

USER GUIDE:

Applications in terms of the City of Mbombela Spatial Planning and Land Use Management By-law



The information provided in this document is presented in informal and plain language for the purpose of providing advice on development matters and procedures relevant to the By-law.

This document is drafted in terms of Section 82(4) of the By-law and approved in terms of delegated authority. Should there be any discrepancy with the provisions to the underlying legislation, the actual legislation takes precedence and should be consulted directly

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1. Types of land Development applications in terms of the By-law

The by-law makes provision for the following land use applications:

- 1.1 Township Establishments - Section 51(1)
- 1.2 Extension of Township Boundary - Section 51(1)
- 1.3 Division or Phasing of Township - Section 52(1)
- 1.4 Extension of Time to lodge with Surveyor General – Section 52(1)
- 1.5 Compliance Certificate (with Pre-Proclamation Conditions) – Section 54(1)
- 1.6 Rezoning / Incorporation – Section 58(1)
- 1.7 Extension of time to comply to conditions of approval – Section 58(3)
- 1.8 Removal, Amendment or Suspension of Restrictive Title Conditions – Section 59(2)
- 1.9 Amendment, Withdrawal or Cancellation in whole or part of a General Plan- Section 61(1)
- 1.10 Subdivision of Land (including servitude registration) – Section 63(2)
- 1.11 Confirmation of Subdivision – Section 64(3)
- 1.12 Extension of Time for Subdivision Registration – Section 65(2)
- 1.13 Amendment or cancellation of subdivision plan prior to registration – Section 66(1)
- 1.14 Exemption from Subdivision/Consolidation – Section 67(2)
- 1.15 Consolidation of Land – Section 69(1)
- 1.16 Extension of Time for registration of Consolidation – Section 70(2)
- 1.17 Closure of Public Place – Section 71(2)
- 1.18 Temporary Closure of Public Place – Section 71(2)
- 1.19 Consent Use – Section 72(1) read with the Land Use Scheme
- 1.20 Land Use on Communal Land – Section 73(1)
- 1.21 Permanent Departure – Section 74 read with the Land Use Scheme
- 1.22 Permission to Transfer – Section 76(2)
- 1.23 SPLUMA Clearance Certificate – Section 78(1)

2. Procedures for making application

The procedures of making a land use application are regulated in terms of sections 80 to 114 of the by-law. The process is summarised in the diagram attached as *Annexure A*.

Complete applications must be submitted to the following email address:
registry@mbombela.gov.za

Payment reference numbers on EFT payment must include a reference to the invoice number

The application (one copy) must be submitted in .pdf format. The submission may be split over a number of emails as the maximum size of an email submission is limited to 5Mb.

3. Required documents to be submitted with applications

The documents required to be submitted with an application is regulated in terms of Section 82 of the By-law, and is summarised in the checklist attached as *Annexure B*.

In addition to the documentary requirements listed in the specific section of the By-law applicable on the application additional documents as authorised in terms of Section 82(4) are required as indicated on Annexure B:

4. Application fees Payable

Please refer to the Tariff Schedule of the current financial year.

5. Applications that require Public Participation

The requirement for notice to be given on an application is regulated in Section 90 of the By-law. The following applications require notification to be given:

- an application for township establishment;
- an application for a rezoning or a rezoning on the initiative of the Municipality;
- the subdivision of land larger than five hectares inside the urban edge as reflected in its municipal spatial development framework;
- the subdivision of land larger than one hectare outside the urban edge as reflected in its municipal spatial development framework;
- the closure of a public place;
- an application in respect of a restrictive condition;
- an application for determination of zoning
- applications that will materially affect the public interest or the interests of the community if approved.

6. Guidelines for the Notification of Applications

Section 89 to 95 of the by-law regulates the notification of applications

Applications must be advertised on site and in the local newspaper in English and any one of the other language contained in the 1.1. Notices served on the abutting property owners must be in English.

