



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

TOWNSHIP ESTABLISHMENT APPLICATION GUIDELINE

1. **Purpose**

The procedure intends to highlight the process entailed in the submission of a township establishment application in terms of Chapter 6, Section 44 of the Midvaal Local Municipality Spatial Planning and Land Use Management By-Law and matters relating thereto, as well as all the relevant and required supporting documentation.

2. **Background**

A township must be established on any farm portion where the land concerned is to be used for multiple uses, developed or subdivided for any purpose other than agricultural, open space or nature conservation purposes as defined in the applicable land use scheme or where the application will result in a substantial upgrade of any external engineering services relevant to the application.

The application may be submitted in terms of Chapter 6, Section 44 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**

A “township” is defined as *“a group of pieces of land, or of sub-divisions of a piece of land, which are combined with public places (as defined in the bylaw) and are used mainly for residential, business, commercial, industrial or other similar purposes, or are intended to be so used”*.

4. **Documentation required**

The following documentation needs to be submitted with a township establishment application in order for the 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 Application form for township establishment application (MLM: F/5)

4.2 Notice for township establishment application (MLM: F/16)

4.3 Number of copies required for township establishment application (MLM: F/12)

4.4 Power of Attorney (MLM: F/25)

4.5 Motivating 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.
- Aspects of significance to application should be discussed e.g. (Environmental, Geo-tech, Access/transportation, existing servitudes) Administrative vs. Physical aspects.
- Need and desirability for proposed development controls
- Layout plan should be explained

4.6 Proposed layout plan (MLM: F/6)

Additional documentation and studies that are required (MLM: F/11):

- Proposed conditions of establishment;
- Registered Title Deed;
- Name Reservation letter;
- Deed/Conveyancers Report;
- Land Surveyors Report;
- Geotechnical Report;
- Outline Scheme Report;
- Traffic Impact Assessment (If necessary);
- Environmental Impact Assessment/Basic Assessment, etc.
- Or any other study or documentation that may be deemed necessary by the municipality.

5. **Proof of advertisement**

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

- 5.1 Newspaper advert (in the Provincial Gazette and a newspaper that circulates within the area, once a week for 2 consecutive weeks in English) specific to the application site.
- 5.2 Notice placed on site and maintained for 21 days from the date of publication of newspapers) – with a dated photograph as proof of site placement.
- 5.3 Notice affidavit with official stamp from the commissioner of oaths.
- 5.4 Proof of letters to adjoining owner(s)
Hand delivery – as per form.
Email – proof of delivery.
Registered mail – remains applicant's responsibility to provide proof of delivery.

6. **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 legally compliant objection, comment and/or representation lodged timeously.

7. Circulation

In terms of Section 44(5) of the By-law 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.

Hand delivery – as per form

Email – proof of delivery

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

Sufficient proof of circulation to the above mentioned stakeholders must be provided to the municipality.

8. Decision and Post Approval

Within a period of 12 months from the date of notice (after the agent/owner of land has been notified that the application has been approved), or such further period as the Municipality may allow, lodge with the Surveyor-General for approval such plans, diagrams or other documents as may be required by the Surveyor-General and if the agent/owner of land fails to do so, the approval will automatically lapse.

An application for an extension of time (example as per **MLM: F10**) shall be made prior to the expiry of the 12-month period stated.

After complying with the Surveyor General, the agent/owner of land shall lodge with the Registrar the plans, diagrams and any other documents as approved by the Surveyor-General together with the relevant title deeds for endorsement or registration, as the case may be, within 12 months from the date of approval of such plans, diagrams and any other documents by the Surveyor-General, or within such further period as the Municipality may allow.

Further application for extension of time may be made prior to the expiry of the 12 month period stated.

On the instruction from the Registrar as per Section 14 of the By-Law, the Municipality or the agent/owner of land (with the written consent of the municipality) shall, by giving notice in the Provincial Gazette, declare the township an approved township (as per example **MLM: F/33**) and it shall in a schedule to such notice set out the conditions on which the township is declared an approved township.

The township can further be phased (as per **MLM: F/7**) within a period of 6 months from the date of notice of approval, or any amendment thereof (as per **MLM: F/8**) in terms of Section 46(8).

(a) Prior to approval of the General plan

(b) After the general plan has been approved only after consultation with and approval by the Surveyor General.

The approved township boundary can further be extended by means of an application to the Municipality in terms of Section 50 of the By-law.

In addition, the approval or adoption of the amendment scheme must be submitted in terms of the provisions of Section 80 of the By-law.

9. 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.

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 and further in the By-law, it may be refused by the department. The applicant has 30 days to submit the outstanding information prior to registration as stipulated in terms of Section 81 of the Bylaw, failure to do so will result in the application not being accepted or being returned, and will result in a new application being submitted and thus new application fees being payable.



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APPLICATION FORMS

MLM: F/5

APPLICATION FORM FOR TOWNSHIP ESTABLISHMENT IN TERMS OF SECTION 44(1)

PART B: 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)	
Title Deed no/ certificate of Registered Title no			
Size of property			
Name of Bond Holder			
Mortgage Bond Account No		Date of Bond	
Ward		Planning Region	

PART C: EXISTING LAND USE INFORMATION

Land Use Scheme			
Present Zoning			
Present Height (Scheme)			
Present Density (Scheme)			
Present Coverage (Scheme)			
Present Annexure No or Schedule No		Present Amendment Scheme No	
Present Land Value		Present FAR	
Existing Development			

PART D: PROPOSED TOWNSHIP

Name and Extension of the proposed township							
Use zone no	Proposed use zone	Erf no	Average size m ²	Height	FAR	Coverage	Other development control measures (density)

PART E: GENERAL INFORMATION

Has the consent of the Department of Minerals and Energy as custodian of mineral rights been obtained?	Yes	No
Is the property situated in a demarcated noise zone in terms of the Gauteng Noise Control Regulations, 1999?	Yes	No
Is the property situated within 3 km of a sewerage disposal works?	Yes	No

Name the local authority(s) that is situated within 10 km of the boundaries of the property			
Name the local authorities or authorised bodies that provide the following services:			
Water			
Electricity			
Sewerage			
Roads and stormwater			
Is the existing development (structures and land use) on the property described in the memorandum?		Yes	No
Is it required that the building(s) on the property be conserved in terms of the National Heritage resources Act, Act 25 of 1999?		Yes	No
ENDOWMENT/DWELLING UNITS			
Does the layout plan provide for open spaces or parks according to section 69 of this By-law.		Yes	No
Motivate if answer is "no" above			
Provide the total number of dwelling units on all erven in the township			
ENVIRONMENTAL/BIOPHYSICAL SENSITIVITIES			
Is the development a "listed activity" in terms of the National Environmental Management Amended Act, 2004 (Act 8 of 2004), with specific reference to the regulations promulgated under section 24(5)?		Yes	No
If "Yes" above, Has an environmental impact assessment (EIA) process been initiated?		Yes	No
Indicate which process has been initiated	Basic	Yes	No
	Scoping	Yes	No
	None	Yes	No
Appointed environmental consultant	Name		
	Contact details		
Are two copies of the application regarding the above process attached to this application?		Yes	No
If the development is not a "listed activity" or if the above EIA process has not been initiated, have the on-site ecological issues been discussed in the memorandum?		Yes	No
Request permission to forward a copy of the application to external bodies in terms of section 44(5)		Yes	No

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/16

THE PROVINCIAL GAZETTE, NEWSPAPERS AND PLACARD NOTICE INTERMS OF SECTION 44 OF THE MIDVAAL LOCAL MUNICIPALITY LAND USE MANAGEMENT BY-LAW, 2016 FOR THE ESTABLISHMENT OF A TOWNSHIP

MIDVAAL LOCAL MUNICIPALITY NOTICE OF APPLICATION FOR ESTABLISHMENT OF TOWNSHIP..... EXTENSION

I,hereby give notice in terms of section 44(3)(a) of the Midvaal Local Municipality Land Use Management By-law, 2016, that an application to establish the township referred to in the Annexure hereto, has been received by it.

