



PROGRAM : NATIONAL DIPLOMA
TOWN AND REGIONAL PLANNING

SUBJECT : **LEGAL PROCEDURES**

CODE : **LPS211**

DATE : 18 NOVEMBER 2019

DURATION : 12:30 – 15:30

WEIGHT : 50 : 50

TOTAL MARKS : 150

ASSESSOR : ADV PJ STEYN

MODERATOR : MR L MOKONE

NUMBER OF PAGES : 11 PAGES, INCLUDING ANNEXURES 'A', 'B' and 'C'

INSTRUCTIONS : ONLY ONE POCKET CALCULATOR PER CANDIDATE
MAY BE USED.

INSTRUCTIONS TO STUDENTS

1. READ THE QUESTIONS CAREFULLY AND ANSWER ALL QUESTIONS.
2. WRITE NEATLY AND LEGIBLY.
3. THIS IS **NOT** AN OPEN BOOK EXAM.
4. SHOW ALL YOUR CALCULATIONS.
5. SCALE RULERS ARE PERMITTED.
6. CALCULATORS ARE PERMITTED.
7. CELLPHONES MAY **NOT** BE USED AS CALCULATORS.

QUESTION 1:

Land Use Applications submitted to local municipalities for assessment should adhere to certain requirements.

- 1.1 Name ten policy documents to be taken into consideration in the assessment of land use applications. (10)
- 1.2 Name five matters to be considered in the assessment of a land use application and provide a short reason for the importance thereof? (10)

[20]**QUESTION 2:**

In the foreword to the '*White Paper on Spatial Planning and Land Use Management*' it is stated that land has three basic characteristics.

- 2.1 Name the three characteristics (3)
- 2.2 What are the basic relationships of humankind reflected in these three statements? (3)
- 2.3 Name five (5) methods / matters by which parameters are set to seek the best use of land. (5)
- 2.4 Name five (5) reasons why there is a need for planning control? (5)

[16]**QUESTION 3:**

In the definition of Planning Law it is stated that Planning Law stands on three legs. Name and discuss these three legs shortly.

[6]**QUESTION 4:****SHOW ALL YOUR CALCULATIONS**

Use the Height Zone Table provided (ANNEXURE A)

Your client has the following property that he wants to develop:

Property Description :	Erf 840, Westonaria
Size :	2,250m ²
Height Zone :	9
Parking Requirements:	5 parking bays per 100m ²

- 4.1 Define the term 'coverage'. (2)

- 4.2 Indicate what coverage is permitted for the specific erf. (2)
- 4.3 What will the coverage area be in this specific case? (show calculations) (2)
- 4.4 Define the term 'floor area ratio'. (3)
- 4.5 Indicate what FAR is permitted for the specific erf. (2)
- 4.6 What will the area be if this FAR is applied? (show calculations) (2)
- 4.7 Calculate the number of parking bays that would be required for a building built on the area calculated on the allowed coverage. (show calculations) (2)
- 4.8 How many dwelling units could be erected on the above-mentioned property if the property was zoned "Residential 2". (show calculations) (2)

[17]**QUESTION 5:**

The Spatial Planning and Land Use Management Act provides for the establishment of Municipal Planning Tribunals.

- 5.1 Who make up the composition of a Municipal Planning Tribunal? (3)
- 5.2 Who may not form part of the Municipal Planning Tribunal? (1)
- 5.3 What is the minimum number of members of a Municipal Planning Tribunal? (1)

[5]**QUESTION 6:**

- 6.1 What is the purpose with a Land Use Scheme? (6)
- 6.2 What should be included in a Land Use Scheme? (3)
- 6.3 What is the legal effect of a Land Use Scheme? (3)

[12]**QUESTION 7:**

According to the Spatial Planning and Land Use Management Act municipal planning consist of three components. Name and briefly discuss these three components.

[6]

QUESTION 8:

Section 33 of the Spatial Planning and Land Use Management Act states that land development applications must be submitted to a municipality as the authority of first instance. What is understood by this statement?

[2]

QUESTION 9:

In the consideration of and deciding on land use applications the Municipal Planning Tribunal must be guided by certain criteria. Name and shortly discuss these?

