

NDLAMBE MUNICIPALITY



LAND USE APPLICATION FORM

PART A: TYPE(S) OF APPLICATION

TICK	APPLICATION TYPE	FEE AS PER FEE LIST
	Rezoning	R
	Consolidation	R
	Requirements for amendment, suspension or removal of restrictive conditions or obsolete Condition, servitude or reservation registered against title of land	R
	Departure Application: Permanent or Temporary Departure (for Land Use Change)	R
	Departure Relaxation Building Line	R
	Departure for Relaxation of Development Parameters (Height and/or Coverage)	R
	Consent use in terms of the Land Use Scheme	R
	Extension for validity of an approval	R
	Subdivision	R
	Road closure or Closure of Public Open Space	R
	Approval of Architectural Design Manual, Homeowners Constitution, Site Development Plan	R
	Amendment of Conditions of Approval	R
	Cancellation/Amendment of General Plan	R
	Other	R
TOTAL ON FEES PAYABLE		R

INSTRUCTIONS:

- Do not convert or edit the land use application form.
- Confirm the applicable fees with the Town Planning Office before proceeding, and do not make any payment without consent from the Town Planning Office.
- Initial the bottom of each page and sign the Declaration on Page 11.

PART B: GENERAL INSTRUCTIONS

(These instructions should be read before completing the form)

1. GENERAL REMARKS

- 1.1. All applications should take cognizance of the requirements for the change of land use in terms of the Environment Conservation Act of 1997.
- 1.2. Incorrect and incomplete applications will be returned to the Applicant. The Applicant's attention is drawn to the plans and other documentation that must accompany their application as per the Schedules in the Ndlambe Municipality Spatial Planning and Land Use Management By-law (2016).
- 1.3. Applicants must note that until such time that an application has been approved in writing, any correspondence or discussions pertaining to this application must not be regarded as an indication that it will in fact be approved and do not bind the Ndlambe Municipality, in any way.
- 1.4. The Ndlambe Municipality reserves the right to have an approval declared null and void if it was based on wrong information supplied by an applicant. Applicants must therefore ensure that information about restricting factors that could influence the application is provided.
- 1.5. Applicants may supply any additional information, on a particular issue, if they want to and when required to.

2. PRIOR LIAISON WITH OTHER INTERESTED PARTIES

- 2.1. Prior Liaison with interested bodies including National and Provincial Departments, is strongly recommended, as the processing of applications will be expedited in this way. Where an applicant submits proof that an interested party is satisfied with a proposal, it will not be necessary to again approach such interested party for comments.
- 2.2. A list of the different authorities and other interested parties affected by the development, together with the names, telephone numbers and addresses of contact persons may be available from the Local Authority.

3. SUBMISSION OF APPLICATION

- 3.1. The application must be submitted in duplicate, together with all the required annexes, to the Local Authority in whose area of jurisdiction the land unit is situated. If the land is to be incorporated within the jurisdiction of a Local Authority, the application form must also be submitted to the Local Authority concerned.
- 3.2. Applications can be posted via registered mail or hand delivered to the following address:

**The Municipal Manager
Ndlambe Municipality
P O Box 13
Port Alfred
6170**

**Town Planning Office
Ndlambe Municipality
Causeway Road, Civic Centre
Port Alfred
6170**

- 3.3. Lack of information leads to delays and adds to the workload of the Section/Department. It is essential that all applications that are submitted for consideration contain all of the information necessary for the relevant authority to take a rational decision. Ideally applications should indicate the following:

3.3.1. Details in respect of the application

- A Locality sketch showing clearly the details of the application;
- A Description of the site that is to be developed;
- What does the owner intend to do with the land;
- What are the envisaged development parameters (for instance the proposed floor area and coverage);
- What portion of the site is to be developed;
- What is the existing zoning and use of the subject land;
- A copy of the advertisement of the proposal;
- A site development plan.

3.3.2. Details in relation to the existing and proposed development of the land in the vicinity of the subject land

- The existing uses and zonings to be shown on separate map;
- The visual or historical characteristics of the area;
- Topographical and physical features;
- Details of illegal and non-conforming uses.

3.3.3. Details in respect of the planning proposals for the subject area

- what are the existing and proposed conditions applicable to the subject land (servitudes, title deed and/or zoning scheme conditions);
- relevant details contained in Spatial Development Framework, or any other policy proposals for the area.

3.3.4. Motivation

A written motivation for an application should be based on the criteria referred to in the said legislation (SPLUMA), namely;

- Desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister/MEC regarding desirability of proposed land uses;
- Investigations carried out in terms of other laws that are relevant to the consideration of the application;
- The impact of the proposed land development on municipal engineering services;
- Applicable policies of the Municipality that guide decision making;
- Applicable provisions of the zoning scheme;
- Consideration of the following forward planning documents;
- Integrated development plan, including the municipal spatial development framework; provincial spatial development framework; and
- Policies, principles and planning and development norms and criteria set by the national and provincial government; and
- Land development principles as referred to in Chapter 2 of the Spatial Planning Land Use Management Act, 2013 (Act No.16 of 2013) (SPLUMA).
- When an application is submitted for an amendment, suspension or removal of restrictive conditions the criteria referred to in Section 47 of the Act, should also be considered.

