



DEPARTMENT OF HOUSING AND LOCAL GOVERNMENT

LAND USE APPLICATIONS

(Place a cross in all the appropriate blocks)

TYPE OF APPLICATION :

	Rezoning to subdivisinal area (LUPO)
	Rezoning which does not comprise a rezoning to subdivisinal area
	Departure
	Subdivision and consolidation
	Consent use
	Extension of approval (Ordinance 33 of 1934)
	Any other application, give details :

TYPE OF LEGISLATION APPLICABLE :

	Land Use Planning Ordinance 15 of 1985 (Former CPA areas)
	Townships Ordinance 33 of 1934 (Former Transkei areas)
	Land Use Regulation act 15 of 1987 (Former Ciskei areas)
	Townships Proclamation R293 of 1962
	Black Communities Development Act 4 of 1984 (Regulations)

COMPLETE THE FOLLOWING :

Local Authority :	
Description of land :	
.....	
Registered owner(s) :	
Postal address :	
.....	
.....	Code :
Applicant :	
Postal address :	
.....	
.....	Code :

INSTRUCTIONS

(These instructions should be read before completing this form)

1. GENERAL REMARKS

- 1.1 If an application requires approval in terms of various types of legislation and two or more of the applications have to be advertised, the applicant must inform the town clerk, secretary or executive officer accordingly so that all applications may be advertised and submitted for approval simultaneously.
- 1.2 All applications should comply with the Chapter one Principles of the Development Facilitation Act of 1995.
- 1.3 All applications should take cognizance of the requirements for the change of land use in terms of the Environment Conservation Act of 1997.
- 1.4 Incorrect and incomplete applications will be returned to the Applicant. The Applicant's attention is drawn to the plans and other documentation that must accompany their application.
- 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 local authority, or the Premier, 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 information about restricting factors that could influence the application, is provided.

- 1.7 Applications in terms of Land Use Regulation Act 15 of 1987 and the Townships Ordinance 33 of 1934 require 10 copies for the Land Use Planning Board and Townships Board respectively.
- 1.8 Applicants may supply any additional information, on a particular issue, if they want to.

2. PRIOR LIAISON WITH OTHER INTERESTED PARTIES

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

3. SUBMISSION OF APPLICATION

- 3.1 The application must be submitted in duplicate, together with all the required annexes, to the local authority in whose area of jurisdiction the land unit is situated. If the land is to be incorporated within the jurisdiction of a local authority, the application form must also be submitted to the local authority concerned.
- 3.2 If the relevant local authority does not have the delegated powers to finalize the application, a copy of the application must also be submitted to :

The Regional Director : Department of Housing and Local Government
Private Bag X 6005
PORT ELIZABETH
6000

The Regional Director : Department of Housing and Local Government
2 Floor Metropolitan Life Building
Drury Lane
EAST LONDON
5200

The Regional Director : Department of Housing and Local Government
Private Bag X 5030
UMTATA
5100

The Regional Director : Department of Housing and Local Government
Private Bag X 7086
QUEENSTOWN
5320

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

3.3.1 Details in respect of the application

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

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

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

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

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

3.3.4 Motivation given in the application and in the objections

- the applicant's motivation and comments on the objections and / or the appeal ;
- the comments of relevant government departments ;
- details of the objections received.

3.3.5 Evaluation of the application by the Council

- The evaluation of the application in relation to the DFA principles, Land Development Objectives, desirability, precedents, the council's policies et cetera ;
- In the case of land zoned for public purposes, the reasons why such land is no longer required for the use by the public ;
- Desirability is usually considered in terms of the following :
 - physical characteristics of the area ;
 - potential of the site ;
 - character of the surrounding area ;
 - planning proposals for the area (LDO / Framework / Structure Plan etc.) ;
 - location and accessibility of the site ;
 - provision of services ;
 - environmental impact of the proposal ;
 - impact of the construction phase.

3.3.6 The decision of the Council

- Council's decision, including the conditions that must be imposed if the application is approved. (Note that the application must contain these conditions, even if the relevant council recommends that the application be refused by the Premier).

Note that applications that are submitted to District or Local Council's for a decision **must also contain all of the relevant details**. A copy of the item submitted to the aforementioned authorities must be attached to any application that is submitted to this Department. The above information can serve as a check list for the purpose.

