sprawl; and***
- (vii) ***Result in communities that are viable;***

The removal of restrictive title deed conditions will have no bearing on the principle of spatial sustainability, as such removal does not alter the broader spatial planning objectives or undermine the intent of sustainable land use management. All land development applications will remain subject to applicable planning legislation, policies, and frameworks that ensure compliance with spatial sustainability principles, including environmental considerations, infrastructure capacity, and strategic location. Therefore, the deletion of these conditions merely removes outdated or duplicative restrictions, without affecting the substantive spatial planning outcomes intended by legislation such as SPLUMA.

(c) The principle of efficiency, whereby –

- (i) ***Land development optimises the use of existing resources and infrastructure;***
- (ii) ***Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and***
- (iii) ***Development application procedures are efficient and streamlined and timeframes are adhered to by all parties;***

The removal of restrictive title conditions directly supports the principle of efficiency by enabling land development that makes optimal use of existing infrastructure and resources, free from outdated or unnecessary constraints. Eliminating these restrictions facilitates more streamlined decision-making, reduces potential legal or procedural delays, and minimises negative financial and administrative impacts on all stakeholders.

(d) The principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks; and

The removal of the restrictive title conditions will not have a negative impact on the principle of spatial resilience. On the contrary, it will enhance the flexibility of land use planning and enable the site to respond more effectively to changing economic, environmental, and social conditions. By eliminating outdated limitations, the land can be utilised in a manner that supports sustainable livelihoods and aligns with contemporary planning objectives. This promotes adaptive land use management and ensures that the area remains responsive and resilient to future shocks or pressures.

(e) The principle of good administration, whereby –

- (i) ***All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems embodied in this Act;***



- (ii) *All government departments must provide their sector inputs and comply with any prescribed requirements during the preparation or amendment of spatial development frameworks;*
- (iii) *The requirements of any law relating to land development frameworks;*
- (iv) *The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and*
- (v) *Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.”*

The removal of restrictive title conditions is directly relevant to the principle of good administration, as it promotes alignment between private land rights and publicly adopted spatial planning and land use management systems. By eliminating outdated or inconsistent conditions, the process supports integrated governance across all spheres of government and ensures that land development occurs within a clear and consistent legal framework. When carried out transparently and with proper public participation, the removal procedure upholds the values of inclusivity, accountability, and legal certainty. This empowers stakeholders by simplifying regulatory processes and reinforcing the integrity of the spatial planning system as envisaged in the Spatial Planning and Land Use Management Act (SPLUMA).

Section 42

42.(1) *In considering and deciding an application a Municipal Planning Tribunal must-*

- (c) ***take into account-***
 - (i) ***the public interest;***
 - (ii) ***the constitutional and transformation imperatives and the related duties of the State;***
 - (iii) ***the facts and circumstances relevant to the application;***
 - (iv) ***the respective rights and obligations of all those affected;***
 - (v) ***the state and impact of engineering services, social infrastructure and open space requirements; and***
 - (vi) ***the effect of the land development application on the environment.***

This application adheres to the aforementioned in so far as:

- **Public interest:**
The public interest is not affected by this application for the removal of restrictive Title Conditions.



- Constitutional and transformation imperatives and the related duties of the State:
The conditions requested to be removed do not have any bearing related to the duties of the State.
- Facts and circumstances relevant to the application:
As mentioned above, the registered land owners wish to have building plans approved by the Ekurhuleni Metropolitan Municipality, there are restrictive Title Conditions which are prohibiting the approval of the plans.
- Respective rights and obligation of all those affected:
The application will be duly advertised, and anyone aggrieved by the application will be allowed the opportunity to give their grievances thereto. All surrounding property owners will be notified of the application.
- State and impact of engineering services, social infrastructure and open space requirements:
This point can be seen as omissible, as the application is applying for the removal of restrictive conditions contained with the Title Deed.
- The effect of the land development application on the environment:
This point can be seen as omissible as the application sites are developed and used in accordance with the conditions in the title deed. No sensitive environmental areas will be affected.

In general, the rights of the surrounding property owners will be taken into account. The required advertising will take place timeously. The required letters will be sent out to the surrounding property owners where after our office will remain open for any discussion and input from the affected parties in terms of development controls and design of the buildings.

4. CONCLUSION

Application is made in terms of Section 50 of the City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management By-Law, 2019 for the removal of restrictive conditions contained in the Title Deed T41939/2013 on Erf 975, Boksburg.

The Municipality's approval of this application will be appreciated.

All work to be carried out in strict accordance with the ARCHITECTS instructions.

Top of foundations to be a minimum of 300mm below N.G.L.
Vertical DPC to all changes in level's.

All plumbing and drainage installation of sanitary fittings to comply with N.B.R. S.A.B.S. 0400 1990 part P and all relevant local authority by laws, regulations and requirements.

R.E.'s to all runs exceeding 24m in length.

Soil pipes under building's to be encased in 300mm concrete all round.

All waste fittings to be fitted with reseal traps.

Staircase specifications to comply with S.A.B.S. 0400 1990 part M.
Mild steel balustrades to be minimum 1000mm high.
Mild steel balustrades to be minimum 100mm apart.
Risers to be maximum 170mm high.
Treads to be minimum 250mm wide.



PROJECT
As Built of Existing building on Erf 975
Boksburg

DRAWING DESCRIPTION

Site plan

PROJ. NO.	0106	As indicated	SCALE
--------------	------	-----------------	-------

1. All requirements of municipal and other authorities concerned have to be adhered to.
2. This drawing is to be read in conjunction with all relevant Architect's and Engineer's drawings and specifications.
3. All dimensions and levels are to be checked on site prior to commencement of work and any discrepancies reported to the ARCHITECTS immediately.
4. Do not scale from this drawing.
5. All proprietary materials and components etc. are to be delivered, stored and finished strictly in accordance with the manufacturer's recommendations.
6. The design and content of this drawing is the property of - IADC ARCHITECTURAL DESIGN

DRAWING NO
SD01

REVISIO
Approv



<u>Parking Schedule</u>		
Component	Required	Actual
Home Care component	= 2 Parkings Required	
Total Parkings	2 bays required	2 bays provided

<u>Refuse Calculation</u>	
Component	Calculation
Home Care Component (Residential)	$f(g) \times FA/100 =$ $(sqm)/week$ $0.1425 \times 537 \text{ sqm}/100$ $= 0.765 \text{ sqm}/week$
Total	0.765 sqm/week

<u>Occupancy & Sanitary Fixtures</u>					
Component	Occupancy	Sanitary Fixtures Requirement SANS 10400			
Old age Home	1 person per bedroom 1 bedrooms x 14 rooms =14 bathrooms provided	15 population > Occupation			
		Male	WC Pans	Urinals	Washbasins
			1	1	1
		Female	WC Pans		Washbasins
			2		1

