



NELSON MANDELA METROPOLITAN MUNICIPALITY

APPLICATION FOR CHANGE IN USE OF LAND

(PLACE A CROSS IN APPROPRIATE BLOCKS)

1.

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REZONING TO SUBDIVISIONAL AREA - 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 the Ordinance.

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REZONING in terms of Section 17 of the Ordinance **WHICH DOES NOT COMPRISE A REZONING TO SUBDIVISIONAL AREA.**

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ZONING, SUBDIVISION AND USE OF LAND FOR INDUSTRIAL PURPOSES in terms of Section 2 of the Physical Planning Act, 1967 (Act 8 of 1967).

4.

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PERMIT in terms of Regulation 2 of the **COASTAL REGULATIONS** promulgated in terms of the Environment Conservation Act, 1982 (Act 100 of 1982), (Government Notice R.2587 dated 12 December 1986) **WHEN AN APPLICATION IN TERMS OF ORDINANCE 15 OF 1985 IS ALSO REQUIRED.**

TO BE ADDRESSED TO:

THE MANAGER : HOUSING AND LAND
P O BOX 9
PORT ELIZABETH
6000

ERF NUMBER AND ALLOTMENT AREA:

APPLICANT:

POSTAL ADDRESS:

REGISTERED OWNER(S)

POSTAL ADDRESS:

(These instructions should be read **before** completing the form.)

1. GENERAL

- 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 If an application required approval in terms of various types of legislation and two or more of the applications have to be advertised, the applicant must inform the Director : Administration accordingly so that all applications may be advertised and submitted for approval simultaneously.
- 1.3 Applicants' attention is drawn specifically to the following recommendations of the Parliamentary Commission of Inquiry into Township Establishment and Related Matters (Venter Commission) accepted by the Cabinet:
 - 1.3.1 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.
 - 1.3.2 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.
- 1.4 Applicants must note that until such time that an approval has been approved in writing, any correspondence or discussions pertaining to the application must not be regarded as an indication that it will in fact be approved and do not bind the Minister, Administrator or local authority in any way.
- 1.5 the Council reserves the right to have an approval declared null and void if it was based on incorrect information supplied by the applicant. Applicants must therefore ensure that all information about restricting factors that could influence the application is provided.

2. SUBMISSION OF APPLICATION

- 2.1 The application must be submitted in duplicate, together with all the required annexures.
- 2.2 If the Council does not have the delegated powers to finalise the application, and in cases of appeals, a copy of the application must also be submitted to:-

The Regional Director
Regional Office for Housing and Local Government (Eastern Cape)
Private Bag X6005
PORT ELIZABETH
6000

(Consult Director : Administration for channel.)

3. **PRIOR LIAISON WITH OTHER BODIES**

- 3.1 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.**
- 3.2 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 the Director : Administration.

4. **PLANS AND MAPS**

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

4.1 **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:-

- ❖ the scale, true north, legend and the title "Locality Map"
- ❖ erf boundaries with erf or farm numbers thereon
- ❖ street names and the location of existing buildings on the relevant land unit and on immediately adjacent land units
- ❖ roads, with an indication of whether they are main, trunk, national or provincial roads
- ❖ any physical restrictions on the land unit or surrounding land units which may affect the application
- ❖ other relevant information

4.2 **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:-

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

4.3 **Land Use Map**

If the zonings in respect of the area of jurisdiction of a local authority have not been recorded on a map or if the land uses applicable to the area on the zoning map (paragraph 4.3 above) differ from the zonings, the rezoning application must be accompanied by one copy of a land use map on the same scale as the extract from the zoning map. The map must indicate the following:-

- ❖ the scale, true north, legend and the title "Land Use Map"
- ❖ all land uses of land units that differ from the zoning of the relevant land unit, as well as all vacant land units

4.4 **Layout Plan**

All applications for rezoning to subdivisional areas and all applications where the details of the application are important for 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 in one of the international paper size from A0 to A4 (preferably as small as possible) on one of the following scales: 1 : 500; 1 : 2 000; 1 : 2 500, which indicate the following:-