[10]

QUESTION 19:

Use the General Plan provided (ANNEXURE C)

10.1 What does a General Plan refers to / When will you get a General Plan? (2)

10.2 What is the number of the General Plan? (1)

10.3 Give full details of the specific township? (5)

[8]

QUESTION 11:

Referring to Environment Law, define the following terms:

11.1 'Environment' as per NEMA. (6)

11.2 Sustainable development. (2)

11.3 'Urban areas'. (3)

[11]

QUESTION 12:

12.1 Briefly discuss the following two (2) era's of Planning legislation.

12.1.1 The 'Gold Laws'

12.2.2 New dispensation

The following need to be addressed in your answer:

(a) Timeframe

(b) 'Characteristics' of this timeframe

- (c) State clearly what was lacking during the period discussed. (10)
- 12.2 Name four (4) reasons why it is important to look at the history of planning legislation. (8)
- [18]**
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QUESTION 13:

Use the extract from a Town Planning Scheme provided (ANNEXURE B)

- 13.1 Your client's property is zoned 'Residential 3'. What are the primary land use rights the client can execute on this property? (3)
- 13.2 The property is zoned 'Business 2'. What are the secondary land use rights the client can execute on this property? (3)
- 13.3 The client wishes to erect offices on his property. The property is zoned 'Residential 1'.
- 13.3.1 Is it possible to erect offices on this property?
- 13.3.2 If not, what should the client do in order to obtain such rights? (2)
- 13.4 to which map in a town Planning Scheme will this table relates? (1)
- [9]**
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QUESTION 14:

Use the extract from a Title Deed / Deed of Transfer provided (ANNEXURE C)

- 14.1 What is the Title Deed number? (1)
- 14.2 Is the property bonded? (1)
- 14.3 If a land use application is to be done, what is the implication of your answer in (14.2) above on the application? (2)
- 14.4 Who is / are the owner(s) of the property? (2)
- 14.5 What is the property description and area / extent of the property? (3)
- 14.6 Where is the property located? (1)
- 14.7 Name two conditions contained in the title deed. (2)
- [12]**
-

TOTAL [150]

ANNEXURE 'A'







TABLE "K"

HEIGHT Zone	NOTATION on B Series of Map	HEIGHT (Storeys)	COVERAGE %	DENSITY	
(1)	(2)	Height in different height zones and where the uses and/or use zones are not specifically mentioned, the height is applic- able to all uses (3)	Coverage in different height zones and where the uses and/or use zones are not specifically mentioned, the coverage is applicable to all uses, except in Residential 2 (4)	Floor area ratio in different height zones and where the uses and/or use zones are not specifically mentioned, the floor area ratio is applicable to all uses except in Residential 2 (5)	Number of dwelling units per net hectare for Residential 2 only (5a)
6	(H6)	4	Dwelling houses 50% Residential buildings and hotels 40% Other buildings 80%	— 1,6 3,2	
7	(H7)	2	Dwelling houses 50% Residential buildings, hotels and public garages 30% Other buildings: on the ground floor 90% on floors above the ground floor 70%	— 0,6 1,6	
8	(H8)	2	—	—	10
9	(H9)	2	30	0,4	15
10	(H10)	2	30	0,5	20
11	(H11)	3	40	0,6	—
12	(H12)	2	30	0,35	25
13	(H13)	2	40	0,8	30
14	(H14)	2	60	1,0	—
15	(H15)	2	60	1,2	—
16	(H16)	3	70	1,4	—

ANNEXURE 'B'

TABLE "D"

LAND USES

Use Zone (1)	Notation as shown on the "A" series of the Map (2)	Buildings which may be erected and purposes for which they may be used (3)	Buildings which may be erected and purposes for which they may be used only with the special consent of the local authority. (4)	Buildings which may not be used or erected (5)
1. Residential 1		Dwelling houses	Places of public worship, places of instruction, social halls, institutions and special uses	Buildings not in columns (3) and (4)
2. Residential 2		Dwelling units	Places of public worship, places of instruction, social halls, institutions and special uses	Buildings not in columns (3) and (4)
3. Residential 3		Dwelling units	Special uses, hotels, social halls, places of public worship.	Buildings not in columns (3) and (4)
4. Residential 4		Dwelling units and Residential Buildings	Hotels excluding an off-sales, places of public worship, places of instruction, social halls, institutions, special uses, places of refreshment.	Buildings not in columns (3) and (4)
5. Residential 5		Mobile dwelling units; not more than one dwelling unit which need not be a mobile dwelling unit for occupation by a caretaker; and such other buildings or structures as may in the opinion of the local authority, be necessary for the administration and proper functioning of the development of the property	Place of public worship, place of instruction, social halls, institutions and special uses.	Buildings not in columns (3) and (4)
6. Business 1		Places of refreshment, shops, hotels, dwelling units, residential buildings, places of public worship, places of instruction, social halls, dry-cleaners, laundrettes, fish fryer, fish monger and offices.	Buildings not in columns (3) and (5)	Noxious industries