Refuse Yard Size

0.765 sqm/week x 4bins/sqm = 3.0
= 3.0 Bins x 1sqm per bin
= 3 sqm Refuse Yard

SCHEDULE OF RIGHTS		
PROPERTY DESCRIPTION:	As built of Existing Building on Erf 975 Boksburg	
Zoning:	Res 1 (Special consent: Home Care Facility)	
Erf size:	941 sqm	
	Permissible	Actual
Parking: Office Area..... Factory Area..... Warehouse Area..... Residential Covered bays..... Total parking required.....	2..... Bays	2..... Bays
Density (units/ha):		
FAR (floor area ratio):	N/A	N/A
Height (storeys):	2 storeys	2 storeys
Coverage (%):	50%	52%
Building line:	AS PER SITE PLAN	AS PER SITE PLAN
Building Area (FAR):	- sqm	428 sqm
Building coverage (sqm):	471.0 sqm	493.3 sqm
Notes:		

LOCALITY PLAN

ERF 975, BOKSBURG



The Site



Township Boundary



Road



Railway

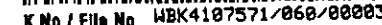


Railway Station



Scale 1:5000

Name KIBEL L



Record Type
SECURITY FILES

Filing number K4107591 (051/00003

Security type **OSI**

Identification **BT 41939/2013**

8077

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eked



CHECKLIST FOR BONDS AND TITLE DEEDS - AUDITING

			YES	NO
1	Acknowledgement	Check if received on Lawdeed	✓	
2	Prepping of document	Check the name or stamp of the prepper	✓	
3	CCV	Check if the client account number is current or cancelled	✓	
4	Enquiry	Check if the correct client for the correct acc no, deed number, bond amount, cost clause amount (if not the same put in comments) ranking number, property description, registration date	✓	
5	Deed Search	To verify for old bonds if they are still current or cancelled on deeds	✓	
6	Audit	Audit if the file correct and put audit sticker to seal it	✓	
7	Validate	Validate on Lawdeed	✓	
8	Barcoding	Check if barcoding corresponds with the filing number on the file	✓	

CERTIFIED COPY



JACQUES v.d. MERWE MAJA INC.

ATTORNEYS / CONVEYANCERS / NOTARIES – PROKUREURS / AKTEVERVAARDIGERS / NOTARISSE

FIRST FLOOR, FINCH HOUSE, RIVONIA GARDENS
33 WESSEL ROAD, RIVONIA
BOCEX 4, RIVONIA

TEL: (011) 234 3423
FAX: (011) 234 3427
P.O. BOX 2503, RIVONIA, 2128

Ons verw:
Our ref: LIZELLE / AK0016

U verw:
Your ref: 8077894232

04 June 2015

The Manager

ABSA BANK LIMITED
ABSA BUILDING
7TH FLOOR,
16A CENTRAL AVENUE,
KEMPTON PARK

Dear Sir/Madam

**BOND BY MR L KIBEL
IN FAVOUR OF ABSA BANK LIMITED
OVER ERF 975 BOKSBURG**

ABSA
LBD
Bond No B3575/2015
Title Deed T41939/2013
Date 11-Jun-15 12:17:29 PM
Serial No 21009
Department Registration Validations

We enclose herewith the following documents :

DEED OF TRANSFER: T 41939/2013

MORTGAGE BOND: B 3575/2015

Kindly acknowledge receipt.

Yours faithfully
JACQUES VAN DER MERWE MAJA INC.

Per: Nokuthula

DIRECTORS / DIREKTEURE:
JACQUES VAN DER MERWE (B.PROC UP) Cell: 083 227 8574
CHARLIEN CLAASE (BLC LLB UP) Cell: 082 417 9077
SALMINAH MABUSHA MAJA (B.IURIS LLB.UNIN) Cell: 083 447 1058
LOUISE KOEKEMOER (LLB UP) Cell: 082 413 6538
REGISTRATION NUMBER: 2001/009083/21
INDIENINGSNO / LODGING NR: (JHB) -89

CERTIFIED COPY



Jacques van der Merwe Maja Inc
Ground Floor, Comcorp House, 33 Wessel St, Rivonia Garden Sandton

Docex:

VAT NO: N/A

Tel: 0112343423

Fax: 0112343427

e-mail: charlien@jvdnjhb.co.za

Document Type: Title Deed
Attorney: JACQUES VAN DER MERWE INC
Loan Account Number: 8077894232/002
Description: T41939/2013



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Tim du Toit & Co Incorporated Prokureur/Attorney
154
TEL: 011-274 9800

JACQUES VAN
DER MERWĒ
TNC
(011) 234 3423

89

ACCOUNT
NUMBER:
905

DEED OF TRANSFER

in favour of

LANCE KIBEL

over

ERF 975 BOKSBURG TOWNSHIP

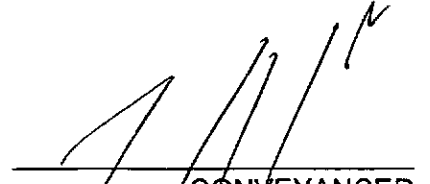
TIM DU TOIT & CO INCORPORATED
33 THE VALLEY ROAD
CNR. JAN SMUTS AVENUE
WESTCLIFFE
PO BOX 1196
JOHANNESBURG
2000
Tel: 011-274 9800

154

Tim du Toit & Co Incorporated
33 The Valley Road
Westcliffe, 2193
PO Box 1196
Johannesburg
2000

SEELREG
STAMP DUTY R _____
POSI 900 -00
FEES R _____

Prepared by me


CONVEYANCER
LOUIS HENDRIK HORN

VERBIND

MORTGAGED

VIR FOR R. 1 080 000 - 00

B

000030301 / 2013

11/17/2013

REGISTRATEUR REGISTRAR

DEED OF TRANSFER

00041939 / 2013

BE IT HEREBY MADE KNOWN THAT

ANNEMARIE VAN DER MERWE

appeared before me, REGISTRAR OF DEEDS at Johannesburg, he the said
Appearer being duly authorised thereto by a Power of Attorney signed at
JOHANNESBURG on 20TH AUGUST 2013 and granted to him by

The Joint Liquidators of
CEDAR MANOR CLOSE CORPORATION (IN LIQUIDATION)
Registration Number 2005/162110/23
Number G397/2013

VERBIND		MORTGAGED	
VIR FOR R 1420 00020			
B 000003575 / 2015			
2015-02-18			
		REGISTRATEUR/REGISTRAR	

And the Appearer declared that his said principal the **Joint Liquidators of CEDAR MANOR CLOSE CORPORATION (IN LIQUIDATION) Number G397/2013** had truly and legally sold on 10 June 2013 and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of

LANCE KIBEL
Identity Number 800213 5146 08 0
Married out of community of property

his Heirs, Executors, Administrators or Assigns, in full and free property

ERF 975 BOKSBURG TOWNSHIP REGISTRATION DIVISION I.R., THE PROVINCE OF GAUTENG

MEASURING 942 (NINE HUNDRED AND FORTY TWO) Square Metres

HELD by Deed of Transfer Number T 56710/2007

SUBJECT TO THE FOLLOWING CONDITIONS:-

1. The registered owner shall have no right to sub-divide or transfer any portion of a stand.
2. The stand are sold for residential purposes only, and the registered owner, his heirs, executors, administrators or assigns, shall have no right to open or cause to be opened upon thereon any spirituous or liquor business, hotel, restaurant, wholesale or retail shop, butchers' shop or other place of trade or business, nor to erect, open or establish any workshop or factory of any kind whatsoever on the said residential stand, or any of them. Anything to the contrary herein contained, notwithstanding the Council of the Municipality of Boksburg reserves to itself the right to grant permission to any bona fide club, who may be the purchasers or owners, occupiers or tenants of one or more stands, and who shall have erected thereon a Club house and premises to the satisfaction of the said Council to apply to the Liquor Licensing Court, Boksburg for a Club Liquor Licence.
3. No buildings shall be erected on any stand at a distance of less than 3,66 metres from the street boundary, and no building or wood and iron only or of either only shall be allowed to be erected.
4. At least one house or place of residence only, of a minimum value of R1 000,00 (One thousand rand), together with the usual appertances, stabling and outhouses, shall be erected upon each stand and each stand such house or place of residence must be completed within 3 (three) years from the date of sale by the Municipality of such stand. If the purchaser shall purchase to stands adjacent to and abutting upon each other such purchaser shall, anything to the contrary in this present clause notwithstanding, have the option of building one house or place or

residence only, of minimum value of R1 500,00 (One thousand five hundred thousand rand) together with appurtenances and outhouses as aforesaid, and to be completed within the same period on such two stands. Stands separated by a back sanitary passage are not adjacent.

