



Midvaal Local Municipality  
Contact Details  
PO Box 9, Meyerton, 1960  
Tel: 016-360-7400  
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[www.midvaal.gov.za](http://www.midvaal.gov.za)

# **REMOVAL OF RESTRICTIVE TITLE CONDITIONS APPLICATION GUIDELINE**

**1. Purpose**

The procedure intends to highlight the process entailed in the submission of Amendment, suspension or removal of restrictive or obsolete conditions or obligations, servitudes or reservations in terms of Chapter 6, Section 62 of the Midvaal Local Municipality Spatial Planning and Land Use Management By-Law and matters related thereto and all the relevant and required supporting documentation.

**2. Background**

This part of the By-law refers to any restriction, obligation, servitude or reservation which relates to the subdivision of the land or the purpose for which the land may be used or to the requirements to be complied with or to be observed in connection with the erection of structures or buildings on or the use of the land, which is binding on the owner of the land arising out of -

- (a) any restrictive condition or servitude which is registered against the title deed or leasehold title of such land; or
- (b) a provision of a by-law or of a town-planning scheme; or
- (c) the provisions of a title condition contained in the schedule to the proclamation of a township; or
- (d) the provisions of a law relating to the establishment of townships or town planning

The application may be submitted in terms of Chapter 6, Section 62 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.

**3. Definition**

Means any condition registered against the title deed of land restricting the use, development or subdivision of land concerned.

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#### **4. 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 An original of the official receipt for the application fee
- 4.2 A covering letter addressed to the Directorate responsible for Spatial Planning and land use management or its successor in title
- 4.3 Standard application form – MLM:F/1
- 4.4 Application form for removal, amendment or suspension of title condition in terms of Section 62 (1) – MLM:F/3
- 4.5 Power of attorney – MLM:F/25
- 4.6 Bondholders consent if applicable
- 4.7 The motivation memorandum with at least the following information:
  - (a) clearly indicate precisely which conditions are to be removed, amended or suspended; and.
  - (b) indicate the requirements in the Removal of Restrictions Act, 1967(act 84 of 1967) in terms of the motivation of the application and where required by the Municipality; the necessity (need) and desirability of the application with regard to:
    - (i) the Land Use Scheme;
    - (ii) the future development of the area; and
    - (iii) contain a thorough motivation, from a land use point of view, of the proposed removal / amendment of the conditions in the Title Deed including, but not restricted to, the need and desirability of the application.

Should be SPLUMA compliant – e.g. development principles  
A clear development proposal should be provided.
- 4.8 Locality Plan – MLM:F/20
- 4.9 Copy of the title deed which is registered in the Deeds office at the time when the application is submitted with, all the pages including the endorsement pages. A draft title deed is not acceptable
- 4.10 All notarial deeds registered against the property as may be applicable
- 4.11 Zoning certificate

## **5. 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.

## **6. Proof of advertisement**

Notice of the Application given once by simultaneously publishing a notice in the Provincial Gazette and a Newspaper that circulates within the area of Jurisdiction of the Municipality in English

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

- 6.1 Adverts provincial gazette and newspaper (In the Provincial Gazette and a newspaper that circulates to the area, once a week in English)– MLM:F/32
- 6.2 Site Notice affidavit with official stamp from the commissioner of oaths Notice placed on site and maintained for 21 days from the date of publication of newspapers - MLM:F/26

## **7. Circulation**

The application will be circulated by Council 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.

## **8. Endorsements in connection with amendments, suspensions or removals of restrictions or obligation**

(1) After the coming into operation of any approved application as envisaged in section 62(4),62(5) or 62(6) above, the owner of land shall within 28 days from the date of the approval coming into operation, whether in terms of section 63(5) or 63(6) above, deliver the original title deed to the Registrar and the Surveyor General in order for them to make the appropriate entries and endorsements on a relevant register, title deed, diagram or plan in their respective offices as may be necessary to reflect the effect of the notice envisaged in section 63(4) above.

(2) Upon receipt of such original title deed as envisaged in subsection (1) above, the Registrar shall not register any further transactions relating to the land in question until the entries and endorsements envisaged in subsection (1) above have been effected and shall impound the title deed for the purpose of such entries and endorsements whenever it may for any reason be lodged in his or her office

## **9. Objection procedure**

Objections to or representations together with contact details in respect of the application must be lodged with or made in writing to the Municipality within a period of 28 days from the date of the notice.

The person making the application and any other person, who timeously submitted an objection, comment or representation in terms of any provision of this By-law, including an interested person who has been granted intervener status for purposes of section 74 above, shall receive 14 days written notice of such day, time and place of the hearing.

## **10. General**

The provisions of Section 66, subsection (1) above shall not apply to-

- (a) any building line restriction which has been imposed by or under the provisions of any applicable legislation pertaining to roads, whether national or provincial;
- (b) any condition relating to mineral rights;
- (c) any condition imposed in respect of land transferred to a beneficiary in terms of any provincial small farmer settlement programme or any similar land reform programme relating to the circumstances under which such land may be alienated or encumbered; or
- (d) any condition relating to the risk of development on land which has been undermined.

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 refused 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.

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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"/>
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**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) <input type="checkbox"/>
	Private Bag <input type="checkbox"/>		Physical Address (Work) <input type="checkbox"/>
Postal Number			
Township		Postal Code	
City			

**Communication Details**

E-Mail Address			
Cell Phone			
Home Phone			



Work Phone			
Home fax			
Work fax			
<b>Preferred Communication Type</b>	E-Mail	SMS	
Details of Owner's / Marital Status	Not Applicable	Married in Community of Property	Married out of Community of Property
<b>FOR OFFICIAL USE</b>			
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/3**

**APPLICATION FORM FOR REMOVAL, AMENDMENT OR SUSPENSION OF TITLE CONDITIONS  
IN TERMS OF SECTION 62(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	
Land Use Scheme			
Present Zoning			
Property Size (m <sup>2</sup> )		Title Deed Number	
Bond (Yes/No)			
If yes specify Bond Account No			
Bondholder's Name			
Existing Development			
Restrictive Title Deed Condition Paragraph No			
Marital Status	Not applicable	In community of property	Out of community of property

**REMOVAL OF RESTRICTIONS IN TITLE DEED**

Removal or suspension of conditions (According to the Title Deed)				
Amendment of condition/s				
Reason for Amendment or Removal of Condition/s				
Indicate whether the property/ties is/are situated in a conservation area or has/have been included in a register of properties worthy of conservation		Yes		No
Does the property have any endangered plant or animal species, which will be Specify		Yes		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		List of names of adjacent properties	
Zoning Certificate		Registered Title Deed		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.

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SIGNATURE ..... DATE: .....

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 of .....20..... in the presence of the undersigned witnesses.

AS WITNESSES:

1.....  
....

2.....

.....  
Registered Owner

