



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

REZONING APPLICATION GUIDELINE

1. Purpose

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

2. Background

The application must be submitted in terms of Section 38 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. This type of application is only applicable if there is a need to change land use rights, development parameters and other matters pertaining to the amendment of the Midvaal Single Land Use Scheme, 2017.

3. Definition

This is the amendment of land use rights which can be applied for in terms of the Midvaal Local Municipality Spatial Planning and Land Use Management By-Law.

4. Documentation required

The following documentation needs to be submitted with a rezoning 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, 2015.

- 4.1. Standard application form (MLM:F/1)
- 4.2. Application form for rezoning application (MLM: F/2)
- 4.3. Advertisements' should be as per (MLM: F/13) in English only
- 4.4. Format for development controls (MLM: F/24)
- 4.5. Motivating Memorandum
Should be SPLUMA compliant – e.g. development principles
A clear development proposal should be provided.
- 4.5. All other relevant information or documentation.(MLM: F/12)

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.

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

6. Proof of advertisement

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

- 6.1. Newspaper advertisement and Provincial Gazette shall be published simultaneously once in English.
- 6.2. Notice placed on site – with photograph proof of site placement.
- 6.3. Notice affidavit with official stamp from the Commissioner of oaths.
- 6.4. 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.

7. 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.

8. Objection procedure

- 8.1. Objections can be lodged 28 days from date of notice publication in the Provincial Gazette and newspaper.
- 8.2. 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.
- 8.3. 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.

9. Decision and post-decision procedures (Section 39 - 43)

- 9.1. Where the Municipality has approved an application, and after all conditions of approval have been met to the satisfaction of the local authority, the **agent/owner** of land shall with the written consent of the local authority forthwith give notice thereof in the Provincial Gazette and state in the notice that a copy of the application as approved will lie for

inspection at all reasonable times at its office and thereupon the application shall be deemed to be an approved scheme which is an amendment scheme.

- 9.2. Provision for correction of errors after promulgation can be done by the Municipality;
- 9.3. 24 months prohibition period must be observed unless a written application is lodged to be exempted for a further submission under special circumstances.
- 9.4. In terms of the By-Laws bulk contributions must be paid.

10. 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"/>
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		<input type="checkbox"/>		<input type="checkbox"/>
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/2

APPLICATION FORM FOR CHANGE OF LAND USE RIGHTS ALSO KNOWN AS REZONING IN TERMS OF SECTION 38(1)

PROPERTY INFORMATION

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

Township / Agricultural Holding / Farm			
Erf / Plot / Farm No		Portion (e.g. /R/1)	
Ward			
Street name			
Street number		Planning Region	

REZONING DETAILS

Land Use Scheme			
Present Zoning			
Property Size (m²)		Title Deed Number	
Present Height (Scheme)			
Present Density (Scheme)			
Present Coverage (Scheme)			
Present Annexure No		Present Amendment Scheme No	
Present Land Value		Present FAR	
Bond (Yes/No)			
If yes specify Bond Account No			
Bondholder's Name			
Existing Development			
Restrictive Title Deed Condition Paragraph No			
Proposed Use Zone			
Proposed Primary Right			
Proposed number of units			
Proposed density			
Density Units (m²/units per ha)			
Proposed Height (m/storey)			
Proposed coverage (%)			
Proposed FAR			
Estimate project value			
Applicant responsible to request outside comments?	Yes	No	N/a

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	
List of names of adjacent properties		Proposed Development Controls		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/11

**LIST OF ATTACHMENTS AND SUPPORTING INFORMATION
REQUIRED / SUBMITTED BY THE APPLICANT AND CHECKLIST FOR MUNICIPAL USE**

Checklist: to be completed by the Applicant Only				Checklist: for Official Use only		
YES	NO	ANNEXURE OR PAGE REFERENCE	DOCUMENT ATTACHED	YES	NO	NA
			Official Receipt of payment of the application fees			
			Covering letter			
			Completed Application form			
			Power of Attorney			
			In the instant of the owner being a company: CM 29 form			
			In the instant of a close corporation a CK 1 or 2 forms			
			In the instant of a Trust a Letter of appointment of the Trustees			
			Proof of marriage out / in community of property			
			Bondholder's consent			
			Motivational Memorandum			
			Proposed development controls			
			Locality Plan			
			Land-Use Plan			
			Zoning Plan			
			Site Plan			
			Township Lay-out Plan			
			Zoning Certificate			
			Registered Title Deed			
			Township Name Reservation Letter			
			Conveyancer's Certificate			
			Proposed design / lay-out Plan			
			Proposed Subdivision Plan			
			Proposed Consolidation Plan			
			Mineral Rights Certificate (together with mineral holder's consent) and/or prospecting contract			
			Environmental Impact Assessment, including Heritage Impact Assessment and Archeological Assessment			
			Geo-technical Report (including geology)			
			Transport Impact Report			
			Retail study			
			Architectural drawings / draft Site Development Plans			
			Noise Impact assessment			
			List of conditions to be removed, amended or suspended in the Title Deed			