5. Any breach of the foregoing conditions, or any of them, shall entitle the council of the municipality of Boksburg to cancel the sale and transfer, as well as may subsequent transfer of any stand in respect of which such breach has been committed, and shall further entitle the said council to obtain an order from any competent Court of Law for such cancellation and to resume possession and ownership of such stand without payment of any compensation in respect of buildings or structures on or improvements effected to the said stand and without repayment of any purchase price or payment of any loss or damage sustained in respect of the said stand, or such cancellation, whether by the original or subsequent purchaser, his heirs, successors or assigns.
6. By the word "purchaser" or "registered owner" in these conditions it is understood the Transferee hereinbefore mentioned, his heirs, executors, administrators and assigns or any subsequent registered owner or owners of any stand.

SUBJECT to such conditions as are mentioned or referred to in the aforesaid Deed/s.

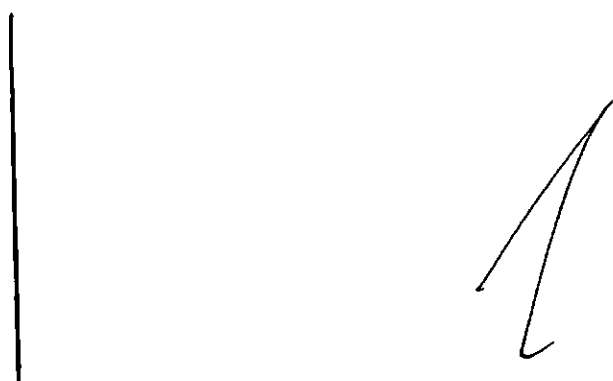
WHEREFORE the Appearer, renouncing all right and title which the said

Joint Liquidators of CEDAR MANOR CLOSE CORPORATION (IN LIQUIDATION) Number G397/2013

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

LANCE KIBEL, Married as aforesaid

his Heirs, Executors, Administrators 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 R1 350 000,00 (ONE MILLION THREE HUNDRED AND FIFTY THOUSAND RAND)

A vertical line is drawn on the left side of the signature area. To the right of this line is a large, stylized handwritten mark, possibly a signature or initials, consisting of a long diagonal stroke and a shorter horizontal stroke at the bottom.

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

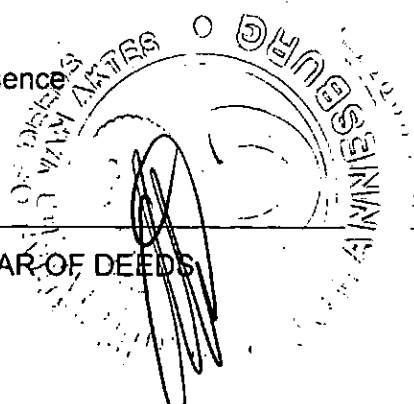
THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at Johannesburg on

11 NOV 2013



q.q.

In my presence



REGISTRAR OF DEEDS

Absa Home Loans

Absa Bank Ltd
15 Troye street
Johannesburg
2001



E-mail: home@absa.co.za

Phone: 0860 111 007

Visit us: www.absa.co.za

14.07.2026

Private/Confidential

THE TOWN PLANNING HUB CC
PO BOX 11437
SILVER LAKES
0054

Your Ref: TPH26728

REQUEST RECEIVED FOR: REMOVAL OF RESTRICTIVE CONDITIONS IN THE TITLE DEED

Borrower(s)' name: MR L KIBEL

Mortgage loan account number: 8077894232

Property description: ERF 975 BOKSBURG

We refer to the above account and grant consent to the removal of restrictive conditions 1.; 2.; 3.; 4.; 5.; 6. in Title Deed number T41939/2013, of the above-mentioned property.

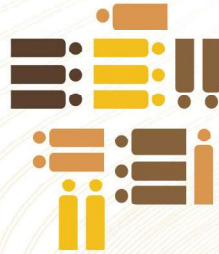
Please instruct a conveyancing attorney to attend to the removal of these restrictive conditions on the title deed. Only a conveyancing attorney can attend at the Deeds office to remove the conditions.

Kindly take note that the consent letter is valid for one year only.

Yours faithfully

A handwritten signature in black ink, appearing to read "Nadine Heathcote".

Property Control
Our ref: Nadine Heathcote
Tel: 011 846 5451
Email: hlpc@absa.co.za



The South African
Council *for* Planners
S A C P L A N

REGISTRATION CERTIFICATE

Issued in terms of Section 13(4) of the Planning Profession Act, 2002
(Act 36 of 2002)

This is to Certify that

Beatrix Elizabeth Fletcher

ID number: 7505090058083

is registered as a

Professional Planner

in terms of the Planning Profession Act, 2002 and is authorised to act as such
in accordance with the said Act and the Rules prescribed thereunder.

Issued under the Seal of the Council



REGISTRATION NUMBER:
A/1202/2001


CHAIRPERSON


REGISTRAR

Date of Issue: 01-07-2026

The registered person remains in good standing with SACPLAN for the
period ending as stipulated herein.

This certificate is valid until: **30-06-2027**



Internet Banking
Standard Bank Centre
5 Simmonds Street, Johannesburg, 2001
P.O. Box 7725, Johannesburg, 2000
Telephone: 0860 123 000
International: +27 11 299 4701
Fax: +27 11 631 8550
Website: www.standardbank.co.za

Dear COE BOKSBURG DIRECT

We confirm that the following payment has been made into your account from THE TOWN PLANNING HUB CC:

Reference number	260727BBC00058946C00058946
Beneficiary name	COE BOKSBURG DIRECT
Bank name	STANDARD BANK
Beneficiary account number	XXXXXX2094
Beneficiary branch number	51001
Beneficiary reference	1194 1424 610 MG ZZZZZ 16
Amount	R 890.02
Payment date and time	2026/07/27 15:15:08

If you need more information or have any questions about this payment, please contact:

THE TOWN PLANNING HUB CC

Payments to Standard Bank accounts may take up to one business day to reflect.

Payments to other banks may take up to three business days.

Please check your account to confirm you have received this payment.

