

**GUIDELINE DOCUMENT FOR APPLICANTS /
CONSULTANTS**

**SUBMISSION OF LAND DEVELOPMENT APPLICATIONS IN
TERMS OF CERTAIN SECTIONS OF THE UMHLATHUZE
SPATIAL PLANNING AND LAND USE MANAGEMENT
BYLAW, 2017**

JULY 2018



GUIDELINE DOCUMENT

SUBMISSION OF LAND DEVELOPMENT APPLICATIONS IN TERMS OF CERTAIN SECTIONS OF THE UMHLATHUZE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2017

1. BACKGROUND AND PURPOSE

The uMhlathuze Spatial Planning and Land Use Management Bylaw, 2017 (“the Bylaw”), commenced on 21 September 2017.

A copy of the Bylaw is available on the Municipality’s website at www.umhlathuze.gov.za under “By-laws”.

In terms of Section 27(1) of the Bylaw, applications are required for the following land development activities:

- (a) application for an amendment of the land use scheme, including the zoning or rezoning of land;
- (b) consent in terms of the land use scheme;
- (c) the development of land that is situated outside the area of a land use scheme, if the development constitutes an activity contemplated in Item 3 of Schedule 2;
- (d) the extension or replacement of a building on a property that is used for a purpose referred to in Item 3 of Schedule 2, notwithstanding that municipal planning approval was not required at the time that the use of the original building for that purpose commenced;
- (e) the subdivision of land;
- (f) township establishment;
- (g) the consolidation of land;
- (h) the notarial tying of adjacent properties;
- (i) the permanent closure of a municipal road or a public place;
- (j) the removal, amendment or suspension of a restrictive condition of title or a servitude;
- (k) the correction of an error or non-material amendments, read with Sections 58(1) and 59(1) of this By-law, relating to an existing municipal planning approval granted in terms of this By-law or other legislation, deletion or addition of conditions in respect of an municipal planning existing approval granted or deemed to be granted in terms of this By-law;

- (l) material amendments to, cancellation or partial cancellation of a Municipality's decision on an application for municipal planning approval;
- (m) the approval of a land development application in phases;
- (n) any land development activity in a traditional settlement area, excluding the erection of a household dwelling; and
- (o) any other application provided for in this By-law.

Combined applications may be submitted (*for example*: an application in terms of Section 27(1)(a), (b), (e), (g) and (i) of the Bylaw.

Land Development Applications which do not require municipal planning approval are set out in Section 28 of the Bylaw.

The purpose of this document is to provide guidance to applicants for submission of all land development applications, except for applications in terms of Section 27(1)(b) and Section 27(1)(n).

Applications submitted in terms of Section 27(1)(b) are administered by the City Development : Land Use Management Section and is therefore subject to a separate guideline document. Applications submitted in terms of Section 27(1)(n) are administered by the City Development : Development Administration Section, but is subject to a separate guideline document.

2. THE DEVELOPMENT ADMINISTRATION SECTION

The Municipality's City Development Department consists of various sections.

One of the sections under this Department is the Development Administration Section. The section is (amongst other matters) responsible for the administration of land development applications submitted in terms of Section 27(1) of the Bylaw.

The Section consists of:

Mrs Thea Jordan – Manager

Tel: 035 907 5427

Email: JordanT@umhlathuze.gov.za

Mr Themba Mdumela – Professional Planner

Tel: 035 907 5608

Email: MdumelaT@umhlathuze.gov.za

Mrs Elbe Brummer – Chief Administrative Officer

Tel: 035 907 5950

Email: BrummerE@umhlathuze.gov.za

Land Development Applications submitted in terms of Section 27(1)(b) are administered by the City Development : Land Use Management Section and may therefore be subject to separate requirements.

3. WHO MAY COMPILE AND SUBMIT A PLANNING APPLICATION?

In terms of Section 30(1) of the Bylaw, an owner (as defined in the Bylaw) may compile and lodge an application.

However, the Municipality may require that an application and supporting documentation must be compiled by a person who has relevant skills, knowledge, expertise or qualifications to compile a land development application.

4. WHERE CAN I ACCESS PLANNING LEGISLATION AND OTHER DOCUMENTS RELATING TO THE UMHLATHUZE MUNICIPALITY?

Relevant planning legislation is generally available on the internet. Documents relevant to the uMhlathuze Municipality may be accessed on the Municipal Website at www.umhlathuze.gov.za under the quick menu:

- The uMhlathuze Spatial Planning and Land Use Management Bylaw – under “By-laws”
- The uMhlathuze Land Use Scheme Regulations and Zoning Mapping under “uMhlathuze Land Use Scheme”
- The uMhlathuze Spatial Development Framework under “Spatial Development Framework”
- The uMhlathuze Integrated Development Plan under “Integrated Development Plan”
- Tariff of Charges applicable to applications under “Tariffs”

5. THE PRE-APPLICATION PROCEDURE

5.1 PRE-APPLICATION ENGAGEMENTS AND MEETINGS

Any owner or consultant is welcome to contact the Development Administration Section for guidance relating to the procedure to compile and submit planning applications, requirements in terms of documentation to be submitted, etc.

It is beneficial to do so in a structured manner by means of a pre-application meeting. During this meeting, the section will complete a checklist detailing the document requirements for the application to be submitted. The checklist is attached as **Annexure “A”**, and is updated from time to time.

The applicant and consultant are encouraged to refer to **Annexure “B”** for guidance relating to the Municipality’s requirements for the planning motivation, specialist studies and plans.

5.2 THE PRE-APPLICATION SUBMISSION

Once an application is ready for submission to the Municipality, the applicant must first provide the Municipality with a complete electronic copy of the application (via email or CD/DVD).

The purpose of the pre-application submission is to check if the application would comply with the Municipality’s requirements PRIOR to expenses regarding application fees and hardcopies. This is a free service to any applicant.

Once a pre-application submission has been received, the application will be circulated to the relevant sections for inputs.

The application is considered during a meeting of the City Development Liaison and Planning Applications Committee. This Committee meets on a fortnightly basis to determine if planning applications may be considered complete and in line with the Municipality’s requirements.

The Municipality will give feedback to the applicant within 30 days, detailing:

- Additional aspects that must be addressed / information that must be submitted; or
- That the application is complete and may be submitted in hardcopy format. At this stage the Municipality will provide an applicant with a quotation for application fees, which must be paid prior to submission of the formal application.

6. THE FORMAL APPLICATION PROCEDURE

The applicant must submit 4x hardcopies and one electronic copy of the full application.

Proof of payment of the application fee must be submitted.

Once a formal application submission has been received, the Municipality will assign an application number, formally acknowledge receipt of the application and circulate the application to the relevant sections for inputs.

The application is considered during a meeting of the City Development Liaison and Planning Applications Committee. This Committee meets on a fortnightly basis to determine if planning applications may be considered complete and in line with the Municipality’s requirements.

The Municipality will give feedback to the applicant within 30 days, detailing:

- Additional aspects that must be addressed / information that must be submitted; or
- That the application is complete and that the public participation phase will commence.

7. THE PUBLIC PARTICIPATION PROCEDURE

In terms of the requirements of Section 36, read with Schedule 5A of the Bylaw, the Municipality will undertake all public participation procedures, or may require the applicant to undertake the public participation process.

Schedule 4 of the Bylaw categorises planning applications for the purposes of public participation.

8. DECISIONS RELATING TO PLANNING APPLICATIONS

Upon conclusion of the public participation process, the Municipality will evaluate the application, including any comments/objections received and responses thereto.

The application will then be referred to the Municipal Planning Approval Authority for a decision.

Schedule 3 of the Bylaw categorises land development applications for the purposes of decision-making. In terms of Schedule 3 Item 2, it is stated that:

- (a) Category 1 applications shall be considered by the Municipal Planning Tribunal;
- (b) Category 2 applications shall be considered by the Municipal Planning Authorised Official; and
- (c) Category 3 applications shall be considered by the Municipal Council.

The land development applications applicable under Categories 1, 2 and 3 are detailed in the remainder of Schedule 3.

The applicant will be informed within 30 days after a decision has been made.

9. THE APPEAL PROCEDURE

If an applicant or any relevant stakeholder is not satisfied with the decision relating to a land development application, the relevant party has a right to appeal the decision in terms of Section 67, read with Schedule 6 of the uMhlathuze Spatial Planning and Land Use Management Bylaw (“the Bylaw”).

Written notice of the appeal and the grounds thereof must reach the Municipal Manager / Appeal Authority Registrar and relevant parties to the appeal within 21 days of the date of notification of this decision, and must address the matters as set out in Schedule 6 Item 2 of the Bylaw. Applicants are advised to refer to Section 113 of the Bylaw for guidance on how to calculate the number of days.

In line with the provisions of Section 67(3) of the Bylaw, the submission of an appeal shall be subject to an appeal fee of R250,00 (2017/2018 budget year).

A memorandum of appeal and proof of payment of the relevant R250,00 appeal fee must be submitted to:

- a) The Municipal Manager / Appeal Authority Registrar:
- In person to the Municipality's Registry Department, 1st floor Richards Bay Civic Centre; or
 - Via email to creg@umhlathuze.gov.za , SibekoNJ@umhlathuze.gov.za ; MiyaN@umhlathuze.gov.za ; NgcoboTB@umhlathuze.gov.za; and jordant@umhlathuze.gov.za .

AND

- b) Relevant parties to the appeal

Contact information relating to relevant parties to an appeal may be obtained from Ms. Thea Jordan at email jordant@umhlathuze.gov.za .

Any enquiries with regards to the Appeal Procedure may be directed to Ms. Nokwazi Miya at telephone number 035 907 5063 or email MiyaN@umhlathuze.gov.za .

ANNEXURE A – THE PRE-APPLICATION CHECKLIST



APPLICATION UNDER SECTION 27(1) OF THE UMHLATHUZE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2017

PRE-APPLICATION DISCUSSION DOCUMENT

MEETING DATE:.....

PRESENT DURING THE MEETING:.....
.....
.....

PURPOSE OF THE MEETING:

Professional Planner to state that the purpose of the meeting includes:

- To provide the applicant with an overview of the application procedure and to streamline processes;
- To agree on relevant stakeholders that should be contacted and information that should be obtained prior to submission of the application, in order to minimize the time taken to arrive at a decision on the application;
- To gain an understanding of the potential applicant’s aims and expectations; and
- In general, to provide guidance.

The discussion that takes place and information requested by the Municipality does not in any way pre-empt the outcome of the application or authorise the application.

SHORT DESCRIPTION OF THE PURPOSE OF THE APPLICATION:

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

DOCUMENTATION DISCUSSED (include document reference, document/plan dates and plan numbers where possible):.....

.....
.....

APPLICANT:

Name:

Tel no:.....

Email:.....

PROPERTY DETAILS:

Farm / Erf Number(s) :.....

Street Address :.....

QUESTIONNAIRE:

SECTION A

		OBTAIN COMMENT FROM:	TICK IF YES
1.	<p>Is the application in line with the Municipality's Integrated Development Plan (IDP) and Spatial Development Framework (SDF)?</p> <p>If no, the application cannot be considered without Council first considering an amendment to the IDP/SDF, which may or may not be approved.</p>		To be addressed in the application
	<p>If uncertain, obtain comment from the IDP Manager:</p> <p>Ms. Zodwa Mdluli: Tel: 035 907 5062 Email: MdluliNP@umhlathuze.gov.za</p>	IDP Manager	
	<p>If uncertain, obtain comment from the relevant Manager responsible for the SDF:</p> <p>Ms. Brenda Strachan: Tel: 035 907 5415 Email: StrachanB@umhlathuze.gov.za</p>	Manager City Development : Spatial and Environmental Planning	
2.	<p>Is the application in line with the Scheme provisions?</p>		To be addressed in the application
	<p>If uncertain, obtain comment from the uMhlathuze Municipality's Land Use Management Section:</p> <p>Ms. Londiwe Zama Tel: 035 907 5453 Email: ZamaLNP@umhlathuze.gov.za</p> <p>Ms. Mariaan Smith Tel: 035 907 5629 Email: msmith@umhlathuze.gov.za</p>	Land Use Management Section	
3.	<p>Is the application in line with the Provincial Norms and Standards?</p>		Not applicable at present

SECTION B - CONSENT TO PROVIDE SERVICES TO THE PROPOSED DEVELOPMENT AND COMMENT FROM EXTERNAL SOURCES RELATING TO SERVICES IMPACTS

		OBTAIN COMMENT FROM:	TICK IF RELEVANT
1.	Does the proposal/development require the following additional infrastructure/services:		
a)	Electricity? If yes, please obtain written comment from the uMhlathuze Municipality's Electricity & Energy Services Department (Electricity) Specifically enquire whether it would be necessary: a) to submit an engineering design report; b) to pay bulk engineering contributions. Please direct your enquiries to: Mr. Daniel Mohapi (Matters relating to Electricity planning and Quotations for Bulk Contributions) Tel: 035 907 5951 Email: MohapiMD@umhlathuze.gov.za	E&ES – Electrical Section	
b)	Electricity to be provided by ESKOM or Eskom powerline/servitude traversing the application site – Please obtain written comment / consent from Eskom	E&ES Electrical to provide guidance	
c)	Water, sewer, roads and stormwater? If yes, please obtain written comment from the uMhlathuze Municipality's Infrastructure Services Department (Civils) Specifically enquire whether it would be necessary: a) to submit an engineering design report; b) to pay bulk engineering contributions. Please direct your enquiries to: <i>Roads Section:</i> Mr. Jaco Schutte (Matters relating to Traffic Impact Assessments and Quotations for Bulk Road Contributions) Tel: 035 907 5234 Email: jschutte@umhlathuze.gov.za <i>Stormwater Section:</i> Mr. Alfonso Zaire Tel: 035 907 5217 Email: Alfonso.Zaire@umhlathuze.gov.za <i>Water and Sanitation Section:</i> Mr. Rheenie Mbatha (Matters relating to Water and Sanitation planning and Quotations for Bulk Contributions) Tel: 035 907 5805 Email: MbathaRB@umhlathuze.gov.za	Infrastructure Services IS – Civils	

d)	Does the applicant intend using a VIP/Pit Latrine or soak-away as a form of sewage disposal? If yes, a percolation test from a certified engineer is required.	IS to provide guidance	
e)	Connection to the marine outfall pipeline? If yes, please obtain comment/authorisation from the Water Services Authority (WSA) Mr. Rheenie Mbatha (Matters relating to Water and Sanitation planning and Quotations for Bulk Contributions) Tel: 035 907 5805 Email: MbathaRB@umhlathuze.gov.za	IS	
f)	Would the proposal lead to densification to such an extent that waste management services may be impacted, or would the development lead to the creation of hazardous, medical, foodstuff waste, etc.? If yes or uncertain, please obtain written consent from the uMhlathuze Municipality's Waste Management Section and King Cetshwayo District Municipality Mr. Zilindile Masango Tel: 035 907 5713 Email: zilindile.masango@umhlathuze.gov.za Ms. Janine Roselt Email: roseltj@kingcetshwayo.gov.za	Community Services	
g)	Connection to the gas pipeline? If yes, please obtain formalised services agreement from SASOL / Transnet	SASOL / Transnet	
h)	Access to rail infrastructure? If yes, then please contact the following person for further information: Mr. Siphso Khuzwayo IS Manager Urban Roads and Rail Tel: 035 907 5222 Email: KhuzwayoPS@umhlathuze.gov.za		
i)	Other bulk services required? Please specify.		
2. Telecommunications			
	Would the proposal lead to densification to such an extent that telecommunication services may be impacted (larger developments) or does the application affect a registered servitude in favour of OpenServe, etc.? If yes or uncertain, please obtain written consent or comment from Telkom and/or other service providers.	OpenServe	
3. Existing and Proposed Servitudes			
a)	Are any servitudes required for the provision of new services? If yes, please indicate on the draft SG Diagram / Layout Plan to be submitted.	IS and E&ES to provide guidance	
b)	Does the application affect servitudes registered in the Title Deed of the property / shown on the SG Diagram? If yes, the beneficiary of the servitude must be consulted (Eskom, OpenServe, Transnet Property, Transnet, SASOL, etc.) and their comment included in the application documentation.		

c)	Is the proposed development located in close proximity to a railway line or propose to cross a railway line? If yes, consider whether Transnet Rail / Municipality must be consulted. Also obtain comment from the Rail Safety Regulator.	Transnet Rail / IS and E&ES / Rail Safety Regulator	
d)	Is the proposed development located in close proximity to the a Gas Line? If yes, consult SASOL / Transnet and obtain their written agreement.	SASOL / Transnet	
e)	Does the application require the registration of a servitude/s wider than 15m? If yes, check the scheme provisions to determine whether an application for consent may be required.		
f)	Any other existing services that should be considered?		
4. Environmental Impact Considerations relating to services			
	Is environmental authorisation/comment required for the provision of services in terms of the EIA Regulations, 2014? If yes or uncertain, then the Department of Economic Development, Tourism and Environmental Affairs comment/approval should first be sought.	Dept. of Economic Development, Tourism and Environmental Affairs	
5. Traffic Impact and Public Transport			
a)	Does the possible impact of the development warrant a Traffic Impact Assessment?		
b)	Does the proposal warrant the provision of additional public transport stops / pedestrian crossing / ingress or egress lanes / traffic calming measures, etc.? If yes, consider if a Traffic Impact Assessment should include these factors and indicate on Site Development Plan		
c)	Would the proposal impact on public transport facilities or routes? If yes, then the KwaZulu-Natal Department of Transport and King Cetshwayo District Municipality's comments should first be sought		
d)	Does the proposal impact in any way on a national road, or is the applicant's proposal 90m from a National Road? If yes, then the South African National Roads Agency's comment/approval should first be sought in terms of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998)		
e)	Would the proposal impact in any way on a provincial, main or district road, or is the proposal situated within 15m of the boundary of a provincial, main or district road? If yes, then the Department of Transport's comment/consent/approval should first be sought in terms of the Kwazulu-Natal Provincial Roads Act, 2001 (Act No. 4 of 2001)		
6. Other (please specify)			

SECTION C – CONSENT / COMMENT REQUIRED FROM EXTERNAL PARTIES PRIOR TO LODGING AN APPLICATION

		TICK RELEVANT	IF
1.	Impact on Natural Resources		
a)	<p>Does the site have any of the following features and will the proposed development impact on these features:</p> <ul style="list-style-type: none"> - a watercourse within 500m of the application site - wetlands within 500m of the application site - natural vegetation <p>Consider the implications of the EIA Regulations, National Water Act, Biodiversity Management Act, etc. and consult with the relevant Departments for comment / approval prior to submitting the planning application.</p>		
b)	Is environmental authorisation/comment required for this activity in terms of the EIA Regulations, 2014? If yes or uncertain, then the Department of Dept. of Economic Development, Tourism and Environmental Affairs comment/approval should first be sought.		
c)	<p>Is the site constrained by a steep slope (steeper than 18 degrees)?</p> <p>Consider the necessity for a Slope Analysis and submit contour mapping.</p>		
d)	Does the application affect the coastal zone (1km from the high water mark of the sea for areas outside the scheme area or 100m from the high water mark of the sea for areas inside the scheme area)? If yes, the Department of Dept. of Economic Development, Tourism and Environmental Affairs' approval/comment should first be sought in terms section 65 of the National Environment Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)		
e)	Does the application affect air quality by means of dust, pollutants or noise? If yes, the applicant may require a permit, and as such should obtain the Department of Dept. of Economic Development, Tourism and Environmental Affairs' approval/comment in terms of in terms of the National Environment Management: Air Quality Act, 2004 (Act No. 24 of 2008)		
f)	Would the proposal impact in any way on biodiversity? If yes or uncertain, then eZemvelo KZN Wildlife's and the Department of Dept. of Economic Development, Tourism and Environmental Affairs' comment should first be sought.		
g)	Would the application impact on a natural forest area or protected trees? If yes, the Department of Agriculture, Forestry and Fisheries' comment must be sought in terms of the National Forests Act, 1998.		
h)	<p>Does the application aim to:</p> <ul style="list-style-type: none"> - apply for sandwinning or mining rights; - apply for the abstraction of above ground or underground water; - impact in any way on a watercourse or wetland (pollution, development in close proximity to a watercourse/wetland, etc.) or is located within 500m from a watercourse or wetland; - apply for development within the 1 in 100 year floodline; - etc. <p>Then comment / approval from the relevant department must be obtained.</p>		
2.	Impact on Agricultural Resources		
a)	<p>Would the proposal seek to obtain:</p> <ul style="list-style-type: none"> - approval for the extension of a scheme; and/or - Subdivision of agricultural land which is subject to Act 70 of 1970 <p>Then Consent from the National Department of Agriculture, Forestry and Fisheries must be obtained in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970)</p>		

b)	Comment from the KZN Farmer's Association for an application which impacts on agricultural land	
c)	Does the proposal by the applicant include the relocation of farm workers from one area to another? If yes, the Department of Rural Development and Land Affairs needs to be consulted in terms of the Labour Tenants Act.	
d)	Does the proposal motivate for a servitude wider than 15m over agricultural land? Then Consent from the National Department of Agriculture, Forestry and Fisheries must be obtained in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970)	
3. Impact on Cultural and Heritage Resources		
	Are any existing buildings on site older than 60 years or do you have reason to believe that there may be any cultural or natural heritage considerations that may need to be investigated/confirmed? – If yes or uncertain, then the approval or comment from Amafa aKwaZulu-Natali Heritage Council should first be sought in terms of the Kwazulu-Natal Heritage Act, 2008 (Act No. 4 of 2008).	
4. Impact on Mineral Resources		
	Is the property subject to <u>existing mineral rights</u> or does the application seek to establish a <u>mine or filling station</u> ? If yes, then the comment/approval from the Department of Mineral Resources should first be sought.	
5. Socio-Economic Impacts		
	Would the proposal lead to densification to such an extent that the number of schools, healthcare facilities, libraries, safety services, etc. in the area may be impacted upon, or does the application seek to develop such facilities? If yes, then the comment/consent from the KwaZulu-Natal Department of Arts and Culture and/or KwaZulu-Natal Department of Education and/or KwaZulu-Natal Department of Health and/or KwaZulu-Natal Department of Community Safety and Liaison should first be sought.	
6. Health Impacts		
a)	Comment from the KZN Department of Health, Meat Hygiene (Department of Agriculture and Environmental Affairs), Department of Health and Veterinary Services for any application involving abattoirs	
b)	Comment from the KZN Department of Health for any application involving a hospital, clinic, step down facility, medical care facility, retirement village, etc.	
7. Jurisdictional Matters		
a)	Comment from the South African Civil Aviation Authority in cases where an airstrip is proposed, or for cellular mast applications	
b)	Comment from the National Ports Authority for any application within their Port Boundary / Limit or where sightlines across the Richards Bay bay area may be affected	
c)	Proof of having informed the Land Claims Commissioner for KwaZulu-Natal in terms of section 11(aA) of the Restitution of Land Right Act, 1994 (Act No. 22 of 1994) if the subject property is on rural land or outside of the scheme area in order to verify whether a land claim exists on the property.	
8. Other (please specify)		

SECTION D - SPECIALIST STUDIES / PLANS / COMMENT REQUIRED

		COMMENT FROM:	TICK IF RELEVANT
1.	Traffic Impact Assessment	IS to provide guidance	
2.	Geotechnical Assessment	IS to provide guidance	
3.	Stormwater Management Plan	IS to provide guidance	
4.	Floodline determination	Environmental Planning Section to provide guidance	
5.	Socio-economic or economic study / need and desirability report	Planner to provide guidance	
6.	Contour Map / Slope Analysis (For steep sites. Properties are not to be created on a slope steeper than 18 degrees)		
7.	Risk Assessment		
8.	Other (please specify)		

SECTION E – COPIES OF PLANS / DOCUMENTS TO BE SUBMITTED AS PART OF THE APPLICATION

		TICK IF RELEVANT
	All Applications:	
1.	Who will lodge the application? If not the registered owner, then written consent / power of attorney is required to lodge the application and act on behalf of the registered owner / owners.	
2.	Is the property subject to a bond registered in the name of a third party? If yes, then the bondholder's consent is required.	
3.	Is the property registered in the name of a Close Corporation, Trust or Company? If yes, then a certified copy of the resolution by the Board of Directors, members or trustees is required indicating that the application may be submitted and that a consultant may act on their/its behalf (if applicable)	
4.	Does the application site fall within a Traditional Authority area? Then the consent from the Traditional Council must be submitted (consent must be dated not more than 3 months prior to application date)	
5.	Certified copies of all the relevant Deed(s), including registered servitude deeds	
	OR Conveyancer's Certificate	
6.	Copy of the Surveyor General diagram or relevant part of the general plan, including servitudes	
7.	Locality plan showing the location of the property in relation to the surrounding properties and streets (existing property lot numbers and street names must be indicated). If in close proximity to a national or provincial road or intersection, indicate distance from road or intersection	
8.	Site Development Plan (to scale) showing the following (if applicable): <ul style="list-style-type: none"> - existing and proposed buildings - existing and proposed servitude (clearly distinguish between the two) - building lines / side and rear spaces (refer to the Scheme and Title Deed) 	

	<ul style="list-style-type: none"> - existing and proposed access to the site and dimensions - number of parking bays and dimensions - number of loading bays and dimensions (note that loading and waste collection points should be separated) - bulk factors into the Scheme (zoning, FAR and coverage) - common open space areas (refer to Scheme requirements) - waste collection point/s - existing and proposed engineering services - contours - block containing information relating to % hardened surfaces vs. % permeable surfaces - landscaping / natural areas to be conserved - existing and/or new public transport facilities - pedestrian areas (paved areas, pedestrian crossings, etc.) - lighting and security measures to be implemented - undevelopable areas such as floodline, rivers, wetlands, etc. and - any other matters which the municipality must consider 	
9.	Landscape Plan (if requested by the Municipality)	
10.	Copy of the floor plan (if requested by the Municipality)	
11.	Other plans requested by the Municipality (please specify):	

	Application for Scheme Amendments / Rezoning:	TICK IF RELEVANT
1.	To scale drawing/copy of the scheme map showing the existing zoning of the property and properties in close proximity	
2.	To scale drawing showing the existing land use of the property and land use of properties in close proximity	
3.	To scale drawing showing the proposed zoning of the property and properties in close proximity	

	Application for Subdivision/ Consolidation of Land or Amendment of General Plan:	TICK IF RELEVANT
1.	<p>To scale drawing or drawings of the existing and proposed layout, showing or describing:</p> <ul style="list-style-type: none"> ▪ existing buildings, including a description of the type of construction e.g. “wattle and daub”, “brick” or “wood and iron”, structures older than 60 years and existing building lines applicable; ▪ Existing erf numbers for the application area and the area adjoining the proposed application area; ▪ Designations by the SG’s Office for each proposed erf; ▪ Dimensions in metres and area of each erf shown, including width and length of hatched shaped erven, erf frontage(s), etc.; ▪ Existing and proposed engineering services, including an indication of services which are to be relocated / removed; ▪ Road widths, suitable future road links, road name / number, type of road construction; ▪ Existing and proposed servitudes, including servitudes which require deletion and unregistered service servitudes; ▪ Undevelopable areas, for instance 1:100 year floodlines, highwater mark of the sea and the Admiralty Reserve, swampy areas / wetlands, etc.; ▪ Title block 	
2.	Contours and Slope analysis plan, showing contour intervals	
3.	Draft SG Diagram (if available)	
4.	For subdivision - proposed conditions of establishment (clearly outlining conditions	

	to be met prior to transfer, alienation and development)	
5.	Should the existing General Plan include a public place/s, then an application for the permanent closure of the public place/s must accompany the application	

	Development of land situated outside Scheme areas:	TICK RELEVANT	IF
1.	To scale drawing of the proposed layout, showing: <ul style="list-style-type: none"> ▪ Existing buildings ▪ Location of new buildings ▪ Erven adjoining the proposed development ▪ 1:100 year floodlines (if applicable) ▪ Highwater mark of the sea and the Admiralty Reserve (if applicable) ▪ Existing and proposed servitudes, servitudes which require deletion and unregistered service servitudes ▪ Engineering services, etc. 		
2.	Contours and Slope analysis plan		

	Phasing of Approved Layout(s)	TICK RELEVANT	IF
1.	To scale drawing showing the proposed phasing of the approved layout		

	Cancellation and/or Partial Cancellation of Approved Layout(s)	TICK RELEVANT	IF
1.	To scale layout, or part thereof, to be cancelled		
2.	Should the existing General Plan include a public place/s, then an application for the permanent closure of the public place/s must accompany the application		

	Permanent closure of Municipal Road or Public Place	TICK RELEVANT	IF
1.	Comment from Surveyor General's office		
2.	Comment from the Department of Transport's office for the closure of roads		
3.	To scale drawing showing the municipal road or part thereof to be closed or public place to be closed, with designations from the SG's Office		

THE WRITTEN MOTIVATION:

The Planning Motivation must address (refer to the example available from the Municipality):

ASPECT	
Heading / Application : Correct reference to relevant sections of legislation in terms of which the application is submitted	
The Applicant (reference to name of owner and applicant & power of attorney granted, if relevant)	
The application site: <ul style="list-style-type: none"> - Location - Existing development, land use and zoning - Reference to Title Deed and SG Diagram / General Plan 	
Details of the Proposal <ul style="list-style-type: none"> - History / Previous approvals - The proposed development - Relevant applications ito Section 27(1) 	

