

LESS FORMAL TOWNSHIP ESTABLISHMENT ACT 113 OF 1991

REQUIREMENTS FOR AN APPLICATION FOR THE ESTABLISHMENT OF A TOWNSHIP: GN 2132/1991

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(Reproduced under Government Printer's Copyright Authority 9290 dated 18 September 1991)

Government Notice 2132 of 1991 was published in GG 13482 of 1991-08-30 under s 11 (1) of Act 113/1991.

Under section 11 (1) of the Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991) I, Hermanus Jacobus Kriel, Minister of Planning, Provincial Affairs and National Housing, hereby prescribe that with effect from **1 September 1991** any application for the establishment of a township in terms of the said Act shall be substantially in the form set out in the Annexure to the Schedule and be accompanied by the plans, documents, permissions, approvals, information and fees set out in that Schedule.

HJ KRIEL,
Minister of Planning, Provincial Affairs and National Housing.

SCHEDULE

Chapter I

Definitions

1. In this schedule and in the annexure thereto, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the less Formal Township Establishment Act, 1991 (Act No. 113 of 1991), retains that meaning and in addition—

“**Administrator**” means the administrator of the province in which any land in respect of which an application to establish a township is made in terms of Chapter II of the Act is situated;

“**applicant**” means any person making an application to establish a township in terms of Chapter II of the Act;

“**the Act**” means the less Formal Township Establishment Act, 1991 (Act No. 113 of 1991);

“**the Schedule**” means this Schedule;

“**township**” means any township to be established in terms of Chapter II of the Act.

Chapter II: Application for establishment of a township

Form of application

2. (1) An applicant shall make written application, in duplicate, for the establishment of a township, substantially in the form of the application form contained in the Annexure.

(2) Every such application shall, at the time it is lodged with the Administrator, be accompanied by—

- (a) a copy of the permission granted by the Administrator under section 10 (1) of the Act to the applicant to apply for the establishment of the township;
- (b) a layout plan referred to in paragraph 4;
- (c) a memorandum referred to in paragraph 5;
- (d) the comments referred to in paragraph 8;
- (e) a copy of every title deed in respect of the land which forms the subject of the application;
- (f) a copy of the title deed, if any, of any servitude that applies to the land which forms the subject of the application;
- (g) a copy of any mortgage bond relating to the land which forms the subject of the application;
- (h) if the rights to minerals have been separated from the ownership of land, a copy of the certificate of rights to minerals issued in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or the notarial cession registered in terms of that Act;
- (i) a copy of the consent referred to in paragraph 3 (2) (a);
- (j) proof of reservation for the purposes of a township in terms of section 184 of the Mining Rights Act, 1967 (Act No. 20 of 1967), if the land has been so reserved;
- (k) a copy of the mortgagee’s consent to the establishment of a township on the land if a mortgage bond has been registered in respect of the land or a portion thereof;
- (l) a copy of a geotechnical report.

(3) Every such application shall be signed—

- (a) by the applicant; or
- (b) by a person authorised by the applicant in terms of a power of attorney, which together with a copy thereof shall be attached to the application; or
- (c) if the applicant is not a natural person, by a person authorised by the applicant in terms of a resolution of the applicant, a certified copy of which shall be attached to the application.

(4) If the applicant is not the registered owner of the land upon which the township is to be established, his application shall be accompanied by the original and a copy of a power of attorney from the owner, authorising the applicant to apply for the establishment of the township in his own name.

Mineral rights

3. (1) If—

- (a) the rights to (a) Every such application shall, at the time it is lodged with the Administrator, be accompanied by—
 - (b) the owner of the land on which the applicant wishes to establish a township has granted a lease of the rights to minerals or has entered into a prospecting contract, and such lease or contract is registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or has executed a notarial deed contemplated in section 8 of the Precious Stones Act, 1964 (Act No. 73 of 1964), or section 19 (1) of the Mining Rights Act, 1967 (Act No. 20 of 1967), which notarial deed is registered or deemed to be registered; or
 - (c) the land on which the applicant wishes to establish a township is proclaimed land as defined in the Mining Rights Act, 1967,
- the applicant shall include in the application referred to in paragraph 2 the information referred to in subparagraph (2).