Yours sincerely,

The Internet Banking Team

REF: 15/4/3/11/09/975

ENQUIRIES: A. Smith

Wednesday, 27 November 2024

Messrs L Kibel
37 Cedar Road
Plantation
Boksburg
1459



CITY PLANNING DEPARTMENT
Town Planning: Boksburg Sub Section
Civic Centre
Trichardts Road
PO Box 215
Boksburg
1460

Tel: (011) 999-5602
Fax: 086 630 3691
www.ekurhuleni.gov.za
Allan.Smith@ekurhuleni.gov.za

Sir/Madam

PROPOSED SPECIAL CONSENT USE APPLICATION: ERF 975 BOKSBURG TOWNSHIP - EKURHULENI CONSENT USE NUMBER EC1401.

By virtue of the approved Council Resolution, A-CP (04-2019) dated 25 July 2019, the Authorised Official (Manager: Town Planning Boksburg Sub Section) hereby **APPROVES** your application in terms of Section 58 of the City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management by-Law, 2019, read with the City of Ekurhuleni Land Use Scheme, 2021, for Special Consent of Council to establish a "Home Care Facility" on Erf 975 Boksburg Township subject to the following conditions:

1. **The rights have been incorporated into the City of Ekurhuleni Land Use Scheme, 2021 for City of Ekurhuleni Consent Use No. EC1401.**

Conditions from the City Planning Department:

2. Schedule:

- | | | | |
|------|--------------------|---|--|
| 2.1. | Use Zone | : | "Residential 1" |
| 2.2. | Consent Use Rights | : | "Home Care Facility" for a maximum of 20 patients only. On approval of this application the consent for the "Guest House" previously approved will fall away. ² |
| 2.3. | Height | : | 2 Storeys |
| 2.4. | Coverage | : | 50% |
| 2.5. | F.A.R. | : | N/A |
| 2.6. | Parking provision | : | A minimum of 2 parking bays must be provided on site for the patients and 1 bay per staff member |
| 2.7. | Building Line | : | 3.66 metres (as per title deed) from the street boundary |

- 2.8. Access : Access will be to the satisfaction of the Roads and Stormwater Department.

3. General condition (To be complied with by and at the cost of the applicant):

- 3.1 A Site Development Plan as outlined in clause 29 of the City of Ekurhuleni Land Use Scheme, 2021 shall be submitted and approved by the Local Authority prior to the submission of the building plan and prior to any development taking place on the property. The Site Development plan should also reflect all relevant engineering services including a fully detailed storm-water drainage plan of attenuation.
- 3.2 All parking, pickup and drop-off zones must be provided on the erf and not in the road reserve and no direct access to parking bays from public roads will be allowed. All parking must be provided to the satisfaction of the Roads & Stormwater Department;
- 3.3 All access arrangements and stormwater drainage must be to the standards of the Roads and Stormwater Department;
- 3.4 All loading/off-loading of any related goods shall be provided on site as specified in Clause 26 of the City of Ekurhuleni Land Use Scheme, 2021;
- 3.5 All relevant laws and by-laws of the City of Ekurhuleni Metropolitan Municipality shall be complied with;
- 3.6 The applicant shall apply to the Health & Social Development Department for a Public Health Permit for the operation of Home Care Services, Certificate of Acceptability and any other permit and certificate that is required prior to the commencement of any operation on the property;
- 3.7 No trees that are situated on the pavement/ sidewalk of the property may be removed without the consent of the Real Estate: Metro Parks Department;
- 3.8 The activity conducted on the property may not be a nuisance, noxious or hazardous to the health and safety of the neighbours;
- 3.9 The applicant may not advertise in any way on the property, except as provided in terms of the relevant Town Planning Scheme, advertising by-laws or advertising policy of the municipality;
- 3.10 That the Special Consent will lapse if not acted upon within one year of the date of approval or if discontinued for a continued period of 18 months or more;
- 3.11 Should the applicant fail to comply with any of these conditions, the permission granted will not be valid and the municipality may suspend or withdraw the permission granted.
- 3.12 Building plans need to be submitted for approval after the approval of the SDP stipulated in condition 3.1 above and all structures built in the sanitary lane must be removed to the satisfaction of the Municipality.

4. **Conditions from the Roads & Stormwater Department:**

- 4.1 The applicant must comply with all conditions from the Roads & Stormwater Department as per the attached comments dated 1 October 2024 (**Annexure "A"**).

5. **Conditions from the Water & Sanitation Department:**

- 5.1 The applicant must comply with all conditions from Water & Sanitation Department as per the attached comments dated 17 August 2023 (**Annexure "B"**).

6. **Conditions from Energy Department:**

- 6.1 The applicant must comply with all conditions from Energy Department as per the attached comments dated 18 September 2024 (**Annexure "C"**)

7. **Other matters for your information include the following:**

- 7.1 According to this Department's records and assessments of the application, the proposed consent use is not in conflict with any title condition or any of the provisions of the City of Ekurhuleni Land Use Scheme, 2021.
- 7.2 This Consent Use can only be exercised once all conditions are complied with, including the payment of all contributions and the approval of the SDP (outlined in 3.1 above). If any conditions cannot be complied with this Consent Use will be regarded as null and void.
- 7.3 That the Consent Use will lapse if not acted upon within one year of the date of approval or if discontinued for a continued period of 18 months or more;
- 7.4 Should the applicant fail to comply with any of these conditions, the permission granted will not be valid and the municipality may revoke the permission granted.
- 7.5 Section 99 of the City of Ekurhuleni Metropolitan Municipality SPLUMA By-Laws, 2019 makes provision for any person whose rights may be adversely affected by a decision taken by the municipal planning tribunal or the authorised official in terms of the provisions of the said by-law to appeal against the decision to the municipal manager by giving written notice of the appeal in the prescribed manner.

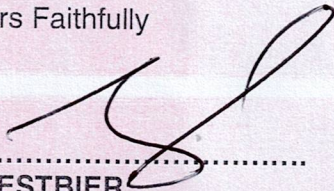
8. **The following External Engineering Services are payable:**

- | | | |
|-----|--------------------------------|---|
| 8.1 | Roads and Stormwater | R12 935.00 (VAT incl.)(valid until June 2025) |
| 8.2 | Water and Sanitation..... | R8 996.64 (VAT incl.)(valid until June 2025) |
| 8.3 | Energy | Nil |
| 8.4 | Parks and/or Open Spaces | Nil |

The above amounts are subject to escalation and review, in accordance with the relevant policies and legislation. Calculations are attached as **ANNEXURE "A-B"**

9. That the applicant be requested to inform the Council within 28 days from the date of this resolution whether the abovementioned conditions are acceptable.
10. This Special Consent can only be exercised once all conditions are complied with, including the payment of all contributions and the approval of the SDP (outlined in 3.1 above). If any conditions cannot be complied with this Special Consent will be regarded as null and void.
11. That the Manager: Town Planning (Boksburg Subsection) **INFORMS** the applicant L Kibel, 37 Cedar Road, Plantation, Boksburg, 1459, of this decision.
12. That the Finance Department **BE NOTIFIED** of this decision.

Yours Faithfully



A BESTBIER.
MANAGER: BOKSBURG SUBSECTION
for HEAD OF DEPARTMENT: CITY PLANNING

cc	A Bestbier (Boksburg) City Planning	Roads & Stormwater Department (Germiston)	Water & Sanitation Department (Germiston)
	Finance Department (Boksburg)	Health & Social Development Department (Boksburg)	
		Note: please be informed of this home care facility for your data base. Kindly do not issue any Certificates for this facility until confirmation has been provided of the payment of contributions.	