6.1 Format of Notices

- English (Annexure D)
- Afrikaans (Annexure E)
- Siswati (Annexure F)

7. SPLUMA Clearance Certificate Applications

- 7.1 Applications are made in terms of Section 78 of the By-law.
- 7.2 A specific Application form and Affidavit is available on our website, www.mbombela.gov.za
- 7.3 The completed application form, completed and signed affidavit as well as proof of payment must be submitted to, registry@mbombela.gov.za
- 7.4 Please consult the tariff schedule or application form for the applicable application fee payable.
- 7.5 You will be updated on all comments made on the application, in order for you to address any negative comments.
- 7.6 A decision on the application will be provided within approximately 30 days.
- 7.7 Certificates issued are valid for 120 days.
- 7.8 Extensions may only be granted if applied for within 6 months from the date of the certificate issued, and will be granted only one time, after which a new application must be submitted.
- 7.9 The purchaser may enter into an agreement with the Municipality, in which he/she will take responsibility to rectify any matters raised in the processing of the application, after which the certificate will be issued.

8. Scheme Amendment Map and Schedule

Clause 10.2 of the Land Use Scheme requires amendments to the scheme to be captured in the electronic register, and states further that the property in question is entitled to the use, conditions and restrictions as shown on the relevant Amendment to the Scheme.

It is therefore required that a Scheme Amendment Map and Schedule be submitted for approval by the applicant prior to confirmation that conditions of approval have been complied with in terms of s58(5) of the By-law, Clause 9.3.8(e) of the Land Use Scheme, and must be a required pre-proclamation condition on a township establishment without which a certificate in terms of Section 54(2) of the By-law shall not be issued.