- ❖ 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)
- ❖ contours with differences in height of between 1 m and 5 m to beyond the layout boundary, as well as
- ❖ all areas steeper than 1-in-4
- ❖ 1-in-50 year flood-line, if applicable
- ❖ other physical restrictions that may affect the layout (e.g. cliffs, swamps, dunes, etc.)
- ❖ existing buildings on the land unit and on immediately adjacent land units
- ❖ layout of roads on adjacent land units
- ❖ the details of the layout required for a delegation structure plan for the category under which the local authority falls (see Table 1 on page 26 of the “Manual for Structure Planning” dated November 1986)

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 the 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:-

- 5.1.1 **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 supporting capacity of the area, etc.
- 5.1.2 **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.

- 5.1.3 **Character Planning in the 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.
- 5.1.4 **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.
- 5.1.5 **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 the land units with similar characteristics and the expected place of development of such units must also be discussed.
- 5.1.6 **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 be provided;
- 5.1.7 **The Construction Phase of the Proposal**. Discuss the duration of the construction phase; whether any temporary structures will have to be erected (e.g. workers' 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 Detail 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. Irrespective of the amount of detail, the form of the detail layout plan must be substantiated on the basis of the following aspects:-

- 5.2.1 **Inherent Characteristics of the Terrain**. Discuss how the inherent physical characteristics of and manmade 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.
- 5.2.2 **Provision and Community Facilities and Open Space**. Discuss the number, size and location of such facilities, the usability of open spaces, 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.
- 5.2.3 **Road Infrastructure**. Discuss the hierarchy and widths of roads, the longitudinal and latitudinal slopes, the link-up with existing roads infrastructures, 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.
- 5.2.4 **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 flow and the provision of open space.

5.3 **Photos**

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

6. Advertising fees should accompany this application.

(Amounts available upon enquiry.)

1. PERSONAL PARTICULARS OF APPLICANT

1.1 Name of

person/company

 to whom/which correspondence should be addressed.

Address:

 Postal code:

Reference number:

Telephone number: Dialling code:

1.2 Is the applicant the only 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 or more than one person.

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

2. DETAILS OF LAND UNIT

2.1 Registered description of the property as shown on title deed:

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Number and date of the title deed:

Surface area:

2.2 What is the present zoning of the land unit?

2.3 Proposed zoning:

2.4 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:-

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2.5 Are there any developments (buildings, etc.) on the land unit?

YES	NO
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If so, what are the nature and condition of these improvements?

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2.6 Are the present zonings being utilised?

YES	NO
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If not, how is the land being utilised?

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2.7 Which uses and/or buildings adjoining the land and what is the condition of such buildings?

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3. **DETAILS OF APPLICATION**

3.1 Describe the development in detail:

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3.2 Does the proposal involve the entire land unit?

YES	NO
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If not, indicate the size of that portion of the land unit which is not involved and what it is being used for?

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3.3 Will the proposed zoning give rise to more families or persons residing on the land unit than is presumably the case; if so, how many more?

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3.4 If the application will lead to the establishment of a business or industry on the land unit, indicate -

3.4.1 the type of business or industry envisaged:

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3.4.2 the number of employees to be taken into service on the land unit:

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3.4.3 the extent of the service - indicate the furthest places which will **normally** be traded with:

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4. RESTRICTING FACTORS

- 4.1 Are there any restrictions in the title deed in respect of the land unit, which may have effect on this application and which should be lifted in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967)?

YES	NO
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If so, furnish full details below:

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

YES	NO
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If so, furnish details:

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

YES	NO
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If so, furnish details (also refer to Section 169A of the Water Act, 1956 (Act 54 of 1956):

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

YES	NO
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If so, furnish details and state how the problem can be solved:

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

YES	NO
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If so, furnish details:

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5. POSSIBLE REFERRAL TO OTHER BODIES

- 5.1 Does the application fall within the area described in a guide plan approved in terms of Section 6A of the Physical Planning Act, 1967 (Act 88 of 1967)?