ANNEXURE "A"

Memorandum



**City of
Ekurhuleni**

TO :	AREA MANAGER: CITY PLANNING BOKSBURG CUSTOMER CARE CENTRE	ROADS AND STORMWATER DEPARTMENT: REGIONAL OFFICE: SOUTH Alberton Roads Depot Cnr Swartkoppies Road & Michelle Avenue ALBERTON Jean@ekurhuleni.gov.za
Attention	Francois Vos	
Your Ref:	15/4/3/1/09/975	
From:	FUNCTIONAL AND STRATEGIC PLANNING DIVISION	
Enquiries:	J.P. DAFFUE	
Our Ref:	ERF 975 BOKSBURG	
Tel	(011) 999-0978	
Date	01 October 2024	

Subject: SPECIAL CONSENT APPLICATION: ERF 975 BOKSBURG TOWNSHIP (ESC ESCALATION FOR 2024/2025)

Your Email dated 18 September 2024, has reference.

Comments below due to escalation only. All previous comments w.r.t. Access, Parking and Storm water still apply.

The External Services Contribution towards Roads and its appurtenant stormwater drainage systems is based on the said erf's Zoning information as supplied by the City Planning Dept., and was calculated as **R 12 935.00 (Incl. VAT @ 15%)**

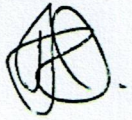
The existing zoning = **Residential 1 with one dwelling unit incl. a Special Consent for a Guesthouse with 10 rooms**

The land use code used = **210 & 350**

The PROPOSED zoning = **Residential 1 with one dwelling unit incl. a "Home Care Facility" with 20 beds (for a maximum of 20 Patients)**

The land use code used = **210 & 620**

Please note that if the contribution is not paid within this financial year which ends on **30 June 2025**, the contribution must be recalculated based on escalated input values. This contribution, calculated in terms of the latest Bulk Roads and Stormwater Engineering Contribution Policy of the Council must be paid into vote number **50781385340MPZZZZZ16** with **ERF 975 Boksburg** as the description. A copy of the receipt must be submitted to this Department. For details and procedures of "Electronic Funds Transfers" (EFT) kindly contact Me. A. Mohale. Telephone: 011-999-7454. E-mail: audrey.mohale@ekurhuleni.gov.za



JP Daffue
Engineer – Land Use

ANNEXURE “B”

Memorandum



To: Head of Department
City Planning

Attention: Francois Vos
011 999 5808

Your Reference: 15/4/3/1/09/975
Our Reference: Erf 975 Boksburg

From: Mr Bongani Hlatshwayo
Chief Engineer: Strategic and Functional Planning
Water and Sanitation

Enquiries: Ms Phathutshedzo Nemutanzhela
e-mail: phathutshedzo.nemutanzhela@ekurhuleni.gov.za

Date: 25 November 2024

DEPARTMENT OF WATER AND
SANITATION

Cnr CR Swart Dr & Pretoria Rd
Kempton Park

PO Box 13
Kempton Park
South Africa
1620

Tel: 011 999 1202
Fax:
www.ekurhuleni.gov.za

Subject: **Proposed Consent Use: Home Care Facility: Erf 975 Boksburg: Recalculation figures**

Your application forwarded to us on the 18 September 2024 in the above regard refers.

The Department of Water and Sanitation services has no objections against your application; however, it is subject to the following contributions and conditions:

- ✓ The following external engineering services contribution is payable by the applicant in terms of the policy which came into effect on the 1st April 2009. These figures include VAT and will be payable before the amendment scheme is promulgated. Although these figures are reasonably accurate they are still subject to verification and they are **valid until 30 June 2025**.

Water Contribution	R 7 823,16
Sewer Contribution	R 0,00
Sub-total	R 7 823,16
VAT	R 1 173,47
TOTAL	R 8 996,64

The following vote number should be used for paying the contributions payable in terms of the council's policy.
VOTE NUMBER **68061385340MMZZZZ16** WATER AND SANITATION

- ✓ The approval is only for the Special Consent "Residential 1 including a Guest house with 10 rooms" to "Residential 1 including a Home Care Facility restricted to 648m²"
- ✓ Condition/s related to servitude as per the Deed of transfer and/or building lines as per the Town planning scheme must be adhered to.
- ✓ The external engineering services contributions need to be paid before connecting to any municipal services.
- ✓ The applicant is to utilise the existing water & sewer service connection point/s to connect the proposed structure.
- ✓ **Clearance to this application will only be given once the building plan is approved, payment have been made and proof provided.**

pp

MR BONGANI HLATSHWAYO
CHIEF ENGINEER – STRATEGIC AND FUNCTIONAL PLANNING
WATER AND SANITATION

Allan Smith (Boksburg)

From: Phathutshedzo Nemutanzhela
Sent: Thursday, 31 October 2024 09:49
To: Allan Smith (Boksburg)
Cc: Francois Vos
Subject: RE: Proposed Consent Use: Home Care Facility: Erf 975 Boksburg: Recalculation figures

Hi Allan,

Apologies for the delayed response. My previous calculation was based on the assumption that the approved guest house rights would be retained. Could you please confirm if this is the case or if the rights are being revoked? Kindly clarify.

Kind regards,
Phathu

From: Francois Vos <Francois.Vos@ekurhuleni.gov.za>
Sent: Wednesday, 18 September 2024 10:31
To: Jean-Pierre Daffue (Germiston) <Jean-Pierre.Daffue@ekurhuleni.gov.za>; Unabantu Taliwe <Unabantu.Taliwe@ekurhuleni.gov.za>; Mafusi Motaung <Mafusi.Motaung@ekurhuleni.gov.za>; Itumeleng Msibi <Itumeleng.Msibi@ekurhuleni.gov.za>; Phathutshedzo Nemutanzhela <Phathutshedzo.Nemutanzhela@ekurhuleni.gov.za>; Simon Nkanyani <Simon.Nkanyani@ekurhuleni.gov.za>
Cc: Allan Smith (Boksburg) <Allan.Smith@ekurhuleni.gov.za>; Esethu Mapeyi <Esethu.Mapeyi@ekurhuleni.gov.za>
Subject: Proposed Consent Use: Home Care Facility: Erf 975 Boksburg: Recalculation figures

Hi Colleagues,

Reference is made to the attached documentation and you are hereby requested to **provide comments on the application within 28 days from the date of this email.**

Property Description:	Erf 975 Boksburg (Plantation)
Application type:	Special Consent: Home Care Facility – revised comments
Reference no:	15/4/3/1/09/975
Applicant:	Teko Mogane (gtmogane@gmail.com)

Application summary (please refer to attached memorandum for more details):

Existing zoning	Property size	Coverage	Height	F.A.R.	Density
"Residential 1" including a "Guest House" for 10 rooms	942m ²	50%	2	N/A	1 dwelling per erf

Proposed zoning	Property size	Coverage	Height	F.A.R.	Density
"Residential 1" including a Home Care	942m ²	50%	2	N/A	1 dwelling per erf

Facility for a maximum of 20 people or 648m ²					
---	--	--	--	--	--

All comments must be emailed to Francois.Vos@ekurhuleni.gov.za

Warm regards

Francois Vos
City Planning Department



Ekurhuleni
METROPOLITAN MUNICIPALITY

Telephone : +27 (0) 11 999 5808
E-mail : francois.vos@ekurhuleni.gov.za
Website : www.ekurhuleni.gov.za
Physical : 253 Commissioner street
Boksburg Civic Centre
Room 246, 2nd Floor

ANNEXURE "C"

Allan Smith (Boksburg)

From: Simon Nkanyani
Sent: Wednesday, 18 September 2024 11:17
To: Francois Vos
Subject: RE: Proposed Consent Use: Home Care Facility: Erf 975 Boksburg: Recalculation figures

Hi

Energy and Electricity Department has no objections. Contributions not applicable.

