

REPUBLIC OF SOUTH AFRICA



National Department of Housing

**TOWN PLANNING AND RELATED LAND
SURVEYING SERVICES**

Project Linked Greenfield Subsidy Project Developments

*Generic Specification GFSH-3
August 2002*

INTRODUCTION

Planning activities are completed in three phases of a housing development project under the Subsidy Scheme.

The first phase is the Investigation Phase. In this phase planning information is required to complete the preparation of a project description for submission to a provincial government. The planning activities provide for the collection of information on the legal and physical status of the identified land parcel and the preparation of a sketch plan showing the area of the indicated land parcel that is available and suitable for a housing development. Where a provincial government accepts the motivations in a project description an MEC responsible for housing grants conditional approval for a project to proceed to the next stage.

The second phase is the Preliminary Layout Phase. In this phase, following conditional approval of subsidies, planning activities result in the preparation of a preliminary layout plan. This plan and other information is required to complete a feasibility study and to prepare a feasibility study report on a project. The feasibility study report is used for two primary purposes:

- i) to indicate whether the technical and financial limits set for a project by an MEC in terms of conditional approval will be met within the prescripts for a Project Linked Greenfield Subsidy Project development in terms of the prescripts of Chapter 3, Part 3 of the National Housing Code; and*
- ii) for submission to the NHBRC in order to obtain project enrolment of a project under the NHBRC Warranty Scheme.*

The third phase is the Township Establishment Phase. Activities for township establishment are commenced once a project is approved and the project agreement is concluded between an MEC and the developer. This process uses relevant planning information gathered or created in the previous two phases and additional information required to conclude all aspect of township establishment.

This generic specification was prepared by the Task Team: Implementation of National Housing Programmes to facilitate compliance with the requirements of Chapter 3 of Part 3 of the National Housing Code and the provisions of the Housing Consumers Protection Measures Act (Act 95 of 1998).

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1. SCOPE

This specification contains requirements applicable to the completion of town planning activities resulting in:

- a) the compilation of planning information and a sketch plan that are contributed to a project description;
- b) the compilation of planning information and preliminary layout plan that are contributed to a feasibility study report; and
- c) the establishment of a township on land to be utilised for housing development purposes.

2. NORMATIVE REFERENCES

Department of Housing. The National Housing Code.

Department of Housing. Securing Land for Housing Developments. Generic specification GFSH-1

Department of Housing. Geotechnical Site Investigations for Housing Developments. Generic specification GFSH-2.

Department of Housing. Environmental Services for Housing Developments. Generic specification GFSH-4

Department of Housing. Engineering Services for Housing Developments. Generic specification GFSH-8

Government of the Republic of South Africa. The Development Facilitation Act, 1995 (Act 67 of 1995) (DFA).

Government of the Republic of South Africa. The Less Formal Townships Establishment Act, 1991 (Act 113 of 1991) (LFTEA).

Government of the Republic of South Africa. The National Heritage Resources Act, 1999 (Act 25 of 1999).

Government of the Republic of South Africa. The Restitution of Land Rights Act, 1994 (Act 22 of 1994).

Land Use Planning Ordinance No. 15 of 1985 (Cape).

Town Planning and Township Ordinance, No 15 of 1986 (Transvaal)

Ordinansie op Dorpe, No 9 van 1969, (Free State)

Town Planning Ordinance of 1949 (Natal).

3. DEFINITIONS

Applicant: the agency that responds to subsidies reserved in the area of jurisdiction of a Municipality by identifying and selecting land and preparing a project description for each selected land parcel for submission to a provincial government.

Note: The Applicant may only be a Municipality or a Provincial Housing Department where a Municipality does not yet have appropriate capacity.

Competent Person (Engineering): a person described as such in the generic specification GFSH-8 (Engineering Services for Housing Developments).

Competent Person (Environmental): a person described as such in the generic specification GFSH-4 (Environmental Services for Housing Developments).

Competent Person (Geotechnics): a person described as such in the generic specification GFSH-2 (Geotechnical Site Investigations for Housing Developments).