YES	NO
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If so, is the application consistent with the guide plan proposals?

Supply reasons for answer:

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

YES	NO
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- 5.3 Is the land unit situated within the boundaries of a nature area reserved in terms of Section 4 of the Physical Planning Act, 1967 (Act 88 of 1967), or a mountain catchment area reserved in terms of the Mountain Catchment Areas Act, 1970 (Act 63 of 1970), or a lake area reserved in terms of the Lake Areas Development Act, 1975 (Act 39 of 1975), or a nature reserve reserved in terms of the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), or a national park reserved in terms of the National parks Act, 1976 (Act 57 of 1976)?

YES	NO
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If so, furnish details:

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- 5.4 Does the land unit abut on the area of jurisdiction of another local authority or does any 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:

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- 5.5 Does the property abut on any national, trunk, main or divisional road or such proposed road?

YES	NO
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If so, furnish details (also refer to Section 169A of the Water Act, 1956 (Act 54 of 1956):

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- 5.6 Is the land unit situated in a **metropolitan transport area** in terms of the Urban Transport Act, 1977 (Act 78 of 1977)?

YES	NO
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Indicate under which total floor space category on the table below the proposal falls:

Type of Document	Total Floor Space		
	1 Small	11 Medium	111 Large
1. Detail Trade	0 - 2 500 m ²	2 501 - 9 999 m ²	10 000 m or larger
2. Office	0 - 13 750 m ²	13 751 - 43 999 m ²	44 000 m or larger
3. Industry	0 - 55 00 m ²	55 001 - 179 999 m ²	180 000 m or larger
4. Hospital	0 - 13 500 m ²	13 001 - 42 999 m ²	43 000 m or larger
5. General dwelling unit	0 - 469 units	461 - 1 499 units	1 500 m dwelling units or more
6. Hotel	0 - 120 rooms	121 - 389 rooms	290 rooms or more

- 5.7 Is the land unit situated within an area for which 1 **joint** committee has been appointed in terms of Section 3(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)?

YES	NO
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If so, what is the name of the joint committee:

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- 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 details:

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- 5.9 Are there any conservation-worthy **buildings/graves/rock engravings/archaeological finds** on the property (including those that have not been declared national monuments)?

YES	NO
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If so, furnish details:

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- 5.10 Is the land situated within **1 000 m from the high-water mark** of the sea or a tidal river?

YES	NO
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If so, does the proposal comply with the guidelines for development in the restricted area as set out in Annexure 2 of the Coastal Regulations (Government Notice R.2587 dated 12 December 1986)?

YES	NO
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Substantiate the abovementioned reply:

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- 5.11 Does the land abut on, or is it in any way influenced by any property belonging to the South African Defence Force?

YES	NO
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Have the following annexures been attached?

Power of Attorney	YES	NO	N.A.
Authorisation from mortgagee	YES	NO	N.A.
Flood-line certificate	YES	NO	N.A.
Locality map (see paragraph 4.1 of the instructions)	YES	NO	
Extract from zoning map (see 4.2 of the instructions)	YES	NO	N.A.
Land-use map (see paragraph 4.3 of the instructions)	YES	NO	N.A.
Layout plan (see paragraph 4.4 of the instructions)	YES	NO	N.A.
Motivation report (see paragraph 5 of the instructions)	YES	NO	
Copy of Title Deed	YES	NO	
Any other: state which	YES	NO	

If any of the above answers are **no** or **n.a.** give reasons:

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I, the undersigned, certify that the information appearing in this section of the form and the information in the annexures is correct and complete, and that I understand the application. (Please note the contents of the paragraph 1.5 of the instructions.)

SIGNATURE:

FULL NAME: DATE:

DATE OF WHICH APPLICATION WAS SUBMITTED TO LOCAL AUTHORITY: