

SPECIAL CONSENT USE APPLICATION FORM



**APPLICATION FORM FOR
SPECIAL CONSENT USE
IN TERMS OF SECTION 36 OF THE LESEDI SPATIAL PLANNING AND LAND USE
MANAGEMENT BY-LAW, 2015 AND
THE LESEDI LAND USE SCHEME, 2018**

TO: The Executive Manager: Local Economic Development and Planning

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LEDPREFERENCE NO.

DATE:..... 20.....

1. DESCRIPTION OF LAND ACCORDING TO TITLE DEED

Erf/Holding/Portion	
Town/Agricultural Holdings/Farm	
Number and Name of Street or Road	

2. PROPOSED USE(S)

Proposed Use	
Size (m ²) / Number of children / Number of seats / etc.	

3. PROPERTY INFORMATION

Current zoning		
Property size (m ²)		
Bond	YES	N/A
Bondholder's Name		

Special Power of Attorney	YES	N/A
Company Resolution	YES	N/A

4. **APPLICANT'S DETAILS**

Type of applicant	<i>INDIVIDUAL</i>	<i>LEGAL ENTITY/OTHER</i>
Name of Legal Entity/other		
Company/CC Registration number		
Representative name		
Title		
Initial		
First Name(s)		
Surname		
Postal Address		
Physical Address		
E-Mail Address		
Cell Phone		
Telephone		

5. **OWNER'S DETAILS (if different from applicant)**

Type of applicant	<i>INDIVIDUAL</i>	<i>LEGAL ENTITY/OTHER</i>
Name of Legal Entity/other		
Company/CC Registration number		
Representative name		
Title		
Initial		

First Name(s)			
Surname			
ID Number			
Postal Address			
Physical Address			
E-Mail Address			
Cell Phone			
Telephone			
Details of Owner's/ Marital Status	Not Applicable	Married in Community of Property	Married in out of Community of Property

6. **REQUIRED DOCUMENTS TO BE ATTACHED TO APPLICATION FORMS:**

Documents required	Number of copies	Submitted (X or N/A)
Documents to be attached to the application form		
Application fee		
Bondholder's Consent (if applicable)	2	
Comments from External Departments (if applicable)	1	
Company Resolution (if applicable)	2	
Maps (Locality Plan, Land Use Plan, Zoning Map)	20	
Motivated memorandum	20	
Site/Development Plan (A3/A4 size)	20	
Special Power of Attorney (if applicable)	2	
Title Deed / Leasehold Title	2	
Documents to be submitted prior to finalisation of the application		
Affidavit confirming the site notice was maintained	1	
Photographic evidence of site notice	1	
Proof of Newspaper advertisement (if applicable)	1	
Proof of Notification to Adjoining Property Owners	1	

DECLARATION OF COMPLIANCE

I/We.....

ID Number/s.....

hereby declare that:

I/ We have provided the correct information to the Municipality to enable it to take an informed decision.

I/ We understand that the Municipality has the authority to ensure orderly built environment through land use management.

I/ We declare that all conditions attached to this application, if approved, will be fully complied with.

I/ We certify that the municipal officials shall be granted access to the property in order to conduct inspections and other related municipal functions.

Signed aton day month year
.....

SIGNATURE OF APPLICANT/S:

If the property is registered in more than one person's name all owners need to sign.

– SPECIAL CONSENT USE APPLICATION GENERAL INFORMATION

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GENERAL INFORMATION AND PROCEDURE FOR SPECIAL CONSENT USE APPLICATION IN TERMS OF SECTION 36 OF THE LESEDI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2015 AND THE LESEDI LAND USE MANAGEMENT SCHEME, 2018

1. APPLICATION

A complete application duly completed and accompanied by prescribed documents, must be submitted to the Local Economic Development and Planning Department. Further information can also be obtained from the Planning Unit Offices.

2. LODGING OF APPLICATION

THE APPLICANT MUST SUBMIT THE FOLLOWING TO:

The Executive Manager: Local Economic Development and Planning

- (a) An application form for the Council's consent, duly signed by the applicant.
- (b) If the applicant is not the registered owner of the property, the application must be accompanied by a **Power of Attorney from the registered owner**.
- (c) Should the owner of the property be a registered company, a resolution taken by the board of directors of the company, authorising the relevant director/employee to apply on behalf of the company, is required in addition.
- (d) A **fully** motivated memorandum clearly setting forth the applicant's intentions, including the following:
 - (i) Locality Map

- (ii) Land Use and Zoning Map
 - (iii) **Need** and **desirability** of proposed use(s) at the specific location.
 - (iv) Extent, use(s) and floor space(s) of intended building(s) as well as the total area required in respect of the proposed use(s)
 - (v) Number of workers to be employed and where they will be housed
 - (vi) Source and distance of similar enterprise presently serving the community
 - (vii) Estimated number of persons who may patronise the business
 - (viii) Operating/Business/Trading hours
- (e) Site plan, in A4/A3 size, showing the following in relation to each other and the property:
- (i) Locality and uses of existing buildings on the property
 - (ii) Locality and uses of proposed new buildings, if any
 - (iii) Boundaries of property
 - (iv) Parking
 - (v) Access to and from property
 - (vi) North point
- (f) A copy of the relevant Title Deed(s) of the property.
- (g) Bondholder's Consent (if applicable)
- (h) Comments from the relevant external departments (if applicable).
- (i) An Application fee as per Council Tariffs payable to the **Municipality**.

THEREAFTER, THE APPLICANT MUST SUBMIT THE FOLLOWING DOCUMENTATION:

- (a) Proof of newspaper advertisement/s
- (b) A sworn affidavit to the effect that a site notice was posted and maintained for a period of **at least twenty-eight days** together with the site notice that was displayed as well as a photograph of the notice on site must be submitted as proof of compliance.
- (c) Proof that the notification of the adjoining property owners.

3. **NOTIFICATION OF ADJOINING PROPERTY OWNERS**

The applicant shall notify each adjoining property owner of the application by registered post or hand delivery.

If the adjoining property owners form part of a body corporate, the notice may be delivered in the onsite post boxes of the adjoining property owners and the applicant may submit email / facsimile correspondence as proof of receipt of the notice so delivered. Alternatively, comments from the board of trustees of the body corporate may be obtained.

If the adjoining property does not reside on the adjoining property, the applicant shall notify them by registered post.

The applicant shall submit proof of the notification of the adjoining property owners to the Municipality on this prescribed form.

4. **NEWSPAPER ADVERTISEMENTS (IF REQUIRED)**

The application must be advertised in one newspaper circulating in the area where the land concerned is situated and may be a community newspaper.

The application may only be advertised AFTER lodging thereof with the Municipality

The first publication of the notice shall appear in the Provincial Gazette and one of the newspapers on the same date.

The advertisement must be placed **once a week for two consecutive weeks**.

All advertisements shall be published in English.

5. **NOTICES**

The **site notice** shall be posted **simultaneously with the first advertisement and maintained for at least twenty-eight (28) days**.

The site notice must be at least A3 in size, printed on white laminated paper and in the format prescribed by the Municipality.

The site notice must be placed in a conspicuous place on the land to be developed and shall be unobstructed from view, clearly visible and readable.

Where a property is adjoined by more than one street, a site notice shall be placed along each adjoining street.

If the property is situated at such a distance from a public road or other public place that the notice cannot be read from there, the placard shall also be displayed at every public entrance of the public place.

In the case of an application within an existing business centre or other similar place to which the public has access, a notice shall be displayed and maintained in a conspicuous place at the entrance of the shop to which the application refers, and at each public entrance of the business centre.

The applicant shall, within 21 days from the last day of display of the notice, submit a sworn affidavit to the Municipality, confirming the maintenance of the site notice and shall further submit photographs of the site notice which shows the dates during which the site notice was displayed.