3.3.5. Supporting information and documentation

The following information or documentation may be requested at the discretion of the Municipality and can include the following;

- Copy of Traffic Impact Statement (TIS - if between 50 – 150 peak hr trips) or Traffic Impact Assessment (TIA - if > 150 peak hr trips);
- Floodline determination (report / plan);
- Copy of the Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) report;
- Confirmation of submission of EIA / HIA; or Copy of the Environmental Authorisation (EA) / Record of Decision (ROD);

- Services report or indication of all municipal services / registered servitudes;
- Typical unit types (plan & elevation);
- Abutting neighbour consent(s);
- Body Corporate / Home Owners Association (HOA) consent;
- Home Owners Constitution / architectural guidelines;
- Copy of original approval and conditions of approval;
- Minutes of pre-application consultation meeting;
- Confirmation from the Department of Rural Development and Land Reform regarding land claim(s) / restitution claim(s);
- Proof of lawful use right;
- Additional copies of selected documentation;
- Additional motivation; and
- Any other specialist studies, etc.

PART C: INFORMATION TO BE COMPLETED BY THE APPLICANT

NOTE: Complete this form using BLOCK letters and ticking the appropriate boxes	
PART C.1: APPLICANT DETAILS	
First name(s)	
Surname	
Company name <i>(If applicable)</i>	
Street or Postal Address	
Email Address	
Contact Number	
PART C.2: REGISTERED LANDOWNER(S) DETAILS <i>(If different from applicant)</i>	
Registered owner(s) Name	
Street or Postal Address	
E-mail Address	
Contact Number	

PART D: PROPERTY DETAILS

NOTE: Property details must be in accordance with title deed					
Erf No		Suburb/Town/Area			
Farm No		Portion (if applicable)			
Physical or Street Address					
Current Zoning					
Proposed Zoning					
Additional Rights or Consent Uses Approved					
Current activities					
Are any departures applicable to the land unit?					
Is there any building or other development on the land unit? If so, what are the nature and condition of these improvements?					
Is the site/property being used in accordance with its present zoning? If not, how is the land being utilised?					
Property Size/ Extent (m ² / ha - as per Title Deed					
Title Deed Number					
Any additional/relevant information in regard to the property					
Any restrictions ito Conveyance's Certificate?	Y	N	If yes, list condition(s) in motivation report.		
Are the restrictive conditions in favour of a third party?	Y	N	If yes, list the party(ies) in motivation report.		
Is the property owned by Council?	Y	N	If yes, <u>attach a power of attorney</u> signed by the Municipal Manager or delegated authority.		
Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)	Y	N	If yes, indicate which section are triggered in motivation report and attach relevant permit.		
Is the property or building located within the historical core or contains any heritage significant features?	Y	N	Is the building older than 60 years?	Y	N
Does the property fall inside the urban edge in terms of the SDF?	Y	N	Does the property fall within the service edge in terms of SDF?	Y	N
Is the property encumbered with a bond	Y	N	If yes, is bond/mortgage holders consent attached	Y	N
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalise the building / land use?	Y	N
NOTE: A contravention penalty may be imposed.					
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	N	Are there any land claim(s) registered on the subject property(ies)?	Y	N

PART E: DETAILS OF THE APPLICATION

- 1. Describe the proposed development in detail (A separate motivational report **MUST** be added):

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- 2. Does the proposed development involve the entire land unit? If not, indicate the position and size of the portion of the land unit that is not included in the proposed development and for what purpose it is, or will be used:

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- 3. Is a departure being applied for in order for a temporary change of use on the land unit?

If so, explain why rezoning is not being considered and supply reasons for the proposed period of the departure:

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- 4. Departure (for an alteration of the conditions in respect of a particular zone) in terms of Section 76(1) of the Ndlambe Municipality Spatial Planning and Land Use Management Bylaw (2016) for a relaxation of the:

- i. Lateral (side) building line(s) from m to m; and / or
- ii. Rear building line from m to m; and / or
- iii. Street building line from m to m; and / or
- iv. Coverage factor from % to %; and / or
- v. Building height restriction from m to m; and / or
- vi. Street boundary wall / fence height restriction from m to m;
- vii. Relaxation of parking requirements from.....bays to..... bays
- viii. Other zoning scheme condition(s) (as specified).....

5. RESTRICTING FACTORS

(a separate report may be added to address the restricting factors)

5.1 Are there any title deed restrictions, which may have an effect on the application?

If so, furnish details:

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5.2 Is there any portion of the land unit subject to tidal flow or situated under the high water mark?

If so, furnish details:

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5.3 Is any portion of the land unit situated in a flood-plain of a river under the 1 in 50 years flood-line or subject to any floods?

