



Midvaal Local Municipality
Contact Details
PO Box 9, Meyerton, 1960
Tel: 016-360-7400
Fax: 016-360-7519
www.midvaal.gov.za

CONSENT USE APPLICATION GUIDELINE

1. Purpose

The procedure intends to highlight the process entailed in the submission of a consent use application and matters related thereto and all the relevant and required supporting documentation.

Background

The application must be submitted in terms of Chapter 6, Section 36 of the Midvaal Local Municipality Spatial Planning and Land Use Management By-Law. The application may be submitted by an agent or owner of land.

Definition

A consent use relates to “an additional use right permitted in terms of this Scheme in a particular zone with the consent of the municipality” as stated in the Midvaal Land Use Scheme, 2017.

Documentation required

The following documentation needs to be submitted with a consent use application in order for application to be considered. All the relevant forms can be found under Schedule 3 of the Midvaal Local Municipality Spatial Planning and Land Use Management By-Law.

- 4.1. Standard application form (MLM:F/1)
- 4.2. Application form for consent use application (MLM: F/4)
- 4.3. Notice for consent use application (MLM: F/15)
- 4.4. Number of copies required for consent use application (MLM: F/12)
- 4.5. Power of Attorney (MLM: F/25)
- 4.6. Motivating Memorandum
Should be SPLUMA compliant – e.g. development principles
A clear development proposal should be provided.

All other relevant information or documentation. (MLM: F/4)

Application Fees

Details of all the relevant fees are available at the Development Planning offices and can be requested prior to application being submitted. Fees must be paid in full for an application to be considered.

Application fees are only payable after notification that the application has been accepted.

Proof of advertisement:

The following documentation will be accepted as proof of advertisement for the application:

Newspaper advert specific to the application site in English

Notice placed on site – with photograph proof of site placement

Notice affidavit with official stamp from the Commissioner of oaths.

Proof of letters to adjoining owner (If applicable)

Hand delivery – as per form

Email – proof of delivery

Registered mail – remains applicant`s responsibility to provide proof of delivery.

Circulation

The application will be circulated by the agent/owner to any other stakeholder, municipal department, provincial department, national department, municipal entity or any other interested party who may, in the discretion of the municipality have an interest in the application.

Sufficient proof of circulation to the abovementioned external stakeholders must be provided to the municipality.

Hand delivery – as per form

Email – proof of delivery

Registered mail – remains applicant`s responsibility to provide proof of delivery.

Objection procedure

8.1. The Municipality shall forward a copy of each objection, comment and representation received in terms of the notices envisaged in respect of the application to the applicant and the applicant may respond in writing thereto to the Municipality within 14 days of date of receipt of such objection, comment and/or representation.

8.2. Municipality shall refer the application without delay to the Municipal Planning Tribunal for determination.

8.3. No decision shall be taken on the application unless due regard has been given to each objection, comment and/or representation lodged timeously.

8.4. Where objections, comments and/or representations have been received as a result, the applicant may respond in writing thereto to the Municipality within 14 days of date of receipt of such objection, comment and/or representation where after the Municipality shall refer the application without delay to the Municipal Planning Tribunal for determination.

General

For any further information required related to the application process kindly contact the Development and Planning Department to set up a meeting with the relevant Town Planner.

It is important to note that should your application not contain the information as listed above it may be not be considered by the department. The applicant has 30 days to submit the outstanding information failure to do so will result in the application being withdrawn from the system and will result in new application fees being payable.



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APPLICATION FORMS

MLM: F/1

APPLICATION FORM WITH APPLICANT AND OWNER DETAILS

APPLICANT DETAILS			
Please indicate the type of applicant :			
Individual	<input type="checkbox"/>	Legal Entity / Other	<input type="checkbox"/>
Applicant Details: Individual			
Title			
Initial			
First Name(s)			
Surname			
Preferred Name			
ID Number			
Gender	Male	<input type="checkbox"/>	Female
		<input type="checkbox"/>	
Applicant Details: Legal Entity / Other			
Name			
Registration number			
Representative name			
Postal Details of Applicant			
Physical Address (Work)			
Address Line 1 (street no)			
Address Line 2 (street name)			
Township		Postal Code	
Specify City			
Physical Address (Home)			
Address Line 1 (street no)			
Address Line 2 (street name)			
Township		Postal Code	
Specify City			
Applicant Postal Address Details			
Postal Type	PO Box	<input type="checkbox"/>	Physical Address (Home)
	Private Bag	<input type="checkbox"/>	Physical Address (Work)
			<input type="checkbox"/>
			<input type="checkbox"/>
Postal Number			
Township		Postal Code	
Specify City			
Applicant Communication Details			
E-Mail Address			
Cell Phone			
Home Phone			
Work Phone			
Home fax			
Work fax			
Preferred Communication Type:	E-Mail	<input type="checkbox"/>	SMS (Text)
		<input type="checkbox"/>	<input type="checkbox"/>