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

MLM: F/13

THE PROVINCIAL GAZETTE, NEWSPAPERS AND PLACARD NOTICE IN TERMS OF SECTION 38(2)(a) OF THE MIDVAAL LOCAL MUNICIPALITY LAND USE MANGEMENT BY-LAW,2016 FOR A CHANGE OF LAND USE RIGHTS

I, (full name), being the *owner/ Applicant of *erf/erven/portion(s)

.. (complete description of property as set out in title deed) hereby give notice in terms of Section 38(2)(a) of the Midvaal Local Municipality Land Use Management By-law, 2016, that I have applied to the Midvaal Local Municipality for a change of land use rights also known as rezoning of the property(ies) described above, situated at

..... from ... to

Any objection or comments, with the grounds therefore and contact details, shall be lodged within a period of 28 days from the first date on which the notice appeared, with or made in writing to: Municipality at:

.....

Full particulars and plans (if any) may be inspected during normal office hours at the above-mentioned offices, for a period of 28 days from the date of first publication of the advertisement in the Provincial Gazette / newspaper;

Closing date for any objections :

..... Address of *owner/ applicant :(

Physical as well as postal address)

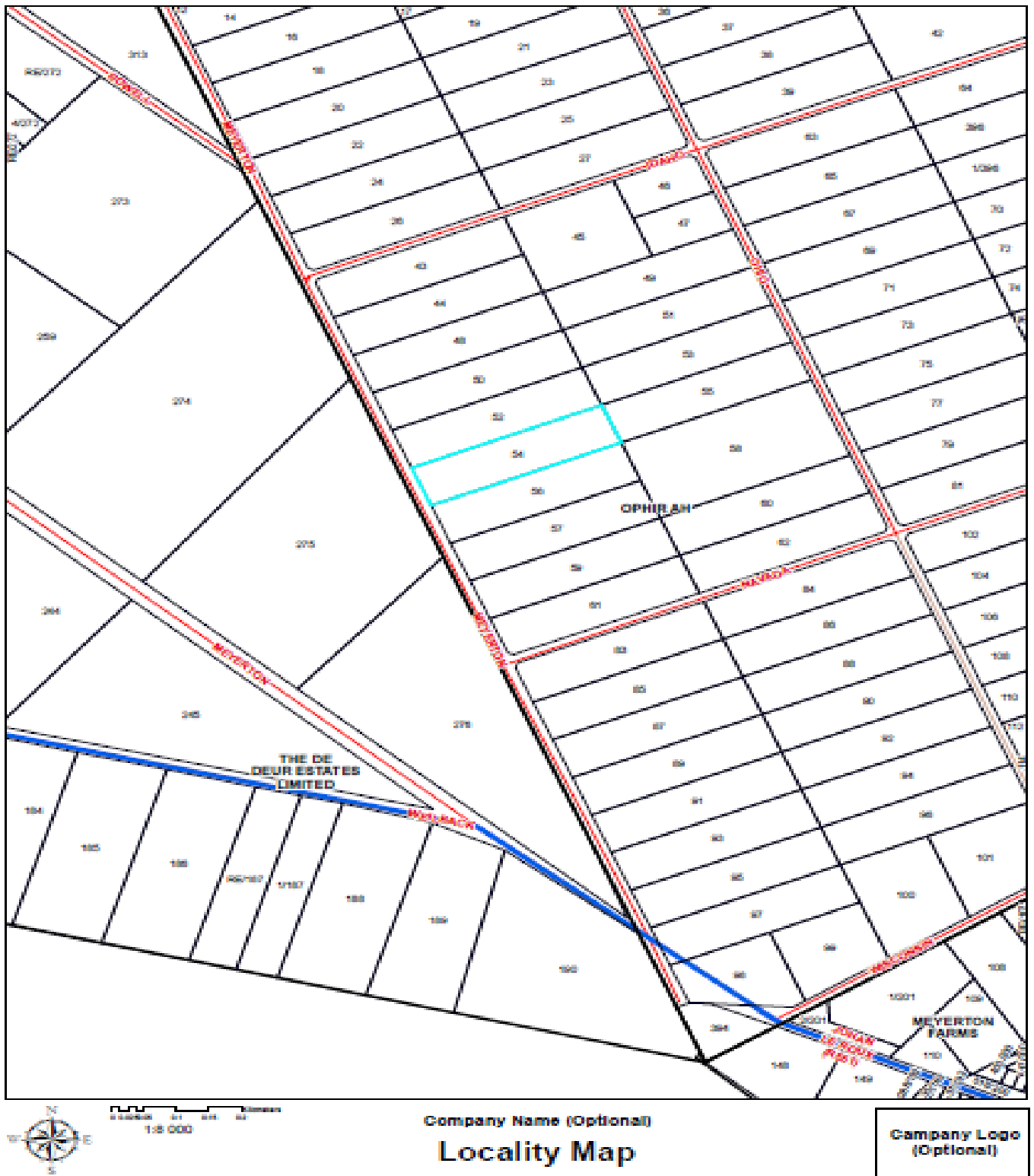
.....

