



**NDLAMBE MUNICIPALITY  
SPLUMA LAND USE APPLICATION  
(Spatial Planning and Land Use Management Act 16 of 2013)**

**TYPE OF APPLICATION:**

TICK	APPLICATION TYPE	FEE AS PER FEE LIST
	Rezoning (SPLUMA)	R
	Consolidation	R
	Requirements for amendment, suspension or removal of restrictive conditions or obsolete Condition, servitude or reservation registered against title of land	R
	Departure Permanent or Temporal Departure (for land use change)	R
	Departure Relaxation building line	R
	Consent use in terms of the Land Use Scheme	R
	Extension approval	R
	Subdivision :	R
	Road closure or Closure of Public Open Space	R
		R
		R
		R
<b>TOTAL</b>		<b>R</b>

## COMPLETE THE FOLLOWING:

Local Authority:	
Description of Land:	
Registered owner(s):	
Street Address:	
Postal Address:	
	Code:
Email Address of Owner:	
Applicant (With Power of Attorney):	
Postal Address:	
	Code:
Email Address of Applicant:	

## INSTRUCTIONS

(These instructions should be read before completing the form)

### 1. GENERAL REMARKS

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

### 2. PRIOR LIAISON WITH OTHER INTERESTED PARTIES

- 2.1. Prior Liaison with interested bodies including National and Provincial Departments, is strongly recommended, as the processing of applications will be expedited in this way. Where an applicant submits proof that an interested party is satisfied with a proposal, it will not be necessary to again approach such interested party for comments.

- 2.2. A list of the different authorities and other interested parties affected by the development, together with the names, telephone numbers and addresses of contact persons may be available from the Local Authority.

### **3. SUBMISSION OF APPLICATION**

- 3.1. The application must be submitted in duplicate, together with all the required annexes, to the Local Authority in whose area of jurisdiction the land unit is situated. If the land is to be incorporated within the jurisdiction of a Local Authority, the application form must also be submitted to the Local Authority concerned.

- 3.2. Applications can be posted via registered mail or hand delivered to the following address:

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

The Municipal Manager  
Ndlambe Municipality  
Campbell St  
Port Alfred  
6170

- 3.3. Lack of information leads to delays and adds 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 indicate the following:

#### **3.3.1. Details in respect of the application**

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

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

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

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

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

#### **3.3.4. Motivation**

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

- Desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding desirability of proposed land uses;
- Investigations carried out in terms of other laws that are relevant to the consideration of the application;
- The impact of the proposed land development on municipal engineering services;
- Applicable policies of the Municipality that guide decision making;

- Applicable provisions of the zoning scheme;
- Consideration of the following forward planning documents;
- Integrated development plan, including the municipal spatial development framework; Provincial spatial development framework; and
- Policies, principles and planning and development norms and criteria set by the national and provincial government; and -
- Land development principles as referred to in Chapter 2 and Section 42 of the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA).

### 3.3.5 Supporting information and documentation

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

- Copy of Traffic Impact Statement (TIS - if between 50 – 150 peak hr trips) or Traffic Impact Assessment (TIA - if > 150 peak hr trips);
- Floodline determination (report / plan);
- Copy of the Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) report;
- Confirmation of submission of EIA / HIA; or Copy of the Environmental Authorisation (EA) / Record of Decision (ROD);
- Services report or indication of all municipal services / registered servitudes;
- Landscaping / Tree plan;
- Typical unit types (plan & elevation);
- Abutting neighbour consent;
- Body Corporate / Home Owners Association (HOA) consent;
- Home Owners Constitution / architectural guidelines;
- Copy of original approval and conditions of approval;
- Minutes of pre-application consultation meeting;
- Confirmation from the Department of Rural Development and Land Reform regarding land claim(s) / restitution claim(s);
- Proof of lawful use right;
- Additional copies of selected documentation;
- Additional motivation; and –
- Any other specialist studies, etc.

## SECTION A

### TO BE COMPLETED BY THE APPLICANT

(\* ANSWER YES, NO, OR NOT APPLICABLE)

#### 1. PERSONAL PARTICULARS OF THE APPLICANT

Your reference number	
Name of person to whom correspondence should be addressed	
Address:	
Telephone number:	
Email:	

- 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 authorisation 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?

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 MUST be added):

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

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

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

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3.4 Departure (for an alteration of the conditions in respect of a particular zone) in terms of Section 76(1) of the Ndlambe Municipality Spatial Planning and Land Use Management Bylaw (2015) for a relaxation of the:

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

**4. RESTRICTING FACTORS**

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

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

If so, furnish details:

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

If so, furnish details:

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

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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?

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?

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**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:

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

5.3. Is the land unit situated within the boundaries of a nature area 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, 1976 (Act 57 of 1976).

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?

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?

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 harbor?

If so, furnish details:

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

5.9. Is the land unit situated within 100m 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 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 / Owner's consent if applicant is not owner			
Resolution or other proof that applicant is authorised to act on behalf of a juristic person			
Flood-line certificate			
Bondholder's consent			
Locality map			
Extract from zoning map			
Land-use map			
Layout plan			
Motivation report			
Full Copy of Signed Title Deed			
Conveyancer's certificate			
Proof of payment			
Any other annexures, give details .....			

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

**AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION**

YES	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)
YES	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)
YES	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations
YES	N/A	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.

**DECLARATION**

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. That this submission includes all necessary land use planning applications required to enable the development proposed herein.
6. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
7. I am aware that development charges to the Municipality in respect of the provision and installation of external engineering services are payable by the applicant as a result of the proposed development.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name: \_\_\_\_\_

Professional capacity & Registration Nr: \_\_\_\_\_

**FOR OFFICE USE ONLY**

DATE RECEIVED	
RECEIVED BY	
FOR ERF NUMBER	

