

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 166 OF 2015

GA-SEGONYANA LOCAL MUNICIPALITY

MUNICIPAL LAND USE PLANNING BY-LAWS

Published under Local Government Notice in *Northern Cape Provincial Gazette*

Notice is hereby given in terms of the provisions of Section 13 of the Local Government: Municipal Systems Act 32 of 2000 that the Council of the Ga-Segonyana Local Municipality adopted the set of Municipal Land Use Planning By-laws.

The By-laws are published for the purpose of general public notification. Copies of the By-Laws are available from the Town Planner of the Council, during normal office hours (Monday to Friday, 07:30 to 16:30) at corner of Voortrekker & Church Streets, Kuruman.

G.E. Ntefang

Municipal Manager

**SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW ON MUNICIPAL LAND USE PLANNING
FOR GA-SEGONYANA LOCAL MUNICIPALITY,
NORTHERN CAPE PROVINCE**

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

WHEREAS there is a need to provide for the bioregional spatial planning framework, land use management and development of land in the Northern Cape Province in a sustainable manner by means of the co-ordination and alignment of land use, land development policies, plans and systems of all spheres of government within the province through the development of a single bioregional spatial framework, which ensures that sustainable development is developmental, consistent, uniform, transparent and inclusive in nature; and

WHEREAS there is a need to provide for the regulation and control of activities on and in respect of spatial planning and land use management, and to provide for matters in connection therewith

BE IT THEREFORE ENACTED by the Municipal Council of the Ga-Segonyana Local Municipality as follows:-

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CHAPTER I – INTERPRETATION AND APPLICATION

1. DEFINITIONS AND INTERPRETATIONS

In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Spatial Planning and Land Use Management Act 2013, (Act 16 of 2013)

All references to sections in this by-law refers to this specific document unless otherwise stated —

Apart from the words and terms defined in the Act, the following words or terms shall have the following meaning in this By-law –

“Act” or **“the Act”** means the Spatial Planning and Land Use Management Act 16 of 2013 and any Regulations published in terms of section 54 of the Act;

“adopt”, in relation to a spatial development framework, zoning scheme, policy or strategy, means the approval thereof by the Municipal Council;

“Appeal Authority” means the Appeal Authority contemplated in section 83(1);

“applicant” means an owner, including the State, of the land concerned and / or a person who is duly authorised by the owner to submit a land development application who makes a land use and development application contemplated in terms of this By-Law.

“application” means an application submitted to the Municipality in terms of which a development right is sought;

“authorised agent” means the appointment of a qualified professional planner in terms of the Planning Professions Act 36 of 2002; and may include a person appointed in terms of a power of attorney by an owner;

“authorised employee” means a municipal employee who is authorised by the Municipality to exercise a power or perform a duty in terms of this By-law or to inspect land and buildings in order to enforce compliance with this By-law or the zoning scheme;

“consolidation”, in relation to land, means the merging of two or more adjacent land units into a single land unit, and includes the physical preparation of land for consolidation;

“consent use” means the usage of land for which it is not zoned for, but which is made provision for in the existing land use management scheme applicable to the land in question;

“Council” means the municipal council of the Municipality;

“day” means a calendar day, and when any number of days are prescribed for the execution of any act, it must be calculated by excluding the first day and including the last day, however, should the last day fall on a Saturday, Sunday or Public Holiday, the

number of days must be calculated by excluding the first day and also the Saturday, Sunday or public holiday;

“development charge” means a development charge levied by the Municipality as contemplated in terms of the approved Bulk Contribution Policy;

“external engineering service” means an engineering service situated outside the boundaries of a land area and that is necessary to serve the utilisation and development of the land area;

“Municipal Manager” means the municipal manager of the Municipality;

“Municipality” means the Ga-Segonyana Local Municipality issued in terms of the Local Government: Municipal Structures Act 117 of 1998, and any employee of the Municipality acting in terms of delegated or sub delegated authority of the Municipality;

“non-conforming use” means an existing land use that was lawful in terms of a previous zoning scheme but that does not comply with the zoning scheme in force;

“site development plan” means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

“subdivisional area” means an overlay zone that permits subdivision for the purposes of a subdivision application involving a change of zoning;

“Tribunal” means the Municipal Planning Tribunal as established in terms of Chapter 6 of the Act.

2. APPLICATION OF BY-LAW

This By-law applies to all land situated within the municipal area.

CHAPTER II – DEVELOPMENT MANAGEMENT

3. DETERMINATION OF ZONING

- (1) The owner of land or his or her agent may apply in terms of section 5(2) to the Municipality for the determination of a zoning for land within its municipal jurisdiction.
- (2) When the Municipality considers an application in terms of subsection (1) it must have regard to the following:
 - (a) the lawful utilisation of the land, or the purpose for which it could be lawfully utilised immediately before the commencement of this By-law if it can be determined;
 - (b) the zoning, if any, that is most compatible with that utilisation or purpose and any applicable title deed condition;
 - (c) any departure or consent use that may be required in conjunction with that zoning;

- (d) in the case of land that was vacant immediately before the commencement of this By-law, the utilisation that is permitted in terms of the title deed conditions or, where more than one land use is so permitted, one of such land uses determined by the municipality; and
 - (e) where the lawful utilisation of the land and the purpose for which it could be lawfully utilised immediately before the commencement of this By-law cannot be determined, the zoning that is the most desirable and compatible with any applicable title deed condition, together with any departure or consent use that may be required.
- (3) If the lawful zoning of land contemplated in subsection (1) cannot be determined, the Municipality must determine a zoning and serve notice of its intention in terms of section 28.
 - (4) A land use that commenced unlawfully, whether before or after the commencement of this By-law, may not be considered to be lawful.

4. NON-CONFORMING USES

- (1) A non-conforming use provides that land is being utilised lawfully in terms of an existing zoning scheme for a purpose that does not comply with a proposed zoning scheme may continue to be utilised for that purpose when the new zoning scheme comes into operation.
- (2) A non-conforming use does not constitute an offence in terms of this By-law.
- (3) A non-conforming use may continue as long as it remains otherwise lawful, subject to the following:
 - (a) if the non-conforming use ceases for any reason for a period of more than twenty-four consecutive months, any subsequent use of the property must conform to the requirements of this By-law, with or without departures;
 - (b) a land use application must be made for the alteration or extension of buildings or structures in respect of the non-conforming use;
 - (c) the owner bears the onus of proving that the non-conforming use right exists; and
 - (d) the use right is limited to the area of the building or land on which the proven use right is in existence.
- (3) If an existing building, which constitutes a non-conforming use, is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building, the Council may grant permission for the reconstruction of such building subject to conditions.

5. LAND DEVELOPMENT REQUIRING APPROVAL

- (1) No person may commence, continue, or cause the commencement or continuation of, land development application without the approval of the Municipality in terms of subsection (2).