Telephone No:

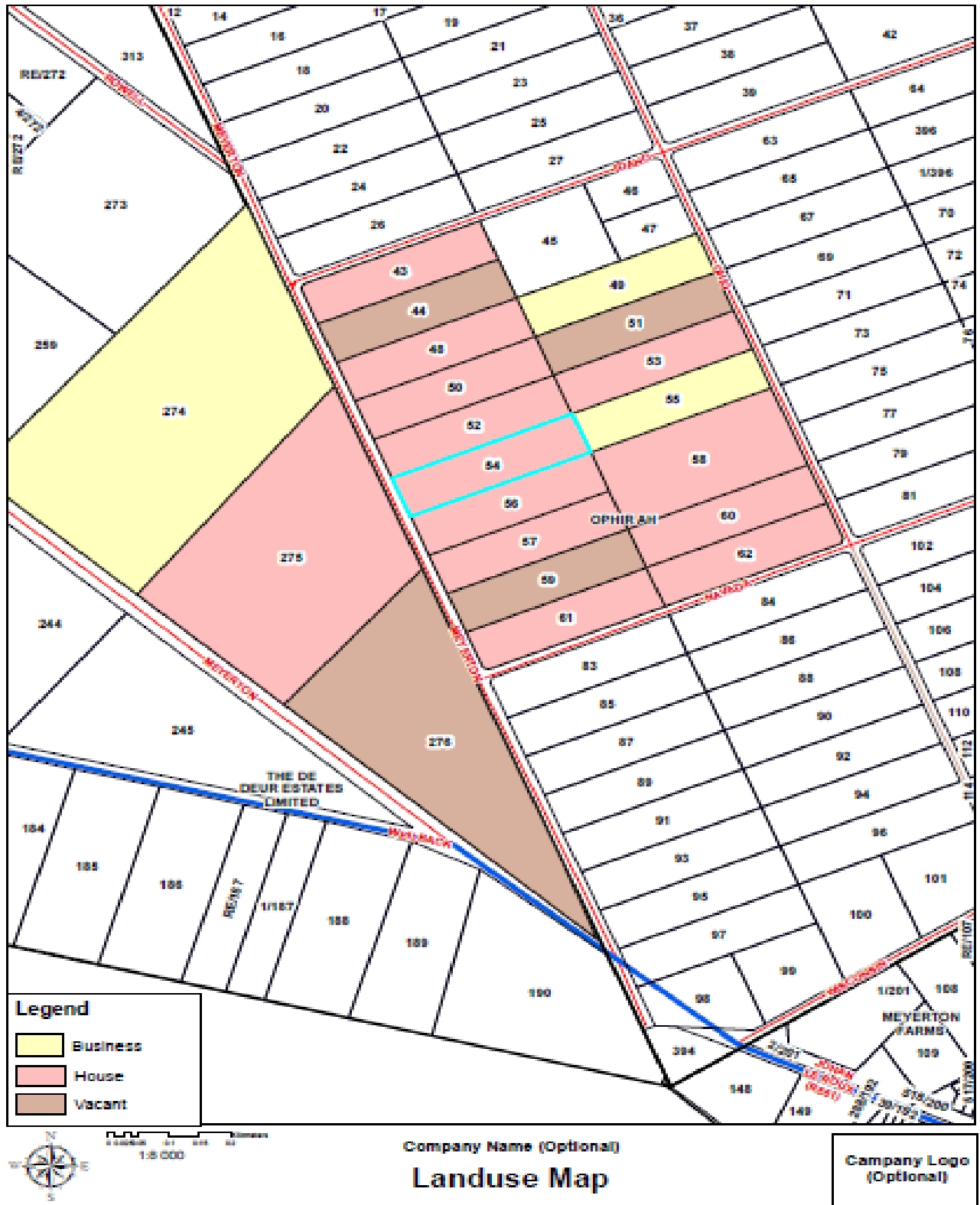
..... Dates on

which notice will be published:

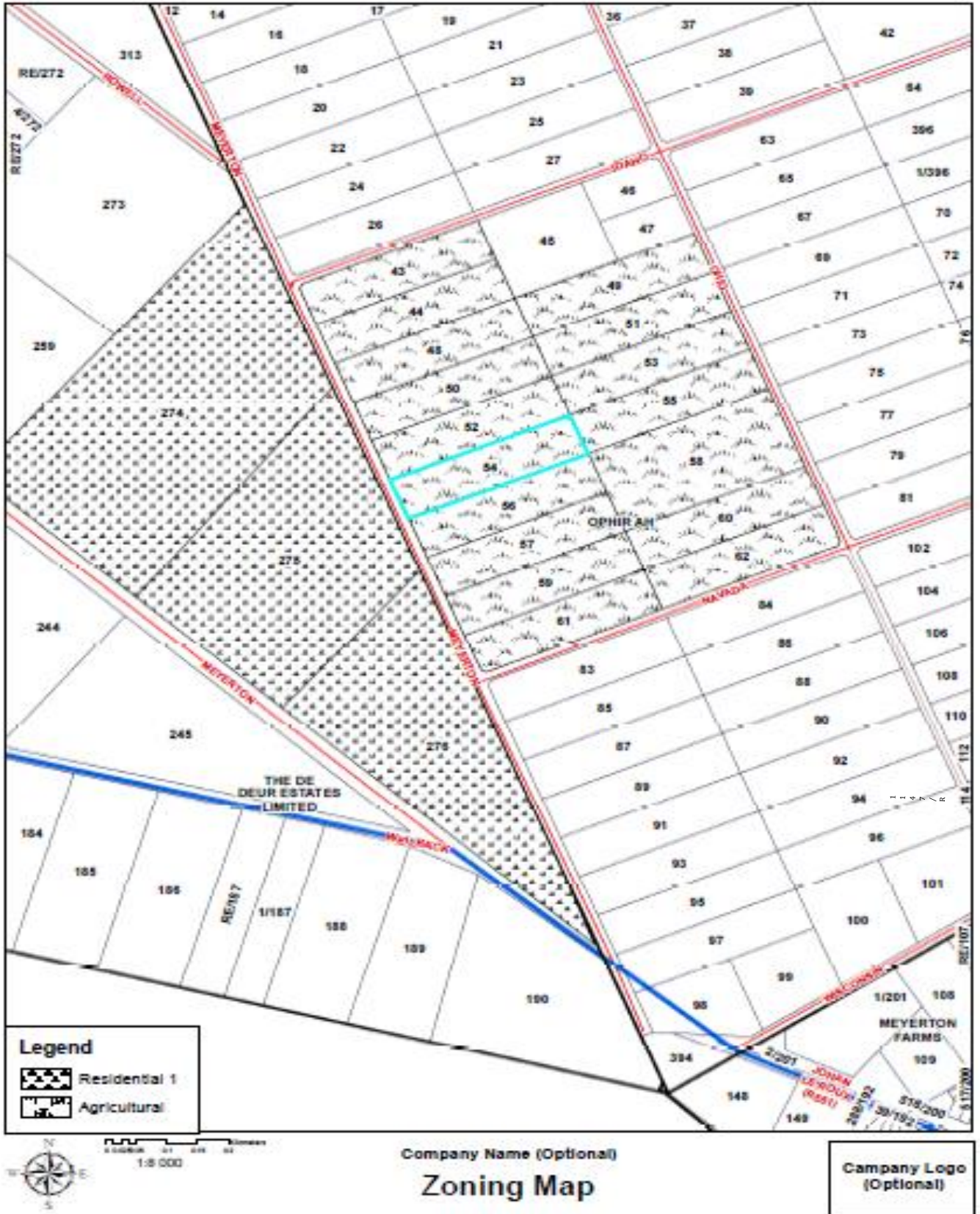
EXAMPLE OF A LOCALITY PLAN



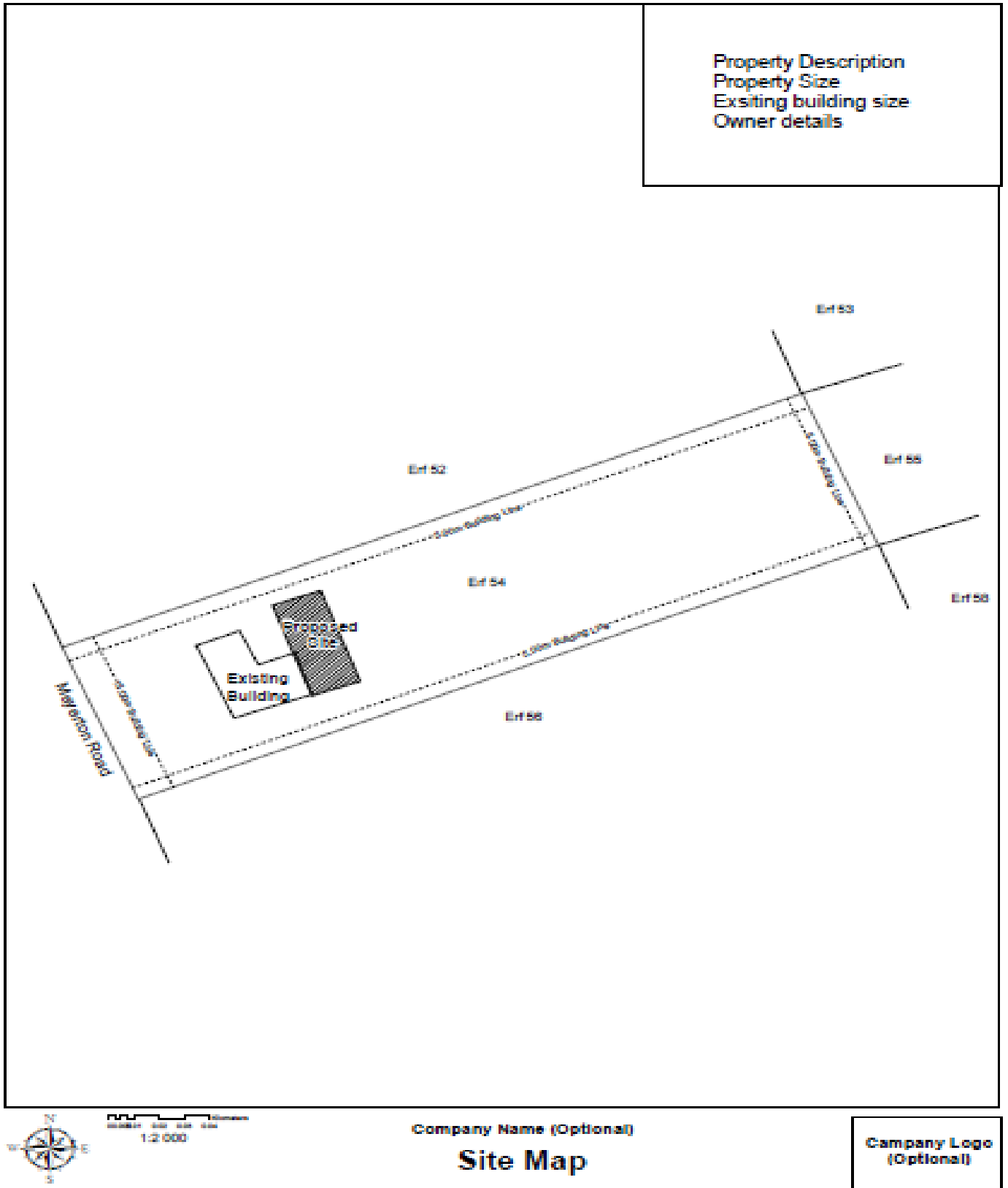
EXAMPLE OF A LAND USE PLAN



MLM: F/22 EXAMPLE OF A ZONING PLAN



MLM: F/23 EXAMPLE OF A SITE PLAN



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	

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

EXAMPLE OF AFFIDAVIT / AFFIRMATION

TO WHOM IT MAY CONCERN:

I, the undersigned, (full name and surname), hereby *make oath/affirm that the placard notice(s) as prescribed in terms of Section 16(1)(e)(ii) on Erf No, Township, was displayed and maintained in a conspicuous and to the public accessible place, for a period of 14 days from the first day the advertisements were advertised in local newspapers, viz from to, both dates inclusive.

SIGNED (SIGNATURE OF APPLICANT)

onat

I hereby certify that the deponent acknowledges that *he/she was conversant with the contents of this statement and understood it, and that the deponent uttered the following words: "I swear that the contents of this statement are the truth and nothing but the truth, so help me God".

COMMISSIONER OF OATHS:.....

DATE:

*Delete whichever is not applicable.

