URBAN & REGIONAL PLANNING
PROPERTY DEVELOPMENT SPECIALISTS

MOTIVATIONAL MEMORANDUM:

Removal of title restrictions

for

Erf 2228 BLAIRGOWRIE

on behalf of

Mr ID Sauls and Mrs E Sauls

Date	13 October 2026	
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INTRODUCTION

The purpose of this memorandum is to introduce, elaborate upon and motivate the application for the removal of title restrictions in respect of Erf 2228 Blairgowrie.

The full extent of the application is set out in this memorandum, which comprises of the following:

- Chapter 1: General Information
- Chapter 2: The Application
- Chapter 3: Policy Environment
- Chapter 4: Motivation
- Chapter 5: Conclusion

1. GENERAL INFORMATION

KiPD (Pty) Ltd, the authorised agent, has been appointed by the registered owners of the property to lodge an application for the removal of title restrictions with respect to Erf 2228 Blairgowrie. Application is to remove title restrictions, including a building line restriction, to allow for additions to be constructed on the property.

The property will be referred to as "the site", "the subject properties" and/or "the proposed development" in this memorandum.

1.1. THE APPLICATION

Application is hereby made in terms of Section 41 of the City of Johannesburg Municipal Planning By-Law, 2016, hereinafter referred to as the "By-Law", read together with the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), for the removal of the title restrictions.

1.2. AGENT

The authorised town planning agent acting on behalf of the client is:

Name	KiPD (Pty) Ltd
Responsible Persons	Saskia Cole
Postal Address	44A Third Street, Linden, 2195
Contact Number	011 888 8685 / 082 574 9318
Email	saskia@kipd.co.za

1.3. LOCALITY

Blairgowrie is located in the north western suburbs of Johannesburg, south of Ferndale, north of Linden and west of Craighall.

The property is located at no 106 Standard Drive, Blairgowrie.

1.4. LEGAL ASPECTS

1.4.1 Ownership

The property is owned Ivan Deon Sauls and Elaine Sauls in terms of Deed of Transfer T78948/2000.

Erf 2228 Blairgowrie measures 902 m².

1.4.2 Power of Attorney

The owners have provided a signed power of attorney to enable KiPD to submit a formal application as per the requirements of the City of Johannesburg Municipal Planning By-Law, 2016.

1.4.3 Registered Mortgage Bonds

There is a no bond registered against the property.

1.5. EXISTING LAND USE

There is a residential dwelling house with outbuildings on the property.

1.6. SURROUNDING LAND USE

The property is surrounded by single residential properties with dwelling houses.

1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

In terms of the City of Johannesburg Land Use Scheme, 2018, the property is currently zoned as follows:

Zoning	Residential 1
Primary Rights	Dwelling unit
Height	3 storeys
Floor Area Ratio	1.2
Coverage	50% (1-2 storeys) 40% (3 storeys)
Density	1 dwelling unit per 150om²
Building lines	3m from street boundary

1.8. SURROUNDING ZONING

In terms of the City of Johannesburg Land Use Scheme, 2018, most of the surrounding properties are also zoned Residential 1.

2. THE APPLICATION

Application is hereby made to remove (a) up to and including (m) from the title deed T78948/2000. The conditions need not be included in the title deed as they are now enforced by other laws detailed below:

	Condition in the title deed	Motivation for Removal
(a)	All rights to minerals and precious stones are reserved in favour of the BLAIRGOWRIE ESTATES LIMITED and its successors in title to such rights under Certificate of Rights to Minerals No. 246/1941 R.M. dated the 9th day of JULY 1941.	Mineral rights are regulated by the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA), under which mineral resources are subject to State custodianship and mineral rights are administered through the applicable statutory framework. The historical reservation is no longer relevant to municipal land-use control.
(b)	All rights which may be or become vested in the freehold owner to share in any proceeds which may accrue to the State from the disposal of the undermining rights of the township and also the share of claim licence moneys and any share of rental or profits which may accrue to any owner under any lease granted in respect of the land covered by the township and the like are reserved to the BLAIRGOWRIE ESTATES LIMITED and its successors in title to such rights under Certificate of Rights to Minerals No. 246/1941 R.M. dated the 9th day of JULY 1941.	This condition concerns historical financial interests associated with mineral rights and mining arrangements. The MPRDA substantially altered the former mineral-rights regime. These historical provisions do not regulate present-day municipal land use or development.
(c)	No conditions of title other than those specified herein may be imposed except with the approval of the Administrator provided that the Administrator shall not approve any conditions which conflict with any conditions under which permission for the establishment of the township is granted or with the approved town planning scheme.	The imposition and amendment of land-use and development conditions are regulated through SPLUMA, the City of Johannesburg Municipal Planning By-Law and the Johannesburg Land Use Scheme, 2018. The Administrator's historical approval function has been superseded by the current statutory municipal planning framework. The condition is therefore obsolete and superfluous.