- (2) The municipality has categorized their applications, as contemplated in section 18(3) of the Spatial Planning and Land Use Management Act, into two categories;
- (a) Category 1 applications consist of:
- (i) The establishment of a township or the extension of the boundaries of a township;
 - (ii) The amendment of an existing scheme or land use scheme by the rezoning of land;
 - (iii) The removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (iv) The amendment of cancellation in whole or in part of a general plan of a township;
 - (v) The subdivision and consolidation of any land other than a subdivision and consolidation which is provided for as a Category 2 application;
 - (vi) The removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
- (b) Category 2 applications consist of:
- (i) The subdivision of any land where such subdivision is expressly provided for in a land use scheme;
 - (ii) The consolidation of land where such consolidation is permitted in terms of a land use scheme;
 - (iii) The simultaneous subdivision, as contemplated in subsection (b)(i) and consolidation of land;
 - (iv) The consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme, which does not constitute a land development application;
 - (v) Permanent closure of any public place;
 - (vi) Any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (vii) Any consent or approval provided for in any law referred to in section 45(4) of the regulations of the Spatial Planning and Land Use Management Act.
- (3) The owner of land or his or her agent may apply to the Municipality in terms of this By-Law for the following in relation to the development of the land concerned:
- (a) a rezoning of land;

- (b) a permanent departure from the development parameters of the zoning scheme;
 - (c) a departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - (d) a subdivision of land, including the registration of a servitude or lease agreement, that is not exempted in terms of section 25;
 - (e) a consolidation of land that is not exempted in terms of section 25;
 - (f) an amendment, suspension or deletion of restrictive conditions in respect of a land unit;
 - (g) a permission required in terms of the zoning scheme;
 - (h) an amendment, deletion or imposition of conditions in respect of an existing approval;
 - (i) an extension of the validity period of an approval;
 - (j) an approval of an overlay zone as provided for in the zoning scheme;
 - (k) a phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - (l) a permission required in terms of a condition of approval;
 - (m) a determination of a zoning;
 - (n) a closure of a public place or part thereof;
 - (o) a consent use provided for in the zoning scheme;
 - (p) an occasional use of land.
- (3) If the land development is of provincial interest the provincial department responsible for land use planning must be approached.
- (4) If the land development is of national interest the national and provincial department responsible for land use planning must be approached.
- (5) If section 52 of the Spatial Planning and Land Use Management Act is applicable to the land development, the owner or agent must also apply in terms of that Act.
- (6) When an applicant or owner exercises a use right granted in terms of an approval, he or she must comply with the conditions of the approval and the applicable provisions of the zoning scheme.

6. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

- (1) If land that is the subject of an application for a development right made provision for in this By-law is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the municipality:

- (a) proof of change of ownership; and
 - (b) an amended power of attorney, if an agent was appointed to make the application.
- (2) The new owner must advise the Municipality in writing of the continuation of the application within 30 days from the date of registration of change of ownership.

7. REZONING OF LAND

- (1) An applicant who wishes land to be rezoned, must submit an application to the Municipality in terms of section 5(2).
- (2) The Municipality may, on its own initiative or on application, create an overlay zone for land.
- (3) Zoning may be made applicable to a land unit or part thereof, and zoning must follow cadastral boundaries.

8. LAPSING OF REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), a rezoning approval lapses after a period of two years, or a shorter period as the municipality may determine, from the date that the approval comes into operation if, within that two-year period or shorter period—
- (a) the zoning is not utilised in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).
- (2) Subject to subsection (3), the approval of a rezoning to subdivisional area lapses after two years, or the shorter period that the municipality may determine, from the date that the approval comes into operation.
- (3) If a subdivision application is submitted in respect of land that is zoned as subdivisional area, the zoning of subdivisional area lapses after the period contemplated in subsection (2) including any extended period approved in terms of subsection (5) or when the subdivision is approved, whichever period is the longest.
- (4) The approval of a rezoning to subdivisional area must include conditions providing for at least—
- (a) density requirements;

- (b) main land uses and the extent thereof; and
 - (c) a detailed phasing plan or a framework including—
 - (i) main transport routes;
 - (ii) main land uses;
 - (iii) bulk infrastructure;
 - (iv) requirements of organs of state;
 - (v) public open space requirements; and
 - (vi) physical development constraints.
- (5) The Municipality may approve extensions of a period contemplated in subsection (1) or (2), but the period together with any approved extensions may not exceed 5 years.
- (6) If a rezoning approval lapses, the zoning applicable to the land prior to the approval of the rezoning applies, or where no zoning existed prior to the approval of the rezoning, the Municipality must determine a zoning in terms of Section 3.

9. CONSENT USES

- (1) An applicant may apply to the Municipality in terms of section 5(2) for a consent use.
- (2) The nature of a consent use is contractual and is seen as a type of permit.
- (3) If a consent use is in conflict with a condition in the title-deed, it is of no force and effect unless that condition has been removed or suspended.
- (4) A consent use contemplated in subsection (1) lapses after a period of five years, thereafter the applicant needs to re-apply.

10. SUBDIVISION

- (1) No person may subdivide land without the approval of the Municipality in terms of section 5(2), unless the subdivision is exempted in terms of section 11.
- (2) An application for subdivision involving a change of zoning must be considered by the Municipality.
- (3) An applicant may submit a subdivision application simultaneously with an application for rezoning.
- (4) The Municipality must impose appropriate conditions under section 44 relating to engineering services for an approval of a subdivision.
- (5) If a Municipality approves a subdivision, the applicant must submit a general plan or diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—

- (a) the Municipality's decision to approve the subdivision;
 - (b) the conditions of approval contemplated in section 44; and
 - (c) the approved subdivision plan.
- (6) If the Municipality approves a subdivision, the applicant must within a period of two years, or a shorter period as the Municipality may determine, from the date that the approval comes into operation comply with the following requirements:
- (a) approval by the Surveyor-General of the general plan or diagram contemplated in subsection (5);
 - (b) completion of the installation of engineering services in accordance with the conditions contemplated in subsection (4) or other applicable legislation;
 - (c) proof to the satisfaction of the Municipality that all the relevant conditions of the approved subdivision, that must be complied with before compliance with paragraph (d), have been met in respect of the area shown on the general plan or diagram; and
 - (d) registration of the transfer of ownership in terms of the Deeds Registries Act of the land unit shown on the diagram or of at least one new land unit shown on the general plan.

11. EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

- (1) The subdivision or consolidation of land does not require the approval of the Municipality in the following cases:
- (a) if the subdivision or consolidation arises from the implementation of a court ruling;
 - (b) if the subdivision or consolidation arises from an expropriation;
 - (c) a minor amendment to the common boundary between two or more land units if the resulting change in area of any of the land units is not more than 10%;
 - (d) the registration of a servitude or lease agreement for the provision or installation of—
 - (i) water pipelines, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum product pipelines by or on behalf of an organ of state or service provider;
 - (ii) telecommunication lines by or on behalf of a licensed telecommunications operator;
 - (e) the exclusive utilisation of land for agricultural purposes, if the utilisation—
 - (i) requires approval in terms of legislation regulating the subdivision of agricultural land; and
 - (ii) does not lead to urban expansion;

- (f) the granting of a right of habitation, right of way or usufruct.
- (2) An applicant must obtain a certificate from the Municipality that certifies in writing that the subdivision or consolidation is exempted from the application of section 5 and sections 10 in the case of a subdivision, or section 5 and sections 15 to 16 in the case of a consolidation.
- (3) The Municipality must indicate on the subdivision plan, or on the diagram in respect of the consolidation, that the subdivision or consolidation is exempted from the application of the sections referred to in subsection (2).

12. OWNERSHIP OF PUBLIC PLACES AND LAND REQUIRED FOR MUNICIPAL ENGINEERING SERVICES AND SOCIAL FACILITIES

- (1) The ownership of land that is earmarked for a public place as shown on an approved subdivision plan vests in the Municipality upon confirmation of the subdivision or a part thereof.
- (2) The Municipality may in terms of conditions imposed under section 44 determine that land designated for the provision of engineering services, public facilities or social infrastructure on an approved subdivision plan, be transferred to the Municipality upon confirmation of the subdivision or a part thereof.

13. CLOSURE OF PUBLIC PLACES

- (1) The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this By-Law.
- (2) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.

14. SERVICES ARISING FROM SUBDIVISION

- (1) Subsequent to the approval of an application for subdivision in terms of this By-law, the owner of any land unit originating from the subdivision must—
 - (a) allow without compensation that the following be conveyed across his or her land unit in respect of other land units originating from the subdivision:
 - (i) gas mains;
 - (ii) electricity cables;
 - (iii) telephone cables;
 - (iv) television cables;
 - (v) other electronic infrastructure;
 - (vi) main and other water pipes;

- (vii) foul sewers;
 - (viii) storm water pipes; and
 - (ix) ditches and channels;
 - (x) any cable conveying data in any format whatsoever.
- (b) allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality:
- (i) surface installations such as mini-substations;
 - (ii) meter kiosks; and
 - (iii) service pillars;
- (c) allow access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraphs (a) or (b); and
- (d) receive material or permit excavation on the land unit as may be required to allow use of the full width of an abutting street and to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

15. CONSOLIDATION OF LAND

- (1) No person may consolidate land without the approval of the Municipality in terms of this By-law, unless the consolidation is exempted in terms of section 11.

