

ANNEXURE A**REVISED JULY 2021****LAND DEVELOPMENT APPLICATIONS GUIDELINES FOR APPLICANTS**

The Nelson Mandela Bay Metropolitan Municipality (NMBMM) has developed guidelines for the submission of land development application in terms of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA). The guidelines are aimed at streamlining processes and to enable applications to be finalized within shortened timeframe and therefor certain timeframes are stipulated that must be adhered to. The placement of an advertisement is a requirement in terms of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) in order to allow interested parties to comment on proposals and the applicant will be responsible for the placing of land related applications in local print papers. The SOP may be amended by the Municipality as and when necessary and the public will be advised.

A. LAND DEVELOPMENT APPLICATIONS (REZONINGS, REMOVAL OF RESTRICTIONS ETC)**1. PRE-SUBMISSION**

- 1.1. Applicants will be required to compile an application and label (A, B, C.... etc.) all required annexures for each application category in terms of the checklist appended.
- 1.2. Annexures O, P, Q, R & S are only required after the completion of the Procedure 2 – Public Participation.
- 1.3. The application, with all required annexures, must be submitted electronically by means of an e-mail [*Heading: New Application – Pre-submission: Erf Number*] to the relevant Senior Town Planner in terms of areas of management (list appended), who will check and confirm if the application is complete.¹
- 1.4. The electronic submission must be in Portable Document Format (PDF) and sizes not exceeding 10mb. In the event that the attachments combined exceed the prescribed size or the e-mail is not going through, the application may be split into separate emails or put in a flash-drive to be delivered to Land Planning Division, 3rd Floor Lillian Diedericks Building, No. 191 Govan Mbeki Avenue, Port Elizabeth.
- 1.5. Upon confirmation that the application is complete² by the Senior Town Planner, the application must be sent by an applicant electronically to email lpadmin@mandelametro.gov.za or flash-drive delivered to Properties and Planning Administration Department, 2nd Floor Lillian Diedericks Building together with the pre-submission confirmation received from the Senior Town Planner

¹ This process replaces the Pre-consultation referred to in the Application Form. Applicants may consult Land Planning for complicated applications.

² This process does not constitute the assessment of an application, but ensuring that basic documents are in place. Therefore, the Municipality may request additional documents during the 'Administration Phase' contemplated in SPLUMA.

2. PUBLIC PARTICIPATION

- 2.1. The public participation processes must commence within fourteen (14) days after the completion of the Pre-submission processes.
- 2.2. Guidance with regard to the property addresses on which notices must be sent will be provided by Properties and Planning Administration during Pre-submission.
- 2.3. In all instances where applications are submitted for the development of land and for changes in land use, notices of such applications must be published on a Wednesday in the PE Express or UD Express³ Newspapers under 'Classified or Town Planning Section' and the applicant will be responsible for the costs of the preparation and publication.
- 2.4. The newspaper notice must be in the format prescribed by the pro-forma and of a size not less than Width 60mm Length 140mm or an equivalent size offered by a newspaper.
- 2.5. Applications for different properties must not be combined into one advertisement unless the application is for consolidation.
- 2.6. Simultaneous to the publication of the notice, the applicant must:
 - (a) serve a notice to adjacent property owners by registered mail;
 - (b) serve a notice with one (1) copy of the application to the office of the Ward Cllr in which the subject property(s) falls under.
 - (c) Refer a copy of the application to the relevant authority as advised by the Senior Town Planner and/or Properties and Planning Administration.
- 2.7. The notice must contain the following information:
 - (a) The full names of the applicant and if an authorized representative is used, the full names of the representative and the organization represented.
 - (b) The identification of the land or land parcel to which the application relates by indicating the property description and the physical address, for example the street address.
 - (c) The intent and purpose of the application.
 - (d) That a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice.
 - (e) The name and contact details of the person at the municipality and the applicant to whom comments, objections or representations must be addressed.
 - (f) An invitation to members of the public to submit written comments, objections or representations, together with reasons, in respect of the application.
 - (g) The manner in which comments, objections or representations may be submitted.
 - (h) The date by which the comments, objections or representations must be submitted, which date may not be less than 21 working days from the date on which the notice was published.
 - (i) That a person who submits comments, objections, or representations will be notified if a hearing will be held in respect of the application.
- 2.8. Notice of an application must be served -
 - (a) in accordance with section 115 of the Municipal Systems Act:
 - i. on the owners of land contiguous to the land that is the subject of the application and across the street or road where applicable an organ of state that has an interest in the application;

³ Uitenhage/Despatch for applications not covered by the PE Express.

