



CITY OF TSHWANE

REQUIREMENTS FOR AN APPLICATION FOR THE AMENDMENT OF THE TSHWANE TOWN PLANNING SCHEME, IN TERMS OF SECTION 28 OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) (MUNICIPAL PROPERTY)

COMPILED BY:

LAND USE LEGISLATION AND APPLICATIONS MANAGEMENT SECTION
CITY PLANNING AND DEVELOPMENT DIVISION
CITY PLANNING, DEVELOPMENT AND REGIONAL SERVICES DEPARTMENT

June 2008

CONTENTS

MUNICIPALITY REQUIREMENTS: APPLICATION FOR THE AMENDMENT OF THE TSHWANE TOWN-PLANNING SCHEME, IN TERMS OF SECTION 28 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) (MUNICIPAL PROPERTY)

A. PROCEDURE

1. Who may apply
2. How to apply (legal requirements)
3. What documents are required
4. The Section 28 application procedure
5. Advertisement procedure
6. Additional documentation

B. GENERAL

C. LIST OF ANNEXURES

1. Application form
2. Example of locality plan
3. Example of zoning plan
4. Example of land use plan

REQUIREMENTS FOR AN APPLICATION FOR THE AMEND-MENT OF THE TSHWANE TOWN-PLANNING SCHEME, IN TERMS OF SECTION 28 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)(MUNICIPAL PROPERTY)

A. PROCEDURE

If the City of Tshwane is the owner of the property that is to be sold/leased, and one of the conditions of the sale/lease is the rezoning of the property by the buyer or lessee, the following procedure must be followed.

1. Who may apply

Any person may, with a Power of Attorney from the City of Tshwane (Head: Legal Services: Development Compliance), submit a rezoning application to the Strategic Executive Director: City Planning, Development and Regional Services in terms of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

2. How to apply

- 2.1 The application form as set out in Schedule 7 to the Regulations under the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) (hereinafter referred to as the Regulations and/or Ordinance), must be completed **in full** and signed.
- 2.2 All the documents stipulated in Schedule 7 to the Regulations and all additional documents required by the Municipality must accompany the application in terms of Regulation 11(1) of the Ordinance.
- 2.3 The prescribed application fees as the City of Tshwane may determine from time to time must be paid. If a cheque is used as the method of payment, the cheque must be made out to the City of Tshwane. Post-dated cheques will not be accepted.

3. What documents are required

Copies of the following documents, of which one should be the original, all stapled together in the upper left-hand corner, must be submitted, during office hours 08:00 to 15:00, to

The Strategic Executive Director: City Planning, Development and Regional Services
(at the relevant office)

Akasia Office: 1ST Floor, Spectrum Building, Plein Street West, Karenpark, Akasia
Enquiries: JM Loots (Functional Head) Tel: 012-358-9110
or,

Centurion Office: Room F8, Town Planning Office cnr Basden and Rabie Streets,
Centurion: Enquiries: JD Zeeman (Functional Head) Tel: 012-358-5-3253
or,

Pretoria Office: Room G10, Ground Floor, Munitoria, c/o Vermeulen and Van der Walt
Streets, Pretoria. Enquiries: Lucy Nkadameng (Functional Head) Tel: 012-358-4689

3.1 ***Covering letter (5 copies)***

This letter must be addressed to the Strategic Executive Director: City Planning,
Development and Regional Services.

3.2 ***Application form (5 copies)***

The attached application form (Annexure 1) must be completed **in full** and signed
by the applicant.

3.3 ***Power of attorney (3 copies)***

The applicant must submit a power of attorney issued by the Head: Legal Services:
Development Compliance in accordance with Regulation 46 and as stipulated in
Schedule 7 to the Regulations.

3.4 ***Motivating Memorandum (5 copies)***

The applicant must submit a motivating memorandum as stipulated in Schedule 7
to the Regulations.

In addition to the above, the following information must be provided for in the
motivational memorandum:

OPEN SPACE / ENVIRONMENTAL SENSITIVITIES

3.4.1 Is the development a "listed activity" in terms of the National Environmental
Management Amendment Act, 2004 (Act no 8 of 2004), with specific
reference to the Regulations promulgated under Section 24 (5). The
applicant must submit comment from the relevant provincial department
(NWDACE or GDACE).

3.4.2 If relevant, has an EIA process been initiated? - please specify:

3.4.2.1 date initiated,

3.4.2.2 name and details of environmental consultant,

3.4.2.3 what process has been initiated,

3.4.2.4 relevant Provincial Reference number assigned.

