



GUIDELINES FOR THE SUBMISSION OF LAND USE APPLICATIONS

APPLICATION INSTRUCTIONS:

These instructions must be read before completing the application form.

1. General Remarks:

- 1.1. Unless the applicant requests otherwise, all correspondence regarding this application shall be in the language in which the application form has been completed.
- 1.2. Applicants attention is drawn specifically to the Parliamentary Commission of Inquiry into Township Establishment and Related Matters (Venter Commission) accepted by the Cabinet:
- 1.3. Incorrect and incomplete applications must be returned forthwith as such applications cause delays and are also unfair towards those developers who compile their applications properly.
- 1.4. Developers themselves must be more directly involved in their applications and must ensure that their own staff or bodies that act on their behalf do not delay the process unnecessarily.
- 1.5. Applicants must note that until such time that an approval has been approved in writing, any correspondence or discussions pertaining to this application must not be regarded as an indication that it will in fact be approved and do not bind the Premier or local authority in any way.
- 1.6. The Premier reserves the right to have an approval declared null and void if it was based on wrong information supplied by an applicant. Applicants must therefore ensure that all information about restricting factors that should influence the application.

2. Submission of an Application:

The application must be submitted in duplicate, together with all the required Annexures, to the local authority in whose area of jurisdiction the land unit is situated. If the land is to be incorporated within the area of jurisdiction of a municipality, the application form must also be submitted to the municipality concerned.

The regulations promulgated in terms of section 47(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) requires that all information furnished by the applicant shall be correct and sufficient to make consideration of the application possible.

Thus, the following documents should accompany all land use applications, namely:

- i. Surveyor-General Erf Diagram
- ii. Copy of title deed and/or a Conveyancer's Certificate (if applicable)
- iii. Mortgagee's (Bank) Consent (if applicable)

- iv. Power of Attorney (if the applicant is not the registered owner)
- v. Locality Plan (A4)
- vi. Site Development Plan (A4 or A3 size with contours, if necessary)
- vii. Complete motivation report (see minimum guidelines paragraph 5 of instructions)
- viii. Certified 1:50 year flood-line certificate (if necessary)
- ix. Confirmation that an application in terms of the National Heritage Resources Act, 1999 or the National Environmental Management Act, 1998 is not required. (if requested)

3. Prior Liaison with Other Bodies:

Where a developer can prove that a body is satisfied with a plan or proposal by means of, for example, an endorsement on the plan or a letter from such a body, the body will not necessarily be approached again for comments. Prior liaison with interested bodies is strongly recommended, and applications will be expedited in this way.

A list of the different authorities and bodies involved in development, together with the names, telephone numbers and addresses of persons whom to contact at each body, is available from all local authorities.

4. Plans and Maps:

The following plans and maps, together with the information mentioned below, must accompany the application:

4.1. Regional Map:

If the land unit, in respect of which the application is being made, lies beyond the boundaries of a municipal or local area, a legible A3 or A4 size copy of the 1:50 000 topo-cadastral map series for the area, on which the following details are shown, must be submitted:

- i. true north, legend and the title "Regional map"
- ii. the number of the relevant topo-cadastral map
- iii. the boundaries of the relevant land unit must be clearly outlined
- iv. other relevant information

4.2. Locality Map:

All applications must be accompanied by one copy (or more, if there has been no liaison with other bodies) of a locality map in international paper sizes A4 or A3, preferably on a scale of 1:10 000 (if not possible, a scale of more or less the same size). If an orthophoto is available, a copy of this may serve as a locality map. The map must indicate the following details:

- i. the scale, true north, legend and the title "Locality Map"
- ii. erf boundaries with erf or farm numbers thereon
- iii. size and location of the relevant portion
- iv. street names and the location of existing buildings on the relevant land unit and on immediately adjacent land units
- v. roads, with an indication of whether they are main, trunk, national or provincial roads
- vi. local authority boundaries, nearest towns, etc
- vii. any physical restrictions on the land unit or surrounding land units which may affect the application
- viii. other relevant information

4.3. Zoning Map:

If the zoning have been recorded on a map, all rezoning applications must be accompanied by one copy of an extract from the council's zoning map, on which the following details are indicated:

- i. the scale, true north, legend and the title "Zoning Map"
- ii. the zonings surrounding the relevant land unit with a width of up to at least 300m

4.4. Layout Plan:

The layout plan must be submitted on A3 or A4 size paper (preferably as small as possible) and in either 1:500; 1:1 000 or 1:2 500 scale and should indicate the following information:

- i. the scale, true north, legend and the title "Layout Plan", as well as the number of the plan (amendments to the plan must have subsequent numbers)
- ii. contours with differences in height of between 1m and 5m to beyond the layout boundary, as well as all areas steeper than 1-in-4
- iii. other physical restrictions that may affect the layout (e.g. cliffs, swamps, dunes, etc.)
- iv. existing buildings on the land unit and on immediately adjacent land units
- v. all trees on the land unit and in the road reserve
- vi. 1:50 year and 1:100 year floodline, if applicable
- vii. road layout on surrounding land units

All applications for rezoning to a Subdivisional Areas and all applications where the details of the application are important for the approval of the application (e.g. rezoning for hypermarkets, holiday resorts, group housing, industrial subdivisions, etc.) must be accompanied by at least one copy (or more, if there has been no liaison with other bodies) of a layout plan.

5. Motivation Report:

A comprehensive exposition substantiating the desirability of the proposed change in land use must be attached. The extent of this report will vary from one application to the next, depending on the sensitivity of the environment and the size of the proposed development. The following guidelines must be followed when compiling such a report:

5.1. Desirability

The concept of "desirability" in the land use planning context, may be defined as the degree of acceptability of the land use(s) on the land units concerned. Discuss the desirability of the proposed change in land use with reference to the following aspects:

- i. Physical characteristics of the property:
The expected effect of the proposed change in land use and any modification of the physical characteristics must be discussed. The physical characteristics include topography (slopes), geological formations, soil characteristics and depth of underlying rock formations, microclimate, vegetation (e.g. invader plants), flood plains and flood-lines, water tables, fountains, drainage patterns, unique ecological habitats and sensitive areas, existing filled-in areas and gravel, potential supporting capacity of the area, etc.
- ii. Existing planning in the area:
Discuss the degree of compatibility of the proposed change in land use with the existing planning in respect of the area using guide plans, structure plans, etc.

- iii. Character of the surrounding area:
Discuss the degree of compatibility of the proposed change in land use with the types of land uses in the surrounding area, the accommodation density (e.g. sizes of erf), historical, architectural or conservation worthy areas, natural assets, number of community facilities, privacy of neighbours, street scenes, views, etc.
- iv. The potential of the property:
Discuss the potential of the property for other uses, e.g. agriculture (in an existing agricultural area) / conservation (of natural and urban environments) / mining (e.g. are there any economically exploitable minerals on the property?) / recreation (especially along the coast) and how the proposal will influence the potential.
- v. The location and accessibility of the property:
Discuss the accessibility of the property regarding the existing urban development, the main road network, and other infrastructure, as well as the effect of additional traffic, if any, on the environment. In the case of a rezoning to a Subdivisional Area, the availability of land units with similar characteristics and the expected pace of development of such units must also be discussed.
- vi. Provision of services:
Discuss the possibility of the provision of services (do you anticipate any problems?); what type of services will be provided; what the cost of providing such services will be and whether it will be desirable to provide such services (e.g. how it would effect the natural environment), possible pollution, etc.
- vii. The construction phase of the proposal:
Discuss the duration of the construction phase; whether any temporary structures will have to be erected (e.g. worker's camps); where construction materials will be obtained from (e.g. gravel quarries on the property); or whether any dunes will have to be flattened or the excavation, filling in of areas, removal of vegetation, etc., is envisaged and what the extent of this will be, where construction materials will be stored, and whether or not any damage to the natural environment can be remedied (e.g. by landscaping).

5.2. Form of the Detailed Layout Plan:

The amount of detail shown on the layout plan must correspond with that required for a delegation structure plan, and may differ from local authority to local authority, depending on the category under which the local authority falls. Irrespectively of the amount of detail, the form of the detail layout plan must be substantiated on the basis of the following aspects:

- i. Inherent characteristics of the terrain
Discuss how the inherent physical characteristics of and man-made features on the terrain will be handled by basing the discussion on e.g. the existing infrastructure, uses of the surrounding land, restrictions like noise and air pollution, slopes, etc.
- ii. Provision of community facilities and open space
Discuss the number, size and location of such facilities, the usability of open space, how open spaces will fit in with existing or planned open space structure, how much open space per 1 000 people is to be provided, etc.
- iii. Road infrastructure
Discuss the hierarchy and widths of roads, the longitudinal and latitudinal slopes, the link-up with existing road infrastructure, the effect of the road network on other infrastructure (e.g. drainage, sewerage), the accessibility of various land units and the possible separation of pedestrian and motor traffic.

- iv. Local businesses and high density housing
Discuss the size and location of plots, the proposed zonings thereof, the effect of these proposed zonings on surrounding land units, traffic and the provision of open space.

5.3. Photos

If possible, photos of the area under application should be submitted to clarify certain aspects of the application.

6. Title Deed Conditions

A copy of the title deed of the property/properties must be submitted with the application.

7. Environmental Authorisation

Where a proposed development triggers activities listed in terms of the National Environmental Management Act, 1998 (Act 103 of 1998) (NEMA) (as amended), authorisation must first be obtained from the Department of Environmental Affairs and Development Planning (Provincial Government: Western Cape) prior to the land use application being finalised.

8. Heritage Authorisation

Where a proposed development triggers activities listed in terms of Sections 34 and 38(1) of the National Heritage Resources Act, 1999 (Act 25 of 1999) (as amended), authorisation must first be obtained from Heritage: Western Cape (Provincial Government: Western Cape) prior to the land use application being finalised.

9. Approval from Other Authorities or Statutory Bodies

The submission of this application does not exempt the applicant from obtaining the necessary approvals from any other authority or statutory body or organ of state and required in terms of any applicable law, regulation or standard.

10. Processing of Land Use Applications

In terms of the regulations promulgated in terms of the Land Use Planning Ordinance, 1985, the local authority is obligated to process a land use application (as delegated in terms of the General Structure Plan) **within a seven month period** from date of submission of said application, being the date that the application is deemed to comply with the minimum requirements as set out above. This period excludes any time that the application is advertised / where information is requested from the applicant / where authorisation or approval must first be obtained from another approving authority.

FURTHER ENQUIRIES CAN BE FORWARDED TO:

Town Planning Section: George Municipality
P.O. Box 19, George, 6530

Tel: 044-801 9477 / Fax: 044-801 9214
E-mail: stadsbeplanning@george.org.za



G E O R G E

MUNISIPALITEIT
Wes Kaap

UMASIPALA WASE
Intshona - Koloni

MUNICIPALITY
Western Cape

Posbus / P.O.Box 19 George 6530 Tel: 044 - 8019111 Fax: 044 - 8733776

**APPLICATION FOR CHANGE IN LAND USE IN TERMS OF THE
LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985)**

(Please read the **INSTRUCTIONS** attached hereto prior to completing the application form).

(Mark applicable with X)

	<u>REZONING TO SUBDIVISIONAL AREA</u> in terms of section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), hereinafter referred to as the Ordinance, as required in section 22(1)(a) of said Ordinance.
	<u>REZONING</u> in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) <u>WHICH DOES NOT COMPRISE A REZONING TO SUBDIVISIONAL AREA.</u>
	<u>DEPARTURE</u> in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).
	<u>TEMPORARY DEPARTURE</u> in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)..
	<u>ZONING, SUBDIVISION AND USE OF LAND FOR INDUSTRIAL PURPOSES</u> in terms of Section 2 of the Physical Planning Act, 1991 (Act 125 of 1991).
	<u>CONSENT USE</u> in terms of Regulation 4.6 of PN 1048/1988 or in terms of Regulation 2.5 of PN 1047/1988.
	<u>AMENDMENT OF CONDITIONS OF APPROVAL</u> in terms of Section 42(3) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).
	<u>SUBDIVISION</u> in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).
	<u>EXTENSION OF APPROVAL PERIOD</u> in terms of the applicable sections of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
	<u>APPROVAL / AMENDMENT OF STRUCTURE PLAN</u> in terms of Section 4 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
	<u>CONTRAVENTION LEVY</u> in terms of Section 40 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
	<u>AMENDMENT / CANCELLATION OF A GENERAL PLAN</u> (not in terms of the Ordinance)

1. **PERSONAL DETAILS OF THE APPLICANT**

1.1. Name of person / firm to which correspondence should be addressed:

Name:

Address: Postal Code:.....

Telephone no: Dialling Code

Cellphone no:

Fax no:

E-mail:

1.2. Is the applicant also the registered owner of the property concerned?

Yes	No
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If not, attach power of attorney from the registered owner(s) to the application. This is also applicable if the person who is applying is still in the process of obtaining the land unit and if the land unit is owned by a company.