If so, furnish details:

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5.4 Are there any physical restrictions (such as steep slopes, unstable soil formations, swamps etc.) which could affect the development?

If so, furnish details and state how the problem can be solved:

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Are there any other restrictions of which you are aware, but which were not mentioned above?

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PART F: PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION POLICIES / GUIDELINES

Please answer the following questions and provide comments:

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	COMMENT
Is any Municipal Integrated Development Plan (IDP)/Spatial Development Framework (SDF) and/or any other Municipal policies/guidelines applicable? If yes, is the proposal in line with the aforementioned documentation/plans?			
Any applicable restrictive condition(s) prohibiting the proposal? If yes, is/are the condition(s) in favour of a third party(ies)? List condition numbers and third party(ies)]			
Any other Municipal by-law that may be relevant to application? (If yes, specify)			
Does the proposal fall within the provisions/parameters of the land use scheme?			
Are additional applications required to deviate from the land use scheme? (if yes, specify)			

PART G: CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE

Please answer the following questions and provide comments:

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	OBTAIN APPROVAL / COMMENT FROM:
Is/was the property(ies) utilised for agricultural purposes?			
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?			
Is the property/land situated within 100m from the high-water mark of the sea or tidal river? (<i>NOTE: Please check with the Environmental Compliance Officer of the Municipality</i>)			
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?			
Have you obtained a determination from DEDEAT, confirming whether the proposal triggers any listed activities in terms of NEMA? <i>If Yes, please attach communication/confirmation from DEDEAT.</i>			

Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?			
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?			
Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)? (National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEM:PAA) / National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) / National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (NEM:AQA) / National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008) (NEM:ICM) / National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM:WA)			
Will the proposal have an impact on any National or Provincial roads?			
Will the proposal have an impact on any National or Provincial roads?			
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993(Act 85 of 1993): Major Hazard Installations Regulations			
Will the proposal affect any land owned by any State-Owned Entity (Telkom, ESKOM, Transnet etc.) and/or servitudes?			
Is the property subject to any existing mineral rights?			

PART H: SERVICE REQUIREMENTS

DOES THE PROPOSAL REQUIRE THE FOLLOWING INFRASTRUCTURE / SERVICES?	YES	NO	COMMENT
Electricity supply			
Water supply			
Sewerage and wastewater			
Storm water			
Road network			
Other, services. Please specify			

NOTE: Provide more detailed information in the motivation report.

PART I: DOCUMENTS TO BE SUBMITTED AS PART OF THE APPLICATION

Please indicate if the following Annexures are attached

ANNEXURE	YES	NO	NOT APPLICABLE
COMPULSORY INFORMATION REQUIRED			
Power of Attorney / Owner's consent if applicant is not owner (if applicable)			
Company resolution/Minutes if property is registered under a company or entity			
Resolution or other proof that applicant is authorised to act on behalf of a juristic person			
Full Copy of Signed Title Deed			
Bondholder's consent			
Locality map			
Zoning map			
Land-use map			
Site Development Plan/ Site Layout			
S.G / Erf Diagram			
Motivation report			
Written motivation pertaining to the desirability and impact of the application			
Proof of payment			
MINIMUM AND ADDITIONAL REQUIREMENTS			
Neighbours consent			
Proposed subdivision plan			
Proposed consolidation plan			
Conveyancer's certificate			
Flood-line certificate			
Services Report or indication of all municipal services / registered servitudes			
Environmental Authorisation (EA) / Record of Decision (ROD)			
Heritage Impact Assessment (HIA)			
Traffic Impact Assessment (TIA)			
Traffic Impact Statement (TIS)			
Major Hazard Impact Assessment (MHIA)			
Home Owners Association Consent			
Any other annexures, give details:			

If any of the above questions, answers are no, give reasons:

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PART J: DECLARATION BY THE APPLICANT

I hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 111(4)(e) of Ndlambe Municipality Spatial Planning and Land Use Management, By-law, 2016, to provide inaccurate, false or misleading information.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true, and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false, or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false, or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information, or answers in a land use application in terms of the Ndlambe Municipality Spatial Planning and Land Use Management By-law, 2016, knowing it to be incorrect, false, or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered if it has reason to believe that information submitted, or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. By initialling each page of this form, I confirm that I have read and understood the contents therein, and I declare that all information completed in this form and provided as part of this application is true, correct, and complete to the best of my knowledge and belief. I understand that any false or misleading information may result in the rejection of the application or other legal consequences.
16. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public, other sector departments or organs of state, as part of processing the application and public participation processes.

Full Name(s)			
Professional Capacity & Registration Number			
Statutory Body		Are you In Good Standing with the Statutory Body?	
Applicant's Signature		Date	

Applicant's Initials: _____

PART K: FOR OFFICE USE ONLY

APPLICATION RECEIVED AND VERIFIED BY:

Full Name(s)	
Title/Capacity	
Signature	
Municipal Stamp	