

ESTABLISHMENT OF A TOWNSHIP

In terms of Town Planning and Townships Ordinance, 1986

| Section | Step | Municipal Administrative Procedure |
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| 96 | The owner of the land who applies to the Municipality to establish a township must submit with the application the various documents and application fees specified in the application form. | Open a file. |
| 96[3] | <p>The municipality publishes notices of the application in the Provincial Gazette and daily press once a week for two consecutive weeks.</p> <p>The form of that notice is prescribed by Regulation 21 and Schedule 11. The notice specifies that particulars of the application will lie for inspection for a period of 28 days from the date of first publication of the notice and that objections to or representations in respect of the application must be lodged within the same period.</p> <p>The municipality forwards copies to the application to various bodies or persons who are entitled to comment thereon within 60 days [or such further period as the municipality may allow].</p> <p>The municipality forwards copies of the objections, representations and comments to the applicant.</p> <p>The applicant, within 28 days or receipt thereof, forwards his reply thereto to the municipality.</p> <p>The municipality conducts an inspection and hearing at which all the parties concerned are entitled to state their case and adduce evidence.</p> | <p>Compile the public notice and sent to the Government Printer and Middelburg Observer.</p> <p>Sent a copy of the application to all the interested and affected government departments and public bodies.</p> <p>Sent copies of all correspondence received to the applicant</p> |
| 98[1] | <p>The municipality considers the application and decides whether to approve it or refuse it or postpone a decision thereon.</p> <p>When the municipality approves the application, it may impose any condition it may deem expedient including payment of an endowment in cash or the provision of an endowment in kind, or both. The municipality issues the Draft Conditions of Establishment.</p> | <p>Initiate an item to the Council and let all departments give their comments and address all issues in the recommendation.</p> <p>The Council's resolution must refer to a set of individualised Draft Conditions of Establishment.</p> <p>Provide the applicant with a certified copy of the Council resolution and stamped layout plan and Draft conditions of Establishment.</p> |
| 98[4] | <p>The applicant applies to the Surveyor General for the reservation of final erf numbers.</p> <p>The applicant amends the layout plan to reflect the final erf numbers.</p> <p>The municipality issues the final Conditions of Establishment.</p> <p>After the application has been approved, the municipality notifies the applicant, every objector, the Surveyor General and the Registrar of Deeds ["the registrar"] thereof and of any condition imposed.</p> | <p>Amend and certify the Final Conditions of Establishment.</p> <p>Write letters to all interested and affected parties.</p> |

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| 104[1] | The process described above can, however, be delayed by an objector who is aggrieved by the decision of the municipality. Such objector is entitled to appeal to the "Director" within 28 days from the date he was notified by the municipality of its decision [which may be | |

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| | <p>extended for a further period no exceeding 28 days] by way of a notice of appeal which sets out the grounds of appeal.</p> <p>The municipality then has 30 days to submit to the "Director" all the relevant documents including the reasons for its decision with specific reference to the grounds of appeal.</p> <p>The provisions of section 59[3] to [14] apply mutatis mutandis to such appeal.</p> | |
| 96[3] and 72 | <p>The applicant instructs a land surveyor for the survey of the township and for the lodging and approval of the General Plan by the Surveyor General</p> <p>The applicant shall lodge a certified copy of the General Plan with the municipality.</p> | |
| 96[3] and 81 | <p>The Registrar shall not register a deed of transfer unless the municipality has issued a certificate in regards to the services.</p> | <p>The applicant and municipality must enter into a Services Agreement to capture the content of Chapter V of the Ordinance. The municipality must approve a generic contract to be used for all applications.</p> |
| | <p>The applicant lodges with the Registrar the relevant plans and diagrams as approved by the Surveyor General and the relevant title deeds.</p> <p>However, the Registrar is precluded from accepting such documents until he has been advised by the municipality that the applicant has complied with such conditions as the municipality may require to be fulfilled before giving notice in terms of section 103 that the townships is an approved township.</p> | <p>The municipality issues a Sec 82 certificate that declares that the applicant has complied with the provisions of the Conditions of Establishment.</p> |
| 101[4] | <p>The Registrar notifies the municipality that he has made the necessary endorsement or registration.</p> | |
| 103[1] | <p>The municipality publishes a notice in the Provincial Gazette declaring the township to be an approved township.</p> | <p>Compile the public notice and sent to the Government Printer.</p> |
| 125 | <p>Simultaneously with the publication of the notice referred to in section 103[1] above, the municipality publishes a further notice in the Provincial Gazette declaring that it has adopted a town planning scheme relating to the same land [in practice, and amendment to the relevant town planning scheme applicable to the land]. This effectively zones the erven in the township in accordance with the approval of the application for the establishment of the township.</p> | <p>Compile the public notice and sent to the Government Printer</p> |