(d)	Should the company cease to be the "Township Owner" or should it notify the Administrator or the local authority that it is no longer prepared to exercise the powers conferred upon it by any conditions of title or should it at any time neglect or omit to enforce the same when required so to do the Administrator or the local authority as the case may be shall have the right to exercise all such powers in its stead	The condition relates to historical administrative arrangements and the enforcement powers of the original township owner. The City of Johannesburg is now the responsible municipal planning authority, with statutory powers to administer and enforce the Land Use Scheme and applicable municipal planning legislation. The historical arrangement is no longer necessary, and the condition is superfluous
(e)	The erf shall not be subdivided except in special circumstances and then only with the consent in writing of the Administrator or anybody or person designated by him for the purpose.	Subdivision of land is regulated by the City of Johannesburg Municipal Planning By-Law, read with SPLUMA and the Land Use Scheme, 2018. Any subdivision remains subject to the applicable statutory approval procedures. The historical requirement for the Administrator's consent is therefore superfluous.
(f)	Subject to municipal laws, by-laws and regulations, plans and specifications of all buildings, alterations and additions shall be submitted to the Company for approval.	Clause 7 of the City of Johannesburg Land Use Scheme, 2018, read with the National Building Regulations and Building Standards Act 103 of 1977, regulates the submission and approval of building plans. The additional requirement for approval by the original township company is obsolete and unnecessary.
(g)	No wood and/or iron buildings shall be erected on the erf.	The construction of buildings and the use of building materials are regulated by the National Building Regulations and Building Standards Act 103 of 1977 and the applicable SANS 10400 standards, read with Clause 7 of the Land Use Scheme. The historical blanket prohibition on wood and iron buildings is an outdated architectural and material restriction, and its removal will not exempt buildings from compliance with the applicable building regulations.
(h)	The owner shall not have the right to make or cause to be made upon the erf for any purposes whatsoever any bricks, tiles or earthenware pipes or other articles of such nature. He shall not have the right save and except to prepare the erf for building purposes to excavate therefrom any	Clause 14(1)(a) and (c) of the City of Johannesburg Land Use Scheme, 2018, regulates excavation of material and the manufacture of tiles, earthenware pipes and similar articles. These provisions substantially duplicate the restrictions in the

	material without the written consent of the Administrator.	title deed. The condition is therefore superfluous, as the relevant restrictions remain enforceable through the Land Use Scheme.
(i)	(The erf shall be used for residential purposes only and no shop, factory, industry or place of business whatsoever shall be erected on the erf, and no business shall be conducted thereon.	Permissible land uses are regulated by the applicable zoning provisions and use tables of the City of Johannesburg Land Use Scheme, 2018. The historical restriction to residential purposes imposes an additional limitation beyond the statutory zoning provisions and may conflict with land-use rights lawfully approved through rezoning or consent. The condition is therefore unnecessary, as the Land Use Scheme provides the appropriate mechanism for regulating land use.
(j)(i)	Not more than one dwelling house with the necessary outbuildings shall be erected on the erf, except in special circumstances and then only with the consent in writing of the Administrator or body or person designated by him for the purpose, in consultation with the applicant. No semi-detached house or flats shall be erected on the erf.	The number and type of dwelling units permitted on a property are regulated by the applicable zoning, density and development controls of the City of Johannesburg Land Use Scheme, 2018. The restriction duplicates the land-use control function of the Scheme and imposes an additional historical limitation on development. Its removal will not grant additional dwelling units unless permitted by the applicable zoning or approved through the relevant statutory procedures.
(j)(ii)	Buildings, together with the necessary outbuildings to be erected on the erf shall cost no less than R2 000,00.	The minimum construction value of R2 000 is an obsolete monetary restriction that no longer serves a meaningful planning purpose. The quality and safety of buildings are regulated by the National Building Regulations and Building Standards Act 103 of 1977. The condition is outdated and superfluous.
(j)(iii)	Outbuildings shall be built simultaneously with the dwelling house, which latter shall be a complete house and not one partly built and intended for completion at a later date.	Clause 14(10) of the City of Johannesburg Land Use Scheme, 2018, contains substantially identical provisions requiring the main building to be completed and erected simultaneously with or before the outbuildings. The title deed condition is therefore a direct duplication of the Land Use Scheme and is superfluous. Its removal