SECTION A

TO BE COMPLETED BY THE APPLICANT

(* ANSWER YES, NO, OR NOT APPLICABLE)

1. PERSONAL PARTICULARS OF APPLICANT

Your reference number	.....
Name of person to whom correspondence should be addressed :	..... .....
Address :	..... ..... ..... ..... Postal Code :
Telephone number :	.....
Facsimile number :	.....

1.1 Is the applicant the only registered owner of the property ? *

If not, attach the 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, or if the land unit is owned by a company or more than one person.

1.2 Name the registered owner(s) :

.....

1.3 Is the property encumbered with a bond ? *

If so, please attach the authorization of the mortgage holder to the application.

2. DETAILS OF LAND UNIT

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

.....

.....

.....
Number and date of the title deed :

.....
Area of land :

2.2 What is the present zoning of land unit ?

2.3 Are any departures applicable to the land unit ? *

If so, give a full explanation :

.....

.....

2.4 Is there any building or other development on the land unit ?..... *

If so, what are the nature and condition of these improvements ?

.....

.....

2.5 Is the site being used in accordance with its present zoning ?..... *

If not, how is the land being utilised ?

.....

.....

3. DETAILS OF APPLICATION

3.1 Describe the proposed development in detail (A separate motivational report may be added) :

.....

.....

.....

.....

.....

3.2 Does the proposal development involve the entire land unit ? *

If not, indicate the position and size of the portion of the land unit that is not included in the proposed development and for what purpose it is, or will be used :

.....
.....

3.3 Is a departure being applied for in order to obtain a temporary change of use on the land unit ? *

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

4. RESTRICTING FACTORS

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

4.1 Are there any title deed restrictions that, which may have an effect on this application in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) ? *

If so, furnish full details :
.....
.....

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

If so, furnish details :
.....
.....

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

If so, furnish details :
.....
.....

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

..... * If so, furnish details and state how the

problem can be solved :
.....
.....

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

If so, furnish full details :
.....
.....

5. POSSIBLE REFERRAL TO OTHER BODIES

5.1 Does the application fall within the area of a land Development Objective (LDO) and / or Policy Plan (Structure Plan, Framework Plan etc.) ?

..... * If so, please give details in so far as they affect the

application under consideration :
.....
.....
.....
.....

5.2 Are the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) applicable in the case of this application ? *

5.2 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 nature reserve reserved in terms of the former Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), or a national park reserved in terms of the Nature Parks Act, 1978 (Act 57 of 1976).

If so, furnish details :
.....
.....

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 ?

..... * If so, state the name of the local authority and its interest in the application :

.....
.....

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

If so, furnish full details (including status of the road and full statutory width) :
.....
.....

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

If so, has it been referred to the relevant transport authority ?
.....

5.7 Is the land unit close to, or is it affected by, a power line, a power station, a railway line, a railway station, airport or harbour ? *

If so, furnish details :
.....
.....

5.8 Are there any conservation worthy buildings / graves / rock engravings / archeological finds on the property including those that have not been declared national monuments ? *

If so, furnish details :
.....

5.9 Is the land unit situated within 1000 m from the high-water mark of the sea or tidal river ? *

If so, has nature conservation been consulted ?
.....

5.10 Does the land unit abut on, or is it in any way influenced by any property belonging to the S.A. National Defence Force ? *

If so, please supply details :
.....
.....

ANNEXURES

HAVE THE FOLLOWING ANNEXURES BEEN ATTACHED ?

(* ANSWER YES, NO, OR NOT APPLICABLE)

ANNEXURE	YES	NO	NOT APPLICABLE
Power of attorney			
Authorization from mortgagee			
Flood-line certificate			
Regional map			
Locality map			
Extract from zoning map			
Land-use map			
Layout plan			
Motivation report			
Title deed			
Copy of advertisement			
Any other annexures, give details :.....			

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

.....

.....

.....

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 paragraph 1.6 of the Instructions).

SIGNATURE : **DATE :**

FULL NAME :

.....

DATE ON WHICH THE APPLICATION WAS SUBMITTED TO THE LOCAL AUTHORITY

.....