16. LAPSING OF CONSOLIDATION

- (1) An approved consolidation of land lapses if the consolidation is not registered in terms of the Deeds Registries Act within two years of the date of the approval of the consolidation, thereafter the applicant needs to re-apply for approval.

17. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The Municipality may, on its own initiative or on application in terms of section 5(2), by notice in the *Provincial Gazette* amend, suspend or remove a restrictive condition.
- (2) The Municipality may amend, suspend or remove a restrictive condition—
- (a) permanently;
 - (b) for a period specified in the notice; or
 - (c) subject to conditions specified in the notice.
- (3) In addition to the procedures set out in Chapter IV, the owner must—
- (a) submit the original title deed to the Municipality or a certified copy thereof; and

- (b) where applicable, submit the bondholder's consent to the application.
- (4) The Municipality must cause a notice of an application in terms of subsection (1) to be served on—
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will be materially and adversely affected by the approval of the application; and
 - (d) all persons mentioned in the title deed for whose benefit the restrictive condition applies.

18. ENDORSEMENTS IN CONNECTION WITH AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The Municipality must inform the Registrar of Deeds of any suspension or removal of a restrictive condition.

CHAPTER III – APPLICATION PROCEDURES
APPLICATION PROCEDURES

19. PROCEDURES FOR APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in this By-law.
- (2) The application procedures are distinctive to the different types of applications referred to in section 5.
- (3) Category 1 and 2 applications as contemplated in section 5(2) should be submitted to the Municipality as hard copy.
- (4) Category 1 applications must be submitted with a comprehensive application.
- (5) Category 2 applications must be submitted with an abridged application.
- (6) The tables in Annexure C indicate the process relevant to each type of applications referred to in section 5.

20. INFORMATION REQUIRED

- (1) An application contemplated in section 5, must be accompanied by the following documents:
 - (a) a comprehensive or abridged application form, as contemplated in Annexure A and B, completed and signed by the applicant;

- (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
- (c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;
- (d) the relevant bondholder's consent, if required by the Municipality;
- (e) a comprehensive motivation for all applications;
- (f) proof of payment of application fees;
- (g) a full copy of the title deeds indicating all existing title conditions in current and historic title deeds;
- (i) if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds;
- (j) should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application.
- (k) Any of the maps made provision for in the Application Template.

21. APPLICATION FEES

- (1) An applicant must pay the application fees determined by the Municipality before submitting an application in terms of this By-law.
- (2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

22. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- (1) The Municipality may refuse to accept an application if—
 - (a) the Municipality has already decided on the application in the past two years;
 - (b) there is no proof of payment of the applicable fees;
 - (c) the application is not in the form required by the Municipality or does not contain the documents required for the submission of the application as set out in section 20.

23. RECEIPT OF APPLICATION AND REQUEST FOR FURTHER INFORMATION, DOCUMENTATION, PLANS OR ADDITIONAL FEES

- (1) The Municipality must—
 - (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and

- (b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within 21 days of receipt of the application or the further period as may be agreed upon.

24. PROVISION OF FURTHER INFORMATION, DOCUMENTATION OR PLANS AND PAYMENT OF FEES

- (1) The applicant must provide the Municipality with the requested information, documentation or plans or payment of the requested additional fees contemplated in section 23(1)(b) for the completion of the application within 14 days of the request therefore or within the further period agreed to between the applicant and the Municipality.
- (2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
- (3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- (4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- (5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

25. CONFIRMATION OF COMPLETE APPLICATION

The Municipality must notify the applicant in writing that the application is complete within twenty one days of receipt of the information requested and the payment of additional fees, if applicable.

26. WITHDRAWAL OF APPLICATION OR AUTHORISATION

- (1) An applicant may, at any time before the Municipality makes a decision, withdraw an application on written notice to the Municipality.

27. NOTIFICATION OF APPLICATION IN MEDIA

- (1) Applications that will materially affect the public interest or the interests of the community if approved must cause notice to be given in the media by applicant at their own cost.
- (2) Notice of the application in the media must be given by—
 - (a) publishing a notice of the application, in newspapers with a general circulation in the area concerned, in at least two of the official languages of the Province most spoken in the area concerned; or
 - (b) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the

land concerned and on any other notice board as may be determined by the Municipality.

28. SERVING OF NOTICES

- (1) Notice of an application contemplated in section 14(1) and subsection (2) must be served—
 - (a) in accordance with section 115 of the Municipal Systems Act;
 - (b) in at least two of the official languages of the Province most spoken in the area concerned; and
 - (c) on each person whose rights or legitimate expectations will be affected by the approval of the application.
- (2) The Municipality must at least cause a notice contemplated in section 29 to be served of the following applications:
 - (a) a determination of a zoning contemplated in section 14;
 - (b) an application for subdivision or the phasing, amendment or cancellation of a subdivision contemplated in section 5(2)(d) and (k) respectively;
 - (c) an application for consolidation contemplated in section 5(2)(e); or
 - (d) the amendment, deletion or imposition of a condition contemplated in section 5(2)(h).
- (3) The Municipality may require the serving of a notice as contemplated in this section for any other application made in terms of this By-law and that is not listed in subsection (2).
- (4) The Municipality may require the applicant to attend to the serving of a notice of an application contemplated in subsection (1).
- (5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- (6) The date of notification in respect of a notice served in terms of this section—
 - (a) when it was served by certified or registered post, is the date of registration of the notice; and
 - (b) when it was delivered to that person personally, is the date of delivery to that person;
 - (c) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
 - (d) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place.

29. CONTENT OF NOTICE

- (1) When notice of an application must be served in terms of section 49, the notice must—
 - (a) provide the full names of the applicant, if authorised representative, the full names and organisation of the representative;
 - (b) identify the land or land unit to which the application relates by giving the property description and the physical address;
 - (c) state the intent and purpose of the application;
 - (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
 - (e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
 - (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
 - (g) state in which manner comments, objections or representations may be submitted;
 - (h) state the date by which the comments, objections or representations must be submitted, which date may not be less than 21 days from the date on which the notice was given;
 - (i) state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

30. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- (1) A person may in response to a notice received in terms of this By-Law may object, comment or make representations in accordance with this section.
- (2) Any objection, comment or representation received as a result of a notice process must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice and in the manner set out in this section.
- (3) The Municipality must refuse to accept an objection, comment or representation received after the closing date.

31. FURNISHING OF COMMENT AND INFORMATION

- (1) If a person or government department is required by the Municipality in terms of this by-law to furnish any comment or other information in terms of this by-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or body may be deemed to have had no comment or other information to furnish.
- (2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

32. AMENDMENTS PRIOR TO APPROVAL

1. An applicant may amend his or her application at any time after notice of the application has been given in terms of this By-law and prior to the approval thereof—
 - (a) at the applicant's own initiative;
 - (b) as a result of an objection comment or representation made during the notice process; or
 - (c) at the request of the Municipality.
 - (e) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that when it was served by certified or registered post, is the date of registration of the notice; and
 - (f) when it was delivered to that person personally, is the date of delivery to that person;
 - (g) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
- (2) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

33. LIABILITY FOR COST OF NOTICE

The applicant is liable for the costs of giving and serving notice of an application in terms of this By-law.

34. RIGHT OF AN APPLICANT TO REPLY

- (1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within 21 days after the closing date for public

comment together with a notice informing the applicant of its rights in terms of this section.