1.3. Name(s) of registered owner(s):

.....

1.4. Is the property encumbered with a bond?

Yes	No
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If so, attach the authorisation of the bond holder to the application.

2. **DETAILS OF THE LAND UNIT**

Registered description of the property as shown on the title deed?

.....

Number and date of title deed:

Street address (if applicable):

Town / Area:.....

Property size:.....

Existing use and improvement:.....

Current zoning:.....

Are any departures applicable to the land unit in terms of section 15 of the Ordinance?

Yes	No
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If so, give a full explanation:

.....

.....

3. **DETAILS OF THE APPLICATION**

3.1. Is the application compatible with the Structure Plan of the area?

3.2. Nature of the application

Describe the land use for which the application is submitted (specify e.g. number of units, size of proposed subdivision , etc):

.....
.....
.....

3.3. Motivation (Attach a comprehensive printed motivation report)

The following is especially important (also see the guidelines for a motivation report in par. 5):

- If the proposal is in accordance with the existing planning and the surrounding land uses of the area.
- The influence of the proposal on the surrounding area.
- The influence of the proposal on the traffic and/or parking of the area
- The influence of the proposal on surrounding facilities such as schools, open spaces and other community facilities if the application leads to an increase in the residents of the area.
- The influence of the proposal on the existing character of the area and the rights of residents with regards to property values, privacy, view, sunlight, etc.
- The provision of services.

3.4. The size of the structure / property / property portion which will be used for the purpose, must be shown.

..... ha/m²

3.5. The locality of the structure / portion of the property to be used for the purpose must be shown on the plans to be attached to the application (See paragraph 4 of the instructions).

3.6. Is this a departure application for a temporary change in land use on the property?

Yes	No
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If so, please explain why rezoning is not considered and motivate the proposed time period of the departure.

.....
.....

4. **RESTRICTING FACTORS**

4.1. Are there any conditions in the title deed(s) in respect of the land unit(s), which may have an effect on this application and which should be lifted in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) (A conveyancer's certificate can be requested by this Municipality)

Yes	No
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If so, furnish full details below:

.....
.....

Attach a copy of the title deed(s) (A conveyancer's certificate can also be submitted).

4.2. Are there any other restricting factors to your knowledge that can have an impact on the proposed change in land use?

Yes	No
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If so, specify the restrictions:

.....
.....

5. **POSSIBLE REFERRAL TO OTHER BODIES**

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

Yes	No
-----	----

If so, furnish details below:

.....
.....

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

Yes	No
-----	----

If so furnish details:

.....
.....

5.3. Is there any other restrictions of which you are aware, that has not been mentioned above?

Yes	No
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If so, furnish the details below:

.....
.....

5.4. Does the application fall within an area described in a structure plan in accordance with section 37 of the Physical Planning Act, 1991 (Act 125 of 1991?)

Yes		No
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If so, is the application consistent with the structure plan proposals?

Yes		No
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Motivate your answer:

.....

.....

5.5. Is the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) applicable to the application?

Yes	No
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5.6. Does the land unit but on the area of jurisdiction of another local authority or does the other local authority have an interest in this application?

Yes	No
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If so, state the name of the local authority and its interest in the application:

.....

.....

5.7. Does the land unit abut on any national, trunk, main or divisional road or such proposed road?

Yes	No
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If so, furnish the details below:

.....

.....

5.8. Does the land unit abut on or is it affected by a railway line, station or an airport?

Yes	No
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If so, furnish the details below:

.....

5.9. Are there any conservation-worthy buildings / graves / rock engravings / archaeological finds / heritage significant structures on the property including those that have not been declared national monuments?

Yes	No
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If so, furnish the details below:

.....

.....

5.10. Are there any indigenous or mature trees on or in the immediate vicinity of the property / in the road reserve abutting the property that may need to be removed?

Yes	No
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If so, furnish the details below:

.....
.....

5.11. Are there any other approvals or authorisations that may need to be obtained from any other authority, statutory body or organ of state before this application can be finalised?

Yes	No
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If so, furnish the details below:

.....
.....

I, the undersigned, certify that the information appearing in this section of the form and the information in the annexure is correct and complete, and that I understand the application.

FULL NAME.....

SIGNATURE.....

DATE.....