OWNER DETAILS			
Please indicate the type of applicant :			
Individual	<input type="checkbox"/>	Legal Entity / Other	<input type="checkbox"/>
Owner Details : Individual			
Title			
Initials			
First name			
Surname			
Preferred name			
ID Number			
Gender	Male	<input type="checkbox"/>	Female
		<input type="checkbox"/>	
Owner Details: Legal Entity/other			
Name			
Registration number			
Representative name			
Postal Details of Owner			
Physical Address (Work)			
Address Line 1 (street no)			
Address Line 2 (street name)			
Township		Postal Code	
Specify City			
Physical Address (Home)			
Address Line 1(street no)			
Address Line 2 (street name)			
Township		Postal Code	
Specify City			
Owner Postal Address Details			
Postal Type	PO Box <input type="checkbox"/> Private Bag	Physical Address (Home) <input type="checkbox"/> Physical Address (Work)	
Postal Number			
Township		Postal Code	
City			
Communication Details			
E-Mail Address			
Cell Phone			

The Midvaal Local Municipality Spatial Planning and Land Use Management By-Law

Home Phone	
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Work Phone			
Home fax			
Work fax			
Preferred Communication Type	E-Mail	SMS	
Details of Owner's / Marital Status	Not Applicable	Married in Community of Property	Married out of Community of Property
FOR OFFICIAL USE			
Receipt Amount			
Receipt Number			
Payment Date			
Application Form Date			

I, being the registered Owner / Applicant of the property/ties declare that the above information is correct and that the required documents are attached.

I hereby acknowledge that the Midvaal Local Municipality has the right to request additional information or documentation should it be deemed necessary to be able to make an informed decision.

I further hereby acknowledge that should not all the required documentation be submitted, the application shall not be considered.

SIGNATURE DATE:

MLM: F/4

APPLICATION FORM FOR CONSENT USE IN TERMS OF THE LAND USE SCHEME READ WITH SECTION 36(1)

PROPERTY INFORMATION

Complete this section for each property (make a separate copy for each property)

Township / Agricultural Holding / Farm		Portion (eg /R1)	
Erf / Plot / Farm No			
Ward			
Street Name			
Street Number		Planning Region	

CONSENT USE DETAILS

Land Use Scheme			
Present Zoning			
Present Height			
Present Density			
Present Coverage		Present FAR	
Present Annexure T No		Present Amendment Scheme No	
Present Land Value			
Property Size (m ²)		Title Deed Number	
Existing Development			
Restrictive Title Deed Condition paragraph No			

Please complete this section for each property (make a separate copy for each property)

Proposed Use				
Area of proposed Use	Main building	Existing		m ²
		New		m ²
	Outbuilding	Existing		m ²
		New		m ²
		Total		m ²
Proposed Height				
Height Units :	Metres		Storey	
Proposed Coverage (%)				
Proposed FAR				
Time and number of deliveries		Weekdays	Saturdays	Sunday or Public holiday
	Morning			
	Afternoon			
	Night			
BUSINESS HOURS		Start	End	
	Weekday			
	Saturday			
	Sunday			
	Public holiday			

NUISANCE

Noise level	None	Low	Medium	High
Noise Description				

Odour level	None	Low	Medium	High
Odour Description				

Dust level	None	Low	Medium	High
Dust Description				

Vibration level	None	Low	Medium	High
Vibration Description				

ADDITIONAL INFORMATION	
Numbering of Parking Spaces on Property	

Does the approval of this application require obtaining a trade licence?	Yes		No	
If yes, has the application for a trade licence been handed in already?	Yes		No	

Licence Number	
Number of loading zones required?	
Staff Composition : Management	
Staff Composition : Employees	
TOTAL OF STAFF COMPOSITION	

Describe activities indoors	
-----------------------------	--

Describe activities outdoors	
------------------------------	--

Number of clients expected daily	
---	--

REQUIRED DOCUMENTS

Covering Letter		Power of Attorney		Bondholders' Consent	
Company/Close Corporation/Trust resolution		Proof of Members of Company /Close Corporation/Trust		Proof of Marital Status of the Owner	
Motivating Memorandum		Locality Plan		Zoning Plan	
Zoning Certificate		Site Plan		Registered Title Deed	
Proposed Development Controls					

I, being the registered Owner / Applicant of the property/ties declare that the above information is correct and that the required documents are attached.

I hereby acknowledge that the Midvaal Local Municipality has the right to request additional information or documentation should it be deemed necessary to be able to make an informed decision.

I further hereby acknowledge that should not all the required documentation be submitted, the application shall not be considered.