Regards

Simon

From: Francois Vos <Francois.Vos@ekurhuleni.gov.za>
Sent: Wednesday, September 18, 2024 10:31 AM
To: Jean-Pierre Daffue (Germiston) <Jean-Pierre.Daffue@ekurhuleni.gov.za>; Unabantu Taliwe <Unabantu.Taliwe@ekurhuleni.gov.za>; Mafusi Motaung <Mafusi.Motaung@ekurhuleni.gov.za>; Itumeleng Msibi <Itumeleng.Msibi@ekurhuleni.gov.za>; Phathutshedzo Nemutanzhela <Phathutshedzo.Nemutanzhela@ekurhuleni.gov.za>; Simon Nkanyani <Simon.Nkanyani@ekurhuleni.gov.za>
Cc: Allan Smith (Boksburg) <Allan.Smith@ekurhuleni.gov.za>; Esethu Mapeyi <Esethu.Mapeyi@ekurhuleni.gov.za>
Subject: Proposed Consent Use: Home Care Facility: Erf 975 Boksburg: Recalculation figures

Hi Colleagues,

Reference is made to the attached documentation and you are hereby requested to **provide comments on the application within 28 days from the date of this email.**

Property Description:	Erf 975 Boksburg (Plantation)
Application type:	Special Consent: Home Care Facility – revised comments
Reference no:	15/4/3/1/09/975
Applicant:	Teko Mogane (gtmogane@gmail.com)

Application summary (*please refer to attached memorandum for more details*):

Existing zoning	Property size	Coverage	Height	F.A.R.	Density
"Residential 1" including a "Guest House" for 10 rooms	942m ²	50%	2	N/A	1 dwelling per erf

Proposed zoning	Property size	Coverage	Height	F.A.R.	Density
"Residential 1" including a Home Care Facility for a maximum of 20 people or 648m ²	942m ²	50%	2	N/A	1 dwelling per erf

REF: 15/4/3/11/09/975

ENQUIRIES: A. Smith

Wednesday, 27 November 2024

Messrs L Kibel
37 Cedar Road
Plantation
Boksburg
1459



CITY PLANNING DEPARTMENT
Town Planning: Boksburg Sub Section
Civic Centre
Trichardt's Road
PO Box 215
Boksburg
1460

Tel: (011) 999-5602
Fax: 086 630 3691
www.ekurhuleni.gov.za
Allan.Smith@ekurhuleni.gov.za

Sir/Madam

PROPOSED SPECIAL CONSENT USE APPLICATION: ERF 975 BOKSBURG TOWNSHIP - EKURHULENI CONSENT USE NUMBER EC1401.

By virtue of the approved Council Resolution, A-CP (04-2019) dated 25 July 2019, the Authorised Official (Manager: Town Planning Boksburg Sub Section) hereby **APPROVES** your application in terms of Section 58 of the City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management by-Law, 2019, read with the City of Ekurhuleni Land Use Scheme, 2021, for Special Consent of Council to establish a "Home Care Facility" on Erf 975 Boksburg Township subject to the following conditions:

1. **The rights have been incorporated into the City of Ekurhuleni Land Use Scheme, 2021 for City of Ekurhuleni Consent Use No. EC1401.**

Conditions from the City Planning Department:

2. Schedule:

- | | | | |
|------|--------------------|---|--|
| 2.1. | Use Zone | : | "Residential 1" |
| 2.2. | Consent Use Rights | : | "Home Care Facility" for a maximum of 20 patients only. On approval of this application the consent for the "Guest House" previously approved will fall away. ² |
| 2.3. | Height | : | 2 Storeys |
| 2.4. | Coverage | : | 50% |
| 2.5. | F.A.R. | : | N/A |
| 2.6. | Parking provision | : | A minimum of 2 parking bays must be provided on site for the patients and 1 bay per staff member |
| 2.7. | Building Line | : | 3.66 metres (as per title deed) from the street boundary |

- 2.8. Access : Access will be to the satisfaction of the Roads and Stormwater Department.

3. General condition (To be complied with by and at the cost of the applicant):

- 3.1 A Site Development Plan as outlined in clause 29 of the City of Ekurhuleni Land Use Scheme, 2021 shall be submitted and approved by the Local Authority prior to the submission of the building plan and prior to any development taking place on the property. The Site Development plan should also reflect all relevant engineering services including a fully detailed storm-water drainage plan of attenuation.
- 3.2 All parking, pickup and drop-off zones must be provided on the erf and not in the road reserve and no direct access to parking bays from public roads will be allowed. All parking must be provided to the satisfaction of the Roads & Stormwater Department;
- 3.3 All access arrangements and stormwater drainage must be to the standards of the Roads and Stormwater Department;
- 3.4 All loading/off-loading of any related goods shall be provided on site as specified in Clause 26 of the City of Ekurhuleni Land Use Scheme, 2021;
- 3.5 All relevant laws and by-laws of the City of Ekurhuleni Metropolitan Municipality shall be complied with;
- 3.6 The applicant shall apply to the Health & Social Development Department for a Public Health Permit for the operation of Home Care Services, Certificate of Acceptability and any other permit and certificate that is required prior to the commencement of any operation on the property;
- 3.7 No trees that are situated on the pavement/ sidewalk of the property may be removed without the consent of the Real Estate: Metro Parks Department;
- 3.8 The activity conducted on the property may not be a nuisance, noxious or hazardous to the health and safety of the neighbours;
- 3.9 The applicant may not advertise in any way on the property, except as provided in terms of the relevant Town Planning Scheme, advertising by-laws or advertising policy of the municipality;
- 3.10 That the Special Consent will lapse if not acted upon within one year of the date of approval or if discontinued for a continued period of 18 months or more;
- 3.11 Should the applicant fail to comply with any of these conditions, the permission granted will not be valid and the municipality may suspend or withdraw the permission granted.
- 3.12 Building plans need to be submitted for approval after the approval of the SDP stipulated in condition 3.1 above and all structures built in the sanitary lane must be removed to the satisfaction of the Municipality.

4. **Conditions from the Roads & Stormwater Department:**

- 4.1 The applicant must comply with all conditions from the Roads & Stormwater Department as per the attached comments dated 1 October 2024 (**Annexure "A"**).

5. **Conditions from the Water & Sanitation Department:**

- 5.1 The applicant must comply with all conditions from Water & Sanitation Department as per the attached comments dated 17 August 2023 (**Annexure "B"**).