- (2) The applicant may, within a period of 21 days from the date of the provision of the objections, comments or representations, as contemplated in subsection (1), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- (3) The applicant may, before the expiry of the 21 day period referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period of 14 days.
- (4) If the applicant does not submit comments within the period of 21 days or within an additional period 14 of days if applied for, the applicant is considered to have no comment.
- (5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be agreed upon between the applicant and the Municipality.
- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5) the applicant shall be deemed to have no comments.

35. WRITTEN ASSESSMENT OF APPLICATION

- (1) The Municipal Planning Tribunal or the authorised employee may request the Municipality to provide it with a written assessment of any application within a reasonable period of time.
- (2) A written assessment contemplated in subsection (1) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

36. DECISION-MAKING PERIOD

- (1) If the power to take a decision in respect of an application is delegated to an authorised employee and no integrated process in terms of another law is being followed, the authorised employee must decide on the application within 60 days reckoned from—
 - (a) the last day of submission of comments, objections or representations if no comments, objections or representations as contemplated in section 29(h), were submitted;
 - (b) the last day of the submission of the applicant's reply to comments, objections or representations submitted as contemplated in sections 34(2) and (3);
 - (c) the last day of the submission of additional information as contemplated in section 34(5); or

- (d) within the such further period agreed to between the applicant and the Municipality.
- (2) If the power to take a decision is not delegated to an authorised employee and no integrated process in terms of another law is being followed, the Tribunal must decide on the application within 120 days calculated from the dates contemplated in subsections (1)(a) to (d)

37. POWERS TO CONDUCT ROUTINE INSPECTIONS

- (1) An employee authorised by the Municipality may, in accordance with the requirements of this section, enter land or a building for the purpose of assessing an application in terms of this By-law and to prepare a written assessment contemplated in section 35. Members of the District Municipal Planning Tribunal can jointly inspect properties.
- (2) When conducting an inspection, the authorised employee may—
 - (a) request that any record, document or item be produced to assist in the inspection;
 - (b) make copies of, or take extracts from any document produced by virtue of paragraph (a) that is related to the inspection;
 - (c) on providing a receipt, remove a record, document or other item that is related to the inspection; or
 - (d) inspect any building or structure and make enquiries regarding that building or structure.
- (4) No person may interfere with an authorised employee who is conducting an inspection as contemplated in subsection (1).
- (5) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- (6) An inspection under subsection (1) must take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building.

38. NOTIFICATION OF DECISION

- (1) The Municipality must, within 21 days after a Municipal planning Tribunal Or authorised employee, as the case may be, in writing notify the applicant and any objectors of the content of the decision and their right to appeal against the decision in question.
- (2) A notice contemplated in subsection (1) must inform an applicant that an approval comes into operation only after the expiry of the period within which an appeal must be lodged if no appeal has been lodged.

- (3) If the owner has appointed an agent, the owner must take steps to ensure that the agent notifies him or her of the decision of the Municipality.

39. DUTIES OF AGENT

- (1) An agent must ensure that he or she has the contact details of the owner who authorised him or her to act on behalf of the owner.
- (2) An agent may not provide information or make a statement in support of an application which information or statement he or she knows or believes to be misleading, false or inaccurate.
- (3) Only the Agent must consult with the Municipality over an application.
- (4) An agent must not exert undue pressure or influence on the District Municipal Planning Tribunal or the authorised employee about the possible outcomes of the application.

40. ERRORS AND OMISSIONS

- (1) The Municipality may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- (2) The Municipality may, on its own initiative or on application by the applicant or interested party, upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

41. WITHDRAWAL OF APPROVAL

- (1) The Municipality may withdraw any approval granted for a consent use or temporary departure if the applicant or owner fails to comply with a condition of approval.
- (2) Before the withdrawal of a consent use approval, the Municipality must serve a notice on the owner—
 - (a) informing the owner of the alleged breach of the condition;
 - (b) instructing the owner to rectify the breach within a specified time period;
 - (c) inviting the owner to make representations on the notice within a specified time period.

42. PROCEDURE TO WITHDRAW AN APPROVAL

- (1) The Municipality may withdraw an approval granted—
 - (a) after consideration of the representations made by virtue of section 22(1)(c); and
 - (b) if the condition is still being breached and not being complied with at the end of the time period specified in terms of section 42(2).

- (2) If the Municipality withdraws the approval, the Municipality must notify the owner of the withdrawal of the approval and instruct the owner to cease the unlawful utilisation immediately.
- (3) The approval is withdrawn from the date of notification of the owner.

43. EXEMPTIONS TO FACILITATE EXPEDITED PROCEDURES

- (1) The Municipality may in writing—
 - (a) exempt a development from compliance with the provisions of this By-law to reduce the financial or administrative burden of—
 - (i) the provision of housing with the assistance of a state subsidy; or
 - (ii) incremental upgrading of existing settlements;
 - (b) in an emergency situation authorise that a development may depart from any of the provisions of this By-law.

CHAPTER IV – CRITERIA FOR DECISION-MAKING

44. CONDITIONS OF APPROVAL

- (1) The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed utilisation of land.
- (2) Conditions imposed in accordance with subsection (1) may include conditions relating to—
 - (a) the provision of engineering services and infrastructure;
 - (b) the cession of land or the payment of money;
 - (c) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
 - (d) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
 - (e) settlement restructuring;
 - (f) agricultural or heritage resource conservation;
 - (g) biodiversity conservation and management;
 - (h) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
 - (i) energy efficiency;
 - (j) requirements aimed at addressing climate change;

- (k) the establishment of an owners' association in respect of the approval of a subdivision;
 - (l) the provision of land needed by other organs of state;
 - (m) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
 - (n) the registration of public places in the name of the municipality;
 - (o) the transfer of ownership to the municipality of land needed for other public purposes;
 - (p) the implementation of a subdivision in phases;
 - (q) requirements of other organs of state.
 - (r) the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
 - (s) agreements to be entered into in respect of certain conditions;
 - (t) the phasing of a development, including lapsing clauses relating to such phasing;
 - (u) the delimitation of development parameters or land uses that are set for a particular zoning;
 - (v) the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
 - (w) the setting of a period within which a particular condition must be met;
 - (x) requirements relating to engineering services as contemplated in section 51;
 - (y) requirements for an occasional use, which must include—
 - (i) parking and the number of ablution facilities required;
 - (ii) the maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the zoning scheme.
- (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (x), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.
- (4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefore arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.
- (5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—

- (a) community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;
 - (b) conservation purposes;
 - (c) energy conservation;
 - (d) climate change; or
 - (e) engineering services.
- (6) Except for land needed for public places or internal engineering services, any additional land required by the Municipality or other organs of state arising from an approved subdivision must be acquired subject to applicable laws that provide for the acquisition or expropriation of land.
- (7) The Municipality may not approve a land use application subject to a condition that approval in terms of other legislation is required.
- (8) Conditions requiring a standard to be met must specifically refer to an approved or published standard.
- (9) No conditions may be imposed that rely on a third party for fulfilment.
- (10) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.
- (11) The Municipality may, on its own initiative or on application, amend, delete or impose additional conditions after having given due notice to the owner and any persons whose rights may be affected.

45. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- (1) The Municipality may approve an application for the extension of a validity period imposed in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the expiry of the validity period.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
- (a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- (3) If there are material changes in circumstances or in legislative or policy requirements that will necessitate new conditions of approval if an extension of a validity period is approved, an application contemplated in section 5(2)(h) must be submitted for consideration before or simultaneously with the application for the extension of a validity period.

- (4) The extended validity period takes effect on and is calculated from the expiry date of the validity period applicable to the original approval or from the expiry date of the previous extended validity period approved in terms of this By-law.