SIGNATURE DATE:

MLM: F/12

**LIST OF NUMBER OF COPIES PER DOCUMENT PER LAND DEVELOPMENT APPLICATION
REQUIRED**

Documents	Rezoning 16(1)	Removal of Restrictions 16(2)	Consent use 16(3)	Township Establishment 16(4)	Division or Phasing of Township 16(5)	Subdivision & Consolidation 16(12)
Covering Letter	5	5	5	3	5	5
Application Form	5	5	5	15 Plus 16 (External Departments)	5	5
Power of Attorney	3	3	3	3	3	3
Company/close corporation/trust resolution	3	3	3	3	3	3
Proof of Members of company/close Corporation/trust	3	3	3	3	3	3
Proof of Marital Status of the Owner	3	3	3	nil	3	3
Bondholder's consent	3	3	3	3	3	3
Motivating Memorandum	5	5	5	20 Plus 16 (External Departments)	5	5
Locality plan	5	5	5	nil	5	5
Zoning Plan	5	Nil	5	nil	nil	nil
Zoning Certificate	5	5	5	3	5	5
Site plan	5	Nil	5	nil	nil	nil
Land Use Plan	5	Nil	5	nil	nil	nil
Registered Title Deed	3	3	3	3	3	3
list of names and addresses of surrounding owners	nil	5	Nil	nil		nil
The Municipality's report on the sale/lease of the application property as approved by Council(if application is on Council owned land)	3	3	3	3	3	3
Subdivision and/or consolidation sketch plans	nil	Nil	nil	nil	5	5
Proof of Advertisement	1	1	1		1	1 (section 16(12)(a)(iii))
Name Reservation letter	nil	Nil	nil	3	nil	nil
Deeds/Conveyances Report	nil	Nil	nil	4	nil	nil

The Midvaal Local Municipality Spatial Planning and Land Use Management By-Law

Land Surveyors Report	nil	Nil	nil	3	nil	nil
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Documents	Rezoning 16(1)	Removal of Restrictions 16(2)	Consent use 16(3)	Township Establishment 16(4)	Division or Phasing of Township 16(5)	Subdivision & Consolidation 16(12)
Geological Report	nil	Nil	nil	3	nil	nil
Township Layout Plan	nil	Nil	nil	20 Plus 16 (External Departments)	nil	nil
Land Use Map	nil	Nil	nil	20	nil	nil
Proposed Conditions of Establishment	nil	Nil	nil	20	nil	nil
Transport Impact Report	nil	Nil	nil	5	nil	nil
Retail Study (If Required)	nil	Nil	nil	2	nil	nil
Architectural drawings/ Draft Site Development Plans (If Required)	nil	Nil	nil	15	nil	nil
Noise Impact Assessment (If Required)	nil	Nil	nil	2	nil	nil
Divisional Plan	nil	Nil	nil	nil	5	nil
other						

The number of copies and the documents required for submission per land development application can be amended from time to time by the Municipality

MLM: F/15

**THE PROVINCIAL GAZETTE, NEWSPAPERS AND
PLACARD NOTICE FOR A CONSENT USE IN TERMS OF A LAND USE SCHEME**

Notice is hereby given to all whom it may concern, that in terms of the Land Use Scheme,
I, (full name)

.....Intend applying to
The Midvaal Local Municipality for consent for:

.....
on (erf and suburb)

..... also known as
(street name and number) located in a
.....zone.

Any objection, with the grounds therefore and contact details, shall be lodged with or made in writing
to: Municipality at:

.....
.....
.....

within 28 days of the publication of the advertisement in the Provincial Gazette, viz
20.....

Full particulars and plans (if any) may be inspected during normal office hours at the above-
mentioned office, for a period of 28 days after the publication of the advertisement in the Provincial
Gazette.

Closing date for any objections:

Address of *owner/ applicant :(Physical as well as postal address)

.....
.....
.....

Telephone No:

..... Dates on

which notice will be published:

MLM: F/25

EXAMPLE OF A POWER OF ATTORNEY

I/We,

.....

ID No: the undersigned, hereby nominate, constitute and appoint –

..... ID No:

with the power of substitution to be my/our legal attorney(s) and agent(s) in my/our name, place and stead to apply for -

..... (type of application and property description)

at The Midvaal Local Municipality and in general to do everything to effect the application and to do whatever I/we would do if I/we were present in person and acting in the matter; and I/we hereby ratify, allow and confirm, and promise and agree to ratify, allow and confirm everything and anything my/our attorney(s) and agent(s) may do or may permit to be done legally in terms of this power of attorney.

Signed at on this day of20..... in the presence of the undersigned witnesses.

AS WITNESSES:

1.....

2.....

.....
Registered Owner

MLM: F/24

FORMAT OF PROPOSED DEVELOPMENT CONTROLS FOR CHANGE OF LAND USE RIGHTS AND CONSENT USE APPLICATIONS IN TERMS OF SECTIONS 36(1) AND 38(1)

1	Use Zone	
2	Uses permitted	
3	Uses with consent	
4	Uses not permitted	
5	Definitions	
6	Density	
7	Coverage	
8	Height	
9	Floor area ratio	
10	Site development plan and landscape development plan	
11	Building lines	
12	Parking requirements	
13	Paving of traffic areas	
14	Access to the erf	
15	Loading and off-loading facilities	
16	Turning facilities	
17	Physical barriers	
18	Health measures	
19	Outdoor advertising	
20	General: 1) ?? 2) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the Land Use Scheme	

PERMISSION SLIP

(To be completed by affected neighbour)

I _____, property owner of

Holding / Farm Portion / Erf _____ Township / Agricultural Holdings /

Farm: _____; hereby

Do not object

Object

To the proposed _____.

Comment/reason:

Date: _____

Signature: _____

Cell: _____

Email: _____

Example of adjoining owners

