

Guideline document for the submission of land use management applications

Version 4/1/2015

A: Guidelines for the Notification of Applications in terms of the Mbombela By-law on Spatial Planning and Land Use Management

1. Applications must be advertised in English and any one of the other languages contained in the notification formats in this document.
2. The following sections of the By-law is applicable:

“81 Notification of application

- (1) *The applicant must give notice, in accordance with this By-law, of the following applications:*
 - (a) *an application for a rezoning or a rezoning on the initiative of MLM;*
 - (b) *the subdivision of land larger than five hectares inside the outer limit of urban expansion as reflected in its municipal spatial development framework;*
 - (c) *the subdivision of land larger than one hectare outside the outer limit of urban expansion as reflected in its municipal spatial development framework;*
 - (d) *an application for establishment of township*
 - (e) *the closure of a public place;*
 - (f) *an application in respect of a restrictive condition;*
 - (g) *other applications that will materially affect the public interest or the interests of the community if approved, as determined by MLM.*
- (2) *Notice of the application must be given by simultaneously—*
 - (a) *publishing a notice of the application in a local newspaper with a general circulation in the area concerned; and*
 - (b) *displaying the notice at a size of at least 60 cm by 42 cm (A2 size) on the frontage of the erf concerned or at any other publicly conspicuous and easily accessible place on the erf, provided that—*
 - (i) *the notice must be displayed for a minimum of 21 days, starting on the day the notice appear in the newspaper in terms of subsection 2(a);*
 - (ii) *the applicant must, within 21 days from the last day of display of the notice, submit to MLM—*
 - (aa) *a sworn affidavit confirming the maintenance of the notice for the prescribed period; and*
 - (bb) *at least two photos of the notice, one from nearby and one from across the street.*
 - (c) *-serving a notice on each owner of an abutting property, including a property separated from the property concerned by a road, prior to the date of the notice in newspaper and on the property in term of (2)(a) and (b) above;*
 - (d) *forward a copy of the notice together with the relevant application to every service provider and organ of state as identified by MLM that has an interest in the application.*
- (3) *The applicant must provide proof to the municipality that notices has been given as required.*
- (4) *Where MLM requires an applicant to display a public notice as contemplated in paragraph 2(b), MLM must conduct an on-site inspection to verify whether the applicant has complied with the requirement to display that public notice.*

81A Notice to organs of state and service providers

- (1) *An organ of state or service provider which is given notice of an application in terms of*

- section 81(2)(d) and invited to comment must do so within 60 days of —
- (a) notification; or
 - (b) receiving requested additional information, subject to section 77(1), reasonably necessary to finalise its comment, provided that the organ of state or service provider has made such written request within 14 days of notification.
- (2) An organ of state which fails to comment within the period contemplated in subsection (4) will be regarded as having no comment.
 - (3) An organ of state may be given notice by means of email addressed to the Head of Department of that organ of state.

82 Serving of notices

- (1) Notice of an application contemplated in section 81(1) and subsection (2) must be served—
 - (a) in accordance with section 115 of the Municipal Systems Act;
 - (b) in at least two of the official languages as determined by MLM;
- (2) When MLM intends to consider a determination of a zoning, the applicant must give notice as contemplated in section 81.
- (3) MLM may require the serving of a notice as contemplated in this section for any other application made in terms of this By-law.
- (4) MLM may require notice of its intention to consider all other applications not listed in section 81(1) to be given in terms of section 84.
- (5) The applicant must provide proof that the notice has been served as required.
- (6) The date of notification in respect of a notice served in terms of section 81(b) and (c) shall be—
 - (a) the date of registration of the notice when it has been served by certified or registered post; and
 - (b) the date of delivery to that person when it has been delivered to that person personally;
 - (c) the date on which it has been left with a person apparently over the age of sixteen years, at that person's place of residence or business in the Republic; or
 - (d) the date that the notice is conspicuously placed on the property it relates to.

84 Additional methods of public notice

- (1) If MLM considers notice in accordance with sections 81 or 82 to be ineffective or MLM decides to give notice of any application in terms of this By-law, MLM may on its own initiative or on request require an applicant to follow one or more of the following methods to give additional public notice of an application:
 - (a) to convene a meeting for the purpose of informing the affected members of the public of the application;
 - (b) to broadcast information regarding the application on a local radio station in a specified language;
 - (c) to hold an open day or public meeting to notify and inform the affected members of the public of the application;
 - (d) to publish the application on MLM's website for the duration of the period that the public may comment on the application; or
 - (e) to obtain letters of consent or objection to the application.
- (2) Where an applicant has given additional public notice of an application on behalf of a Municipality, the applicant must provide proof that the additional public notice has been given as required."

3. Notification formats:

NOTIFICATION OF LAND DEVELOPMENT APPLICATION IN TERMS OF THE MBOMBELA BYLAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT

I/We, **(name of applicant/s)* have lodged a land development application **(the application number/s allocated to the land development application)* in terms of the Mbombela By-law on Spatial Planning and Land Use Management for the **(the type/s of application/s being made)* of **(the property description/s)* situated at **(the physical address of the application property/ies i.e. street name/s and number/s)*.

The intention of this application is to **(describe comprehensively the intent and purpose of the application)*.

A copy of the application/s and supporting documentation is available for viewing during normal office hours at the Office of the Senior Manager: Land Use Management, Office 205, Civic Centre, 1 Nel Street, Mbombela, 1201, at the following contact number: 013 759 2185.

Written comments or objections together with reasons therefore in respect of the application must be submitted, in the prescribed format, to: the Municipal Manager, P O Box 45, Mbombela, 1200; or delivered to Registry Section of Records, 1st Floor, Civic Centre, 1 Nel Street, Mbombela; or faxed to 013-759-2070; or emailed to: registry@mbombela.gov.za not later than **(the date which may not be less than 30 days from the date on which the notice was given)*.

The format for the comments or objections is available from the office of the Senior Manager: Land Use management at the above-mentioned address or on the municipality's website (www.mbombela.gov.za).

Any person who cannot read or write may consult with any staff member of the office of the Senior Manager: Land Use Management Section during office hours and assistance will be given to transcribe that person's objections or comments.

Applicants Contact Details:

Name: *

Physical Address: *

Phone Number: *

Email Address: *

**(Information relating to the application to be completed by the applicant)*

**KENNISGEWING VAN GROND ONTWIKKELINGSAANSOEK INGEVOLGE DIE
MBOMBELA BYWET OP RUIMTELIKE BEPLANNING EN
GRONDGEBRUIKSBESTUUR**

Ek/Ons, **(naam van applikant/e)* het 'n aansoek **(aansoek nommer toegeken tot die grond ontwikkelingsaansoek)* om grond ontwikkeling ingedien ingevolge die Mbombela Bywet op Ruimtelike Beplanning en Grondgebruiksbestuur vir die **(tipe/s aansoek/e wat geloods word)* van **(die eiendoms beskrywing/s)* geleë te **(die fiesiese adres van die aansoek eiendom/me; straat naam/e asook straatnommer/s)*.

Die oogmerk van die aansoek is om **(beskryf volledig die bedoeling en doel van die aansoek)*.

'n Afskrif van die aansoek/e en ondersteunende dokumentasie is verkrygbaar gedurende normale kantoor ure by die Kantoor van die Senior Bestuurder Grondgebruiksbestuur, Kantoor 205, Burgersentrum, 1 Nel Straat, Mbombela, 1201 kontak nommer: 013 759 2185.

Geskrewe kommentaar of besware tesame met die redes vir beswaar moet ingedien word in die voorgeskrewe formaat aan: Die Munisipale Bestuurder, Posbus 45, Mbombela, 1200 of by die Registrasie afdeling van Rekords, Eerste verdieping, Burgersentrum, 1 Nelstraat, Mbombela; of gefaks word na 013-759-2070; of e-pos aan: registry@mbombela.gov.za nie later as **(die datum wat nie minder as 30 dae mag wees, vanaf die datum waarop kennis geplaas is nie)*.

Die formaat vir die kommentaar vir besware is beskikbaar by die Kantoor van die Senior Bestuurder Grondgebruiksbestuur, by die bogemelde adres of op die Munisipaliteit se webwerf (www.mbombela.gov.za).

Enige persoon wat nie kan lees of skryf nie mag met enige personeelid van die Kantoor van die Senior Bestuurder Grondgebruiksbestuur Afdeling, gedurende kantoor ure raadpleeg en bystand sal aan sodanige persoon verleen word om die beswaar of kommentaar saam te stel.

Applikant se Kontak Besonderhede:

Naam: *

Fiesiese Adres: *

Telefoon Nommer: *

e-pos Adres: *

(Inligting verwant aan die aansoek wat volledig deur die applikant voltooi moet word).

SATISO SESICELO SEKUTFUFUKISWA KWEMHLABA NGEKWEMTSETFO WE MBOMBELA BYLAW YE SPATIAL PLANNING AND LAND USE MANAGEMENT

Mine, **(bhala ligama lalofaka sicelo)* ngifake sicelo sekutfufukiswa kwemhlaba **(bhala inombolo nobe tinombolo letinikwe lesicelo sekutfufukiswa kwemhlaba)* ngekwemtsetfo wetekuhlelwa kwemhlaba nekuphatfwa we mkhlandlu dolobha we Mbombela By-law on Spatial Planning and Land Use Management ye **(bhala luhlobo teticelo letifakiwe)* ye **(bhala inombolo yesitandi)* letfolakala e **(bhala likheli lesitandi salesicelo njenge nombolo neligama lemgwaco)*.

Inhloso nguku **(bhala inhloso nenjongo yalesicelo)*.

Ikhophi yalesicelo Kanye nemaphepha lahambelana nalesicelo ayatfolakala kutsi utibukele ngesikhatsi lesetayelekile sekusebenta ehhovisi le Mphatsi lophakeme welitiko: Land Use Management lihhovisi 205, Civic Centre, 1 Nel Street, Mbombela, 1201, kelenombolo lelendzelako: 013 759 2185.

Imibono nobe kuphikisana nalokubhaliwe kanye netizatfu mayelana nalesicelo kungatfunyelwa ngalendlela lebekiwe ku: Mphatsi Dolobha, PO Box 45, Mbombela, 1200; noma tiletfwe ku hhovisi lekwamukela kwetincwadzi, 1st Floor, Civic Centre, 1 Nel Street, Mbombela; noma tingatfunyelwa nge fexi ku to 013-759-2070; noma nge email ku: registry@mbombela.gov.za kungandluli **(bhala lusuku lokungenteka kutsi kube ngaphansi kwetinsuku letingaba ngu 30 kusukela esukwini lekwakhishwa ngalo lesatiso)*

Lokuhleleka kwalemibono nobe kuphikisana iyatfolakala emahhovisi le Mphatsi lophakeme: Land Use management ekheleni lelibhalwe ngenhla noma ku website yamasipala (www.mbombela.gov.za)

Noma ngumuphi umuntfu longakwati kufundza noma kubhala angatsintsana nelilunga letisebenti tase hhovisi le Senior Manager: Land Use Management Section ngesikhatsi semsebenti, utawunikwa lusito kushicilela leto tikhalo nekuphikisana nalesatiso.

Kwekuchumana nebfaki sicelo:

Libito: *

Likheli lendzawo: *

Inombolo yelucingo: *

Likheli le e-mail: *

(Mningwane lophatselene nale scelo kufuneka igcwaliswe ngilam fakisicelo)

B: REQUIREMENTS FOR APPLICATIONS SUBMITTED IN TERMS OF THE TOWN PLANNING SCHEMES

1. SITE DEVELOPMENT PLANS

NO APPLICATION WILL BE ACCEPTED WITHOUT THE FOLLOWING INFORMATION INDICATED ON THE SITE DEVELOPMENT PLAN:

- 1.1 The siting, height, total floor area, floor area ratio, coverage of buildings and structures and the number of dwelling units per hectare, where applicable;
- 1.2 Open spaces and landscaping;
- 1.3 Entrances to and exits from the erf; internal roads; vehicular movement on erf and parking bays;
- 1.4 Entrances to buildings and parking areas;
- 1.5 Building restriction areas and building line relaxations; written comments/objections from the affected adjacent registered property owners, as determined on the sole description of Council (only for multi storey buildings and building closer than 1m on boundaries) must be obtained in the event where building lines area relaxed as part of the Site Development Plan.
- 1.6 Elevational treatment of all buildings and structures:
 - 1.6.1 Outside wall specifications;
 - 1.6.2 Roof finishes;
 - 1.6.3 Position and specifications with regard to fences;
 - 1.6.4 Position and specifications with regard to advertising signs;
- 1.7 The proposed sub-divisional lines, if the erf is to be subdivided;
- 1.8 Phases of development;
- 1.9 Services drawings must be included for approval by the City Engineer;
- 1.10 Position of refuse areas, where applicable;
- 1.11 Application fee;
- 1.12 One set coloured copy of the site development plan is required.

2. SPECIAL CONSENT USES

2.1 PROCEDURE IN OBTAINING THE SPECIAL CONSENT OF MBOMBELA LOCAL MUNICIPALITY.

- Step (i): Complete the advertisement as shown and arrange with newspaper(s) for the advertising thereof. The advertisement has to be published once a week for two consecutive weeks, in two of the official languages each week.
- Step (ii) A similar notice as the advertisement in the newspaper/s, must be effected on the premises, (the size of the notice is indicated on the blank advertisement form which notice is available at the reception office, Urban Planning @ R126.44). This notice must be effected on the premises on the same day as when the advertisement appears in the paper and shall be kept and maintained on the stand for FOURTEEN DAYS (2 weeks). A sworn affidavit to this effect, has to be submitted.
- Step (iii) The applicant shall, simultaneously with the submission of the application, submit an affidavit to the effect that the site notice referred to in step (ii) was properly posted and maintained. There is 28 days objection period for application in terms of the Nelspruit and White River Town Planning Schemes and 21 days in terms of the Peri Urban Areas Town Planning Scheme, any objections and comments received must be handed in to: the Municipal Manager, P O Box 45, Mbombela, 1200; or delivered to Registry Section of Records, 1st Floor, Civic Centre, 1 Nel Street, Mbombela; or faxed to 013-759-2070; or emailed to: registry@mbombela.gov.za.

2.2. DOCUMENTS TO ACCOMPANY THE APPLICATION

- 2.2.1 Completed and signed application form.
- 2.2.2 The prescribed application fee (see application form).
- 2.2.3 The Power of Attorney, should the applicant not be the registered owner.
- 2.2.4 A certified copy of the Title Deed of the land.
- 2.2.5 The written consent of the bondholder(s), if the land is subject to a mortgage bond(s).

- 2.2.6 The full pages of the news paper(s) in which the advertisements appeared.
- 2.2.7 The prescribed notice which appeared on the premises (Photos)
- 2.2.8 An affidavit to the effect that the notice mentioned in 7, was effected and maintained on the stand for the prescribed period.
- 2.2.9 An explanatory memorandum, motivating the proposed use with regard to the need and desirability thereof.
- 2.2.10 A copy of the building plan, indicating clearly the distinguishing uses and buildings, together with a site plan indicating the position of the building, **as well as the required parking, on the stand. (SDP for Accommodation Purposes). These plans must contain:**
 - (i) The true north
 - (ii) the number of each adjoining stand and if the stand is not situated within the same township as the stand for which special consent use is applied for, the name of that other township;
- 2.2.11 A location plan of the applicable property.
- 2.2.12 Written comments from the owners/occupants of the properties adjoining the land under application.
- 2.2.13 Kindly note that all applications for special consent use, whereby the provision of food and toilet facilities are concerned, the Department of Health of Mbombela Local Municipality will have to be contacted in order to ascertain their standards in respect of the provision and preparation of food.

2.3 EXAMPLE AND FORMAT OF SPECIAL CONSENT USE NOTICES:

Nelspruit and White River Town Planning Schemes

EXAMPLE ONLY

***NELSPRUIT TOWN PLANNING SCHEME 1989/WHITE RIVER TOWN
PLANNING SCHEME 1984
APPLICATION FOR SPECIAL CONSENT USE**

Notice is hereby given in terms of *Clause 17(2) of the Nelspruit Town Planning Scheme 1989/Clause 19(2) of the White River Town Planning Scheme 1984, that I, the undersigned, intend applying to the Mbombela Local Municipality for consent to use

ERF 92 NELSPRUIT TOWN (ALSO KNOWN AS 33 LOUIS TRICHARDT STREET)

(Give a full, registered description of property)

for the purpose of **A PLACE OF PUBLIC WORSHIP**

(Give a compact, but detailed summary of purposes):

IT IS ENVISAGED THAT A CHURCH BUILDING, RECTORY AS WELL AS A CHURCH HALL BE ERECTED ON THE ERF

Full particulars in connection with the application is available at the address given below. Any person having any objection to the proposed use, must lodge such objection, together with the grounds therefore, in writing to the Municipal Manager, P O Box 45, Mbombela, 1200; or delivered to Registry Section of Records, 1st Floor, Civic Centre, 1 Nel Street, Mbombela; or faxed to 013-759-2070; or emailed to: registry@mbombela.gov.za and with the undersigned not later than twenty eight (28) days after the **first day of publication of this notice**, which is : (Final date of acceptance of any objections)

.....(Name and street address of applicant)

.....

.....

*delete whichever is not applicable

SLEGS VOORBEELD

***NELSPRUIT DORPSBEPLANNINGSKEMA 1989/ WITRIVIER DORPSBEPLANNINGSKEMA 1984 AANSOEK OM SPESIALE GEBRUIKSGOEDKEURING**

Kennis word hiermee gegee ingevolge Klousule 17(2) van die *Nelspruitse Dorpsbeplanningskema 1989/Klousule 19(2) van die Witrivier Dorpsbeplanningskema 1984, dat ek, die ondergetekende, van voorneme is om by die Mbombela Plaaslike Munisipaliteit aansoek te doen om goedkeuring om

ERF 92 NELSPRUIT DORP (OOK BEKEND AS LOUIS TRICHARDT TRAAAT 33) (Gee volle geregistreerde grondbeskrywing)

te gebruik vir die doeleindes van '**N PLEK VAN OPENBARE
GODSDIENSOEFENING**

(Gee beknopte, maar volledige beskrywing van doeleindes);

DAAR WORD BEOOG OM 'n KERKGEBOU, PASTORIE ASOOK 'N KERKSAAL OP DIE ERF OP TE RIG

Volledige besonderhede is verkrygbaar by die onderstaande adres. Enigeen wat beswaar teen die voorgestelde gebruik wil aanteken moet sodanige beswaar, tesame met die redes daarvoor, skriftelik by Die Munisipale Bestuurder, Posbus 45, Mbombela, 1200 of by die Registrasie afdeling van Rekords, Eerste verdieping, Burgersentrum, 1 Nelstraat, Mbombela; of gefaks word na 013-759-2070; of e-pos aan: registry@mbombela.gov.za en by die ondergetekende, nie later as agt-en twintig (28) dae vanaf die **eerste kennisgewingsdag van die verskyning van hierdie advertensie indien, naamlik** :..... (finale datum van aanvaarding van enige besware)

..... (Naam en straatadres van applikant)

.....
.....

* Skrap wat nie van toepassing is nie

Peri Urban Areas Town Planning Scheme, 1975

EXAMPLE ONLY

PERI URBAN AREAS TOWN PLANNING SCHEME 1975

APPLICATION FOR SPECIAL CONSENT USE

Notice is hereby given in terms of the Peri Urban Areas Town Planning Scheme 1975, that I, the undersigned, intend applying to the Mbombela Local Municipality for consent to use

ERF 92 NELSPRUIT TOWN (ALSO KNOWN AS 33 LOUIS TRICHARDT STREET)
(Give a full, registered description of property)

for the purpose of A PLACE OF PUBLIC WORSHIP

(Give a compact, but detailed summary of purposes):
IT IS ENVISAGED THAT A CHURCH BUILDING, RECTORY AS WELL AS A CHURCH HALL BE ERECTED ON THE ERF

Full particulars in connection with the application is available at the address given below. Any person having any objection to the proposed use, must lodge such objection, together with the grounds therefore, in writing to the Municipal Manager, P O Box 45, Mbombela, 1200; or delivered to Registry Section of Records, 1st Floor, Civic Centre, 1 Nel Street, Mbombela; or faxed to 013-759-2070; or emailed to: registry@mbombela.gov.za and with the undersigned not later than twenty one (21) days after the first day of publication of this notice, which is :..... (final date of acceptance of any objections)

.....(Name and street address of applicant)

.....
.....

SLEGS VOORBEELD

BUITE STEDELIKE GEBIEDE DORPSBEPLANNINGSKEMA 1975

AANSOEK OM SPESIALE GEBRUIKSGOEDKEURING

Kennis word hiermee gegee ingevolge die Buite Stedelike Gebiede Dorpsbeplanningskema 1975, dat ek, die ondergetekende, van voorneme is om by die Mbombela Plaaslike Munisipaliteit aansoek te doen om goedkeuring om

ERF 92 NELSPRUIT DORP (OOK BEKEND AS LOUIS TRICHARDT RAAT 33)
(Gee volle geregistreerde grondbeskrywing)

te gebruik vir die doeleindes van 'N PLEK VAN OPENBARE GODSDIENSOEFENING

(Gee beknopte, maar volledige beskrywing van doeleindes);

DAAR WORD BEOOG OM 'n KERKGEBOU, PASTORIE ASOOK 'N KERKSAAL OP DIE ERF OP TE RIG

Volledige besonderhede is verkrygbaar by die onderstaande adres. Enigeen wat beswaar teen die voorgestelde gebruik wil aanteken moet sodanige beswaar, tesame met die redes daarvoor, skriftelik by Die Munisipale Bestuurder, Posbus 45, Mbombela, 1200 of by die Registrasie afdeling van Rekords, Eerste verdieping, Burgersentrum, 1 Nelstraat, Mbombela; of gefaks word na 013-759-2070; of e-pos aan: registry@mbombela.gov.za en by die ondergetekende, nie later as een-en twintig (21) dae vanaf die eerste kennisgewingsdag van die verskyning van hierdie advertensie indien, naamlik : (finale datum van aanvaarding van enige besware)

..... (Naam en straatadres van applikant)

.....
.....

3. BUILDING LINE RELAXATIONS

3.1 Procedure

A written application in order to relax the building line is submitted on the standard application form, accompanied by the following documents:

- (i) an A3 site plan (scale 1:500 or 1:250) indicating the following:
 - north arrow
 - the slope and view of the property in relation to that of the surrounding properties
 - the boundaries of the property
 - correct stand/erf number
 - position of all buildings on the stand, roof overhangs, existing or proposed municipal services and the true distance between buildings and boundaries
 - description of the proposed structure, e.g. garage, swimming pool, etc
 - the street/streets
 - the existing building lines
 - the existing kerb line (strictly not less than 5m)
 - the required building line relaxation
 - access to garage/carport and access to erf where application is being made for the erection of a garage/carport
 - the prescribed fees to the amount determined by Council for that particular financial year
- (ii) an A3 size street elevation, on scale showing the existing and new structure/building in relation to building restriction areas and must also indicated the extent of roof overhangs;
- (iii) a detailed motivation (need and desirability) in favour of the application;
- (iv) written comments/objections from the affected adjacent registered property owners, as determined in the sole discretion of the Municipality (only for multi storey buildings and building closer than 1m on boundaries); including applications submitted in terms of the Site Development Plan.