CHAPTER V – MUNICIPAL PLANNING DECISION-MAKING STRUCTURES

46. MUNICIPAL PLANNING DECISION-MAKING STRUCTURES

- (1) Applications are decided by—
- (a) an authorised employee who has been authorised by the Municipality to consider and determine the applications contemplated in subsection 46(1);
 - (b) the Tribunal, where the powers and duties to consider and determine an application has not been delegated to an authorised employee contemplated in section 46(2);
 - (c) the Appeal Authority where an appeal has been lodged against a decision of the authorised employee or the Tribunal.

47. CONSIDERATION OF APPLICATIONS

- (1) Category 2 applications must be considered and determined by an authorised employee and the municipality must delegate the powers and duties to decide on those applications to an authorised employee, as contemplated in Section 35(2) of the Spatial Planning and Land Use Management Act.
- (2) The Tribunal considers and determines all applications, other than those in respect of which the powers and duties to consider and determine them have been delegated and assigned to an authorised employee in terms of subsection (1).

48. ESTABLISHMENT OF TRIBUNAL

- (1) The Municipality must—
- (a) establish a Municipal Planning Tribunal for its municipal area;
 - (a) by agreement with one or more municipalities establish a joint Municipal Planning Tribunal; or
 - (b) agree to the establishment of a district Municipal Planning Tribunal by the District Municipality.
- (2) An agreement referred to in subsection (1)(b) or (c) must be published in the *Provincial Gazette* and must provide for—
- (a) the composition of the Tribunal;
 - (b) the terms and conditions of appointment of members of the Tribunal; and
 - (c) the determination of rules and proceedings of the Tribunal.

49. COMPOSITION OF TRIBUNAL FOR MUNICIPAL AREA

- (1) A Tribunal established in terms of subsection 49(1)(a) must consist of the following members:
 - (a) At least two employees in the full-time service of the Municipality, appointed by the Municipality; and
 - (b) At least one member who is not municipal employee or councillor and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto, appointed by the Municipality.
 - (c) a Land Development Officer in the full time employ of the Municipality, with the necessary qualifications, skills and knowledge of spatial planning, land use management and land development.
- (2) The members of the Tribunal referred to in subsection (1)(b) may be appointed only after the Council, by notice in the *Provincial Gazette* and in other media that the Council considers appropriate, has invited interested parties to submit within the period mentioned in the notice, names of persons who are fit and proper persons to be so appointed.
- (3) Nominations, in respect of the notice placed in terms of subsection (2), must be submitted within 30 days of the publication date, accompanied by the following:
 - (a) Personal details of the applicant or nominee;
 - (b) Particulars of the applicant's or nominee's qualifications or experience in the matters listed in section 36(1)(b) of the Spatial Planning and Land Use Management Act;
 - (c) In the case of a nomination, a letter of acceptance of nomination by the nominee;
 - (d) A sworn declaration by the applicant or nominee that he or she is not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act;
 - (e) A disclosure of the information contemplated in section 38(3) and (4) of the Spatial Planning and Land Use Management Act;
 - (f) Permission from the applicant or nominee to verify the information provided by him or her.
- (4) The council must appoint tribunal members within 30 days of the expiry date of the notice, as contemplated in subsection (2).
- (5) The Council must designate from among the members contemplated in subsection (1)(a)—
 - (a) a chairperson; and
 - (b) another member as deputy chairperson, to act as chairperson of the Tribunal when the chairperson is absent or unable to perform his or her duties.

- (6) The Municipal Manager must, within 30 days of the first appointment of members to a Tribunal—
- (a) obtain written confirmation from the Council that it is satisfied that the Tribunal is in a position to commence its operations; and
 - (b) after receipt of the confirmation referred to in paragraph (a), publish a notice in the *Provincial Gazette* of the date that the Tribunal will commence its operation.
- (7) The Tribunal may only commence its operations after publication of the notice contemplated in subsection (4).

50. TERM OF OFFICE AND CONDITIONS OF SERVICE OF MEMBERS OF TRIBUNAL FOR MUNICIPAL AREA

- (1) A member of the Tribunal is appointed to the Tribunal for a term of for a term of three years which is renewable annually.
- (2) The office of a member becomes vacant if—
- (a) the member is absent from two consecutive meetings of the Tribunal without the leave of the chairperson of the Tribunal;
 - (b) the member tenders his or her resignation in writing to the chairperson of the Tribunal;
 - (c) the member is removed from the Tribunal under subsection (3); or
 - (d) the member dies.
- (3) The Council may request a member to make a written representation as to why he/she should not be removed, after which such a member may be removed from the Tribunal if—
- (a) sufficient grounds exist for his or her removal;
 - (b) a member contravenes the code of conduct;
 - (c) a member becomes subject to a disqualification from membership of the Tribunal as referred to in section 38(1) of the Spatial Planning and Land Use Management Act.
- (4) A vacancy on the Tribunal must be filled by the Council in terms of section 49(1)(a) or, in the case of a member contemplated in section 49(1)(b), in terms of section 49(2).
- (5) A member who is appointed by virtue of subsection (4) holds office for the unexpired portion of the period for which the member he or she replaces was appointed.
- (6) Members of the Tribunal referred to in section 49(1)(b) must be appointed on the terms and conditions, and must be paid the remuneration and allowances and be reimbursed for expenses as determined by the relevant legislation.

- (7) The council must publish a notice in terms of section 49(2), 90 days before the expiry of every term of office, as contemplated in subsection (1).

51. MEETINGS OF TRIBUNAL FOR MUNICIPAL AREA

- (1) The Municipal Planning Tribunal must determine its own internal arrangements, proceedings and procedures.
- (2) A quorum of a Municipal Planning Tribunal shall consist of at least three of its members as determined in terms of section 40(1) of the Act. majority of its members.
- (3) Meetings of the Tribunal must be held at the times and places determined by the chairperson of the Tribunal in accordance with the rules of the Tribunal.

CHAPTER VI – PROVISION OF ENGINEERING SERVICES

52. RESPONSIBILITY FOR PROVISION OF ENGINEERING SERVICES

- (1) An applicant is responsible for the provision, installation and costs of internal engineering services required for a development when an application is approved, as contemplated in section 49(1) of the Spatial Planning and Land Use Management Act.
- (2) The Municipality is responsible for the provision and installation of external engineering services, as contemplated in section 49(2) of the Spatial Planning and Land Use Management Act.
- (3) When the Municipality is not the provider of an engineering service, the applicant must satisfy the Municipality that adequate arrangements have been made with the relevant service provider for the provision of that service, as contemplated in section 49(3) of the Spatial Planning and Land Use Management Act.
- (4) The Municipality may enter into a written agreement with an applicant to provide that—
- (a) the applicant will install the external engineering service instead of paying the applicable development charges; or
- (b) the fair and reasonable cost of the external engineering service may be set off against the development charges payable by the applicant.

53. DEVELOPMENT CHARGES

- (1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- (2) The external engineering service for which development charges are payable must be set out in a policy adopted by the Municipality.

- (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- (4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval.
- (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges.
- (6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.
- (7) When determining the contribution contemplated in sections 44(4) and (5), the Municipality must have regard to provincial norms and standards and—
 - (a) the municipal service infrastructure and amenities for the land concerned that are needed for the approved land use;
 - (b) the public expenditure on that infrastructure and those amenities incurred in the past and that facilitates the approved land use;
 - (c) the public expenditure on that infrastructure and those amenities that may arise from the approved land use;
 - (d) money in respect of contributions contemplated in subsection 44(4) paid in the past by the owner of the land concerned; and
 - (e) money in respect of contributions contemplated in subsection 44(4) to be paid in the future by the owner of the land concerned.

54. LAND FOR PARKS, OPEN SPACES AND OTHER USES

- (1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.
- (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with a policy approved by the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Spatial Planning and Land Use Management Act.
- (4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land.