Competent Person (Land Survey): a person registered with the South Africa Council for Professional and Technical Surveyors as a Professional Land Surveyor in terms of the Professional and Technical Surveyors Act, 1984 (Act 40 of 1984).

Competent Person (Town Planning): a person registered with the South African Council for Town and Regional Planners as a Town and Regional Planner in terms of Section 20 of the Town and Regional Planners

Act, 1984 (Act 19 of 1984) and who has demonstrable experience in the full process of township establishment in areas of similar geotechnical conditions anticipated in the indicated land parcel.

Conditional approval: approval of a project by an MEC responsible for housing based on information provided by an Applicant in a project description, subject to specific technical and financial limits set by the MEC.

Developer: the agency that completes a feasibility study and undertakes an approved project by concluding a project agreement with the MEC responsible for housing matters.

Note: Only a Municipality or a Provincial Housing Department, where a Municipality does not yet have appropriate technical, financial or managerial capacity to act as a Developer, may be a Developer.

Environmental Impact Assessment: an assessment conducted in accordance with the provisions of generic specification GFSH-4 (Environmental Services for Housing Developments) on land offered for development in response to a land availability call from a Municipality.

Feasibility Study Report: a document setting out the findings of the feasibility study (as specified in Form N6) prepared by or on behalf a Developer for submission to a Provincial Government for confirmation of subsidies for an Identified Land Parcel for a Housing Development on that land.

Housing Development: a project approved in terms of Chapter 3, Part 3 of the National Housing Code for the servicing of land and construction of houses for sale to beneficiaries using housing subsidy funds.

Identified Land Parcel: a tract of land, comprising one or more farm portions or erven registered in a Deeds Registry, identified for the purpose of housing development under the Subsidy Scheme.

Investigation Phase: the period in the project cycle from the reservation by an MEC responsible for housing of an Identified Land Parcel for a housing development to the submission of a Project Description.

Municipality: an organ of state within the local sphere of government exercising legislative and executive authority within an area determined in terms of the Local Government: Municipal Demarcation Act, 1998.

Phase 1 Geotechnical Study: an investigation, conducted in accordance with the provisions of the generic specification GFSH-2 (Geotechnical Site Investigations for Housing Developments) commissioned by the Developer, comprising a stability investigation, if underlain by dolomites or undermined ground, or in undulating terrain where there is a potential for slope instability, and an investigation into the foundation characteristics of the near surface horizons in accordance with the NHBRC requirements for the enrolment of a project in the Warranty Scheme under the provisions of the Housing Consumer Protection Measures Act, 1998 (Act No, 95 of 1998).

Preliminary Geotechnical Investigation: an investigation, conducted in accordance with the provisions of the generic specification GFSH-2 (Geotechnical Site Investigations for Housing Developments), commissioned by the Applicant, comprising the gathering of all known information relating to geotechnical conditions of the land and the interpretation of this information leading to a preliminary determination of the suitability of the land for a project-linked greenfield project development, in accordance with the provisions of Annexure D of Chapter 3 of Part 3 of the National Housing Code.

Preliminary Layout Phase: the period in a project cycle from the granting of the conditional approval for a housing development project by an MEC responsible for Housing to the submission of the Feasibility Study Report to the MEC.

Project Description: a document prepared by an Applicant in accordance with the provisions of the generic specification GFSH-1 (Securing Land for Housing Developments) for submission to a Provincial Government for evaluation of an Identified Land Parcel for conditional approval of subsidies for a housing development on that land.

Township: a land parcel laid out or divided into erven for residential or other purposes where the erven are arranged in such a manner as to be connected by streets or other rights of way.

Township Establishment: the legal procedure through which a township is properly laid out and registered so that legal transfer can be effected on each erf in the township.

Township Establishment Phase: the period in the project cycle from the signing of the project agreement between an MEC responsible for housing and the Developer and the establishment of the township.

