

Sub Division of Land

In 1980 the average stand size in South Africa was 1275m², by 1991 it was down to 932m², and over the first three quarters of 2006, according to Absa's fourth quarter 2006 Residential Property Perspective, it decreased to an average of 520m².

The decrease in stand size tells the story of a lot of subdivision of land over the past three decades, particularly in metropolitan areas where the demand for land is continually on the increase.

Over the past decade, subdivision has been indirectly encouraged by city council programmes to facilitate high-density developments in urban areas. This trend is set to continue, with councils increasingly favouring medium- to low-cost developments over upmarket estates, cautious not to flood the upper end of the market, where sales have slowed dramatically. Demand remains steady in the middle segment of the market, and in the lower segment it is accelerating as the effect of South Africa's economic growth trickles down to the lower income levels, and township residents are upgrading.

Debbie Wall-Smith of Wall & Smith Property Consultants in Cape Town cites the example of Somerset West, where the Helderberg town planning division doesn't want any more upmarket wine estates and will not consider further subdivision or re-zoning of land abutting wine estates for that purpose. 'They are, however, supporting the re-zoning and subdivision of land for low-cost housing development in areas along the N2,' says Debbie.

While for many it has been a matter of subdivide and prosper, property consultants and town planners are cautioning people to be aware that costs have increased, many existing conditions are being applied more stringently, and new bylaws and national legislation – such as the recent Coastal Protection Act – are aimed at protecting the sustainability of the natural environment.

However, where zoning and title deeds allow subdivision, the process can be straightforward, cost effective and relatively quick, says Debbie. 'If you're looking to create two dwellings out of one erf, for instance to divide a house into two semis, all you need to do is hire a land surveyor and an attorney. You'd be looking at about R20 000 and it should be done in three to five months.'

Steve Baylis of Van der Schyff, Baylis and Hlahla Town Planning in Johannesburg warns that if you are planning to subdivide an existing residential stand with a home to create an additional erf, you need to allow an extra R15 000 to R20 000 in development costs and connection fees for council to provide services such as sewerage, water and electricity to the new erf. Should the new erf not be accessible via existing municipal roads, they would also have to consider the cost of a municipal access road to the stand.

Landowners need to know about zoning limitations in the area where they live or where they want to buy a piece of land to subdivide at a later stage. Steve says that according to the new Joburg spatial development framework, a 1 000m² erf is now considered low density, but in many upmarket areas different limitations apply.

Should a property need to be re-zoned, you would be looking at nine to 18 months just for the re-zoning process, in Debbie's experience. The subdivision on top of that could increase the processing period to between 14 and 24 months. The process would also be prolonged if the landowner needs to apply for the lifting of title deed restrictions, or if the site necessitates environmental impact studies.

According to the Durbanville Town Planning Department, an application for subdivision is likely to go through some or all of the following procedural steps, depending on the nature, extent, or complexity of the proposal:

- Pre-application advice and consultation, and obtaining council requirements
- Submission
- Public participation/advertising (once the application is considered to be complete), including applicant response to any objections and/or other comments received
- Detailed technical assessment, including amendments/revisions by the applicant, if required
- Decision
- Notification of decision to the applicant and objectors (if any)
- Appeal, if any, by the applicant and/or objectors.

To ensure accurate records, applications should be submitted by post or by hand to the applicable council's various local registry offices. Written acknowledgement of receipt will be sent to you within 14 days of submission and will include an application number and the name and number of a case officer. Should the relevant council consider the application incomplete or require further information, documentation or fees, such notification will also be given within 14 days. The applicant would have to comply within 60 days, according to Durbanville town planning division guidelines.

Durbanville Municipality town planner Leon van der Rost says that while the majority of applications are made in terms of various sections of the Land Planning Ordinance, the town council may not always be the authority to make the final

decision. He advises that you should first talk to your local town planning division. At the preliminary meeting, ask for a complete list of all possible conditions that could be imposed, and also get an idea of what the basic application would cost, depending on complexity, and of advertising fees, if applicable.

Debbie reminds property owners that the bond holder's consent is required in the case of a bonded property. The diagram drawn up by the land surveyor - with all required documents - needs to be approved by the local authority, then by the Registrar of Deeds and the Surveyor General. The land surveyor will draw the new site diagrams and lodge these with the Surveyor General and municipality at your cost. Then your conveyancer needs to lodge it with the Registrar of Deeds.