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- ii. on adjacent property owners and interested parties who must be contacted by registered post, where they indicate in writing that they have no comments, representations or objections against the envisaged application being approved.

(b) In instances where a title deed condition is applicable to the entire township, notice must be served on each property owner in that township.⁴

3. APPLICATION SUBMISSION

3.1. The applicant must, within seven (7) days from the day of advertisement in the newspaper, submit 2 hard copies of the complete application which must include:

(a) the proof and date on which a notice was served, provided that:

i. when it was served by certified or registered post, the service date is the date of registration of the postal notice;

(b) Where an applicant has given additional public notice of an application on request of the municipality, the applicant must provide proof that the additional public notice has been given as required.

(c) Proof of payment of the application fees

3.2. The application, with all annexures, must also be submitted electronically by means of an e-mail to lpmadmin@mandelametro.gov.za [*Heading: New Application – Submission: Erf Number*] and a hard copy of the application must be delivered to the following:

(a) Two (2) copies to be submitted to Properties & Planning Administration, 2nd Floor Lillian Diedericks Building.

3.3. The electronic submission must be in Portable Document Format (PDF) of sizes not exceeding 10mb. In the event that the attachments combined exceed the prescribed size or the email does not go through, the application may be split into separate emails or put in a flash-drive to be delivered to Properties & Planning Administration, 2nd Floor Lillian Diedericks Building.

3.4. An application is deemed to be complete and submitted to the Municipality upon completion of this Submission processes in terms of this section and the application is captured in the electronic Municipal Applications Management System (e-MAMS).

3.5. A letter of acknowledgement will be forwarded via – email and progress of the application may be checked on <https://nelsonmandelabay.gov.za/page/e-tracking>.

3.6. Within thirty (30) days from the closing date of objections provide written confirmation

a) If objections were received and provide copies of the objections as well as the written comment to the objections.

b) Include comments received from the Ward Councillor and any other relevant organ of state.

3.7. An application not submitted within four (4) months after the completion of the Pre-submission will be removed from the system and the process must be restarted.

4. PAYMENT OF APPLICATION FEES

4.1. The amount of administration fees will be calculated in terms of the appended fee structure.

4.2. Fees may be verified with a Municipal official either in Properties and Planning Administration or Land Planning.

⁴ Title Deed Conditions vary. Guidance will be given by Properties & Planning Administration where notices need to be issued to the whole township.

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4.3. Fees will be paid on Electronic Funds Transfer (EFT) into the following Municipal account:

Bank	ABSA Bank
Account Name	NMBMM
Account Number:	40 7953 3842
Account Type:	Current Account
Branch Code:	632005

The Municipal rates account number for the subject property⁵ must be used as a reference.

4.4. Fees must be paid before an application is submitted to Properties and Planning Administration & Human Settlements Records, during Pre-submission.

These Procedures are effective on the day of circulation/publication of this notice, in response to the COVID-19 National Lockdown, until further notice.

⁵ If there is more than one property in a single application i.e. consolidation, an account number for one of the properties may be used.