4. OBJECTIVES OF TOWN PLANNING AND TOWNSHIP ESTABLISHMENT FOR HOUSING DEVELOPMENTS

4.1 Objectives for the Investigation Phase

The objective of the Investigation Phase is to gather relevant information for an Identified Land Parcel and to:

- a) record preliminary planning information;
- b) prepare a sketch plan; and
- c) make an initial determination of the available area for housing development and estimated number of erven that can be yielded.

4.2 Objectives for the Preliminary Layout Phase

The objective of the Preliminary Layout Phase is to:

- a) prepare a preliminary layout plan and schedule of erven; and
- b) make a recommendation on the township establishment process to be followed.

4.3 Objectives for the Township Establishment Phase

The objective of the Township Establishment Phase is to:

- a) prepare the necessary documentation and sub-division plan;
- b) comply with any conditions of approval and establishment; and
- c) complete township establishment in the offices of the Deeds Registrar and Surveyor General, and thereby provide for the opening of the township register and legal transfer of erven to purchasers, including beneficiaries of the Subsidy Scheme.

5. REQUIREMENTS

5.1 General

5.1.1 Town planning activities shall satisfy the objectives stated in 4 relevant to a particular phase of a project.

5.1.2 Town planning activities shall be done under the direction of a Competent Person (Town Planning) who shall authorize and sign all reports, plans and documents.

5.1.3 Land surveying activities in the Township Establishment Phase shall be undertaken under the direction of a Competent Person (Land Survey)

5.2 Investigation Phase

5.2.1 Minimum requirements

The Competent Person (Town Planning) shall, as a minimum in order to satisfy the requirements of 4.1:

- a) from the Registrar of Deeds:
 - (i) obtain a copy of the Title Deed(s) to the identified land parcel; and
 - (ii) identify:
 - the owner of each property;
 - any mortgage bonds registered against any property in the identified land parcel together with the name of the bond holder and bond details;
 - any long leases, including notarial deeds, registered against any property in the identified land parcel;
 - any restrictions on usage of any property in the identified land parcel specified in the Title Deed of that property, including any arising from any heritage status registered in terms on section 9(10) of the National Heritage Resources Act, 1999 (Act 25 of 1999);
 - any registered servitudes; and
 - the status of mineral and mining rights over the identified land parcel, whether part of the property rights or severed, and the identity of the minerals rights holder where severed;

- b) from the Office of the Surveyor General obtain:
 - (i) a Compilation Plan for the property context;
 - (ii) the General Plan for the identified land parcel;
 - (iii) the Approved Surveyor General Plan(s) for the identified land parcel;
 - (iv) Servitude Diagrams for any servitude registered over the identified land parcel; and
 - (v) Endorsements arising from any heritage status registered in terms of section 9(10) of the National Heritage Resources Act, 1999 (Act 25 of 1999);
- c) from the owner or the owners' agent, as necessary, confirm the existence of any current lease(s) over the property or a part thereof and obtain information including :
 - (i) the name of the lessee(s);
 - (ii) the original length of each lease and the period remaining;
 - (iii) the rights assigned to each lessee under the lease;
 - (iv) a copy of lease agreement; and
 - (v) the name and contact details of the lessee(s);
- d) from the Land Claims Commission confirm the existence of any land claims lodged in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act 22 of 1994) over the identified land parcel or a part thereof and obtain information including :
 - (i) the name(s) of claimants;
 - (ii) the extent of claim(s) made; and
 - (iii) the status of the claim, anticipated date of conclusion of the matter(s) and likely outcome, if known;
- e) review plans and reports of organs of state responsible for the planning and delivery of municipal and transport infrastructure and prepare:
 - (iv) a plan and written commentary indicating the location and current capacity of bulk water supply, sewerage and electricity reticulation;
 - (v) written commentary on any plan to increase the capacity of existing reticulation or to install additional bulk supply reticulation for water, sewerage or electricity, indicating the extent of completion of such installation;
 - (vi) a road and rail network plan for the indicated land parcel and the surrounding area; and
 - (vii) written commentary on any plan to increase the capacity of existing road or rail networks or to construct new roads or rail lines;
- f) from a site visit, the Preliminary Geotechnical Investigation report, the Environmental Impact Assessment (pre-feasibility scan) and other relevant sources:
 - (i) prepare an overlay to the map of topographic and geological conditions and terrain mapping units that are presented in the Preliminary Geotechnical Investigation for the indicated land parcel showing the location and extent of:
 - existing improvements;
 - significant stands of bushes and trees;
 - water courses, pans, vleis and marshes;
 - the location of all 1-in-50-year and 1-in-100-year floodlines for all watercourses on the indicated land parcel, which shall be signed off by a Competent Person (Engineering);
 - (ii) prepare an overlay indicating the probable extent of any exclusion of any portion(s) of the indicated land parcel for housing development and any areas subject to detailed environmental studies specified in the pre-feasibility scan;
 - (iii) prepare a written commentary on the anticipated effects of the topography, terrain mapping units, environmental considerations and other features in (i) above on the expected yield of erven for housing developments; and
- g) prepare from information in a) to f) a sketch plan indicating the area of the indicated land parcel that is suitable and available for housing development and make a preliminary estimate of the number of erven that may be provided.