Particulars of the application are open to inspection during normal office hours at the office of the Municipality at:

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

for a period of 28 days from (the date of first publication of this notice).

Objections to or representations together with contact details in respect of the application must be lodged in writing and in duplicate with the Municipality at the above office or posted to him/her at PO Box 9, Meyerton, 1960, within a period of 28 days from (the date of first publication of this notice).

Closing date for any objections:

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

.....
.....

Telephone No:

Dates on which notice will be published:

.....

ANNEXURE

Name of township :..... Extension

Full name of applicant:.....

Number of erven, proposed zoning and development control measures:

.....

Description of land on which township is to be established:

.....

Locality of proposed township:

The proposed township is situated

Reference:

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/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
Land Surveyors Report	nil	Nil	nil	3	nil	nil

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/6

CHECKLIST FOR LAY-OUT PLANS FOR TOWNSHIP ESTABLISHMENT

No	Requirements of information to be provided	Yes	No
1	Prints of the plan of the proposed township		
2	Plan number; CPD (Township name, extension / number of plan e.g. CPD MVO x55/1)		
3	Contour lines and values		
4	A bar scale		
5	The true north		
6	The name of the Municipality within whose area of jurisdiction the land on which the applicant proposes to establish the township is situated		
7	The boundaries of the proposed township		
8	The Property description as indicated in the 'name reservation letter'		
9	Grid co-ordinates and a reference to the geodetic system used		
10	Existing buildings in the proposed township		
11	Adjoining existing and adjoining proposed streets and roads with their names;		
12	Adjoining proposed public streets/roads with their names and widths		
13	adjoining erven in existing townships or proposed townships in respect of which applications have been submitted or notice has been given in terms of section 16(4) or 16(5)		
14	Streets, squares and Open spaces (Private and Public) in the proposed township		
15	Adjoining erven in existing townships or proposed townships in respect of which applications have been submitted		
16	Water courses, railways, pipe lines, power lines, existing public roads and all servitudes in or abutting the proposed township		
17	Public roads in or abutting the proposed township		
18	All servitude in or abutting the proposed township		
19	Private 'access' erven (name and widths) in or abutting the proposed township		
20	A table indicting the total number of erven in the proposed township, the number of erven for specific purposes (proposed zoning) and their numbers, the minimum size of the erven, the ruling size of the erven, the minimum and maximum gradient of the streets, the total length of the streets within the township, the area of streets as a percentage of the total area of the township and the area of parks and open spaces, if any, as a percentage of the total area of the township		
21	A locality plan, as an inset on the plan of the township, accurately drawn to a scale of not less than 1:50 000 or such other scale which the Municipality, as the case may be, may approve indicating:		
21.1	The situation of the proposed township on the farm or agricultural holding		
21.2	The routes giving access to the nearest main road and the road network in the vicinity of the township		
21.3	The boundaries of the farm portion or agricultural holding on which the township is to be established		
21.4	the situation of existing sewage disposal works and the distance from the proposed township of such works, where such works are situated within 3 km of the boundaries of the township		
21.5	The boundaries of a demarcated noise zone		
21.6	A bar scale, in respect of the locality plan		
21.7	The true north		
22	The erven in the proposed township accurately drawn to a scale of 1:1 000, 1:1 250, 1:1 500, 1:2 000; 1:2 500 or 1: 5000 and numbered consecutively in each block		
23	In an enclosure, the names of the persons responsible for the contour surveys and the design of the township and a reference to the datum plan on which the contour values are based		

No	Requirements of information to be provided	Yes	No
24	If the township is to be established on two or more farm portions or agricultural holdings, the boundaries and description of such farm portions or holdings		
25	Each registered servitude over the land in the proposed township with a reference to the purpose of the servitude, the notarial deed or approved diagram relating to such servitude and, where an alteration in the route of such servitude is contemplated, the proposed route		
26	The boundaries of the geological zones on dolomite as well as the certification thereof of the geologist (if applicable);		
27	The 1:50 year and 1:100 year flood line shall be certified on the layout plan		

It is hereby certified that in terms of the provisions of section 144 of the National Water Act, (Act 36 of 1998), the 1:50 and 1:100 year flood lines, are correctly indicated on the plan.