LAND PLANNING: SENIOR TOWN PLANNERS			
AREA 1	AREA 2	AREA 3	AREA 4
PHEEHA MOLELE 041 506 2798 pmolele@mandelametro.gov.za	ALAN DE VRIES 041 506 2458 ADeVries@mandelametro.gov.za	NOMUSA SIBIYA 041 506 2253 nsibiya@mandelametro.gov.za	VACANT ENQUIRIES SUBMITTED VIA nketelo@mandelametro.gov.za
Colchester (51)	Beachview (48)	Baywest (67)	Algoa Park (1)
Despatch (47)	Bloemendal (31)	Central (4)	Amsterdamhoek (2)
Farms Uitenhage (62)	Blue Horizon Bay (49)	Charlo (33)	Bethelsdorp (3)
Fitchholme (55)	Coega IDZ (44)	Greenbushes (56)	Clarendon Marine (50)
Khayamnandi (47)	Crockarts Hope (53)	Humewood (9)	Colleen Glen (52)
KwaNobuhle (46)	Denholme (54)	Hunters Retreat (10)	Cotswold (5)
Rendalton (59)	Farms Port Elizabeth (61)	Ibhayi (41)	Fairview (35)
Uitenhage (45)	Kabega Park (12)	Kini Bay (57)	Farms Uitenhage (62)
	Kwadwesi (42)	Mangold Park (37)	Fernglen (6)
	Lorraine (36)	Mill Park (14)	Framesby (7)
	Lovemore Park (30)	Mount Pleasant (34)	Gelvandale (8)
	Malabar (11)	Redhouse (20)	Korsten (13)
	Motherwell (29)	St Albans (64)	Kwa Magxaki (43)
	Murray Park (58)	Sunridge Park (24)	Mount Road 15)
	New Brighton (16)	Walmer (32)	Parsonsvlei (19)
	Newton Park (17)	Wedgewood (65)	Schoenmakerskop (21)
	North End (18)	Westering (27)	Swartkops (25)
	Royalston (66)		Theescombe (30)
	South End (22)		
	Summerstrand (23)		
	Wells Estate (26)		
	Westlands (60)		
DIRECTOR LAND USE: MTHULISI MSIMANGA - 041 - 506 1095 / 060 997 4651 mmsimanga@mandelametro.gov.za			
PLANNING SUPPORT OFFICER: NOMFUNeko KETELO – 041 506 3324 nketelo@mandelametro.gov.za			

LAND DEVELOPMENT APPLICATIONS

PROPERTIES AND PLANNING ADMINISTRATION

LAND DEVELOPMENT APPLICATIONS TEAM

Reception – 041 5063357 Email: lpadmin@mandelametro.gov.za	
Valda Cameron (Acting Snr Co-Ordinator) 041 5063321 vcameron@mandelametro.gov.za	
Lindelwe Mtimkulu 041 5063244 lmtimkulu@mandelametro.gov.za	Sandiso Ngxishe 041 5063329 SNgxishe@mandelametro.gov.za
Thandokazi November 041 5063275 Tnovember@mandelametro.gov.za	Pattydo Velele 041 5061552 pvelele@mandelametro.gov.za
Andrea Williams 041 5061813 awilliams@mandelametro.gov.za	Lulu Sali 041 5063361 lsali@mandelametro.gov.za

LAND DEVELOPMENT APPLICATION CHECKLIST

ERF NUMBER: _____													
DOCUMENTS TO BE SUBMITTED TO THE MUNICIPALITY FOR VARIOUS LAND DEVELOPMENT APPLICATIONS					APPLICATION TYPE								
DOCUMENTS					SUBDIVISION & REZONING	SUBDIVISION	REZONING	SPECIAL CONSENT	DEPARTURE	HOUSE SHOP	TAVERN	TITLE DEED RESTRICTIONS	SDP
PRE-SUBMISSION													
A	APPLICATION COVERING LETTER				X	X	X	X	X	X	X	X	
B	TITLE DEED / LEASEHOLD TITLE AND PROOF OF SUBMISSION TO REMOVE RESTRICTIVE CONDITIONS (OR APPROVAL)				X	X	X	X	X	X	X	X	
C	CONVEYENCER'S CERTIFICATE (WHERE TITLE DEED REFERS TO CONDITIONS CONTAINED IN ANOTHER TITLE DEED NOT SUPPLIED)				X	X	X	X	X	X	X	X	
D	POWER OF ATTORNEY (IF PROPERTY IS NOT REGISTERED IN APPLICANT'S NAME)				X	X	X	X	X	X	X	X	
E	COMPANY RESOLUTION (IF PROPERTY IS REGISTERED IN NAME OF COMPANY)				X	X	X	X	X	X	X	X	
F	APPLICATION FORM (TO BE OBTAINED FROM http://www.nelsonmandelabay.gov.za/%5CDataRepository%5CDocuments%5Cland-development-application-form.pdf)				X	X	X	X		X	X		
G	SURVEYOR DIAGRAM				X	X							
H	MOTIVATION MEMORANDUM				X	X	X	X	X	X	X		
I	LOCALITY PLAN				X	X	X	X	X	X			
J	SUBDIVISION / CONSOLIDATION PLAN (IF APPLICABLE)				X	X							
K	MOTIVATION REPORT ADDRESSING DESIRABILITY, PARKING, ACCESS, OPERATING HOURS, AMOUNT OF SEATING FOR PATRONS, NUMBER OF EMPLOYEES ETC.(IF APPLICABLE)				X	X	X	X	X	X	X	X	
L	WRITTEN CONFIRMATION THAT OWNER RESIDES ON THE PREMISES									X	X		
M	PLANS (ZONING PLAN, LOCALITY PLAN, AS WELL AS COPY OF BUILDING PLAN INDICATING WHICH AREAS OF DWELLING TO BE USED FOR TAVERN/HOUSESHOP/BUSINESS PURPOSES ETC									X	X	X	