(2) The applicant shall in his application, in the circumstances contemplated in subparagraph (1), indicate whether—

- (a) the holder or lessee of the rights to minerals or the holder of rights in terms of the prospecting contract or notarial deed has consented, in writing, to the establishment of the township, or cannot be traced, despite reasonable efforts to trace him; or
- (b) the applicant has requested the relevant Administrator as contemplated in section 4 of the Expropriation of Mineral Rights (Townships) Act, 1969 (Act No. 96 of 1969), to expropriate the rights to minerals; and
- (c) any proclaimed land referred to in paragraph 3 (1) (c) has been reserved for the purposes of a township in terms of section 184 of the Mining Rights Act, 1967.

Plans

4. (1) Any layout plan submitted by the applicant, shall indicate or contain—

- (a) 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;
- (b) existing buildings and other structures in the proposed township;

- (c) existing streets, squares and open spaces in the proposed township;
- (d) the width and names of streets referred to in subparagraph (c);
- (e) all—
 - (i) adjoining existing and adjoining proposed streets and roads with their names;
 - (ii) adjoining erven in existing or proposed townships in respect of which applications have been submitted in terms of any law governing township establishment;
- (f) water courses, railways, pipelines, powerlines, existing public roads and all servitudes in or abutting the proposed township;
- (g) by means of a distinctive notation, the sites in the proposed township proposed to be reserved for specific purposes;
- (h) the boundaries of the proposed township;
- (i) a table indicating the total number of erven in the proposed township, the number of erven for specific purposes 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;
- (j) a locality plan, as an inset of the plan of the township, accurately drawn to a scale of not less than 1:50 000, indicating—
 - (i) the situation of the proposed township in relation to surrounding areas;
 - (ii) the routes giving access to the nearest main road and the road network in the vicinity of the township;
 - (iii) the boundaries of the farm portion or agricultural holding on which the township is to be established;
 - (iv) the situation of existing sewerage disposal works and the distance from the proposed township of such works, where such works are situated within three kilometres of the boundaries of the township;
 - (v) a bar scale in respect of the locality plan;
 - (vi) the true north;
- (k) the erven in the proposed township accurately drawn to scale of 1:1 000, 1:1 250; 1:1 500, 1:2 000, 1:2 500, 1:5 000 and numbered consecutively in each block;
- (l) in an enclosure, the names of the persons responsible for the contour surveys and the design of the township, together with a certificate to the effect that the tests in terms of subparagraph (2) below have been done;
- (m) if the township is to be established on two or more farm portions or agricultural holdings, the boundaries and description of each such farm portion or holding;
- (n) each registered servitude over the land in the proposed township with a reference to the notarial deed or approved diagram relating to such servitude and, where an alteration of the route of such servitude is contemplated, the proposed route;
- (o) grid co-ordinates and a reference to the geodetic system used;
- (p) if the land in the proposed township is subject to flooding, the 1:50 year floodline, or if

the land is not subject to flooding, a certificate by a qualified engineer to the effect that the land is not so subject.

- (q) a bar scale;
- (r) the true north.

(2) The accuracy of the contour lines referred to in subparagraph (1) (a) shall be such that if the contour lines are compared with the result of a selected test survey, not more than five per cent of the interpolated heights of the testing points shall differ by more than half of the contour line interval, and not more than one per cent of the testing point shall show a greater difference than the relative contour interval.

(3) The contour intervals referred to in subparagraph (2) shall be determined substantially in accordance with the following table:

<i>Gradient of land</i>	<i>Contour interval</i>
Less than 1 in 20 and 1 in 20.....	1 metre
Greater than 1 in 20 but less than 1 in 5.....	2 metres
1 in 5 and greater.....	5 metres

(4) The applicant shall, if required to do so by the Administrator, furnish so many further copies of the layout plan of the proposed township as the Administrator may require.

