

LAND DEVELOPMENT APPLICATIONS STANDARD OPERATING PROCEDURES (SOP) FOR COVID-19

The Nelson Mandela Bay Metropolitan Municipality (NMBMM) has developed provisional guidelines for the submission of land development application during the COVID-19 National Lockdown. The guidelines are aimed at streamlining processes and to enable applications to be finalized within shortened timeframes. During this period, the NMBMM will not facilitate and manage the placing of land related applications in local print papers (The Herald and Die Burger) on behalf of residents/applicants. 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. 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 D, E, F & G 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 following hard copies of the application:
 - a. One (1) copy to be submitted to Properties & Planning Administration, for viewing by the public;
 - b. One (1) copy to be submitted to Human Settlements Records Division, Ground Floor Lillian Diedericks Building for filing purposes;

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 Friday by the applicant in the Port Elizabeth Herald and Die Burger Newspapers under 'Classified or Main Section' and the applicant will be responsible for the costs of the preparation and publication.
- 2.4. Notices for all applications must be published unless publication is not required as will be advised by the Deputy Director: Properties and Planning Administration.
- 2.5. The newspaper notice must be in the format prescribed by the pro-former and of a size not less than Width 60mm Length 140mm or an equivalent size offered by a newspaper.
- 2.6. Applications for different properties must not be combined into one advertisement unless the application is for consolidation.
- 2.7. Simultaneous to the publication of the notice, the applicant must:
 - (a) serve a notice to adjacent property owners as directed by during the Pre-submission process the Properties and Planning Administration Official.
 - (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.
- 2.8. 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 20 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.

2.9. 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 and organ of state that has an interest in the application;
 - 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.³

2.10. The applicant must also post a notice on the relevant property that forms the basis of the application by:

- (a) displaying and maintaining a notice in size of at least 60 centimetres by 45 centimetres at the frontage of the erf or farm portion concerned or at any other conspicuous and easily accessible place on the erf, land portion or farm portion;
- (b) ensuring that the notice is readable from all street or road boundaries, and from across the street, and that it is displayed for a minimum of 20 working days, coinciding with the periods of notices in the newspapers, during the period that the public may comment on the application.

3. APPLICATION SUBMISSION**3.1. The applicant must, within sixty (60) days from the day of advertisement in the newspapers, the display of the notice and the final date for objections, comments, or representations, submit -**

- (a) a sworn affidavit confirming the posting and maintenance of the notice for the prescribed period;
- (b) at least two photographs of the notice, one from close up and one where the notice and full extent of a boundary can be seen, where possible; and
- (c) 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;
 - (ii) when it was delivered to a person personally, the service date is the date of delivery to that person;
 - (iii) when it was left at a person's place of residence or business in the Republic with a person apparently over the age of sixteen years, the service date is the date on which it was left with that person; and

³ 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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- (iv) when it was displayed in a conspicuous place on the property or premises to which it relates, the service date is the date that it is posted at that property or premises.

(d) 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.

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

- (a) One (1) copy to be submitted to Human Settlements Records Division, Ground Floor Lillian Diedericks Building;
- (b) One (1) copy 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 Human Settlements Records Division, Ground Floor, Lillian Diedericks Building and 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. 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 ADMIRATION 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.

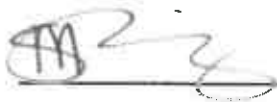
4.3. Fees will be paid on Electronic Funds Transfer (EFT) into the following Municipal account:

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

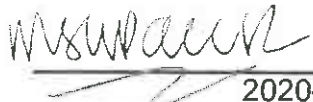
The Municipal rates account number for the subject property⁴ must be used as a reference.

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 publication of this notice, in response to the COVID-19 National Lockdown, until further notice.



23/07/2020

M MSIMANGA**DIRECTOR: LAND USE****ADV. A JORDAN****ACT. DEPUTY DIRECTOR****PROPERTIES & PLANNING ADMIN**

2020-07-23

S POTGIETER**ACTING SENIOR DIRECTOR****LAND PLANNING & MANAGEMENT**

⁴ 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.