5.2.2 Reporting requirements

5.2.2.1 The Competent Person (Town Planning) shall prepare a written report using the following title and standard headings:

- Title: Town Planning Matters: Project Description
- Executive Summary
- 1 Introduction
- 2 Information
- 2.1 Description and list of document references used
- 2.2 Description and list of individuals consulted
- 3 Title Deed information
- 4 Surveyor General information

- 5 Leases
- 6 Land Claims Commission information
- 7 Municipal and transport infrastructure
- 8 Topography, terrain mapping and environmental considerations
- 9 Preliminary estimate of the yield of erven

5.2.2.2 The Competent Person (Town Planning) shall report all findings and commentaries in the report and shall append all maps, plans and other relevant documents in properly titled and referenced appendices in an order that conforms to the presentation of material in the report.

5.2.2.3 The report and all drawings must also be available in an electronic format, unless stated otherwise in the specification data.

5.3 Preliminary Layout Phase

5.3.1 Minimum requirements

The Competent Person (Town Planning) shall, as a minimum in order to satisfy the requirements of 4.2:

- a) prepare a contour plan of the indicated land parcel to one metre contours from information available from a Municipality, provincial government, Office of the Surveyor General, or from any other suitable source;
- b) review the following documents and extract all information pertinent to the preparation of a preliminary layout plan:
 - (i) the sketch plan and all accompanying information prepared in the Investigation Phase;
 - (ii) the Phase 1 geotechnical investigation report prepared by the Competent Person (Geotechnics) for the indicated land parcel; and
 - (iii) any environmental impact assessment reports prepared by the Competent Person (Environmental) for the Indicated Land Parcel;
- c) prepare a preliminary layout plan, using the sketch plan and all accompanying information prepared in the Investigation Phase as the basis for preparation, indicating:
 - (iv) the general arrangement of streets and blocks, at a legible scale, being 1:2,000 or as agreed;
 - (v) Indicate road access to and from the existing road network in the area of the Identified Land Parcel;
 - (vi) the following land uses as applicable:
 - education;
 - health;
 - community facilities;
 - economic, commercial and industrial;
 - South African Police Services;
 - Municipal; and
 - Public open space;
 - (vii) in a schedule, the sizes of erven, the number of erven per size class and the number of erven per land use type; and
 - (viii) in a schedule, the number of erven in each geotechnical site class pertaining to the Identified Land Parcel;
- d) prepare a written recommendation on the township establishment process to be followed for the Identified Land Parcel, being through the provisions of the Development Facilitation Act, 1995 (Act 67 of 1995), the Less Formal Townships Establishment Act 1991 (Act 113 of 1991), or a provincial ordinance. The recommendation should consider at least:
 - (i) the complexity of technical, township establishment and social development issues;
 - (ii) the capacity of the responsible Municipality in respect of administration, technical capacity, current backlog of township establishment applications and their effects on the Municipality's ability to complete administrative requirements with the prescribed time frame; and
 - (iii) the anticipated realistic time frame for completion of the procedures; and
- e) review the status of the status of all rights holders identified in the Investigation Phase report and assess the intentions of such rights holders as they may constitute a risk to, or have an impact on a housing development on the Identified Land Parcel.