ANNXURE 'C'



CONVEYANCER
SEGOGOBA PD

DEED OF TRANSFER

T 021048/08

BE IT HEREBY MADE KNOWN THAT

CORNELIA HESTER KRUGER

appeared before me, REGISTRAR OF DEEDS at JOHANNESBURG, he the said Appearer being duly authorised thereto by a Power of Attorney signed at Roodepoort on 27 February 2008 and granted to him by

1. ANNA ELIZABETH LIEBENBERG
Identity Number 500721 0010 08 8
Married out of community of property
2. HESTER CATHERINA PRINSLOO
Identity Number 760507 0080 08 9
Married out of community of property
3. YOLANDIE PRINSLOO
Identity Number 760529 0111 08 6
Married out of community of property

Page 2

And the Appearer declared that his said principal had truly and legally sold on 6 February 2008 and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of

**The Trustees for the time being of THE GIEPIE TRUST
No. IT 11882/1999**

its Successors in Office or assigns, in full and free property

ERF 51 MINDALORE TOWNSHIP
REGISTRATION DIVISION I.Q., THE PROVINCE OF GAUTENG;

MEASURING 1491 (ONE THOUSAND FOUR HUNDRED AND NINETY ONE)
SQUARE METRES

HELD BY Deed of Transfer No. T20204/2005

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. ALL rights to minerals and precious stones including 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 mining lease granted in respect of the land covered by the township, and the like are reserved by WITPOORTJIE AND LAND DEVELOPMENT COMPANY (PROPRIETARY) LIMITED and its successors in title to such rights, which rights are now registered under Certificate of Mineral Rights No 251/1951, R.M.
- B. (a) The applicant and any other person or body of persons so authorised, in writing, by the Administrator, shall, for the purpose of securing the enforcement of these conditions and any other conditions referred to in section fifty-six bis of Ordinance No 11 of 1931, or any amendment thereof, have the right and power at all reasonable times to enter into and upon the erf for the purpose of such inspection or inquiry as may be necessary to be made for the abovementioned purpose.

4

- (b) The erf shall not be sub-divided, except in special circumstances, and the only with the consent, in writing, of the Administrator (or any body of person designated by him for the purpose) who may prescribe such further conditions as he may deem necessary.
- (c) The elevational treatment of all buildings shall conform to good architecture so as not to interfere with the amenities of the neighbourhood.
- (d) Neither the owner, nor any other person, shall have the right, save and except to prepare the erf for building purposes, to excavate therefrom any material without the written consent of the local authority.
- (e) No animal as defined in the Local Authorities Pounds Regulations framed under the Local Government Ordinance, No 17 of 1939, shall be kept on the erf.
- (f) No wood and/or iron buildings of unburnt clay-brick shall be erected on the erf.
- (g) Where, in the opinion of the local authority, it is impracticable for stormwater to be drained from higher-lying erven direct to a public street the owner of the erf shall be obliged to accept and/or permit the passage over the erf of such stormwater, provided that the owners of any higher-lying erven, the stormwater from which is discharged over any lower-lying erf, shall be liable to pay a proportionate share of the cost of any pipelines or drain which the owner of such lower-lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf and provided further that in the event of a dispute between the parties as to the nature of the position of the pipeline or drain, or the allocation, of the cost, the matter shall be rendered to the Administrator or his nominee whose decision shall be final.

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ANNXURE 'D'

A BLOCK	CO-ORDINATES		AREAS	
	System	Wg27	ERF	Square
	Y	Metres	M	Metres
	Constants	8,00 + 3 800 800,00	2113	3,7807 hectares
			2114	104
MAIN FIGURE				
S. ANGLES OF BLOCK				
18 142.13.50	A	- 25 540,44	+ 44 502,14	
06 287.14.00	B	- 25 686,82	+ 44 435,75	
03 351.01.20	C	- 25 891,41	+ 44 443,47	
57 70.16.10	D	- 25 731,05	+ 44 894,38	
80 190.16.50	E	- 25 831,49	+ 44 729,02	
01 100.15.50	F	- 25 823,59	+ 44 686,33	
00 70.16.50	G	- 25 805,73	+ 44 695,86	
12 168.03.10	H	- 25 583,21	+ 44 704,77	
CATORY DATA				
18 180.18.50	J	- 25 631,33	+ 44 720,57	
REFERENCE MARKS				
RM1	- 25 685,76	+ 44 440,28		
RM2	- 25 540,25	+ 44 501,16		
TRIGONOMETRICAL BEACONS				
RUST 4 205A	- 24 608,81	+ 42 940,10		
RUST 13 212A	- 28 875,41	+ 44 195,83		

GENERAL PLAN
of
WATERKLOOF EAST EXTENSION 61 TOWNSHIP
Comprising 2 Erven numbered 2113 and 2114
Situate on Portion 636 of the farm WATERKLOOF No. 305-JQ
Vide diagram S.G. No. 989/2017,
Deed of Transfer No.