6. **Conditions from Energy Department:**

- 6.1 The applicant must comply with all conditions from Energy Department as per the attached comments dated 18 September 2024 (**Annexure "C"**)

7. **Other matters for your information include the following:**

- 7.1 According to this Department's records and assessments of the application, the proposed consent use is not in conflict with any title condition or any of the provisions of the City of Ekurhuleni Land Use Scheme, 2021.
- 7.2 This Consent Use can only be exercised once all conditions are complied with, including the payment of all contributions and the approval of the SDP (outlined in 3.1 above). If any conditions cannot be complied with this Consent Use will be regarded as null and void.
- 7.3 That the Consent Use will lapse if not acted upon within one year of the date of approval or if discontinued for a continued period of 18 months or more;
- 7.4 Should the applicant fail to comply with any of these conditions, the permission granted will not be valid and the municipality may revoke the permission granted.
- 7.5 Section 99 of the City of Ekurhuleni Metropolitan Municipality SPLUMA By-Laws, 2019 makes provision for any person whose rights may be adversely affected by a decision taken by the municipal planning tribunal or the authorised official in terms of the provisions of the said by-law to appeal against the decision to the municipal manager by giving written notice of the appeal in the prescribed manner.

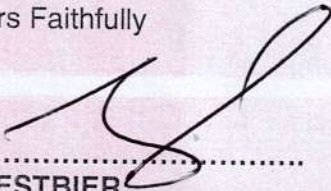
8. **The following External Engineering Services are payable:**

- | | | |
|-----|--------------------------------|---|
| 8.1 | Roads and Stormwater | R12 935.00 (VAT incl.)(valid until June 2025) |
| 8.2 | Water and Sanitation..... | R8 996.64 (VAT incl.)(valid until June 2025) |
| 8.3 | Energy | Nil |
| 8.4 | Parks and/or Open Spaces | Nil |

The above amounts are subject to escalation and review, in accordance with the relevant policies and legislation. Calculations are attached as **ANNEXURE "A-B"**

9. That the applicant be requested to inform the Council within 28 days from the date of this resolution whether the abovementioned conditions are acceptable.
10. This Special Consent can only be exercised once all conditions are complied with, including the payment of all contributions and the approval of the SDP (outlined in 3.1 above). If any conditions cannot be complied with this Special Consent will be regarded as null and void.
11. That the Manager: Town Planning (Boksburg Subsection) **INFORMS** the applicant L Kibel, 37 Cedar Road, Plantation, Boksburg, 1459, of this decision.
12. That the Finance Department **BE NOTIFIED** of this decision.

Yours Faithfully



A BESTBIER.
MANAGER: BOKSBURG SUBSECTION
for HEAD OF DEPARTMENT: CITY PLANNING

cc	A Bestbier (Boksburg) City Planning	Roads & Stormwater Department (Germiston)	Water & Sanitation Department (Germiston)
	Finance Department (Boksburg)	Health & Social Development Department (Boksburg)	
		Note: please be informed of this home care facility for your data base. Kindly do not issue any Certificates for this facility until confirmation has been provided of the payment of contributions.	

ANNEXURE “A”

Memorandum



**City of
Ekurhuleni**

TO :	AREA MANAGER: CITY PLANNING BOKSBURG CUSTOMER CARE CENTRE	ROADS AND STORMWATER DEPARTMENT: REGIONAL OFFICE: SOUTH Alberton Roads Depot Cnr Swartkoppies Road & Michelle Avenue ALBERTON Jean@ekurhuleni.gov.za
Attention	Francois Vos	
Your Ref:	15/4/3/1/09/975	
From:	FUNCTIONAL AND STRATEGIC PLANNING DIVISION	
Enquiries:	J.P. DAFFUE	
Our Ref:	ERF 975 BOKSBURG	
Tel	(011) 999-0978	
Date	01 October 2024	

Subject: SPECIAL CONSENT APPLICATION: ERF 975 BOKSBURG TOWNSHIP (ESC ESCALATION FOR 2024/2025)

Your Email dated 18 September 2024, has reference.

Comments below due to escalation only. All previous comments w.r.t. Access, Parking and Storm water still apply.

The External Services Contribution towards Roads and its appurtenant stormwater drainage systems is based on the said erf's Zoning information as supplied by the City Planning Dept., and was calculated as **R 12 935.00 (Incl. VAT @ 15%)**

The existing zoning = **Residential 1 with one dwelling unit incl. a Special Consent for a Guesthouse with 10 rooms**

The land use code used = **210 & 350**

The PROPOSED zoning = **Residential 1 with one dwelling unit incl. a "Home Care Facility" with 20 beds (for a maximum of 20 Patients)**

The land use code used = **210 & 620**

Please note that if the contribution is not paid within this financial year which ends on **30 June 2025**, the contribution must be recalculated based on escalated input values.

This contribution, calculated in terms of the latest Bulk Roads and Stormwater Engineering Contribution Policy of the Council must be paid into vote number **50781385340MPZZZZZ16** with **ERF 975 Boksburg** as the description. A copy of the receipt must be submitted to this Department.

For details and procedures of "Electronic Funds Transfers" (EFT) kindly contact Me. A. Mohale.

Telephone: 011-999-7454. E-mail: audrey.mohale@ekurhuleni.gov.za



JP Daffue
Engineer – Land Use

ANNEXURE “B”

Memorandum



To: Head of Department
City Planning

Attention: Francois Vos
011 999 5808

Your Reference: 15/4/31/09/975
Our Reference: Erf 975 Boksburg

From: Mr Bongani Hlatshwayo
Chief Engineer: Strategic and Functional Planning
Water and Sanitation

Enquiries: Ms Phathutshedzo Nemutanzhela
e-mail: phathutshedzo.nemutanzhela@ekurhuleni.gov.za

Date: 25 November 2024

Subject: **Proposed Consent Use: Home Care Facility: Erf 975 Boksburg: Recalculation figures**

DEPARTMENT OF WATER AND
SANITATION

Cnr CR Swart Dr & Pretoria Rd
Kempton Park

PO Box 13
Kempton Park
South Africa
1620

Tel: 011 999 1202
Fax:
www.ekurhuleni.gov.za

Your application forwarded to us on the 18 September 2024 in the above regard refers.

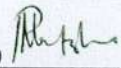
The Department of Water and Sanitation services has no objections against your application; however, it is subject to the following contributions and conditions:

- ✓ The following external engineering services contribution is payable by the applicant in terms of the policy which came into effect on the 1st April 2009. These figures include VAT and will be payable before the amendment scheme is promulgated. Although these figures are reasonably accurate they are still subject to verification and they are **valid until 30 June 2025**.