5.3.2 Reporting requirements

5.3.2.1 The Competent Person (Town Planning) shall prepare a report using the following title and standard headings:

Title: Town Planning Matters: Feasibility Report
Executive Summary

- 1 Introduction
- 2 Information
- 2.1 Description and list of document references used
- 2.2 Description and list of individuals consulted
- 3 Intentions of Rights Holders: risks or impacts for a housing development
- 4 Preliminary Layout Plan
- 5 Township establishment recommendation

5.3.2.2 The Competent Person (Town Planning) shall report all findings and commentaries in the report and shall append all maps, plans and other relevant documents in properly titled and referenced appendices in an order that conforms to the presentation of material in the report.

5.3.2.3 The report and all drawings must also be available in an electronic format unless stated otherwise in the specification data..

5.4 Township Establishment Phase

5.4.1 Minimum Requirements: Town Planning

The Competent Person (Town Planning) shall, as a minimum in order to satisfy the requirements of 4.3:

- a) confirm in written correspondence with the Developer, the township establishment route to be followed;
- b) prepare a layout/sub-division plan to the prescriptions of the Act or Ordinance governing the establishment process to be pursued;
- c) prepare necessary documentation, including:
 - (i) a copy of the Title Deed;
 - (ii) authorizations to proceed on behalf of the Developer; and
 - (iii) consents as necessary of:
 - minerals rights holder(s)
 - bond holder(s)
 - lease holder(s)
 - other holders of rights as relevant;
- d) conduct the process prescribed in the Act or Ordinance governing the establishment process to be pursued for advertisement and respond to comments duly submitted;
- e) obtain relevant approvals for township and street names;
- f) monitor the process of acquiring municipal approval and provide inputs as requested;
- g) respond to any public hearing or related matter held in respect of the approval process;
- h) review conditions of approval and establishment and comply with any conditions, including as relevant:
 - i) removal of servitudes; and
 - ii) deletion of restrictive conditions; and
- i) respond to relevant matters that may be raised by the Office of the Surveyor General up to the time of the opening of the township register.

5.4.2 Minimum Requirements: Land Survey

The Competent Person (Land Survey) shall, as a minimum in order to satisfy the requirements of 4.3:

- a) prepare a sketch plan of the proposed township indicating at least:
 - (i) contours at appropriate intervals for the topography of the site; and
 - (ii) existing features;
- b) attend to the pegging of the township;
- c) prepare a general plan of the township; and
- d) submit the general plan to the Office of the Surveyor General and respond to relevant matters to secure the approval of the general plan and the opening of the township register.

5.4.3 Reporting requirements

5.4.3.1 General

5.4.3.1.1 The Competent Person (Town Planning) shall compile monthly progress reports and a close out report.

5.4.3.2 The Competent Person (Land Survey) shall submit to the Competent Person (Town Planning) relevant information for monthly progress reports and the close out report at the request of the Competent Person (Town Planning)

5.4.3.2 Monthly Report

The monthly report shall indicate progress using the following title and standard headings:

Title: Township Establishment Monthly Report

1. Project name and project reference number
2. Preparation of Plans
 - 2.1 Sketch Plan
 - 2.2 Layout/Sub-division Plan
3. Documentation
4. Advertisement and responses
5. Conditions of approval and establishment
6. Other matters

5.4.3.3 Close out report

5.4.3.3.1 The close out report shall have the title "Township Establishment: Close Out Report" and shall have the same standard headings as the monthly report. The Competent Person (Town Planning) shall report all findings and commentaries in the report and shall append all maps, plans and other relevant documents in properly titled and referenced appendices in an order that conforms to the presentation of material in the report.

5.4.3.3.2 The report and all drawings must also be available in an electronic format unless stated otherwise in the specification data.