



CITY OF TSHWANE

REQUIREMENTS FOR AN APPLICATION FOR DIVISION OF LAND IN TERMS OF SECTION 6(1) OF THE DIVISION OF LAND ORDINANCE (ORDINANCE 20 OF 1986)

COMPILED BY:

LAND USE LEGISLATION AND APPLICATION MANAGEMENT SECTION
CITY PLANNING AND DEVELOPMENT DIVISION
CITY PLANNING, DEVELOPMENT AND REGIONAL SERVICES DEPARTMENT

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REQUIREMENTS FOR AN APPLICATION FOR THE DIVISION OF LAND IN TERMS OF SECTION 6(1) OF THE DIVISION OF LAND ORDINANCE, 1986 (ORDINANCE 20 OF 1986)

A. PROCEDURE

Before submitting any application to the City of Tshwane in accordance with these requirements, it is in your own interest to consult the town planner for the area in question to make sure of the most recent Municipality or departmental policies and requirements that may influence your application.

1. Who may apply

The owner of land or the owner's authorised agent may apply to the Strategic Executive Director: City Planning, Development and Regional Services in terms of Section 6(1) of the Division of Land Ordinance, 1986 (Ordinance 20 of 1986).

2. How to apply (Legal Requirements)

- 2.1 The application form must be completed **in full** and signed.
- 2.2 All documents as set out below in paragraph 3 must accompany the application.
- 2.3 The application fees prescribed by the City of Tshwane from time to time must be paid. If a cheque is used as the method of payment, the cheque must be made out to the City of Tshwane. Post-dated cheques will not be accepted.

3. What documents are required

The documents or information below must be handed in at the City Planning and Development Division: (at the relevant office) during office hours 08:00 to 15:00, to

Akasia Office:

1ST Floor, Spectrum Building, Plein Street West, Karenpark, Akasia,
Enquiries: JM Loots (Functional Head) Tel: 012-358-9110
or

Centurion Office:

Room 8, Town Planning Office cnr Basden and Rabie Streets, Centurion,
Enquiries: JD Zeeman (Functional Head) Tel: 012-358-3253
or

Pretoria Office:

Room G10, Ground Floor, Munitoria, 230 Vermeulen Street, Pretoria.
Enquiries: Lucy Nkadimeng (Functional Head) Tel; 012-358-4689

Applications will not be accepted for consideration if they are not prepared in accordance with paragraph 3 of this document. Incomplete applications are legally not acceptable and will unfortunately have to be returned to the applicant.

- 3.1 **Covering letter (5 copies)**
This letter must be addressed to the Strategic Executive Director: City Planning, Development and Regional Services.
- 3.2 **Application form (5 copies)**
The attached application form must be completed **in full** and signed by the applicant (Annexure 1).
- 3.3 **Power of attorney (3 copies)**
If any person other than the registered owner of the property submits the application, a power of attorney from the registered owner of the property must be attached. The power of attorney must correspond with the **registered** title deed (Annexure 2).
- 3.4 **Bondholder's consent (3 copies)**
If the property is encumbered by a bond, the bondholder's consent must be submitted.
- 3.5 **Company/close corporation/trust resolution (3 copies)**
If the registered owner is a company, close corporation or trust, a resolution of the company, close corporation or trust must be attached stating the grounds on which the applicant is authorised to act on behalf of the company, close corporation or trust. Please note that this resolution is not the same as the power of attorney.
- 3.6 **Proof of members of company/close Corporation/trust (3 copies)**
A copy of the following must be submitted as proof:
- CM 29 form in the case of a company (Companies Act 61 of 1973)
- CK 1 or 2 forms in the case of a close corporation (Close Corporations Act 69 of 1984)
- Letter of appointment of trustees in the case of a trust
- 3.7 **Motivating memorandum (5 copies)**
In terms of Regulation 2(1) of the Regulations under the Division of Land Ordinance, 1986 (Ordinance 20 of 1986), the applicant shall submit "a detailed report with comprehensive motivation relating to-":
- (i) the need and desirability of the division;
 - (ii) how the proposed division is affected by -
 - (a) topography;
 - (b) geotechnical conditions;
 - (c) transportation routes and systems (existing and proposed);
 - (d) environmental factors such as pollution;
 - (e) existing and proposed sewage disposal works;
 - (iii) how the division will accord with the proposed development pattern of the area;
 - (iv) the provision made or to be made for the supply of water, electricity and sanitary services to each portion;
 - (v) any other aspect deemed to be necessary for the consideration of the application.