The format of the Scheme Amendment Map and Schedule is attached as Annexure G

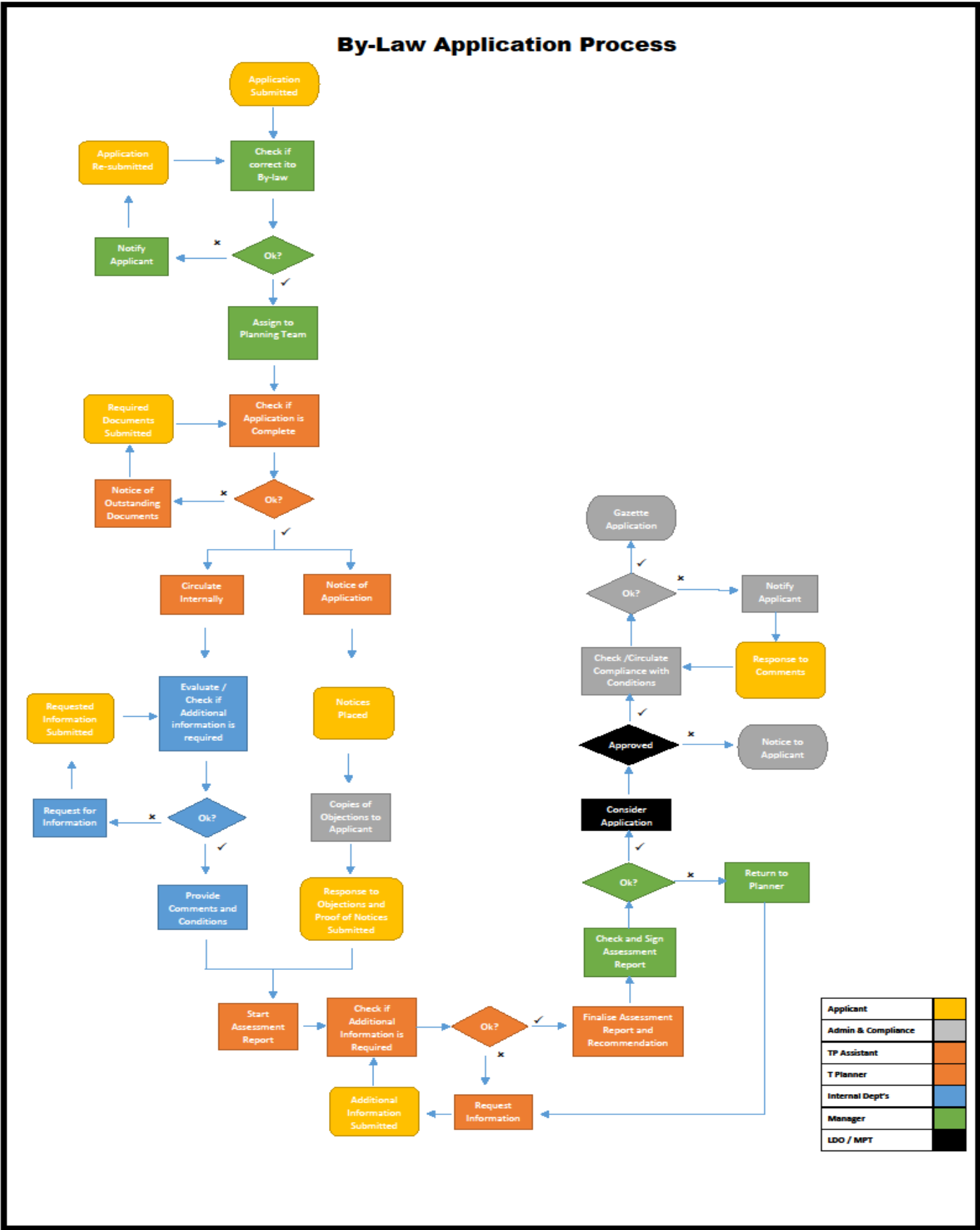
9. Contact Details

For any further questions on land use management issues contact the development management office on the number provided below:

City of Mbombela Local Municipality
1 Nel Street, Civic Centre, 2nd floor
PO Box 45, Mbombela, 1200

Contact number 013 759 9173

Annexure A



APPLICATION REF: _____

REQUIRED DOCUMENTS

	Township Establishment/Ext./Div./Phasing	Rezoning/Incorporation of farmland	Rezoning/Incorporation	Removal of Restrictions	Cancellation of General Plan	Subdivision of Land	Consolidation of Land	Exemption of Subdivision / Consolidation	Closure of Public Place	Consent Use Application	Temporary Departure	Land Use on Communal Land	Permanent Departure A (FAR/2nd dwl/Rel)	Permanent Departure B (Cov, Height, SDP)	Building Line Relaxation	Received
Application Form	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Power of Attorney (if owner is not the applicant)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Company Resolution (if applicable)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
All signatures from Trustees (if applicable)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Written Motivation based on By-law criteria (see S45 and Schedules)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Proof of Payment of Application Fees	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Power of Attorney from Traditional Council (if applicable)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Certified Copy of Title Deed	x	x	x	x	x	x	x	x		x	x		x	x	x	
SG Diagram or General Plan	x	x	x	x	x	x	x	x	x	x						
Locality Plan (including Geographical Coordinates in decimal degrees)	x	x	x	x	x	x	x	x	x	x	x	x			x	
Layout Plan (with certified Floodline if applicable)	x	x				x	x	x	x			x				
Draft Conditions of Establishment	x					x										
Draft Conditions of Establishment (for the proposed subdivision of farmland)						x	x									
Copy of Zoning Certificate	x	x	x			x	x			x	x	x	x	x		
Engineering Geological Report*	x	x										x				
Undermining Stability Report (if applicable)	x	x										x				
Bondholders Consent (if Applicable)	x	x	x	x	x	x	x	x		x	x					
Confirmation if a mining or prospecting permit is held or being applied for	x	x										x				
Confirmation of other real rights on the property	x	x														
Confirmation and details of any land claims on the property	x	x														
Conveyancers Certificate	x															
Consent from the Surveyor General (for extension of boundaries)	x															
Services Report	x	x														
Zoning Plan	x	x	x							x		x				
Land Use Plan	x	x	x							x		x				
Amendment Scheme Map and Schedule	x	x	x									x				
Certified copy of Notarial Deed of Servitude				x												
Copy of servitude Diagram approved by the Surveyor General				x												
Description of all existing servitudes and services on the land				x						x						
Plan showing intended effect on the General Plan					x											
Consent granted in terms of Act 70 of 1970 (if farm subdivision)						x										
Conditions of Establishment of Existing Township									x							
Explanatory maps, plans and diagrams (draft SDP)										x			x		x	
Proof of External Circulation	x	x	x	x		x	x					x				
Copy of Newspaper Notice	x	x	x	x		x			x			x				
Proof of notification of abutting property owners (Form 1)	x	x	x	x		x			x	x		x	x	xx	x	
Affidavit confirming Display of Site Notice	x	x	x	x		x			x	x		x				
Photographic Proof of Site Notices (one near, one from across the street)	x	x	x	x		x			x	x		x				
Completed By:	Verified By:															