LAND DEVELOPMENT APPLICATION CHECKLIST CONT. P.2.....

ERF NUMBER: _____

DOCUMENTS TO BE SUBMITTED TO THE MUNICIPALITY FOR VARIOUS LAND DEVELOPMENT APPLICATIONS

APPLICATION TYPE

DOCUMENTS

SUBDIVISION & REZONING	SUBDIVISION	REZONING	SPECIAL CONSENT	DEPARTURE	HOUSE SHOP	TAVERN	TITLE DEED RESTRICTIONS	SDP
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N	SUBMISSION - 2 HARD COPIES (IN ADDITION TO THE ABOVE, WITHIN 7 DAYS OF ADVERTISING)	X	X	X	X	X	X	X	
O	APPLICATION FEES / PROOF OF PAYMENT	X	X	X	X	X	X	X	
P	COPY OF ADVERTISEMENT	X	X	X	X	X	X	X	
Q	PROOF OF NOTICES/ POSTAL RECEIPTS	X	X	X	X	X	X	X	
R	PROOF OF NOTICE TO WARD COUNCILLOR / OTHER AUTHORITIES AS REQUIRED	X	X	X	X	X	X	X	
S	CONFIRMATION OF RECEIPT OF OBJECTIONS / COMMENT ON OBJECTIONS (WITHIN 30 DAYS AFTER THE CLOSING DATE OF OBJECTIONS)	X	X	X	X	X	X	X	

PLEASE NOTE THAT APPLICATIONS COULD ALSO BE WITHDRAWN DURING ASSESSMENT STAGES ON THE BASIS OF INCORRECT INFORMATION AND PROCEDURE.

A COPY OF THE COMPLETED, CHECKED AND SIGNED APPLICATION CHECKLIST ALSO SERVES AS THE ACKNOWLEDGEMENT OF RECEIPT

FOR OFFICIAL USE

DATE RECEIVED: _____

OFFICIALS NAME: _____ SIGNATURE: _____

NOTICE TO ADJACENT PROPERTIES

[APPLICANT'S ADDRESS + EMAIL DETAILS + PHONE NUMBER]

[ADJACENT PROPERTY ADDRESS]

[DATE]

Dear Sir/Madam

[REMOVAL OF RESTRICTIONS APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013): ERF 0000, WALMER.]

[REZONING FROM RESIDENTIAL 1 TO BUSINESS 1: ERF 0000, WALMER]

[SPECIAL CONSENT FOR STUDENT ACCOMODATION/ETC: ERF 0000, WALMER] ETC

I wish to advise that [APPLICANT] on behalf of [PROPERTY OWNER] the registered owner of Erf 0000 situated at [STREET ADDRESS], has applied for the [removal of Conditions B(i), B(ii) and B(iii) as contained in the Title Deed No. XXXX. A copy of the conditions to be removed is attached hereto] [rezoning of Erf 0000, Walmer from Residential 1 to Business 1] [relaxation of side building lines from 3m to 0m to permit the development of a dwelling unit] [departure from parking requirements of 1bay/habitable room to 0.5 bays/habitable room in order to enable on 5 bays to be provided on site] ETC.