In addition to the above, the following information must be provided for in the motivational memorandum:

OPEN SPACE / ENVIRONMENTAL SENSITIVITIES

1. Is the development a "listed activity" in terms of the National Environmental Management Amendment Act, 2004 (Act no 8 of 2004), with specific reference to the Regulations promulgated under Section 24 (5). The applicant must submit comment from the relevant provincial department (NWDACE or GDACE).
2. If relevant, has an EIA process been initiated? - please specify:
 - 2.1 date initiated,
 - 2.2 name and details of environmental consultant,
 - 2.3 what process has been initiated,
 - 2.4 relevant Provincial Reference number assigned

Should an EIA Process be relevant, please forward 2 copies of such report to the Agriculture and Environmental Management Department. To enable an informed decision by the Section on the merits of the application, the following specific information and corresponding plans (to the same scale of the development's layout plans) would be required in the report:

- Fauna and Flora
 - Ridges
 - Watercourses (indicating 1:50 and 1:100 year floodlines as well as 32 metre from the centre line of the river)
 - Red Data
 - Culture Historical aspects
 - High potential agricultural land
 - An overlay of the above information to deliver a composite site sensitivity map, indicating high, high-medium, medium and low sensitivity areas
 - A responding development layout on the composite site sensitivity map
 - Well motivated arguments should development layout not respond to site sensitivities to ensure overall sustainability
3. Should the EIA process not be relevant:
 - 3.1 Give a short, general overview / description of site situation highlighting identified site sensitivities.
 - 3.2 Is the site situated next to an existing open space resource?
 - 3.3 If relevant, how does the proposed development respond to the open space resource? Refer to nature conservation lines, building lines etc.

Should you require any clarification regarding the Open space/Environmental Sensitivities, please contact the Agriculture and Environmental Management Department Tel: (012) 358 8846, Fax: (012) 358 8934

3.8 ***Registered Title Deed (3 copies)***

3.9 ***Proof of marital status of the owner (3 copies)***

If the owner is married in community of property, his or her spouse must co-sign the power of attorney/application form.

3.10 ***Zoning certificate (5 copies)***

3.11 ***Mineral Rights Holder's consent (5 copies)***

3.12 ***The consent of the Administrator in terms of Section 2 of the Physical Planning Act, 1967 (Act 88 of 1967) to the division where the land is zoned for industrial purpose. (5 copies)***

3.13 ***Divisional plan (5 copies)***

A4 or A3 size copies of the division plan of the property in question must be submitted and shall be in accordance with the requirements set out in Paragraph 4 of this document.

3.14 ***Application fee***

Details of application fees payable are available at City Planning, Development and Regional Services Enquiries.

3.15 When the Council must advertise **3 extra copies** of all the documents must be submitted.

4. The requirements for the divisional plan

(Regulation 2(1) of the Division of Land Regulations)

The division plan shall comply with the following requirements, set out in Regulation 2(1) of the Division of Land Ordinance, 1986 (Ordinance 20 of 1986):

- (i) contour lines, the values of which shall be based on the datum plane of national geodetic bench-marks based on sea-level as datum plane or, with the written approval of the authorised local authority concerned, on some other datum plane. The contour lines shall further be in accordance with Regulations 2(2) and 2(23);
- (ii) the area of the land and distinctive numbers and areas of the portions;
- (iii) existing buildings on the land;
- (iv) roads, their names, widths and connections with existing streets or roads in adjoining areas;
- (v) water courses, railways, pipelines, power lines, existing public roads and all servitudes in or abutting to the land;
- (vi) by means of a distinctive notation, the sites proposed to be reserved for specific purposes;
- (vii) the name of the local authority in whose area of jurisdiction the land is situated;
- (viii) a locality plan, as an inset to the divisional plan, drawn on a scale of not less than 1:50000, showing -
 - (aa) the locality of the land with the principal topographical features of the land and its environs, its position in relation to surrounding farms, farm portions and agricultural holdings and portions of agricultural holdings;
 - (bb) the names and numbers of adjoining properties;
 - (cc) the routes, which provide access to the nearest main road and an indication of the road network in the vicinity of the land;
 - (dd) the boundaries of any demarcated noise zone; and
 - (ee) the bar scale in respect of the locality plan;
- (ix) in an enclosure, the names of the persons responsible for the contour surveys and a reference of the datum plane on which the contour values are based;
- (x) each registered servitude over the land with a reference to 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;
- (xi) grid co-ordinates and a reference to the geodetic system used;

- (xii) if the land is subject to flooding, the 1:50 year flood line or, if the land is not subject to flooding, a certificate by an engineer qualified to do so to the effect that the land is not so subject: Provided that the authorised local authority may at the written request of an applicant, waive compliance with this subparagraph; and
- (xiii) a bar scale;

NB: If the above information has not been provided or is not applicable, a note explaining why the information has not been provided or is not applicable must be submitted.

5. Advertisement procedure

After the application has been submitted to the City of Tshwane, the Municipality will advertise the application for division of land in terms of section 6(8)(a) and will request comments from external departments where necessary in terms of section 6(8)(b) of the Ordinance.

Persons wishing to object to the proposed division may do so within 28 days from the first date of the advertisement, while external departments have 60 days to provide the Municipality with their comments, if any.

