

THE LA15 FORM OUTLINES THE DOCUMENTS TO BE SUBMITTED WITH AN APPLICATION TO APPLY FOR A REFUND OR THE RELEASE OF A GUARANTEE OR ANY OTHER FUNDS HELD BY THE CITY

As part of the finalisation of the post-approval processes applicable to township establishment, the sub-division of erven, the division of Holdings or Farm Portions and/or Land Development applications, Legal Administration may have requested, on behalf of a Municipal Entity (Johannesburg Roads Agency (Pty) Ltd, Johannesburg Water (Pty) Ltd and/or City Power Johannesburg), that a guarantee for a specific engineering service (roads, stormwater, electricity, water and/or sewerage) had to be submitted to Legal Administration.

It is also the function of Legal Administration to release such guarantee or to make arrangements with the Finance Department to refund the amount paid in lieu of such guarantee, provided that the necessary approval (clearance) to release/refunding has been issued by the applicable Municipal Entity. This authority had been sub-delegated to the Deputy Director: Legal Administration.

It is important to note that the applicant or applicant's engineer must contact the Municipal Entity/ies which initially requested the guarantee/s, to arrange a final inspection of the engineering service(s) for which the guarantee or payment is held by Legal Administration.

Notice should be taken of the following:

1. Legal Administration cannot arrange such an inspection. This should be arranged directly between the owner/applicant/engineers and the relevant MoE.
2. It remains the prerogative of the applicable Municipal Entity, to decide whether or not an inspection will need to be conducted.
3. The Municipal Entity will submit their clearance (confirmation that the guarantee is no longer required by them) directly to Legal Administration.
4. Legal Administration will not be able to release the guarantee or refund the amount, without the clearance having been received from the applicable Municipal Entity.
5. It remains the responsibility of the applicant to ensure (follow up) that the MoE provides their clearance to Legal Administration.
6. The comments of the applicable Municipal Entity given at the stage when clearance for the Section 29, Section 34 or 37 certificate was requested by Legal Administration.
7. Applicants are reminded that payments made in lieu of guarantees, do not accrue interest (no interest is payable by the Council to the applicant when the guarantee amount is being refunded).

This application form is also to be used for the refunding of overpayments made to Council and where Development Contributions that have been paid need to be refunded as a result of an approved Offset application.

| LA15 – DOCUMENT SUBMISSION CHECKLIST | | |
|---|--------------------------|--------------------------|
| DOCUMENT SUBMITTED | APPLICANT | LEGAL ADMIN |
| Cover letter requesting the Refund or Release of guarantee | <input type="checkbox"/> | <input type="checkbox"/> |
| Copy of the letter in terms of which the relevant MoE requested a guarantee; (if applicable and available) | <input type="checkbox"/> | <input type="checkbox"/> |
| Copy of the letter in terms of which the relevant MoE releases a guarantee; (if applicable and available) | <input type="checkbox"/> | <input type="checkbox"/> |
| The Tax Invoice and journal entry from Finance, if applicable | <input type="checkbox"/> | <input type="checkbox"/> |
| If the refund is applicable as a result of an approved offset application or overpayment or any other reason, supporting documents need to be submitted, such as the approved offset etc. | <input type="checkbox"/> | <input type="checkbox"/> |
| The township owner/registered owner must submit its/his own VAT Invoice for the transaction, if applicable | <input type="checkbox"/> | <input type="checkbox"/> |



DEVELOPMENT PLANNING – LAND USE MANAGEMENT DEVELOPMENT

LEGAL ADMINISTRATION UNIT: POST APPROVAL APPLICATION FOR REFUND/RELEASE

| | | |
|---|--------------------------|--------------------------|
| Banking details of the township owner/registered owner whereto the refund needs to be paid to | <input type="checkbox"/> | <input type="checkbox"/> |
| Power of Attorney authorising attorney to act on behalf of the registered owner | <input type="checkbox"/> | <input type="checkbox"/> |
| Resolution of the company/partnership/joint owners/other legal entity, if applicable | <input type="checkbox"/> | <input type="checkbox"/> |
| Proof of payment of the application fee with Invoice number as payment | <input type="checkbox"/> | <input type="checkbox"/> |
| LA15 - APPLICATION FORM: | | |
| APPLICATION PROPERTY INFORMATION: | | |
| Township / Agricultural Holding / Farm | | |
| | | |
| Erf (Erven) / Plot(s) / Farm(s) No | | |
| | | |
| Council Reference Number, if applicable: | | |

I, being the **applicant** described herein, declare that the above information is correct.

SIGNATURE **DATE:**