CHAPTER VII - ENFORCEMENT**55. ENFORCEMENT**

- (1) The Municipality must comply and enforce compliance with—
 - (a) the provisions of this By-law;
 - (b) the provisions of a zoning scheme;
 - (c) conditions imposed in terms of this By-law or previous planning legislation; and
 - (d) title deed conditions.
- (2) The Municipality may not do anything that is in conflict with subsection (1).

56. OFFENCES AND PENALTIES

- (1) Any person who—
 - (a) contravenes or fails to comply with sections 5(1) and (6), 10(1), and 53(3);
 - (b) fails to comply with a compliance notice served in terms of section 33;
 - (c) utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality;
 - (d) upon registration of the first land unit arising from a subdivision, fails to transfer all common property arising from the subdivision to the owners' association;
 - (e) supplies particulars, information or answers in an application, or in an appeal to a decision on a land development application, knowing it to be false, incorrect or misleading or not believing them to be correct;
 - (f) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee; or
 - (g) hinders or interferes with an authorised employee in the exercise of any power, or the performance of any duty, of that employee, is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.
- (2) An owner who permits his or her land to be used in a manner set out in subsection (1)(c) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding 20 years or to both a fine and such imprisonment.

- (3) A person convicted of an offence in terms of this By-law who, after conviction, continues with the action in respect of which he or she was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding three months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.
- (4) A Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this By-law.

57. SERVING OF COMPLIANCE NOTICE

- (1) The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence in terms of section 55.
- (2) A compliance notice must instruct the occupier and owner to cease the unlawful land use or construction activity or both without delay or within the time period determined by the Municipality, and may include an instruction to—
 - (a) demolish unauthorised building work and rehabilitate the land or restore the building, as the case may be, to its original form within 30 days or another period determined by the Municipal Manager; or
 - (b) submit an application for land use or construction activity in terms of this By-law within 30 days of the service of the compliance notice and to pay the contravention penalty.
- (3) A person who has received a compliance notice with an instruction contemplated in subsection (2)(a) may not submit an application in terms of subsection (2)(b).
- (4) An instruction to submit an application in terms of subsection (2)(b) must not be construed as an indication that the application will be approved.
- (5) In the event that the application submitted in terms of subsection (2)(b) is refused, the owner must demolish the unauthorised building work.
- (6) A person who received a compliance notice in terms of this section may object to the notice by lodging representations to the Municipality within 30 days of receipt of the notice.

58. CONTENT OF COMPLIANCE NOTICES

- (1) A compliance notice must—
 - (a) identify the person to whom it is addressed;
 - (b) describe the alleged unlawful utilisation of land or construction activity concerned and the land on which it is occurring;

- (c) state that the activity is unlawful and inform the person of the particular offence contemplated in section 55 which that person allegedly has committed or is committing through the continuation of that activity on the land;
 - (d) the steps that the person must take and the period within which those steps must be taken;
 - (e) anything which the person may not do and the period during which the person may not do it;
 - (f) provide for an opportunity for a person to submit representations in terms of section 57(6) with the contact person stated in the notice; and
 - (g) issue a warning to the effect that—
 - (i) the person may be prosecuted for and convicted of an offence contemplated in section 55;
 - (ii) on conviction of an offence, the person will be liable for the penalty as provided for;
 - (iii) the person may be required by an order of court to demolish, remove or alter any building, structure or work illegally erected or constructed or to rehabilitate the land concerned or to cease the activity;
 - (iv) in the case of a contravention relating to a consent use or temporary departure, the approval may be withdrawn;
 - (v) in the case of an application for authorisation of the activity or development parameter, that a contravention penalty, including any costs incurred by the Municipality, will be imposed.
- (2) Any person on whom a compliance notice is served must comply with that notice within the time period stated in the notice, unless the Municipality has agreed to suspend the operation of the compliance notice in terms of section 57.

59. FAILURE TO COMPLY WITH COMPLIANCE NOTICE

If a person fails to comply with a compliance notice, the Municipality may—

- (a) lay a criminal charge against the person;
- (b) apply to the High Court for an order—
 - (i) restraining that person from continuing the unlawful utilisation of the land,
 - (ii) directing that person to, without the payment of compensation—

- (aa) demolish, remove or alter any building, structure or work illegally erected or constructed without the payment of compensation; or
 - (bb) rehabilitate the land concerned.
- (c) in the case of any development approval granted, withdraw the approval granted and act in terms of section 53.

60. SUBSEQUENT APPLICATION FOR AUTHORISATION OF ACTIVITY

- (1) If instructed to rectify or cease an unlawful utilisation of land, a person may apply to the Municipality for an appropriate land development contemplated in subsection 5(2), unless the person is instructed in terms of section 56(2)(a) to demolish the building work.
- (2) The applicant must, within 30 days after approval is granted, pay to the Municipality a contravention penalty in the amount determined by the Municipality.

61. GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

- (1) An authorised employee may, without the permission of the occupier or owner of land, at any reasonable time, without a warrant and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this By-law and Scheme Regulations.
- (2) An authorised employee must be in possession of proof that he or she has been
- (3) as an authorised employee for the purposes of subsection (1).
- (4) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

62. WARRANT OF ENTRY FOR ENFORCEMENT PURPOSES

- (1) A judge of a High Court or a magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or building or premises if the—
 - (a) prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or
 - (b) purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof.
- (2) A warrant may only be issued if it appears to the judge or magistrate from information on oath that there are reasonable grounds for believing that—
 - (a) an authorised employee has been refused entry to land or a building that he or she is entitled to inspect;

- (b) an authorised employee reasonably anticipates that entry to land or a building that he or she is entitled to inspect will be refused;
 - (c) there are reasonable grounds for suspecting that an offence contemplated in section 55 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorise the Municipality to enter upon the land or to enter the building or premises to take any of the measures referred to in section 61 as specified in the warrant, on one occasion only, and that entry must occur—
- (a) within one month of the date on which the warrant was issued; and
 - (b) at a reasonable hour, except where the warrant was issued on grounds of urgency.

63. REGARD TO DECENCY AND ORDER

The entry of land, a building or structure under this Chapter must be conducted with strict regard to decency and order, which must include regard to—

- (a) a person's right to respect for and protection of his or her dignity;
- (b) the right to freedom and security of the person; and
- (c) the right to a person's personal privacy.

64. ENFORCEMENT LITIGATION

Whether or not a Municipality lays criminal charges against a person for an offence contemplated in section 55, the Municipality may apply to the High Court for an interdict or any other appropriate order including an order compelling that person to—

- (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
- (b) rehabilitate the land concerned; or
- (c) cease with the unlawful utilisation of land..

CHAPTER VIII - MISCELLANEOUS

65. NAMING AND NUMBERING OF STREETS

- (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming

of the street and must allocate a street number to each of the erven or land units located in such street or road.

- (2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.
- (4) The Municipality must notify the Surveyor-General of the of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of section 24 and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the amendment to the street names on an approved general plan.

66. REPEAL

The by-laws listed in Schedule 1 are repealed.

67. SHORT TITLE AND COMMENCEMENT

- (1) This By-law is called the Spatial Planning and Land Use Management By-Law.
- (2) This By-law comes into operation on the day that it will be gazetted.

SCHEDULE 1

REPEAL OF BY-LAWS BY SECTION 100

Each Municipality to insert relevant information here

SCHEDULE 2

**CODE OF CONDUCT FOR THE DELEGATED OFFICIAL, MEMBERS OF THE TRIBUNAL
AND APPEAL AUTHORITY****General conduct**

1. A member of the Tribunal or Appeal Authority must at all times—
 - (a) act in accordance with the principles of accountability and transparency;
 - (b) disclose his or her personal interests in any decision to be made in the planning process in which he or she serves or has been requested to serve;
 - (c) abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which he or she has a personal interest, and leave any chamber in which such matter is under deliberation, unless the personal interest has been made a matter of public record and the Council has given written approval and has expressly authorised his or her participation.