<p>Motivation and Impacts of the application (address each impact, if relevant):</p> <ul style="list-style-type: none"> - Need and Desirability - Access and Traffic Generation (if specialist study is attached, summarise impacts and recommendations in the planning motivation) - Engineering Services <ul style="list-style-type: none"> • Impact on Civil Services (water, sewer, roads and stormwater : if specialist study is attached, summarise services requirements and impacts in the planning motivation. Address internal and bulk service impacts) • Impact on Electrical Services (if specialist study is attached, summarise services requirements and impacts in the planning motivation. Address internal and bulk service impacts) • Impact on Waste Management • Other services - Geotechnical conditions and slope - Environment, heritage and agricultural resources - Access to community facilities (for large developments – address “Red Book Standards”) - Socio-Economic Impacts - Comments received - Others (project specific) 	
<p>Compliance Matters (Describe how the application addresses these matters):</p> <ul style="list-style-type: none"> - Compliance with National and Provincial Legislation, Policies, etc. - Compliance with the Municipality’s IDP & SDF - Compliance with SPLUMA Development Principles - Compliance with the uMhlathuze Land Use Scheme - Compliance with the National Building Regulations - Compliance with any other relevant municipal plans, policies, guidelines, etc 	
<p>Draft Conditions of Establishment</p>	
<p>Conclusion</p>	

SUBMITTING THE PRE-APPLICATION

Once the planning motivation and supporting documentation is available, please submit an electronic copy to the Municipality for assessment.

Submissions can be emailed to:

Mrs Thea Jordan
jordant@umhlathuze.gov.za

Mr. Themba Mdumela
MdumelaT@umhlathuze.gov.za

Please do not submit hardcopy documents or pay an application fee until you are advised to do so by the Municipality.

SUBMITTING THE FORMAL APPLICATION:

1. The Municipality will inform you once the application is ready for formal submission. A quotation for the payment of application fees will be provided.
2. On the date of formal submission, the application must be accompanied by:
 - a. An application form, completed in block capitals or typewritten;

ANNEXURE B – GUIDANCE REGARDING THE PLANNING MOTIVATION, PLANS AND SUPPORTING DOCUMENTATION

1. GUIDANCE REGARDING THE PLANNING MOTIVATION

The Planning Motivation is a document which sets out who the applicant is, the approval required and the need and desirability of the application.

It is important to remember that the motivation is not only submitted to the Municipality, but also to members of the public and other interested and affected stakeholders. Therefore, the motivation must be easy to understand.

Although the Municipality cannot prescribe the exact format of the planning motivation, the following matters must be addressed:

ASPECT
Cover Page : <ul style="list-style-type: none"> - Description of the Application - Reference to relevant sections of legislation in terms of which the application is submitted - Name and contact details of the consultant - Name of property owner - Date
Table of Contents and List of Annexures
Motivation Heading: Correct reference to relevant sections of legislation in terms of which the application is submitted, erf number, etc.
The proposal / decision sought from the Municipality and need for the application
The Applicant: <ul style="list-style-type: none"> - reference to name of land owner as the applicant - reference to consultant appointed & power of attorney granted (if relevant)
The Application Site: <ul style="list-style-type: none"> - Location and clear locality plan - Size of the application site - Reference to Title Deed - Reference to SG Diagram / General Plan - Existing zoning - Is the application site developed or vacant - Other relevant information
The Application: <ul style="list-style-type: none"> - History relating to the application site or relevant previous approvals granted (if relevant) - The proposed development (submit a detailed Site Development Plan for any developed site) - Proposed subdivision/consolidation (if relevant) - Existing land use, existing zoning, proposed zoning (if relevant)
Title Deeds and Title Deed Conditions <ul style="list-style-type: none"> - Reference to relevant title deeds (include copies of all deeds, including Servitude Deeds

<ul style="list-style-type: none"> - affecting the application site) - Assessment of each title deed condition, indicating how it affects the application site - Assess existing servitudes, indicating how it may affect the application site - Assess any other deed that may be applicable - Proposal for removal of title deed restrictions (if applicable). Attach consent from relevant party to remove the restriction (if applicable)
<p>Motivation and Impacts:</p> <p>Possible Impacts of the application (address each impact, if relevant):</p> <ul style="list-style-type: none"> - Need and desirability - Access and Traffic Generation (if specialist study is attached, summarise impacts and recommendations in the planning motivation) - Engineering Services <ul style="list-style-type: none"> • Impact on Civil Services and level of services required (water, sewer, roads and stormwater : if specialist study is attached, summarise services requirements and impacts in the planning motivation. Address internal and bulk service impacts and requirements) • Impact on Electrical Services and level of services required (if specialist study is attached, summarise services requirements and impacts in the planning motivation. Address internal and bulk service impacts and requirements) • Impact on Waste Management • Other services (Eskom, Telkom, etc.) • Need to relocate services • Existing and proposed servitudes - Geotechnical Conditions and Slope - Environmental Impacts - Heritage Impacts (note that this is a requirement for ALL buildings older than 60 years) - Risk Assessment - Impact on Agricultural Resources Requirements and requirements of the Subdivision of Agricultural Land Act, Act 70 of 1970 - Socio-economic Impacts - Access to public / community facilities (for large developments – address “Red Book Standards”) - Others (project specific)
<p>Comments received from relevant Organs of State, etc.</p> <ul style="list-style-type: none"> - If not addressed elsewhere in the motivation, indicate the comment received from various organs of state as required by the Municipality and identified during the pre-application meeting
<p>Compliance Matters:</p> <p>(Describe how the application addresses or complies with these matters, or how these laws/policies/guidelines affect the application)</p> <ul style="list-style-type: none"> - Compliance with National and Provincial Legislation, Policies, Plans, etc. - Compliance with Section 7 of the Spatial Planning and Land Use Management Act, 2013, - Development Principles (list relevant principles and state how the application complies) - Compliance with the Municipality’s IDP & SDF – Description of how the application complies with each of these plans. Note that the latest versions are available online. - Compliance with the uMhlathuze Land Use Scheme. Note that the latest version is available online. - Compliance with any other relevant municipal legislation, plans, policies, guidelines, etc. - Compliance with the National Building Regulations and Building Standards Act (for developed sites)
<p>Conclusion</p>