Water Contribution	R 7 823,16
Sewer Contribution	R 0,00
Sub-total	R 7 823,16
VAT	R 1 173,47
TOTAL	R 8 996,64

The following vote number should be used for paying the contributions payable in terms of the council's policy.
VOTE NUMBER **68061385340MMZZZZ16** WATER AND SANITATION

- ✓ The approval is only for the Special Consent "Residential 1 including a Guest house with 10 rooms" to "Residential 1 including a Home Care Facility restricted to 648m²"
- ✓ Condition/s related to servitude as per the Deed of transfer and/or building lines as per the Town planning scheme must be adhered to.
- ✓ The external engineering services contributions need to be paid before connecting to any municipal services.
- ✓ The applicant is to utilise the existing water & sewer service connection point/s to connect the proposed structure.
- ✓ **Clearance to this application will only be given once the building plan is approved, payment have been made and proof provided.**

pp 

MR BONGANI HLATSHWAYO
CHIEF ENGINEER – STRATEGIC AND FUNCTIONAL PLANNING
WATER AND SANITATION

Allan Smith (Boksburg)

From: Phathutshedzo Nemutanzhela
Sent: Thursday, 31 October 2024 09:49
To: Allan Smith (Boksburg)
Cc: Francois Vos
Subject: RE: Proposed Consent Use: Home Care Facility: Erf 975 Boksburg: Recalculation figures

Hi Allan,

Apologies for the delayed response. My previous calculation was based on the assumption that the approved guest house rights would be retained. Could you please confirm if this is the case or if the rights are being revoked? Kindly clarify.

Kind regards,
Phathu

From: Francois Vos <Francois.Vos@ekurhuleni.gov.za>
Sent: Wednesday, 18 September 2024 10:31
To: Jean-Pierre Daffue (Germiston) <Jean-Pierre.Daffue@ekurhuleni.gov.za>; Unabantu Taliwe <Unabantu.Taliwe@ekurhuleni.gov.za>; Mafusi Motaung <Mafusi.Motaung@ekurhuleni.gov.za>; Itumeleng Msibi <Itumeleng.Msibi@ekurhuleni.gov.za>; Phathutshedzo Nemutanzhela <Phathutshedzo.Nemutanzhela@ekurhuleni.gov.za>; Simon Nkanyani <Simon.Nkanyani@ekurhuleni.gov.za>
Cc: Allan Smith (Boksburg) <Allan.Smith@ekurhuleni.gov.za>; Esethu Mapeyi <Esethu.Mapeyi@ekurhuleni.gov.za>
Subject: Proposed Consent Use: Home Care Facility: Erf 975 Boksburg: Recalculation figures

Hi Colleagues,

Reference is made to the attached documentation and you are hereby requested to **provide comments on the application within 28 days from the date of this email.**

Property Description:	Erf 975 Boksburg (Plantation)
Application type:	Special Consent: Home Care Facility – revised comments
Reference no:	15/4/3/1/09/975
Applicant:	Teko Mogane (gtmogane@gmail.com)

Application summary (please refer to attached memorandum for more details):

Existing zoning	Property size	Coverage	Height	F.A.R.	Density
"Residential 1" including a "Guest House" for 10 rooms	942m ²	50%	2	N/A	1 dwelling per erf

Proposed zoning	Property size	Coverage	Height	F.A.R.	Density
"Residential 1" including a Home Care	942m ²	50%	2	N/A	1 dwelling per erf

Facility for a maximum of 20 people or 648m ²					
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All comments must be emailed to Francois.Vos@ekurhuleni.gov.za

Warm regards

Francois Vos
City Planning Department



Ekurhuleni
METROPOLITAN MUNICIPALITY

Telephone : +27 (0) 11 999 5808
E-mail : francois.vos@ekurhuleni.gov.za
Website : www.ekurhuleni.gov.za
Physical : 253 Commissioner street
Boksburg Civic Centre
Room 246, 2nd Floor

ANNEXURE "C"

Allan Smith (Boksburg)

From: Simon Nkanyani
Sent: Wednesday, 18 September 2024 11:17
To: Francois Vos
Subject: RE: Proposed Consent Use: Home Care Facility: Erf 975 Boksburg: Recalculation figures

Hi

Energy and Electricity Department has no objections. Contributions not applicable.

Regards

Simon

From: Francois Vos <Francois.Vos@ekurhuleni.gov.za>
Sent: Wednesday, September 18, 2024 10:31 AM
To: Jean-Pierre Daffue (Germiston) <Jean-Pierre.Daffue@ekurhuleni.gov.za>; Unabantu Taliwe <Unabantu.Taliwe@ekurhuleni.gov.za>; Mafusi Motaung <Mafusi.Motaung@ekurhuleni.gov.za>; Itumeleng Msibi <Itumeleng.Msibi@ekurhuleni.gov.za>; Phathutshedzo Nemutanzhela <Phathutshedzo.Nemutanzhela@ekurhuleni.gov.za>; Simon Nkanyani <Simon.Nkanyani@ekurhuleni.gov.za>
Cc: Allan Smith (Boksburg) <Allan.Smith@ekurhuleni.gov.za>; Esethu Mapeyi <Esethu.Mapeyi@ekurhuleni.gov.za>
Subject: Proposed Consent Use: Home Care Facility: Erf 975 Boksburg: Recalculation figures

Hi Colleagues,

Reference is made to the attached documentation and you are hereby requested to **provide comments on the application within 28 days from the date of this email.**

Property Description:	Erf 975 Boksburg (Plantation)
Application type:	Special Consent: Home Care Facility – revised comments
Reference no:	15/4/3/1/09/975
Applicant:	Teko Mogane (gtmogane@gmail.com)

Application summary (*please refer to attached memorandum for more details*):

Existing zoning	Property size	Coverage	Height	F.A.R.	Density
"Residential 1" including a "Guest House" for 10 rooms	942m ²	50%	2	N/A	1 dwelling per erf

Proposed zoning	Property size	Coverage	Height	F.A.R.	Density
"Residential 1" including a Home Care Facility for a maximum of 20 people or 648m ²	942m ²	50%	2	N/A	1 dwelling per erf

28 JULY 2026

YOUR REF.:

OUR REF.: TPH26728

Tel: (012) 809 2229
E-mail: bea@tph.co.za

**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
THE MANAGER: TOWN PLANNING
BOKSBURG CARE CENTRE
TRICHADT STREET
BOKSBURG
1460**

PO Box 11437
Silver Lakes
0054

Tijger Vallei Office Park
Block 9, 1st Floor
78 Pony Street
Silver Lakes
0054

**APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS IN TERMS OF SECTION 50
OF THE COEMM SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2019 READ WITH THE
CITY OF EKURHULENI LAND USE SCHEME, 2021:-
ERF 975, BOKSBURG**

The registered owner of the above-mentioned property instructed our office to submit an application with your Municipality, for the removal of restrictive Title Conditions contained in the Deed of Transfer of the aforementioned property.

Attached for your attention is the following:

- ANNEXURE A - A copy of this cover letter.
- ANNEXURE B - A copy of the application form - Schedule 13 ROR-1
- ANNEXURE C - A copy of the Power of Attorney.
- ANNEXURE D - A copy of the Motivational Memorandum.
- ANNEXURE E - A copy of the proposed Site Plan.
- ANNEXURE F - A copy of the Locality Plan.
- ANNEXURE G - A copy of the registered Title Deed.
- ANNEXURE H - A copy of the bondholders consent.
- ANNEXURE I - Proof of Registration with SCAPLAN.
- ANNEXURE J - A copy of the proof of payment to the amount of R890-02 being the application fees.
- ANNEXURE K - A copy of the zoning certificate and approved consent use application.

We trust you find this in order.

Kind regards,



**B.E. FLETCHER (PR. PLN A/1202/2001)
THE TOWN PLANNING HUB CC**