An advertisement once a week in English and Afrikaans in two local newspapers, with an interval of one week, for two consecutive weeks and simultaneously in the Provincial Gazette (regulation 5 of the Ordinance)

No placard on property

The applicant may, however, place the advertisements himself/herself after written permission is granted by the Section Land Use Legislation and Application Management. The applicant will, after obtaining the written consent of the municipality to advertise, also request comments from external departments in terms of section 6(8)(b).

The External departments are:

- Public Transport, Roads and Works Department, Private Bag X83, MARSHALLTOWN, 2107
- Minerals and Energy Department, Private Bag X5, BRAAMFONTEIN, 2017
- Agriculture, Conservation, Environment and Land Affairs Department: Head of the Department, Agriculture, Conservation, Environment and Land Affairs, P O Box 8769, JOHANNESBURG, 2000
- Agriculture Department, Private Bag X 120, PRETORIA, 0001, (Act 70 of 70)
- Finance and Economic Affairs, Private Bag X86, MARSHALLTOWN, 2107, (Act 21 of 1940)
- Every local authority whose area of jurisdiction is situated within 10km from the land in respect of which application has been made and/or who provide engineering services to the property.

Time period for comments from the external departments: 60 days.

Proof shall be submitted to the Legal Services: Development Compliances Division, who will verify whether the application was correctly advertised,

- Newspaper advertisements: Full pages of the newspaper/gazette of certificates from the editors of the newspaper/gazette.
- Proof of written notices to the relevant departments.

APPLICATION FORM - DIVISION OF LAND

Section 6(1) of the Division of Land Ordinance, 1986 (Ordinance 20 of 1986)

Please ensure that all the information is completed on the form. If any information is missing/incomplete this might result in a rejection of the application. This application can be submitted to the Strategic Executive Director: City Planning, Development and Regional Services at the relevant office: Akasia Office): 1ST Floor, Spectrum Building, Plein Street West, Karenpark, Akasia or Centurion Office: Room 8, Town Planning Office cnr Basden and Rabie Streets, Centurion or, Pretoria Office: Room G10, Ground Floor, Munitoria, c/o Vermeulen and Van der Walt Streets, Pretoria.

1. Type of application :	Section 6(1), Ordinance 20/1986		
2. The status of the applicant:	Registered owner		
	Authorised agent		
3. Applicant details			
3.1 Individual/Company/Other (specify)			
3.2 Surname			
3.3 First names			
3.4 Initials			
3.5 Email			
3.6 Telephone number			
3.7 Fax number			
3.8 Cellular Phone Number			
3.9 Physical Address			
		Postal Code	
3.10 Postal address			
		Postal Code	
4. Application fees			
4.1 Receipt number (for official use)			
4.2 Receipt amount (for official use)			
5. Application date (as signed by applicant)			
6. Date received at City of Tshwane			

7. Required documents:

Application form	Divisional Plan	Zoning certificate
Memorandum	Covering letter	

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

9. PROPERTY INFORMATION							
9.1 Agricultural holding/farm							
9.2 Holding no'/Farm portion			Portion (e.g. /R/1)				
9.3 Ward							
9.4 Street name							
9.5 Street number							
9.6 Registered Owner according to Title Deed (only required if different to applicant's detail)							
9.6.1 Company name							
9.6.2 Title		Mr	Mrs	Miss	Dr	Prof	Other
9.6.3 Surname							
9.6.4 First names							
9.6.5 Initials							
9.6.6 Email							
9.6.7 Tel							
9.6.8 Fax							
9.6.9 Cellular Phone							
9.6.10 Physical Address							
9.6.11 Postal Address							
9.6.12 Marital Status		Not applicable	In community of property	Out of community of property			
9.7 Present Zoning (Scheme)							
9.8 Present Height (Scheme)							
9.9 Present Density (Scheme)							
9.10 Present Coverage (Scheme)		Present FAR (Scheme)					
9.11 Present Annexure or Schedule number		Present Amendment Scheme No					
9.12 Present Land value							
9.13 Property size (m ²)		Title Deed No					
9.14 Bond (Yes/No)		Yes			No		
9.14.1 If Yes in 9.14 specify Bond Account No							
9.14.2 Bondholder's name							
9.15 Existing development							
9.16 Restrictive Title Deed condition paragraph no							

9.17 Required documents:

Title Deed	Company Resolution (cc)	Power of Attorney
Existing Annexure T	Bondholder's consent	Mineral Rights Holder's consent

10. DIVISION DETAILS:							
Portion number	1	2	3	4	5	Total	
Buildable area	m ²						
Area of panhandle	m ²						
Total area	m ²						
Width of panhandle	m						

I _____, being the Registered Owner / Authorised Agent of the property/ties declare that the above information is correct and that the required documents are attached.

SIGNATURE

DATE

EXAMPLE OF POWER OF ATTORNEY

I/We, [John Citizen] _____, 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 _____ (name of
local authority)

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. _____

[John Citizen] _____
Registered owner