Memorandum in support of application

5. The applicant's memorandum in support of his application shall provide a comprehensive motivation relating to the design and use of the erven and streets in the township with special reference to—

- (a) the nature of the application;
- (b) the situation of the township and its proposed uses in relation to the surrounding land and the influence which its establishment is likely to exercise on—
 - (i) the land situated within a distance of 1 kilometre from its boundaries and *vice versa*;
 - (ii) the provision of engineering services;
- (c) how the proposed township will be affected by—
 - (i) topography
 - (ii) geotechnical conditions;
 - (iii) existing and proposed transportation routes and systems;
 - (iv) pollution and environmental factors;
 - (v) existing and proposed sewerage disposal works;
- (d) how the proposed township will effect—
 - (i) geotechnical conditions;
 - (ii) existing and proposed transportation routes and systems;
 - (iii) pollution and environmental factors;

- (iv) existing and proposed sewerage disposal works;
- (e) how the proposed township will accord with the proposed development pattern of the area;
- (f) any other aspect to be taken into account in the consideration of the application.

Servitudes and restrictive conditions

6. (1) The applicant shall, in making application for the establishment of any township, furnish to the Administrator a copy of the title deeds in respect of the land on which the township is to be established and a copy of the title deed, if any, of any servitude that applies to the land.

(2) The applicant shall further furnish to the Administrator a statement from an attorney, land surveyor or a town planner indicating—

- (a) whether any restrictive condition contained in the title deeds in respect of the land forming the subject of the application will affect the proposed township;
- (b) whether any servitude relating to the land forming the subject of the application will affect the proposed township.

(3) If the applicant is of the opinion that the Administrator should suspend any restrictive condition of title or servitude under section 12 (1) (b) of the Act, he shall furnish the Administrator, in writing, with the reasons why he holds such opinion.

(4) If the applicant is of the opinion that it is not necessary for the Administrator to suspend any restrictive conditions of title or servitude under section 12 (1) (b) of the Act, he shall inform the Administrator, in writing, of the manner in which he will deal with any such restrictive conditions of title or servitude.

Engineering services

7. (1) An application shall be accompanied by a statement—

- (a) setting out full details of any engineering services that are to be provided to the township;
- (b) in respect of each of the services referred to in subparagraph (a), indicating whether that service will be provided by the applicant or by some other person or body.

(2) If the applicant has concluded an agreement for the supply of any engineering service to the township—

- (a) the application shall be accompanied by a copy of any such agreement; and
- (b) the applicant shall not be required to furnish the statement contemplated in subparagraph (1) (a) in respect of any service the provision of which forms the subject of an agreement contemplated in subparagraph (2) (a).

Additional information

8. The applicant shall obtain comments, in writing, in respect of the application from—

- (a) the local authority, if any, in whose area of jurisdiction the land which forms the subject of the application is situated;

- (b) any local authority whose area of jurisdiction is situated within five kilometres from the land which forms the subject of the application;
- (c) the Director-General: Mineral and Energy Affairs; and
- (d) any regional services council or other body that will provide any engineering services to the township,

in which they state, inter alia, whether they support the application and, if so, whether such support is conditional or unconditional.

Fees

9. (1) The applicant shall pay to the Administrator a fee of R10 (ten rand) in respect of any application to establish a township.

(2) Payment of the fee referred to in subparagraph (1), shall be made by the applicant by affixing revenue stamps for the amount of that fee on his original application form.

Annexure: Application for township establishment

(in terms of Chapter II of the Less Formal Township Establishment Act, 1991)

The Director-General
 Provincial Administration

.....

(insert address)

Applicant's address:

.....

Tel. No.

Applicant's reference:.....

Sir

PROPOSED TOWNSHIP:

.....

SITUATED ON:

.....

I, the undersigned,.....

hereby apply for permission to establish a township on the land described herein and submit the particulars that appear herein.

Date.....

Signature

1. DOCUMENTS INCLUDED IN APPLICATION	YES	NO
(Please make a cross in the appropriate columns.)		
1.1 A layout plan of the proposed township including a locality plan thereof.....
1.2 A memorandum in support of the application.....
1.3 A copy of the title deed (s).....
1.4 A copy of the title deed of any servitude that applies to the land.....