Your attention is being directed to this application by virtue of the fact that, according to my records, you are the owner of property situated in the vicinity of the subject property.

The full details of the proposal are available for inspection at the office of the Properties and Planning Administration, second floor, Lillian Diedericks Building, No. 191 Govan Mbeki Avenue, Port Elizabeth during normal office hours or a request be made for a copy for the application directly from the applicant.

Kindly note that the advertising of the proposal for objection should under no circumstances be construed as an indication that the proposal is likely to be approved by Council. The proposal will only be considered by Council once the legal requirements have been complied with so that any possible objection may also be taken into account.

Should you wish to object to the proposal, kindly do so, in writing, fully motivated, to be submitted directly to the applicant on [EMAIL & ADDRESS] in order for the concerns to be addressed, on or before the closing date for objection, which is [DATE]. A copy of your objection must also be emailed to the Municipality on lpadmin@mandelametro.gov.za the subject matter being: **Objection – [Erf 0000, Walmer]**. Any objection received after the due date will not be considered.

Yours faithfully

[APPLICANT]

ADVERTISEMENT

APPLICATION IN TERMS OF SECTION 33 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) (SPLUMA) FOR:

ERF/ERVEN:
PHYSICAL ADDRESS:.....
APPLICANT : **ON BEHALF OF**.....

Notice is hereby given that an application has been made to the Nelson Mandela Bay Metropolitan Municipality for:

1. the removal of conditions [B(i), B(ii) and B(iii)] contained in the Title Deed No. [T0000/0000] applicable to Erf [0000, Walmer] in terms of Section 47 of the SPLUMA;
2. the amendment of the [Port Elizabeth Zoning Scheme/Section 8 Scheme/Area A Zoning Scheme/KwaDwesi Zoning Scheme/Ibhayi Zoning Scheme//KwaMagxaki Zoning Scheme/Despatch Zoning/Uitenhage Zoning Scheme/Theescombe Zoning Scheme/Kwanobuhle Zoning Scheme/Motherwell Zoning Scheme] by the Rezoning of Erf [0000, Walmer] from [Residential Zone 1 to Business Zone 1];
3. the amendment of the [Port Elizabeth Zoning Scheme/Section 8 Scheme/Area A Zoning Scheme/KwaDwesi Zoning Scheme/Ibhayi Zoning Scheme//KwaMagxaki Zoning Scheme/Despatch Zoning/Uitenhage Zoning Scheme/Theescombe Zoning Scheme/Kwanobuhle Zoning Scheme/Motherwell Zoning Scheme] the relaxation of building lines/increasing the Floor Space Index (FSI)/Coverage/Density applicable to Erf [0000, Walmer];
4. the subdivision/consolidation of Erf [0000, Walmer].

The detailed proposal may be requested from the applicant or viewed at 2nd Floor, Lillian Diedericks Building, No. 191 Govan Mbeki Avenue, Port Elizabeth.

Members of the public are invited to submit comments, objections or intervener status in writing with clear reasons in respect of the proposal to the following:

- (1) The Applicant, [ADDRESS, TELEPHONE/CELLPHONE NUMBER & EMAIL ADDRESS] and a copy sent to
 - (2) The Executive Director: Human Settlements, P O Box 9, Port Elizabeth 6000; e-mail lpmadmin@mandelametro.gov.za
- on or before [DAY, MONTH, YEAR].

(Comments submitted after the said date will be considered invalid.)

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AUTHOR AND AUTHORITY

Written by: *Director: Land Use Management – Mr Mthulisi Msimanga*
A/Deputy Director Properties & Planning Admin – Adv. Allister Jordan
Senior Admin Assistant – Ms Valda Cameron

Date written: **15/06/2021**

Supersedes Doc No.: **COVID SOP Dated 10 November 2020**

Approved by: **Executive Director: Human Settlements: Mr Tabiso Mfeya**

20/07/2021
Date


Signature

11 CHANGE HISTORY

Doc No.	Effective Date	Revision Date	Revision No.	Page No	Authorised By
LDA-SOP00	Date of Signature	01/07/2021	N/A	11	