2. GUIDANCE REGARDING PLANS

2.1 LAYOUT PLANS FOR DEVELOPMENTS, TOWNSHIP ESTABLISHMENT, SUBDIVISIONS, CONSOLIDATIONS, ETC.

A layout plan must clearly indicate:

- Company Name, Owner, Drawing Title, Plan Number, Plan Date, Scale, Legend, etc.
- North arrow;
- Locality Plan;
- Cadastral boundaries and dimensions;
- Designated erf numbers and sizes;
- Road widths and Road Names (where available);
- Access to each site;
- Rivers/Streams and floodlines, including buffers;
- Clearly distinguish between existing and proposed servitudes;
- In the legend, refer to existing and proposed zoning/s, describe the servitude and beneficiary of the servitude;
- Development Phases (if applicable);
- Other requirements that the SG's Office or Municipality may have.

2.2 SITE DEVELOPMENT PLANS

2.2.1 Site Development Plans for developed sites

All applications for developed sites must include a Site Development Plan prepared by an architect/draughtsperson registered with SACAP, showing:

- Erf number and size;
- Existing and proposed buildings and structures (indicate structures to be demolished, if relevant);
- Existing and proposed entrance/s and width of entrance;
- Existing and proposed parking, including parking bay dimensions;
- Applicable building lines, side and rear spaces;
- Direction of flow for stormwater and the location of the nearest stormwater infrastructure;
- Contours;
- A legend indicating existing and proposed zoning, FAR and coverage;
- A legend indicating total % of the site that is hardened (paving, roofed areas, etc.) vs. permeable surfaces;
- Other details required (as per the application)

If a subdivision of the site is required, the proposed subdivision must be shown. The Municipality would require that each property to be created must comply with the provisions of the Scheme (i.e. coverage, FAR, parking, building lines, etc.) and the applicant must assist in showing this clearly.

If a consolidation of the site is required, the consolidated site must be shown and the existing cadastral boundaries must be shown in dotted lines.

The SDP must reflect the proposed uses, bulk factors and zoning.

2.2.2 Site Development Plans for undeveloped sites

A Site Development Plan may not always be required, and the Municipality will advise during the pre-application meeting if such plan must be submitted.

2.3 REZONING PLANS

All applications for rezoning must be accompanied by the following plans:

- Existing land use;
- Existing zoning;
- Proposed zoning.

3. GUIDANCE REGARDING THE SUBMISSION OF SPECIALIST STUDIES

Specialist Studies may not always be required, and the Municipality will advise during the pre-application meeting whether specialist studies must be submitted.

Specialist studies that may be required include:

- A Traffic Impact Assessment as per the requirements as set out in the South African Traffic Impact and Site traffic Assessment Manual (TMH16 – SA Committee of Transport Officials);
- A Geotechnical Assessment;
- A Floodline Assessment;
- A Stormwater Management Plan (if more than 60% of the application site will be hardened or if the development warrants such);
- An Environmental Impact Assessment;
- A Heritage Assessment (note that this is a requirement for all buildings older than 60 years);
- Civil Engineering Design Report (water, sewer, stormwater management plan, roads);
- Electrical Engineering Design Report;
- Market analysis;
- Etc.

4. GUIDANCE REGARDING APPROVALS/COMMENTS FROM RELEVANT DEPARTMENTS / SECTIONS / ORGANS OF STATE

In terms of Section 33(1) of the Bylaw, relevant organs of state who may be affected by an application shall be consulted by the applicant prior to the application being submitted to the Municipality.

Organs of state or organisations may include (amongst others):

- KZN Department of Transport if the application may impact on a Provincial Road, or if it is proposed to permanently close a road;
- SANRAL if the application may impact on a National Road;
- The SG's Office if it is proposed to permanently close a road or public place;
- KZN Department of Health for medical facilities, large developments, abattoirs, etc.;
- KZN Department of Education for large developments or applications that may impact on school sites;
- Servitude owners affected by the application;
- KZN Department of Economic Development, Tourism and Environmental Affairs;
- KZN Land Claims Commissioner (all applications);
- Consent from the Ingonyama Trust Board and relevant Traditional Leader;
- Telecommunications service providers;
- Eskom if they are the relevant service provider;
- Consent from the Department of Agriculture, Forestry and Fisheries in terms of Act 70 of 1970;
- Municipal departments;
- Etc.

Relevant organs of state or organisations that must be consulted will be determined during the pre-application meeting.

The Municipality may refuse to determine that an application is complete if the applicant fails to submit comment from an organ of state or organisation the Municipality considers relevant.