2. A member of the Tribunal and Appeals Authority may not—
 - (a) use the position or privileges of a Tribunal / Appeal Authority member or confidential information obtained as a Tribunal / Appeal Authority member for private gain or to improperly benefit another person; and
 - (b) participate in a decision concerning a matter in which that Tribunal / Appeal Authority member or that members spouse, partner or business associate, has a direct or indirect personal or private business interest.

Gifts

3. A member of the Tribunal / Appeal Authority may not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers were intended or expected to influence a participant's objectivity as an advisor or decision-maker in the planning process.

Undue influence

4. A member of the Tribunal / Appeal Authority may not—
 - (a) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;

- (b) use confidential information acquired in the course of his or her duties to further a personal interest;
- (c) disclose confidential information acquired in the course of his or her duties, unless required by law to do so or by circumstances to prevent substantial injury to third persons; and
- (d) commit a deliberately wrongful act that reflects adversely on the Tribunal / Appeal Authority , the Municipality, the government or the planning profession by seeking business by stating or implying that he or she is prepared, willing or able to influence decisions of the Tribunal by improper means.

Annexure A – Comprehensive application form

Ga-Segonyana local Municipality

Applications for land use amendments (give full details in the attached motivation report, if space provided is not enough)

SECTION 1
Details of Applicant (See Planning Profession Act, Act 36 of 2002)

Name: _____ Postal address: _____ _____ _____ _____ Code: _____ _____ Tel no: _____ Fax no: _____ SACPLAN _____ Reg No: _____	Contact person: _____ Physical address: _____ _____ _____ _____ _____ Cell no: _____ E-mail address: _____ _____ _____
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SECTION 2
Details of Land Owner (If different from Applicant)

Name: _____ Postal address: _____ _____ _____ _____ Code: _____ _____ Tel no: _____ Fax no: _____	Contact person: _____ Physical address: _____ _____ _____ _____ _____ Cell no: _____ E-mail address: _____ _____ _____
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If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application. This also applies if the person applying is still busy obtaining the land unit and if the land unit is owned by a company or more than one person.

SECTION 3
Details of Property (In accordance with Title deed)

Erf/ Farm No and portion description: _____ _____	Area (m ² or ha): _____ _____
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Physical address of erf/farm: _____	Existing zoning: _____
Location from nearest town: _____	Existing land use: _____
Town/suburb: _____	Area applicable to application: _____
Registration Division: _____	Title deed no: _____

SECTION 4
Type of Application being Submitted (Mark with an X and give detail)

Application for:
(Please mark applicable block with a cross)

Rezoning from one zone to another:	
Consolidation of land:	
Subdivision of land:	
Township establishment (Human settlement planning and design)	
Removal, suspension or amendment of Title Deed Restrictions:	
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:	
Secondary use as determined in these regulations:	
Consent use as determined in these regulations:	
The annulment, suspension or amendment of the original approval conditions as provided by the Responsible Authority:	
General Plan Cancellation:	
Closure of Park or Public Road:	
The extension of the approval period:	
Any other application in terms of provincial legislation or municipal by-law:	
Please give a short description of the scope of the project:	

Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
What arrangements will be made regarding the following services for the development? (Full Engineering Reports must be supplied, where applicable)	Water supply:			
	Electricity supply:			
	Sewerage and waste-water			
	Storm-Water:			
	Road Network:			

SECTION 6

List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Checklist (for the completion by the Applicant only)				Checklist (for the use of Responsible Authority only)		
YES	NO	ANNEXURE OR PAGE REFERENCE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Public participation report (minutes of meetings, copies of advertisement, etc.)			
			Power of Attorney (Board of Directors' / Trustees' resolution / consent)			
			Copy of Title Deed(s)			

			Mortgage holder's consent			
			Cadastral information – diagram/General Plan including servitudes, lease areas, etc.			
			Status report from Surveyor General – street closure or state owned land			
			Topographic map/ aerial map			
			Locality Map			
			Site Plan			
			Zoning Map			
			Zoning Certificate			
			Land Use Map			
			Conveyancer's certificate			
			Special endorsement/proxy			
			Home Owners' Association consent			
			Proposed design/layout plan			
			Proposed subdivision plan			
			Proposed consolidation plan			
			Proposed development plan			
			Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract			
			Mineral impact assessment (MIA)			
			Environmental Impact Assessment (EIA – EA) including Heritage Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA)			
			Detail Engineering Services report (Bulk and internal)			
			Traffic impact study			
			Geo-technical report (including geology) report (NHRB Standards)			
			Social impact assessment			
			Flood line assessment (1:50 and 1:100 years)			
			Coastal setback report (consent from Dept of Environmental Affairs)			
			Subdivision of agricultural land (consent of the Dept of Agriculture)			
			List of sections in Title Deed conditions to be removed /amended			
			Adherence to planning legislation including the Planning Profession Act 36 of 2002			
			At least three (3) sets of full colour documentation copies			

**SECTION 7
Declaration**

Note:	<i>If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory</i>											
I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorised to make this application.												
Applicant's/ Owner's Signature:	_____							Date:				
Full name (print):	_____											
Professional capacity:	_____											
Applicant's ref:	_____											

SECTION 8 Prescribed Notice and advertisement procedures (for the completion and use of Responsible Authority only)
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Checklist for required advertisement procedure			Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority

		(neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
		Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.			
		Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.			Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
		Any Additional components			Proof of additional components

**SECTION 9
Power of Attorney/Proxy**

I/We, the undersigned

(FULL NAMES AND ID NO)

nominate, constitute and hereby appoint

(FULL NAMES AND ID NO, AS WELL AS NAME OF FIRM REPRESENTED)

with the power of substitution to be my lawful agent in my name, place and to handle all aspects in my stead, pertaining to the application(s) for

(FULL DETAILS OF THE APPLICATION LODGED)

Tel no: _____ _____	Cell no: _____ _____
Fax no: _____	E-mail address: _____ _____
SACPLAN Reg No: _____	_____

SECTION 2
Details of Land Owner (If different from Applicant)

Name: _____ _____	Contact person: _____ _____
Postal address: _____ _____	Physical address: _____ _____
_____	_____
_____ Code: _____	_____
_____	_____
Tel no: _____ _____	Cell no: _____ _____
Fax no: _____ _____	E-mail address: _____ _____

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application. This also applies if the person applying is still busy obtaining the land unit and if the land unit is owned by a company or more than one person.

SECTION 3
Details of Property (In accordance with Title deed)

Erf/ Farm No and portion description: _____	Area (m ² or ha): _____
Physical address of erf/farm: _____	Existing zoning: _____
Location from nearest town: _____	Existing land use: _____
Town/suburb: _____	Area applicable to application: _____
Registration Division: _____	Title deed no: _____

SECTION 4**Type of Application being Submitted** (Mark with an X and give detail)**Application for:****(Please mark applicable block with a cross)**

The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and subdivision by the Responsible Authority.	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations	
Application for Secondary Use, excluding Funeral Parlour, and Scrap Yard.	
Application for Consent Use, including Occupational Practice, excluding Temporary Housing.	
Application for Subdivision in accordance with the guidelines of the SDF.	
Application for subdivision requiring abridged processes.	
The amendment or cancellation of a general plan of a township.	
The permanent closure of a municipal road (public road) or a public open place.	
The consolidation of any land portion.	
Application for the extension of the approval period of an application before the lapsing thereof.	