Should an EIA Process be relevant, please forward 2 copies of such report to the
Environmental Planning Section. To enable an informed decision by the Section on
the merits of the application, the following specific information would be required in
the report: (also indicate on a map of a similar scale than the sensitivity map and
development layout)

- Fauna and Flora
- Ridges

- Watercourses (indicating 1:50 and 1:100 year floodlines as well as 32 metre from the centre line of the river)
- Red Data
- Culture Historical aspects
- High potential agricultural land
- An overlay of the above information to deliver a composite site sensitivity map, indicating high, high-medium, medium and low sensitivity areas
- A responding development layout on the composite site sensitivity map
- Well motivated arguments should development layout not respond to site sensitivities to ensure overall sustainability

3.4.3 Should the EIA process not be relevant:

3.4.3.1 Give a short, general overview / description of site situation highlighting identified site sensitivities.

3.4.3.2 Is the site situated next to an existing open space resource?

3.4.3.3 If relevant, how does the proposed development respond to the open space resource? Refer to levels, placing and functioning of building footprints, landscaping, and access?

Should you require any clarification regarding the Open space/Environmental Sensitivities, please contact the Environmental Planning and Cemetery Services Tel : (012) 358 8846, Fax: (012) 358 8934

3.5 ***Registered Title Deed (if applicable) (3 copies)***

The applicant must submit a registered title deed as stipulated in Schedule 7 to the Regulations.

3.6 ***Annexure T (5 copies)***

3.7 ***Locality, zoning and land-use plans (Annexure 2)(5 copies)***

3.8 ***The Municipality's report on the sale/lease of the application property as approved by Council (5 copies)***

3.9 ***The Municipality's consent in terms of section 61(2) (where applicable) (5 copies)***

3.10 ***The Municipality's application form, duly completed and signed, for consent in terms of Section 2(1) of the Gauteng Removal of Restrictions Act, 1996 (Act 3 of 1996) (where applicable) (5 copies)***

3.11 ***Application fee:*** Details of application fees payable are available at City Planning and Development Enquiries or Help Desk.

3.12 ***Zoning certificate (5 copies)***

4. The Section 28 application procedure

Regional Spatial Planning Section, City Planning and Development Division will submit a report on the draft scheme to the Council of the Municipality for approval; once all comments from the Internal Departments have been received.

5. Advertisement procedure

- 5.1 After the Municipality's approval of the report (refer to Paragraph 4 hereof) has been obtained, the Municipality will arrange for the application to be advertised in terms of Section 28(1) of the Ordinance, and in accordance with Regulation 7(1) and (2) of the Ordinance.
- 5.2 Applicants who wish to advertise the application themselves shall obtain permission as well as the procedures/requirements from the Head: Legal Services: Development Compliance and shall clarify the wording of the notices with the Strategic Executive Director: City Planning, Development and Regional Services.
- 5.3 The applicant must submit proof to the satisfaction of the City of Tshwane that he or she has complied with all the provisions of the Ordinance and the requirements of the Head: Legal Services: Development Compliance

6. Additional documentation

The City of Tshwane may require other documents, such as site plans and traffic impact studies, to be submitted in support of the application before the application is finalised.

B. GENERAL

1. Applications will not be accepted for consideration if they are not prepared in accordance with paragraph 3 of this document. Incomplete applications are legally not acceptable and will unfortunately have to be returned to the applicant.
2. The motivating memorandum stipulated in Schedule 7 to the Regulations and required to be submitted in terms of Regulation 11 of the Ordinance (see paragraph 3.4 of this document) should assist the City of Tshwane in processing the application. This means that the motivating memorandum should -
 - 2.1 clearly indicate precisely what is required, for example -
 - that the coverage be increased to 72%;
 - that the height be increased from 19,00 m to 23,00 m;
 - that the floor space ratio be increased from 2,5 to 2,56;
 - that the "Residential" rights be changed to "Special" for offices;