SECTION B

TO BE COMPLETED BY THE LOCAL AUTHORITY WHEN APPLICATIONS ARE
SUBMITTED TO THE PREMIER IN TERMS OF SECTION 2.2 BELOW

(* ANSWER YES, NO, OR NOT APPLICABLE)

1. DETAILS OF LOCAL AUTHORITY

Name :	.....
Address :	..... ..... ..... Postal code :.....
Name of contact person :	.....
Telephone number :	.....
Facsimile number :	.....
Reference number :	.....

2. DETAILS OF PREVIOUS OR ACCOMPANYING APPLICATIONS

2.1 Has there been previous correspondence with the Department of Housing and Local Government in respect of this land unit or a land unit of which this one forms part ?

..... *

If so, furnish all reference numbers of the Department and the date of the most recent correspondence :

.....

2.2 Does the current application also involve an application to the Premier for :

	YES	NO	NOT APPLICABLE
The removal of restrictions in terms of Act 84 of 1967 ?			
The expropriation / sale / long term lease of land by a local authority ?			
The closure of street / public places ?			
Application for land that is within 1000 m of the high water mark of the sea ?			
A rezoning which may not be approved by the local authority in terms of the General Structure Plan ?			

If the answer is YES to any of the above questions, please supply details and the motivation for the application :

.....

.....

.....

2.3 If the answer is YES to any of the above questions, were all the applications advertised simultaneously ? (It is required that advertising should be done simultaneously in such cases.) *

2.4 Have any of the above applications already been submitted to the Eastern Cape Provincial Administration ? *

If so, state which applications were given and furnish the relevant Department's reference number(s) in respect of each such application and the date of submission :

.....

3. ADVERTISING

3.1 Have notices been served on the owners of adjacent properties ? *

If so, attach a map indicating the names of those property owners on whom notices have been served and a copy of the notice .

3.2 Indicate whether it was necessary to advertise in the press and the Provincial Gazette ? * If so, attach a copy of the advertisement.

3.3 Have any objections been received ? *

If so, attach a map indicating the name of every objector on his erf as well as copies of the objections and the comments of the applicant and the local authority on each issue or objection.

4. LAND DEVELOPMENT OBJECTIVES AND POLICY PLANS

4.1 Is there Land Development Objectives or a Policy Plan for the local authority's area of jurisdiction, or the area within which the subject erf is situated ? *

4.2 If so, what is the status of such objectives / plan ? *

.....

4.3 Furnish any applicable reference number(s) of the Department of Housing and Local Government in respect of the plans concerned and the date of the most recent correspondence :

.....

.....

4.4 To what extent does the proposal comply with the Land Development Objectives or Policy Plans ?

.....

5. APPLICANT'S INFORMATION

5.1 Is the information supplied by the applicant correct and complete ? *

5.2 If not, provide the correct information :

.....

.....

5.3 Are any problems envisaged with the provision of the following services ?

	YES	NO	NOT APPLICABLE
Water			
Electricity			

Sewerage			
Storm water drainage			
Refuse removal			
Roads			

If the answer to any of the above is YES, furnish full details regarding the problem and how it will be solved :

.....

6. COMMENTS OF THE COUNCIL

6.1 Does the Council recommend the application for approval ? *

6.2 Date of Council's resolution :

6.3 Furnish a copy of the item considered by Council and the reasons for the above-mentioned resolution (on a separate sheet, if necessary).

.....

A copy of the proposed conditions of approval, must be attached, irrespective of whether or not the Council supports the application.

7. ANNEXURES

7.1 Have the following annexures been attached ?

	YES	NO	NOT APPLICABLE
Map indicating those persons on whom notices have been served.			
Copy of notice			
Copy of press notice			

Map of objectors properties			
Copies of objections received			
Comments of applicant on objections			
Comments of Council on objections			
List of conditions			
Scoping report if required			
Comments from other government Departments			
Any other documents / correspondence Please give full details :			
.....			
.....			
.....			

I CERTIFY THAT THE APPLICATION IS COMPLETE AND CORRECT.

.....
SIGNATURE
CHIEF EXECUTIVE OFFICER : LOCAL AUTHORITY

NAME :

DATE :