* Submission of an Engineering Geological Report for Rezoning of Farmland and land use on Communal Land applications may be waived in certain instances, at the discretion of the municipality, subject to certain conditions.

xx Applicable for Cellular Antenna applications

Annexure D

NOTIFICATION OF LAND DEVELOPMENT APPLICATION IN TERMS OF THE CITY OF MBOMBELA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW

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 City of Mbombela Spatial Planning and Land Use Management By-law 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 comments or objections form 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)*

Annexure E

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

Ek/Ons, **(naam van applikant/e)* het 'n aansoek **(aansoek nommer toegeken tot die grond ontwikkelingsaansoek)* om grond ontwikkeling ingedien ingevolge die Mbombela Ruimtelike Beplanning en Grondgebruiksbestuur Bywet 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 kommentaar vir besware vorm 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 personeellid 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).

Annexure F

SATISO SESICELO SEKUTFUTFUKISWA KWEMHLABA NGEKWEMTSETFO WE CITY OF MBOMBELA SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW

Mine, **(bhala ligama lalofaka sicelo)* ngifake sicelo sekutfutfukiswa kwemhlaba **(bhala inombolo nobe tinombolo letinikwe lesicelo sekutfutfukiswa kwemhlaba)* ngekwemtsetfo wetekuhlelwa kwemhlaba nekuphatfwa we mkhlandlu dolobha we City of Mbombela Spatial Planning and Land Use Management By-law 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 tiletwe 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 nebafaki sicelo:

Libito: *

Likheli lendzawo: *


Inombolo yelucingo: *

Likheli le e-mail: *

(Mningwane lophatselene nale scelo kufuneka igcwaliswe ngilam fakisicelo)

CITY OF MBOMBELA LAND USE SCHEME, 2019

AMENDMENT SCHEME xxxx

SCHEME AMENDMENT MAP		
<ul style="list-style-type: none"> Insert map here. Show application property/ies in solid lines and abutting surrounding properties in dashed lines. Application property, surrounding erf/portion numbers and public road names must be shown on map. Application property must have the appropriate RGB colour notation, refer to Chapter 4 of Scheme. 		
<u>Property</u> Erf xxx White River Extension x	<u>Land Use Zones</u> <div style="display: flex; align-items: center; justify-content: center;"> <div style="width: 20px; height: 20px; background-color: yellow; margin-right: 10px;"></div> Residential </div>	<div style="display: flex; align-items: center; justify-content: center;"> <div style="text-align: center;">  </div> </div> <p>Not To Scale</p>

SCHEDULE

The City of Mbombela Land Use Scheme gazette on 26 June 2020 in terms of notice 32 of 2020 is hereby amended in the following manner:

1. The following amendment of the use zone and development parameter Table:

Land Use Zone:	
Permitted uses:	
FAR:	
Height:	
Coverage:	
Density:	
Parking:	
Building Lines:	

2. Special rights, conditions and restrictions: