

# APPLICATION PROCEDURE

## A. INITIAL CONSULTATION WITH APPLICANT

Applicant will be provided with a Planning Enquiry Form with its unique Reference No (Date/Region) and an Application Form.

The applicant will be advised which Departments will have to be consulted prior to the submission of the application. (The Departments require a copy of the full report to enable them to comment.)

Advise applicant that 3 complete sets of the application documents (**one has to be originals**), are to be submitted and shall include the following documents (prior to advertisement):

- a) Application Form.
- b) Application fee to be paid at submission as per the approved Development Planning Tariffs.
- c) Owners' Consent / Power of Attorney in favour of the applicant by the registered owner/s **(originals)**
- d) Power of Attorney for the signatory in the case of a Body Corporate, Director or a Member of a Company, Home Owners Association, a Trust or a Close Corporation, an Original signed letter of Authority is required.
- e) Bond Holders Consent
- f) Copy of Title Deeds,
- g) Copy of General Plan / Surveyor General Diagrams
- h) The applicant must provide clearance from any organ of state that may be affected by the application (i.e. DOT, DAEA, etc.) as indicated on Initial Consultation Form.
- i) The applicant must provide comments from all affected Departments as indicated on Initial Consultation Form.
- j) 3 copies of Planning Motivation, Site/Layout Plans and Locality Plans. One electronic copy in PDF:
  - description/details of site
  - description of proposals
  - development plan and associated parking
  - zoning, land use and locality plans
  - reasons why current zoning/land use is no longer applicable
  - why the proposed zone/land use is the best alternative and description of proposed conditions applicable to zone

- comprehensive explanation of the need in the public interest and the desirability/ impact of proposed development in relation to the area
- traffic implications
- availability of essential (engineering) services and arrangements with the local authority for the provision of services that may be required
- EIA/Environmental and geotechnical assessment where necessary
- Plans of proposal
- Address issues in checklist (as per PDA)

j) If Subdivision or Consolidation 6 copies of the proposed SG Layout Plans.

**Applicant to be advised that they can only advertise once proof of payment has been received and the application is deemed complete.**

Applicant to be advised of the following:

1. Notice to advertise. (Applicant has 14 days to advertise from receipt of notice to advertise.
2. Advert to appear in 2 newspapers (English and isiZulu) that circulate in the area in terms of Section 34(1) of the By-Law. The publication must be in the language of the newspaper it appears in.
3. A list of the affected and adjoining owners, Organs of State and Ward Councillor will be provided (Council use their discretion to identify affected owner as contemplated in Section 34(1) of the By-Law)
4. On the day of publication of the advertisement the Notices must be placed on all street frontages. (*Applicant to enlarge to A3*)

The following must be provided by the applicant within 7 days from the closing date of the commenting period.

- Photographic evidence of each site notice. (Photos must have the date)
- Proof of notification of adjoining/affected owners of land together with the list of neighbours as provided.
- Full newspaper sheets of the all advertisements.
- Affidavit

Objection period 30 business days.

**Note: Any objection must be served on the applicant and Municipality to be valid.** (Proof needed refer to bylaw)

## **B. SUBMISSION OF APPLICATION:**

- a) Planner will ensure that all the documentation (as listed in Planning By-Law Enquiry form) is

submitted.

- b) The application will get date stamped.
- c) LumA will create a file, then allocate to a planner.
- d) Planning Official will provide letter of completion if application is in order with 7 days from allocation. Considering the following points listed below before application is deemed complete.
- e) Issues to consider:
  - the impact of the proposal on existing or proposed developments or land uses in the municipality's area, or on existing developmental or mineral rights;
  - the impact of the proposal on the National, Provincial and Municipal road networks;
  - the resources likely to be available for implementing the proposal, including access to the national, provincial or municipal roads network, engineering services, public transport, municipal services, sewage, water and electricity supply, waste management and removal, policing and security, health and educational facilities, and the fiscal ability of the municipality;
  - the protection or preservation of cultural and natural resources, including agricultural resources, unique areas or features and biodiversity;
  - the natural and physical qualities of that area;
  - the Municipality's Planning scheme and package of plans
  - any other relevant information.
- f) The Official has to assess the application to ensure compliance and completeness.
- g) The Official has to check comments from the relevant departments (internal and Organs of State where applicable).
- h) Should it be found that a comment was not included from a relevant Department or Organ of State the applicant need to be advised that the application is incomplete and request the relevant information (Section 23(4) of By-Law).
- i) Once application is deemed complete the following will be given to the applicant within 7 days:
  - List of affected and adjoining owners, Organs of State and Ward Councillor/s.
  - **Form: 1:** Wording of advertisement in (two daily newspapers (English and isiZulu) that circulate in the area and in the language of that newspaper);
  - **Form: 2:** Site Notice to be displayed on **all** street frontages A3.
  - **Form: 3:** Notification letters to affected and adjoining owners, Organs of State and Ward Councillor,
  - **Form: 4:** Affidavit to be completed at the end of the written comments period

**NB** Objection period 30 business days

(Note: wording shall be the same on all documentation and must clearly indicate the nature of the application and full property descriptions)

### **C. APPLICATION ADVERTISED**

On the day of publication of the advertisement the Notices must be placed on all street frontages by the Applicant.

The following must be provided by the applicant within 7 days from the closing date of the commenting period.

1. Photographic evidence of each site notice. (Photos must have the date)
2. Proof of notification of adjoining/affected owners of land together with the list of neighbours as provided.
3. Full newspaper sheets of the all advertisements.
4. Affidavit

Objection period 30 business days.

**Note: Any objection must be served on the applicant and Municipality to be valid.** (Proof needed refer to bylaw)

### **D. ASSESSMENT OF APPLICATION BY OFFICIAL**

#### **SITE INSPECTION**

- MUST conduct a site inspection (Can be done at an earlier stage).
- Take photos showing the site conditions and surrounding area.
- Assess impact of proposal on surrounding properties, i.e. traffic, noise, visual, proximity to other uses, etc.
- Take note of access and egress points.
- MUST check the display of Site Notice is visible from the road.

#### **OBJECTIONS RECEIVED**

(Persons who objected have to notify applicant)

- Date stamp all objections received (e-mailed objections must be printed)
- E-MAIL/TELEFAX Should an applicant or persons who submitted objections choose to use e-mail/telefax as their elected method of correspondence, you must obtain written confirmation that it is their formally elected email address / telefax number to receive all future correspondence pertaining to the application (FORM: e-mail/ telefax address).

- The applicant will be notified of objections and provide copies thereof. Applicant then have to compare the objections they have received with Council within 7 days of closing date to ensure validity.
- Acknowledge all objections in writing indicating if valid or invalid.
- Applicant may comment or give up the right to comment within 14 days from date of validation.
- **Note: The applicant has 30 days from date of validation to submit an amended application if necessary. (The impact of any changes to an application shall be assessed by Municipality)**
- Council may call for a public hearing depending on the nature and impact of proposal.
- The merits of the objections and subsequent response from applicant will be considered when taking a decision on the application.
- This may require a subsequent site inspection to ensure that the objections raised are relevant.

#### **LODGING OF AFFIDAVIT**

- Official has to ensure that affidavit is submitted on the closing date of the advertisement period.

#### **ITEM TO JOINT ADVISORY COMMITTEE (JAC)** (20 days from closing date of advert or comments received from applicant with regard to objections)

- The application will be assessed in terms of the By-Law.
- In assessing the application all objections will be taken into consideration as well as any response thereto from the applicant and it will be addressed in the report.
- The assessment report of the application will be presented at mini JAC and the decision and reasons for approval or refusal will be minuted.
- A presentation will be prepared by the Official for JAC, showing photos of the site and surrounding area, a locality plan and a zoning plan (the plans must indicate the properties of any person who objected).
- The application must be taken to JAC for the decision to be verified.
- Once the JAC minutes have been received on all Category 3 Applications the Decision Notice to the Head: Development Planning, Environment & Management Unit can be compiled for final decision.
- This decision notice will be sent via the elected method of communication to the applicant and any person or body who submitted objections within 14 days of the date of the decision. The applicant may collect the Decision Notice.

- Once the JAC minutes have been received the report to Council on **Category 1** applications and Municipal Planning Tribunal (MPT) on **Category 2** applications can be compiled.
- It should be noted should it be a combined application with a Category 1 component, Council's decision first need to be obtained prior to the application been presented to MPT.
- The Report and presentation will be presented at MPT and Council meetings

### **MINUTES FROM COUNCIL/MPT MEETING**

- Once the minutes from the Council Meeting has been received the official will prepare the Decision Notice which will be signed by the Regional Co-ordinator.
- Once the minutes from the MPT are released a decision notice will be prepared which has to be signed by the Chairman of MPT.
- This decision notice will be sent via the elected method of communication to the applicant and any person or body who submitted objections within 14 days of the date of the decision. The applicant may collect the Decision Notice.

### **Appeals**

- A person who's right are affected by the decision has 21 business days from the date of notification.
- Where an appeal has been lodged, the planner has 21 days (business days) to compile and submit their responding memo to the SPLUMA office.

### **COMBINED APPLICATIONS**

- The By-Laws allows for multiple applications to be submitted as a single combined application.
- For combine application submissions, the highest order application shall be adjudicated upon by that relevant committee in its entirety.
- Each application forming part of the combined application must be addressed in terms of criteria for each specific application, except where a Category 2 applications is dependent on a Category 1 application, Council first need to take the decision on Category 1 application before the MPT can take decisions on the Category 2 applications.
- An application fee of 75% of the prescribed fee must be paid for each application, forming part of the combined application.
- A Decision Notice must be issued for each application that formed part of the combined application.
- Each component of the combined application to have its own Reference No. as well as an overall combined application No.