- 2.2 indicate the necessity (need) and desirability of the application with regard to -
 - the Tshwane Town planning Scheme, 2008 and
 - the future development of the area (it should provide for the present and the future needs of the city, or a part of it, rather than just benefit a specific business).
- 2.3 contain a thorough motivation, from a town-planning point of view, of the proposed amendment (e.g, if an application for additional business floor area is submitted, the applicant must report on the business and population density in support of his or her application).
3. It is of the utmost importance that an applicant discusses any rezoning proposals with officials of the Regional Spatial Planning Section before submitting an amendment scheme. This will facilitate the processing of an application, and the applicant will benefit for the following reasons:
 - 3.1 By consulting the officials of the Regional Spatial Planning Section, an applicant will be informed of the policies the City of Tshwane has formulated for certain types of rezonings.
 - 3.2 Lengthy correspondence owing to uncertainties applicants may have when preparing the required scheme documents will be eliminated.
 - 3.3 An applicant will save considerable time if officials know of an application in advance. This will ensure that all the necessary conditions that need to be included in the scheme are reflected in the documents and that time is not wasted.
 - 3.4 It may happen, and has happened in the past, that an applicant finds that his or her scheme does not provide for certain land use rights/development controls after the scheme has been promulgated. If he or she consults officials in advance, these elements can be included in the scheme. In this regard it should be noted that section 61(1) of the Ordinance (subject to the provisions of Section 61(2)) prohibits a further amendment within a period of two years.
 - 3.5 **As an application for rezoning is a complex process, and as any deviation from the norms set by the Ordinance and Regulations may lead to a delay or even the rejection of the application, an applicant is advised, in his or her own interest, to appoint a town-planning consultant to prepare an amendment scheme.**
4. The applicant is advised to determine if the title deed contains any restrictive conditions beforehand and, if applicable, make the necessary application to have such condition(s) removed/amended.

ANNEXURE 1

APPLICATION FORM - MUNICIPAL PROPERTY

Please ensure that all the information is completed on the form. If any information is text missing/incomplete this might result in a rejection of the application. This application can be hand submit to (at relevant office)
 Akasia Office: 1ST Floor, Spectrum Building, Plein Street West, Karenpark, Akasia; or
 Centurion Office: Room F8, City Planning and Development Office cnr Basden and Rabie Streets, Centurion; or
 Pretoria Office: Room G10, Ground Floor, Munitoria, 230 Vermeulen Street, Pretoria.

1. Type of application :	Section 28	
2. The status of the applicant	Purchaser	
	Authorised agent	
3. Applicant details		
3.1 Individual/Company/Other (specify)		
3.2 Surname		
3.3 First names		
3.4 Initials		
3.5 Email		
3.6 Telephone number		
3.7 Fax number		
3.8 Cellular Phone Number		
3.9 Physical Address		
	Postal Code	
3.10 Postal address		
	Postal Code	
4. Application fees		
4.1 Receipt number (for official use)		
4.2 Receipt amount (for official use)		
5. Application date (as signed by applicant)		
6. Date received at City of Tshwane		

7. Required documents:

Application form	Proposed Annexure T	Land-use plan
Memorandum	Locality plan	Site plan
Covering letter	Zoning plan	

PROPERTY INFORMATION

Please complete this section for each property (make a separate copy for each property)

8.1 Property information							
8.1 Township							
8.2 Property type (erf / street)							
8.3 Erf Number (or closest erf number to property)			Portion (e.g. /R/1)				
8.4 Ward							
8.5 Street name							
8.6 Street number							
8.7 Details of purchaser (only required if different to applicant's detail)							
8.7.1 Company name							
8.7.2 Title							
		Mr	Mrs	Miss	Dr	Prof	Other
8.7.3 Surname							
8.7.4 First names							
8.7.5 Initials							
8.7.6 Email							
8.7.7 Tel							
8.7.8 Fax							
8.7.9 Cellular Phone							
8.7.10 Physical Address							
8.7.11 Postal Address							
8.7.12 Marital Status							
			Not applicable	In community of property	Out of community of property		
8.8 Present Zoning (Scheme)							
8.9 Present Height (Scheme)							
8.10 Present Density (Scheme)							
8.11 Present Coverage (Scheme)							
			Present FAR				
8.12 Present Annexure T No.							
			Present Amendment Scheme No				
8.13 Present Land value							
8.14 Property size (m ²)							
			Title Deed No				
8.15 Existing development							
8.16 Restrictive Title Deed condition paragraph no							

8.17 Required documents:

	Title Deed		Annexure T (existing)		Power of Attorney
--	------------	--	-----------------------	--	-------------------

9. APPLICATION INFORMATION

9.1 Proposed zoning	
9.2 Proposed no. of dwelling units	
9.3 Proposed density	
9.4 Proposed Height	
9.5 Proposed coverage (%)	
9.6 Proposed FAR (required)	
9.7 Estimate project value (R)	

The following documentation shall be submitted to the City Planning and Development Division within 28 days of the (date of the publication of the advertisement).

EXAMPLE OF A LAND USE PLAN: ANNEXURE 4