The site notice shall be written in English.

6. **RAISING OF OBJECTIONS**

Provision is made in the draft newspaper advertisements, the site notice as well as the notification to adjoining property owners for a period of 28 days wherein objections against the application may be submitted. A period for the raising of objections i.e. 28 days **calculated from the date of publication of the first notice** must be provided in all newspaper advertisements as well as the large notice on the property and the notification to the adjoining property owners.

Any objections/comments or representations with regard to the specific application must be submitted in writing to the Planning Offices on or before the final date of the objection period as stated in the advertisements and/or notices.

7. Any objections/comments/representations received by the Municipality will be forwarded to the applicant and the applicant will have a reasonable opportunity after the objection period is over to reply in writing to any such objections/comments/representations and before the municipality considers the application.
8. The Municipality will take into consideration any objection received within the prescribed period and will notify the applicant and the persons, if any, from whom objections/comments/representations were received, of its decision.

The applicant and/or any of the aforesaid persons, **if aggrieved by the decision of the Council**, may then appeal to the Lesedi Local Municipality Appeals Authority, in writing. (The contact details for this Authority will be made available by the Planning Offices)

9. The decision of the Municipality will not take effect until the **expiration of twenty-eight (28) days** from the date on which the applicant and the objectors, if any, were

notified thereof, or if an appeal has been lodged, until such appeal is disposed of by the Lesedi Local Municipality Appeals Authority.

10. The attention of applicant/s is directed to the fact that the responsibility of ascertaining whether this procedure may, or may not be followed, to obtain certain land use rights, is entirely their own (i.e. the applicant's). It must be clearly understood that these forms are being issued without prejudice.
11. Applicants are advised in their own interest to pay close attention to the aforementioned, since an application cannot be accepted or considered, until the required information and/or documents are furnished satisfactorily.

IF ANY DIFFICULTIES IN THIS REGARD ARE EXPERIENCED IT MAY BE ADVISABLE TO CONTACT A TOWN PLANNING CONSULTANT OR THE RELEVANT MUNICIPAL PLANNER FOR THE AREA.

NB. THIS APPLICATION DOES NOT EXEMPT APPLICANTS FROM COMPLIANCE WITH OTHER PROCEDURE AND/OR REQUIREMENTS PRESCRIBED BY ANY OTHER APPLICABLE LEGISLATION.

12. **PLEASE NOTE:**

MERELY SUBMITTING AN APPLICATION, *MUST NOT BE CONSIDERED AS APPROVAL BEING GRANTED*. A SUBMITTED APPLICATION IS MERELY FOR CONSIDERATION AND THE FINAL DECISION MUST STILL BE MADE BY COUNCIL.

Guest Houses	NO
Gymnasium	NO
Home Care Facilities	NO
Hospitals	YES
Hotels (excluding Off-Sales)	YES
Institutions	YES
Light Industries	NO
Military Facilities	YES
Motor Dealers	NO
Motor Workshops	NO
Municipal Purposes	NO
Museums	NO
Noxious Industries	YES
Old Age Homes	YES
Panel Beaters	YES
Places of Education and Places of Instruction ancillary to Agricultural Uses	NO
Places of Entertainment	YES
Places of Instruction	NO
Places of Public Worship	YES
Plant Nurseries	NO
Post Offices	NO
Resorts	YES
Restaurants	YES
Scrap Yards	YES
Service Industries	NO
Shops	NO
Social Halls	YES
Special Uses	YES
Sport and Recreation Clubs	NO
Taverns	AS PER POLICY
Tuck Shop	NO
Uses as shown on relevant Annexure	YES
Uses not in Columns 2 or 4	YES
Uses not in Columns 2 as determined by the "Municipality"	YES
Uses not in Columns 3 or 5	YES
Uses which are subservient and ancillary to the Land Use Category	NO
Veterinary Hospitals	YES
Waste Disposal Sites	YES
Zoological Gardens	YES