Province : North West

SCALE 1 : 1 000

S.G. No. 990/2017

Approved

ES

for Surveyor-General

2017/11/14

BY/TITLE NOTE:

a figure A/B/C/D represents a Servitude Area vide diagram
S. No. 950/2005, Deed of Servitude No. 8378/2008 and
facts Erven 2113 and 2114 as indicated.

urveyed in August and
September 2017 by me

R. RAUBENHEIMER

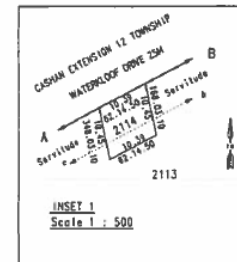
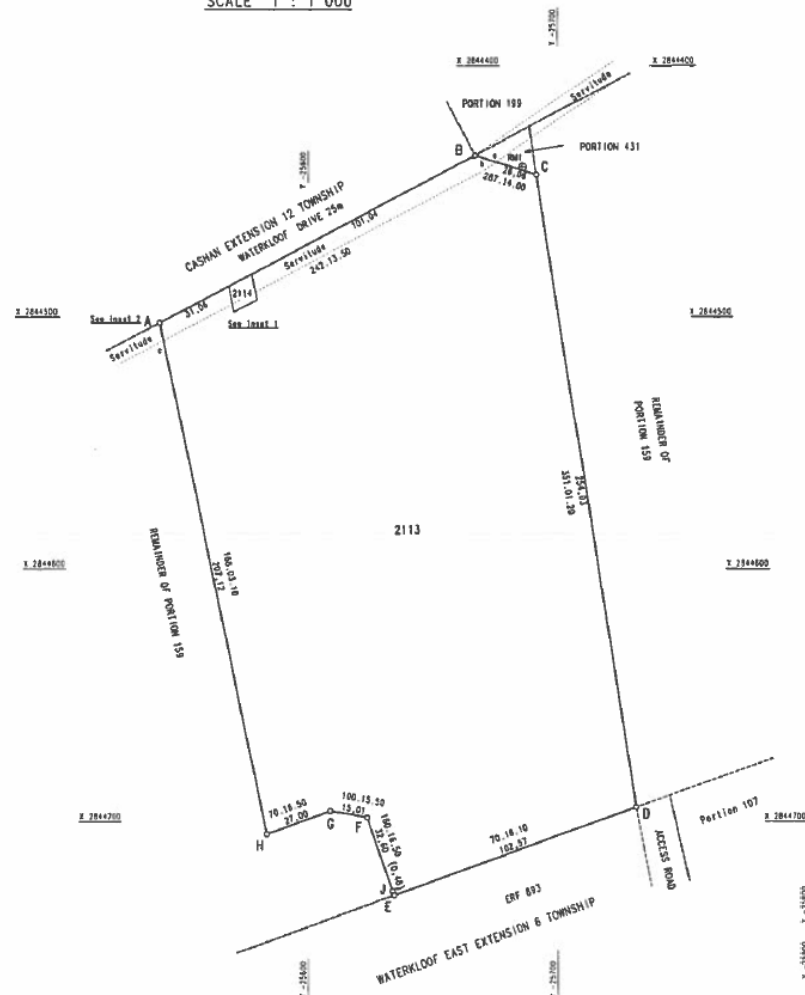
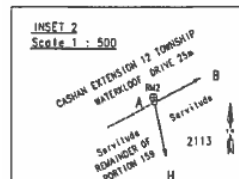
RAUBENHEIMER PLS 0508
Professional Land Surveyor

DESCRIPTION OF BEACONS:

B ... 20mm Round Iron Peg
C ... 12mm Hole in Concrete
E ... Red beacons
All other beacons ... 12mm Round Iron Peg

REFERENCE MARKS:

RM1 ... Centre of manhole cover
RM2 ... 20mm Iron Peg Underground



File: TSP

S.R. No. 518/2017

Compilation: JQSM-12

Deeds: Pretoria