		will not affect the continued application of this requirement under the Scheme.
(k)	Buildings erected on erven abutting Jan Smuts Avenue shall be located not less than 7,62 metres from the street boundary. Pending the establishment of a local authority, buildings erected on other erven shall be located not less than 6, 10 metres from the street boundary. All buildings shall be erected in such manner as shall be agreed upon by the Company pending the establishment of a local authority. No buildings may be erected on any street front	Clause 34 of the City of Johannesburg Land Use Scheme, 2018, regulates building lines and the positioning of buildings. The historical building-line restrictions impose additional limitations beyond the current statutory development controls. Furthermore, the requirement for agreement by the original township company was intended as an interim arrangement pending the establishment of a local authority and is now obsolete. Removal will not affect the continued application of the building lines prescribed by the Land Use Scheme.
(l)	Pending the establishment of a local authority the erf shall be fenced to the satisfaction of the company. The fence shall be kept in repair by the owner.	Clause 14(6) of the City of Johannesburg Land Use Scheme, 2018, regulates the erection and maintenance of fencing to the satisfaction of the Council. The title deed condition is therefore duplicated by the Land Use Scheme. Furthermore, the reference to the original township company is obsolete, as the condition was imposed pending the establishment of a local authority. The condition is accordingly superfluous.
(m)	In the foregoing conditions of title the following terms shall have the meanings assigned to them : (i) "COMNPANY" shall mean the BLAIRGOWRIE ESTATES LIMITED and its successors in township title. (ii) "DWELLING" shall mean a house designed for use as a dwelling for a single family together with such outbuildings as are ordinarily required to be used therewith.	The definition relates to the original township company and the historical administrative arrangements established at township proclamation. As the conditions referring to the Company are proposed for removal, this definition will serve no further purpose and is therefore redundant. The City of Johannesburg Land Use Scheme, 2018, contains definitions regulating dwelling-related land uses and associated structures. The historical definition is therefore unnecessary, as the interpretation and administration of permissible residential uses are governed by the current Land Use Scheme.

3. DEVELOPMENT INTENT

The owners of the property intend to extend the house closer to the street.

The building line in terms of the City of Johannesburg Land Use Scheme, 2018 is 3m from the street boundary whereas the title deed restricts it 6,10m. The main aim of the application is to remove the building line restriction from the title deed.

Application is made to remove most of the other restrictive title conditions as well in order to eliminate duplication with the Land Use Scheme and to ensure a single, clear regulatory framework. This approach prevents future conflict between the title deed and municipal planning controls, streamlining any future land use or building applications.

4. SPATIAL PLANNING ENVIRONMENT

In terms of Section 5(2) of the City of Johannesburg Municipal Planning By-Law, 2016 – "any land development application in terms of said By-Law shall be guided and informed by the City's Integrated Development Plan and Municipal Spatial Development Framework as adopted and approved in terms of Section 20 of SPLUMA and Section 10 of said By-Law."

This section therefore reviews all relevant spatial planning documents and plans, to determine the suitability and compliance to the spatial plans of the City.

The following spatial planning documents have been reviewed:

- City of Johannesburg Spatial Development Plan, 2040 (2016); and
- Nodal Review Policy 2020

3.1 SPATIAL DEVELOPMENT FRAMEWORK 2040

The Spatial Development Framework 2040 (SDF) is a citywide spatial policy document that identifies the main challenges and opportunities for the City, sets a spatial vision for the future city and outlines a set of strategies to achieve that vision.

The application for the removal of restrictive title conditions is consistent with the vision and objectives of the City of Johannesburg Spatial Development Framework 2040 (SDF 2040), which seeks to create a more compact, sustainable, and equitable city.

While the restrictions in question—such as limitations on land use, density, and building placement—are still reflected in the Land Use Scheme and remain legally enforceable, their presence in both the title deed and the scheme results in an unnecessarily rigid and duplicative regulatory framework.

The SDF 2040 promotes the rationalisation and simplification of land use controls to enable managed transformation, especially in areas with existing infrastructure and proximity to economic opportunities.

Removing these conditions from the title deed does not override municipal regulation, but rather eliminates an overlapping layer of private-law restriction that complicates lawful development already controlled under the Land Use Scheme.

This streamlining supports the SDF's goals of improving administrative efficiency, supporting inclusive growth, and allowing appropriate development to occur in line with strategic municipal planning policies. The application therefore contributes to a more coherent and responsive land governance environment, as envisaged by the SDF 2040.

3.2 NODAL REVIEW POLICY, 2020

Erf 2228 Blairgowrie is situated within the Sub-Urban Zone as identified in the City of Johannesburg Nodal Review (2020). This zone predominantly comprises established, lower-density residential neighbourhoods where the retention of residential character, environmental quality and neighbourhood amenity is encouraged. The Nodal Review seeks to manage development within these areas in a manner that respects the existing urban fabric, while allowing for appropriate development and redevelopment in accordance with the applicable land-use management framework.

The proposed removal of restrictive conditions of title is consistent with these objectives, as it seeks to eliminate historical restrictions that were imposed at the time of township establishment and which are either obsolete, duplicated by existing legislation or unnecessarily restrictive. Several of the conditions relate to outdated administrative arrangements, building requirements and development controls that are now adequately regulated by the City of Johannesburg Land Use Scheme, 2018, and other applicable legislation.

Although the Sub-Urban Zone does not encourage indiscriminate densification or the introduction of incompatible land uses, the removal of restrictive title deed conditions does not, in itself, confer additional land-use rights or authorise development that would be inconsistent with the character of the surrounding residential neighbourhood. Any future development or change in land use will remain subject to the applicable zoning provisions, development controls and statutory approval procedures.

The removal of these historical restrictions will therefore allow the property to be regulated through the contemporary municipal planning framework, while maintaining the development principles applicable to the Sub-Urban Zone.

It is accordingly submitted that the proposed removal of restrictive conditions of title is consistent with the objectives of the Nodal Review (2020), as it removes unnecessary historical impediments to the appropriate use and development of the property without compromising the established residential character and amenity of the surrounding area.

4 SPLUMA DEVELOPMENT PRINCIPLES

In terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013) (SPLUMA), the following principles apply to spatial planning, land development and land use management and are hereby applied to this application:

SPLUMA Referral		Proposed Development Compliance
7 (a)	Spatial Justice	The existing conditions reflect a planning legacy that restricted land development to a narrow set of uses, typically in favour of low-density, single-dwelling residential patterns. Their continued enforcement prevents more inclusive, flexible, and affordable development forms. Removing these conditions promotes spatial justice by broadening opportunities for occupation, ownership, and development, particularly for previously excluded or disadvantaged groups.
7 (b)	Spatial Sustainability	The restrictive conditions discourage densification and limit the optimal use of urban land and infrastructure. This is contrary to the principles of sustainable development that promote compact urban form and efficient resource use. Removing the conditions allows for land development that better supports environmental responsibility, infrastructure efficiency, and integration with surrounding urban areas.
7 (c)	Efficiency	The duplication of controls between the title deed conditions and the Land Use Scheme creates regulatory inefficiencies. Applicants are required to navigate both systems, even where compliance with the Land Use Scheme alone would suffice. Removing the conditions streamlines the approval process and reduces unnecessary administrative and legal burdens, which aligns with SPLUMA's aim of efficient land development regulation.
7 (d)	Spatial Resilience	The rigid nature of the conditions makes it difficult for the property to adapt to changing social, economic, and environmental needs. They limit the flexibility required to accommodate emerging land use trends, including multi-generational living, energy-efficient buildings, and home-based enterprises. Removing the conditions will enhance the property's ability to respond resiliently to long-term challenges and opportunities.
7 (e)	Good Administration	Legal clarity and consistency are essential to sound land use management. The retention of outdated deed conditions creates conflict and uncertainty when their provisions differ from the applicable planning scheme. Removing the conditions aligns the title deed with the City of Johannesburg Land Use Scheme, 2018, and contributes to fair, transparent, and consistent administration by the municipal planning authority.

7(f)	Spatial Integration	The process of removing restrictive title conditions is subject to public notice and comment in terms of the applicable legislation, including the Municipal Planning By-law and the Gauteng Removal of Restrictions Act. This ensures that affected parties, including neighbours and interested stakeholders, are informed and given an opportunity to participate. The application will follow a transparent, participatory process, which ensures that the public interest is taken into account before any final decision is made.

5 RECOMMENDATION

In conclusion, the removal of the restrictive building line condition, along with the remaining title deed restrictions, will align the property's legal framework with the City of Johannesburg Land Use Scheme, 2018. This will facilitate appropriate development, reduce regulatory duplication, and support efficient, policy-aligned land use in accordance with SPLUMA and municipal planning objectives.

We recommend that the application be approved.