



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

SUBDIVISION OF ANY OTHER LAND GUIDELINE

1. Purpose

The procedure intends to highlight the process entailed in the submission of a Subdivision for an agricultural holding and or farm portion.

2. Background

The subdivision of any other land, (Farm Portions and or Agricultural Holdings) where one property is divided into two or more portions, in order to sell off these divided portions, or perhaps construct an additional building on each portion.

An agent/owner of land, , who wishes to divide such land, may apply in writing to the Municipality and such application shall be as outlined in Schedule 3, of Midvaal Local Municipality Spatial Planning and Land Use Management By-Law.

Subject to any other law that may be applicable to such land Section 30 of the Spatial Planning and Land Use Management Act shall apply.

The provisions of Section 38(2)(a) to 38(2)(j) of the Midval Local Municipality Spatial Planning and Land Use Management By-Law, shall apply *mutatis mutandis* to an application for the subdivision of any other land.

3. Definition

“Subdivide” or “Subdivision”

in relation to land, means to subdivide the land, whether by means of -

- (a) survey;
- (b) the allocation, with a view to the separate registration of properties, of undivided portions thereof in any manner, including the marketing and conclusion of contracts for the alienation, sale or exchange of portions of the land unit; and
- (c) the preparation thereof for subdivision.

4. Documentation required

The following documentation needs to be submitted with a subdivision 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.

- a. Application form with applicant and owners details. (MLM: F/1).
- b. Application form for subdivision and consolidation in terms of Section 51 (1). (MLM: F/9).
- c. Covering Letter.
- d. Motivational Memorandum.
 - Should be SPLUMA compliant – e.g. development principles should be addressed.
 - Memo should be aligned to the applicable application form and layout plan checklist.
 - Need and desirability for proposed use should be addressed.

- e. Locality Plan.
- f. Zoning Certificate.
- g. Subdivision diagram.
- h. Number of copies required for subdivision (MLM: F/12)
- i. Registered Title Deed's / Deed of Transfer's.
- j. Power of Attorney (MLM: F/25)
- k. Company / Close Corporation / Trust Resolution.(If applicable).
- l. Proof of Members of Company / Close Corporation / Trust. (If applicable).
- m. Proof of Marital Status of the owner. (If applicable).
- n. Other.

5. Objection Procedure

Objections, comment or representation must be submitted to the Municipality in writing by registered post, by hand, by facsimile or by e-mail within a period of 28 days from the date of the first publication of the notice.

A copy of each objection, comment and representation received in terms of the above, will be forwarded to the applicant within 14 days from the last day of the notice period and the applicant may respond in writing thereto to the Municipality within 28 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.

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

6. 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.

7. Decision and Post Approval

An application that has been approved in terms of subsection (6) of the Midvaal Local Municipality Spatial Planning And Land Use Management By-Law, shall automatically lapse if not registered with the Surveyor-General within 12 months from date of approval or within such further period as the Municipality may allow.

An application for an extension of time shall be made prior to the expiry of the 12-month period.

The owner of land shall within 3 months after the Surveyor General has approved the diagram of the subdivision in terms of the provisions of the Land Survey Act submit two (2) clear legible photocopies of the approved diagram or plan to the Municipality.

8. 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.

9. 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 14 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"/>	Physical Address (Home)
	Private Bag	<input type="checkbox"/>	Physical Address (Work)
		<input type="checkbox"/>	<input type="checkbox"/>
Postal Number			
Township		Postal Code	
City			
Communication Details			
E-Mail Address			
Cell Phone			
Home Phone			

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/9

APPLICATION FORM FOR SUBDIVISION AND CONSOLIDATION IN TERMS OF SECTION 51(1)

PROPERTY INFORMATION

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

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

SIMULTANEOUS CONSOLIDATION / SUBDIVISION

SUBDIVISION DETAILS				
Proposed Portion Description	Buildable Area (m ²)	Panhandle Area (m ²)	Panhandle Width (m)	Portion Area

CONSOLIDATION DETAILS	
Proposed Portion Description	Size (m ²)

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

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		Registered Title Deed	
Zoning Certificate		Subdivision and/or consolidation plans		Other	

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
Covering Letter	5	5	5	3	5	5
Application Form	5	5	5	5 Plus 6 (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	5 Plus 6 (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
Name Reservation letter	nil	Nil	nil	3	nil	nil
Deeds/Conveyances Report	nil	Nil	nil	4	nil	nil
Land Surveyors Report	nil	Nil	nil	3	nil	nil

Documents	Rezoning	Removal of Restrictions	Consent use	Township Establishment	Division or Phasing of Township	Subdivision & Consolidation
Geological Report	nil	Nil	nil	3	nil	nil
Township Layout Plan	nil	Nil	nil	5 Plus 6 (External Departments)	nil	nil
Land Use Map	nil	Nil	nil	5	nil	nil
Proposed Conditions of Establishment	nil	Nil	nil	5	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	5	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

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