SIGNATUREDATE:

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	DOCCUMENT 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/10

APPLICATION FORM FOR APPLICATION FOR EXTENSION OF TIME TO COMPLY WITH PRE-PROMULGATION CONDITIONS IN TERMS OF THIS BY-LAW

APPROVED APPLICATION INFORMATION

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

Type of application (section into the By-law)			
Reference number			
Date of approval			
Date approval will lapse			
Township / Agricultural Holding / Farm			
Erf / Plot / Farm No		Portion (e.g. /R/1)	
Ward			
Street name			
Street number		Planning Region	

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 with reasons for extension		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/33

DECLARATION OF AN APPROVED TOWNSHIP IN TERMS OF SECTION 46(11) OF THE MIDVAAL LOCAL MUNICIPALITY LAND USE MANAGEMENT BY-LAW, 2016

**LOCAL AUTHORITY NOTICE
MIDVAAL LOCAL MUNICIPALITY DECLARATION OF AN APPROVED TOWNSHIP
.....**

It is hereby declared that in terms of the provisions of section 46(11) of the Midvaal Local Municipality Land Use Management By-law, 2016, that is an approved township, subject to the conditions as set out in the schedules hereto.

(.....)

MLM: F/34

**NOTICE OF AN APPROVAL OF AN AMENDMENT SCHEME
IN TERMS OF SECTION 39(2) OF THE MIDVAAL LOCAL MUNICIPALITY LAND USE
MANAGEMENT BY-LAW, 2016 FOR AN APPROVED TOWNSHIP**

**LOCAL AUTHORITY NOTICE MIDVAAL
LOCAL MUNICIPALITY
..... LAND USE SCHEME**

It is hereby notified in terms of the provisions of section 39(2) of the Midvaal Local Municipality Land Use Management By-law, 2016 that the Midvaal Local Municipality has approved an amendment scheme with regard to the land in the township of, being an amendment of the Land Use Scheme

Map 3 and the scheme clauses of this amendment scheme are filed with the Head of Department: Department of Economic Development, Gauteng Provincial Government or its successor in title and the Municipality, and are open to inspection during normal office hours.

This amendment is known as Amendment Scheme

(.....(reference number..... (.....))

EXECUTIVE DIRECTOR: DEVELOPMENT, PLANNING & HOUSING

(date of promulgation) (Notice/20.....)

MLM: F/7

**APPLICATION FORM FOR A DIVISION OR PHASING
OF A TOWNSHIP APPLICATION IN TERMS OF SECTION 49(1)**

NOTE: MLM: F/1 and F/5, PART A TO PART E MUST BE SUBMITTED TOGETHER WITH MLM: F/6

- 1. Name and extension:
.....

- 2. Date of approval of township to be divided:

- 3. Has extension of time in terms of section 53(10) been granted?
Yes No Not applicable

- 4. Has the general plan of the township to be divided been approved by the Surveyor-General?
Yes No

- 5. Division of township in separate townships, namely:
.....

6. APPROVED LAND USES

Details of approved land uses of the township to be divided

Use zone no	Proposed use zone	Erf no	Size m ²	Height	FAR	Coverage	Other development control measures (density)

7. PROPOSED LAND USES FOR SEPARATE TOWNSHIPS

Details of proposed land uses for township:

.....

Use zone no	Proposed use zone	Erf no	Average size m ²	Height (Storeys)	FAR	Coverage	Other development control measures (density)

(Complete a separate table for each new township.)

8. ENDOWMENT AND DWELLING-UNITS

Details of endowment and total number of dwelling units for separate townships

Township name	Is endowment payable?			Total number of dwelling units
	Yes	No	If "No", why not?	

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

SIGNATURE: DATE:

6. PROPOSED LAND USES

Details of proposed land uses

Use zone no	Proposed use zone	Erf no	Average size m ²	Height	FAR	Coverage	Other development control measures (density)

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: