

LAND USE PLANNING APPLICATION SUBMISSION AND PROTOCOL

The following pages set out the basic submission requirements for land use planning applications compiled in terms of Section 38 of the Theewaterskloof Municipality: By-Law on Municipal Land Use Planning. In an effort to prevent delays and ensure the success of the application, prospective applicants are advised to undertake a pre-consultation application meeting in order to obtain more information and specific application related advice, guidelines and submission requirements.

Application documentation and supporting information should be accurate and be prepared and submitted strictly in accordance with these requirements. Failure to do so, or where submissions are incomplete, is grounds for refusing to accept the land use planning application in terms of Section 40 of the said legislation.

1. Supporting information and documentation

The minimum supporting information and documentation required to enable the Municipality to assess land use planning applications are listed in **Annexure B**. Kindly note, that this is only a guideline and the Municipality should be consulted to ascertain if any additional requirements relating to the proposal might be requested.

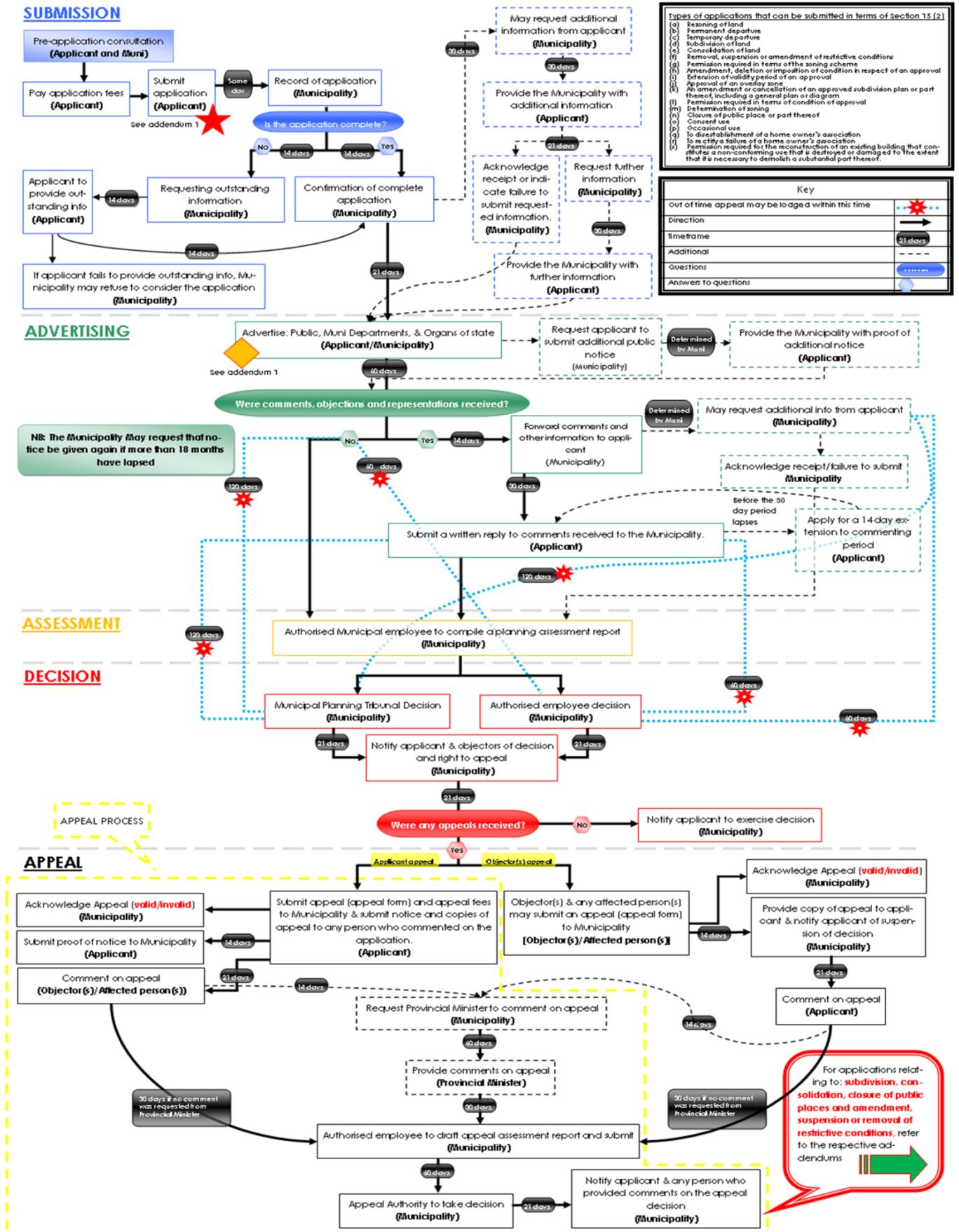
2. Application and advertising fees

The application and advertising fees must be paid in full on submission, failing which the Municipality will refuse to accept and/or refuse to consider the application. The total fee(s) payable is determined by the application type and extent of public participation required, and it is advised that the Municipality be contacted to determine the exact amount payable in respect of the application.

When an integrated procedure is followed in terms of Section 44 of the said legislation the advertising fees will be determined once an agreement is reached between the Municipality and any other organ of state (for example the simultaneous publication of notices for Environmental Authorisations with land use planning applications).

The applicant is liable for the cost of serving notices of an application. The fees referred to above are only application and advertising fees and any additional costs may be at the applicant's expense (e.g. development charges).

3. Theewaterskloof Municipality Land Use Planning Applications (Work flow)



4. Motivation report / letter

A written motivation for an application should be based on the criteria referred to in Section 65 of the said legislation, 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;
 - Integrated development plan and spatial development framework for the district municipality, where applicable;
 - Applicable local spatial development frameworks adopted by the Municipality;
 - Applicable structure plans;
 - Provincial spatial development framework; and
 - Regional spatial development framework in section 18 of SPLUMA and LUPA or provincial regional spatial development framework
- Policies, principles and planning and development norms and criteria set by the national and provincial government; and -
- Land development principles as referred to in section 42 of the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

When an application is submitted for an amendment, suspension or removal of restrictive conditions the following criteria will be considered as referred to in Section 33(5) of the said legislation:

- (a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;
- (b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition;
- (c) The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;
- (d) The social benefit of the restrictive condition remaining in place in its existing form;
- (e) The social benefit of the removal, suspension or amendment of the restrictive condition; and
- (f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

5. Plans

The following plans together with the information mentioned below, may be required to accompany the application:

5.1 Locality Plan

When a locality plan is required, such a plan must be legible and may include the following;

- The scale, True North, legend and the title “Locality Plan”;
- Erf boundaries with erf or farm numbers thereon;
- Location of the subject property (boundary line highlighted and area hatched);
- Street names and numbers;
- Roads with an indication of whether they are main, trunk, national or provincial roads;
- Municipal boundaries, nearest towns, etc.
- Any physical restrictions on the property or surrounding properties which may affect the application; and -
- Other relevant information as may be required.

5.2 Zoning Plan

When a zoning plan is required, such a plan must be legible and may include the following;

- The scale, True North, legend and the title “Zoning Plan”;
- The location of the proposed land units;
- Erf boundaries with erf or farm numbers thereon;
- Street names and numbers;
- Dimensions, size and location of the relevant portion and zonings (indicated in accordance with the notation schedule of the relevant zoning scheme);
- The existing access points;
- All servitudes;
- All existing structures on the property and abutting properties;
- The proposed public places and the land needed for public purposes;
- All distances and areas to scale; and –
- Other relevant information as may be required.

5.3 Subdivision Plan

When a subdivision plan is required, such a plan must be legible and may include the following;

- The scale, True North, legend and the title “Subdivision Plan”;
- The location of the proposed land units;
- The proposed zonings in respect of the proposed land units (indicated in accordance with the notation schedule of the relevant zoning scheme);

- All existing structures on the property and abutting properties;
- The proposed public places and the land needed for public purposes;
- The existing access points;
- All servitudes;
- Contours with at least a one-meter interval or such other interval as may be approved by the Municipality;
- The street furniture;
- The lamp, electricity and telephone posts;
- The electricity transformers and mini-substations;
- The storm-water channels and catch pits;
- The sewerage lines and connection points;
- Any significant natural features;
- 1:50 / 100 year flood line (if applicable);
- All distances and areas to scale; and –
- Other relevant information as may be required.

5.4 Consolidation Plan

When a consolidation plan is required, such a plan must be legible and may include the following;

- The scale, True North, legend and the title “Consolidation Plan”;
- The proposed consolidation in respect of the proposed land units;
- All existing structures on the properties;
- The existing access points;
- All servitudes;
- The sewerage lines and connection points;
- Any significant natural features; and –
- All distances and areas to scale.

5.5 Site Development Plan

When a site development plan is required, such a plan must be legible and may include the following;

- The scale, True North, legend and the title “Site Development Plan”, as well as the number of the plan (amendments to the plan must have subsequent numbers);
- All existing / proposed structures on the property(ies);
- The existing / proposed access points;
- Building lines (zoning scheme and title deed);
- Land use planning parameters (coverage, height, floor space, parking etc. according to zoning scheme);
- All servitudes;

- Contours with at least a one-meter interval or such other interval as may be approved by the Municipality;
- 1:50 / 1:100 year flood line, if applicable;
- The street furniture;
- The lamp, electricity and telephone posts;
- The electricity transformers and mini-substations;
- The storm-water channels and catch pits;
- The refuse areas, sewerage lines and connection points;
- Detailed parking layout with dimensions;
- Any significant natural features; and –
- All distances and areas to scale.

5.6 Street naming and numbering plan

When a street name and numbering plan is required, such a plan must be legible and may include the following;

- The scale, True North, legend and the title “Street name and Numbering Plan”;
- The location of the proposed land units;
- The proposed street names and numbers in respect of the proposed land units;
- All existing structures on the property and abutting properties;
- The proposed public places and the land needed for public purposes;
- The existing access points;
- All servitudes;
- 1:50 / 1:100 year flood line, if applicable;
- The street furniture;
- The lamp, electricity and telephone posts;
- The electricity transformers and mini-substations;
- The storm-water channels and catch pits;
- The sewerage lines and connection points;
- Any significant natural features; and –
- All distances and areas to scale.

6. 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;
- 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;
- Proof of failure of Home owner's association;
- Additional copies of selected documentation;
- Additional motivation; and –
- Any other specialist studies, etc.