- 1.5 A copy of any mortgage bond (s) relating to the land.....
- 1.6 A copy of the mineral rights certificate or mineral rights notarial cession, if applicable.....
- 1.7 The owner's or applicant's power of attorney, if applicable.....
- 1.8 A certified copy of the applicant's board, council or company resolution, if applicable.....
- 1.9 A copy of the mortgagee's consent, if applicable.....
- 1.10 A copy of the mineral right holder's consent, if applicable.....
- 1.11 Proof of reservation for township purposes in terms of section 184 of the Mining Rights Act, 1967, if applicable.....
- 1.12 A copy of a geotechnical report.....
- 1.13 A statement from an attorney, land surveyor or town planner in terms of paragraph 6 (2) of the Schedule.....
- 1.14 The reasons or information referred to in paragraph 6 (3) or 6 (4) of the Schedule, as the case may be.....
- 1.15 A copy of any services agreement and/or a statement referred to in paragraph 7 of the Schedule.....
- 1.16 A copy of the permission granted by the Administrator in terms of section 10 (1) of the Act to establish the township in terms of the Chapter II of the Act.....
- 1.17 The comments referred to in paragraph 8 of the Schedule.....
- 1.18 If the answer is "no" in respect of any of the foregoing documents, give reasons (lengthy explanations can be attached as annexures):
.....
.....
.....
.....
.....
.....
- 1.19 Other documents attached:
.....
.....
.....
.....
.....

2. SPECIFIC INFORMATION REGARDING PROPOSED TOWNSHIP

- 2.1 Name of proposed township (also indicate whether name has been approved by the appropriate authority and, if so, by whom):
.....
- 2.2 Name of applicant:
.....
- 2.3 Property:
Title deed description of every portion of the farm/smallholding* on which the proposed township is to be established:
.....

- (i) Title Deed No.....
- (ii) Title Deed No.....
- (iii) Title Deed No.....

2.4 Full name of registered owner of the land:

2.5 The land is/is not* mortgaged and particulars of the relevant mortgage bonds are as follows:

- 2.5.1 Property.....
- (i) Bond No.....in favour of.....
 - (ii) Bond No.....in favour of.....
 - (iii) Bond No.....in favour of.....

- 2.5.2 Property.....
- (i) Bond No.....in favour of.....
 - (ii) Bond No.....in favour of.....
 - (iii) Bond No.....in favour of.....

2.6 Mineral rights have/have not* been separated from the ownership of the land and are held by:

- under Certificate No.....
- under Certificate No.....
- under Certificate No.....
- under Certificate No.....
- under notarial cession.....

2.7 A lease of the rights to minerals has/has not* been granted/A prospecting contract has/has not* been entered into*. The particulars of which are as follows:

.....

2.8 Status of land in terms of the provisions of the Mining Rights Act, 1967 (Act No. 20 of 1967):

2.8.1 The land is/is not* proclaimed land as defined in the Mining Rights Act, 1967 (furnish details):

.....

2.8.2 The land has/has not* been reserved for purposes of a township in terms of section 184 of the Mining Rights Act, 1967 (furnish details):

.....

2.8.3 The land has/has not* been mined for precious metals or base metals as defined in the Mining Rights Act, 1967 (furnish details)

.....

.....
 2.9 Status in respect of mineral rights;

2.9.1 the holder or lessee of the rights to minerals or the holder of the rights in terms of the prospecting contract or notarial deed has/has not* consented to the establishment of the township (give details):

.....

2.9.2 the holder or lessee of the rights to minerals or the holder of the rights in terms of the prospecting contract or notarial deed cannot be traced, despite reasonable efforts to trace him (delete if inapplicable); (furnish details of efforts made to trace him):

.....

 ; and

2.9.3 The applicant has/has not* requested the Administrator to expropriate the rights to minerals in terms of section 4 of the Expropriation of Mineral Rights (Townships) Act, 1969 (Act No. 96 of 1969).

2.10 The proposed township—

2.10.1 is situated within the local authority area of.....

.....

2.10.2 adjoins or is within five kilometres of the following local authority areas:

.....

2.11 The proposed township falls within the area of the..... town planning scheme/does not fall within the area of any town planning scheme*.

2.12 Proposed land use (s) and total number of erven for each use:

	Proposed use	Number of erven
Residential.....
Business.....
Industrial.....
Community facility.....
Municipal.....
Undetermined.....
Public open space.....
Other.....

*Delete that which is not applicable.