Please give a short description of the scope of the project:

SECTION 5**Detail of application** (Mark with an X and give detail where applicable)

Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision / rezoning / consent use / departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:	

Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extend:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
What arrangements will be made regarding the following services for the development? (where applicable)	Water supply:			
	Electricity supply:			
	Sewerage and waste-water:			
	Storm-Water			
	Road Network			

SECTION 6
List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Checklist (for the completion by the Applicant only)				Checklist (for the use of Responsible Authority only)		
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Abridged Application form			
			Board of Directors' / Trustees' resolution / consent			
			Power of Attorney			
			Copy of Title Deed(s)			

			Orientating Locality Map			
			Basic Layout Map			
			Bondholder's consent			
			Home Owners' Association consent / stamp of approval			
			Special endorsement/proxy			
			Registered servitudes (deed and map/plan)			
			Surveyor general diagrams (cadastral information)			
			Status report from Surveyor General – street closure or state owned land			
			Flood line certificate / coastal setback report - certificate from relevant Dept			
			Subdivision of Agricultural land - permission from relevant Department Agriculture			
			List of sections in Title Deed conditions to be removed /amended			
			Other (specify):			
			Two (2) sets of full colour documentation copies			

<p>SECTION 7 Declaration</p>
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Note:	<i>If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory</i>
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I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorised to make this application.

Applicant's/ Owner's Signature:	_____	Date:								
Full name (print):	_____									
Professional capacity:	_____									
Applicant's ref:	_____									

<p>SECTION 8 Prescribed Notice and advertisement procedures (for the completion and use of Responsible Authority only)</p>
--

Checklist for required advertisement procedure			Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF

		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority
		Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.			Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
		Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.			Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
		Any Additional components			Proof of additional components

SECTION 9
Power of Attorney/Proxy

I/We, the undersigned

(FULL NAMES AND ID NO)

Nominate, constitute and hereby appoint

(FULL NAMES AND ID NO, AS WELL AS NAME OF FIRM REPRESENTED)

With the power of substitution to be my lawful agent in my name, place and to handle all aspects in my stead, pertaining to the application(s) for

(FULL DETAILS OF THE APPLICATION LODGED)

with regards to

(DESCRIPTION OF PROPERTY)

and in general to realise the proposed goals and whatever may be necessary, in a fashion as complete and efficient as I/we would have done if I/we were personally representing this matter. I/we ratify, allow and confirm herewith, and promise to ratify, allow and confirm whatever my/our agent does lawfully within this matter.

SIGNED at _____ on this _____ day of _____ 20____
(TOWN) (DAY) (MONTH)
(YEAR)

In the presence of the undersigned witnesses

Signature of Assigner/ Land Owner

Witness 1

Witness 2

Annexure C – Summary of Application Procedures

Application Category	Nature of Application:	Abridged Procedures	Minimum Advertisement Procedure General Note: ✓ = compulsory procedure and • = option between 2 processes to be followed						Application Form			Decision Making Authority			
			Advertisement in Provincial Gazette	Advertisement in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer			
Rezoning	Application for Rezoning for the establishment of a township or the extension of a township (20 or more units).	NA	✓	✓	✓	✓	✓	✓	✓	✓					
	Application for Rezoning to and from any land use described in the Primary and Secondary Use	NA	✓	✓	✓	✓	✓	✓	✓	✓					
	Application for Rezoning in accordance with the guidelines of the SDF.	NA	✓	✓	✓	✓	✓	✓	✓	✓					

Application Category	Nature of Application:	Abridged Procedures	Minimum Advertisement Procedure General Note: ✓ = compulsory procedure and • = option between 2 processes to be followed					Application Form		Decision Making Authority		
			Advertisment in Provincial Gazette	Advertisement in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer
	Application for Rezoning that does not fit into the guidelines of the SDF	(see section 7 of LUMS B for detail)	✓	✓	✓	✓	✓	✓	✓			
	The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and subdivision by the Responsible Authority.	NA			✓			✓				✓

Application Category	Nature of Application:	Abridged Procedures	Minimum Advertisement Procedure General Note: ✓ = compulsory procedure and • = option between 2 processes to be followed					Application Form		Decision Making Authority		
		(see section 7 of LUMS B for detail)	Advertis ement in Provincia l Gazette	Advertise ment in Local Paper	Advertise ment on site	Notices to intereste d and affected parties	Holding of a Public Meeting	Compreh ensive Applicatio n Form	Abridged Applicatio n Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer
	The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land.	NA		✓	✓	✓		✓				✓

Application Category	Nature of Application:	Abridged Procedures	Minimum Advertisement Procedure General Note: ✓ = compulsory procedure and • = option between 2 processes to be followed					Application Form		Decision Making Authority		
Departure	Application for Departure from any stipulations of regulations contained in the LUMS. The relaxation, variation or amendment of building lines, heights of building, floor area, coverage, density and any of the matters prescribed in these regulations as part of the planning control described in Development Control.	(see section 7 of LUMS B for detail)	Advertisment in Provincial Gazette	Advertise ment in Local Paper	Advertise ment on site	Notices to interested parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer
			NA	✓	✓	✓	✓		✓		✓	✓

Application Category	Nature of Application:	Abridged Procedures	Minimum Advertisement Procedure General Note: ✓ = compulsory procedure and • = option between 2 processes to be followed					Application Form		Decision Making Authority		
			Advertisment in Provincial Gazette	Advertisment in Local Paper	Advertise on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer
Temporary Departure	Application for Temporary Departure from any stipulation of regulations contained in the LUMS	NA			✓	✓		✓			✓	
	Application for Secondary Use, excluding Funeral Parlour, and Scrap Yard.	NA			✓	✓		✓			✓	
Secondary Use	Application for Secondary Uses such as Funeral Parlour and Scrap Yard.	NA		✓	✓	✓			✓			✓

Application Category	Nature of Application:	Abridged Procedures (see section 7 of LUMS B for detail)	Minimum Advertisement Procedure General Note: ✓ = compulsory procedure and • = option between 2 processes to be followed					Application Form		Decision Making Authority		
			Advertisement in Provincial Gazette	Advertisement in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer
Consent Use	Application for Consent Use, including Occupational Practice, excluding Temporary Housing.	NA		✓	✓	✓		✓		✓		
	Application for Consent Use for Temporary Housing.	NA		✓	✓	✓			✓			
Subdivision	Application for Subdivision for the establishment of a township or the extension of a township (20 or more units).	NA		✓	✓	✓			✓			✓

Application Category	Nature of Application:	Abridged Procedures	Minimum Advertisement Procedure General Note: ✓ = compulsory procedure and • = option between 2 processes to be followed					Application Form		Decision Making Authority		
			Advertise in Provincial Gazette	Advertise in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer
	Application for Subdivision in accordance with the guidelines of the SDF.	NA		✓	✓	✓			✓		✓	
	Application for Subdivision that does not fit into the guidelines of the SDF.	NA		✓	✓	✓			✓			
	Application for subdivision of bone-fide agricultural land, where the approval will be given subject to Act 70 of 1970.	YES		✓	•	•					✓	

Application Category	Nature of Application:	Abridged Procedures	Minimum Advertisement Procedure General Note: ✓ = compulsory procedure and • = option between 2 processes to be followed					Application Form		Decision Making Authority		
			Advertisment in Provincial Gazette	Advertisement in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer
Approval	The relaxation, variation or amendment of original approval conditions and/or restrictive regulations and procedures.	NA		✓	•	•		✓			✓	
Plan Cancellation	The amendment or cancellation of a general plan of a township.	YES			•	•			✓			
Creation of park or public open place	The permanent closure of a municipal road (public road) or a public open place.	NA		✓	✓	✓			✓			✓

Application Category	Nature of Application:	Abridged Procedures (see section 7 of LUMS B for detail)	Minimum Advertisement Procedure General Note: ✓ = compulsory procedure and • = option between 2 processes to be followed					Application Form			Decision Making Authority				
			Advertisement in Provincial Gazette	Advertisement in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer			
Consolidation	The consolidation of any land portion.	YES				✓				✓					
Extension of Approval	Application for the extension of the approval period of an application before the lapsing thereof. Any application in terms of these regulations that is not supported in the policy documents and SDF of the Responsible Authority.	YES			•	•	•			✓			✓		
Other	Any application in terms of these regulations that is not supported in the policy documents and SDF of the Responsible Authority.	NA		✓	✓	✓							✓		