HUMAN SETTLEMENTS

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	BONGUMUSA NDWANDWE 041 506 3282 bndwandwe@mandelametro.gov.za	NONTU DLAMINI 041 506 3382 ndlamini@mandelametro.gov.za
Colchester (51)	Beachview (48)	Baywest (67)	Algoa Park (1)
Despatch (47)	Bloemendal (31)	Central (4)	Amsterdamhoek (2)
Farms Uitenhage (62)	Blue Horizen Bay (49)	Charlo (33)	Bethelsdorp (3)
Fitchholme (55)	Coega IDZ (44)	Greenbushes (56)	Clarendon Marine (50)
Khayamnandi ()	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)		Theesecombe (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: NOMFUNKEO KETELO – 041 506 3324 nketelo@mandelametro.gov.za			

VALDA CAMERON 041 506 3321

VCameron@mandelametro.gov.za

LINDY VUKE 041 506 3369

Ivuke@mandelametro.gov.za

PHUMLA CITEKO 041 506 3488

PCiteko@mandelametro.gov.za

DEPUTY DIRECTOR: PROPERTIES AND PLANNING ADMINISTRATION: ADV. ALLISTER JORDAN - [ACTING] 041 - 506 3498 Ajordan@mandelametro.gov.za

HUMAN SETTLEMENTS RECORDS: LILLIAN DIEDERICKS BUILDING, GROUND FLOOR, NO. 191 GOVAN MBEDI AVENUE, PE, 6001

NELSON MANDELA BAY MUNICIPALITY

REVISION OF FEES PAYABLE IN RESPECT OF TOWN PLANNING MATTERS, REMOVAL OF RESTRICTIONS AND LAND SALES (5/5/R) (DdP) (Ref.148)

Notice is given that the Council, in terms of Section 30(2) of the Local Government : Municipal Structures Act No. 117 of 1998, as amended, read with Section 10G(7)(a)(ii) of the Local Government Transition Act, Second Amendment Act No. 97 of 1996, has by resolution taken by the majority of its full number, resolved to increase the existing fees and advertising costs payable in respect of the above as follows, with effect from 1 October 2018:

		2018/19 R
1.	<u>Application for Consent</u>	Proposed Fees
1.1	Application fees	R 1520
2.	<u>Application for Rezoning</u>	
2.1	Erven 0 - 2500 m ²	R 1904
2.2	Erven 2501 - 5000 m ²	R 3806
2.3	Erven 5001 - 10 000 m ²	R 7613
2.4	Erven 1 ha - 5 ha	R 10151
2.5	Erven over 5 ha	R 12688
3.	<u>Application for Departure from</u>	
3.1	Application fees	R 1502
4.	<u>Application for Subdivision - Application Fees</u>	
4.1	Basic Fee	R 1520
4.2	Subdivision fee for the first 2 erven is basic fee and thereafter an additional R 254 per erf/unit or portion in terms of the submitted layout plan	R 254
5.	<u>Application for Removal of Restriction</u>	
5.1	Application fees	R 1502
7.	<u>Consolidation</u>	
7.1	Application fees	R 1502
	<u>House Shop Application Fees</u>	
	Application fees	R 518

Vote 02130135

CITY MANAGER

THE HERALD - 31 August 2018

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
A)	PRECONSULTATION FORM	X	X	X	X	X	X	X	X	
B)	APPLICATION COVERING LETTER.	X	X	X	X	X	X	X	X	X
C)	APPLICATION FEES	X	X	X	X	X	X	X	X	
D	COPY OF ADVERTISEMENT	X	X	X	X	X	X	X	X	
E	PROOF OF NOTICES	X	X	X	X	X	X	X	X	
F	AFFIDAVIT (ISSUING &, PUBLICATION OF NOTICE)	X	X	X	X	X	X	X	X	
G	2 PHOTOGRAPHS OF SITE NOTICE	X	X	X	X	X	X	X	X	
H)	TITLE DEED / LEASEHOLD TITLE AND PROOF OF SUBMISSION TO REMOVE RESTRICTIVE CONDITIONS (OR APPROVAL)	X	X	X	X	X	X	X	X	X
I)	CONVEYENCER'S CERTIFICATE (WHERE TITLE DEED REFERS TO CONDITIONS CONTAINED IN ANOTHER TITLE DEED NOT SUPPLIED)	X	X	X	X	X	X	X	X	X
J)	POWER OF ATTORNEY (IF PROPERTY IS NOT REGISTERED IN APPLICANT'S NAME)	X	X	X	X	X	X	X	X	X
K)	COMPANY RESOLUTION (IF PROPERTY IS REGISTERED IN NAME OF COMPANY)	X	X	X	X	X	X	X	X	X
L)	APPLICATION FORM (TO BE OBTAINED FROM http://www.nelsonmandelabay.gov.za/%5CDataRepository%5CDocuments%5Cland-development-application-form.pdf)	X	X	X	X	X	X	X	X	X
M)	SURVEYOR DIAGRAM	X	X							
N)	MOTIVATION MEMORANDUM	X	X	X	X	X	X	X	X	
O)	LOCALITY PLAN	X	X	X	X	X	X	X		
P)	SUBDIVISION / CONSOLIDATION PLAN (IF APPLICABLE)	X	X							
Q)	MOTIVATION REPORT ADDRESSING DESIRABILITY, PARKING, ACCESS, OPERATING HOURS, AMOUNT OF SEATING FOR PATRONS, NUMBER OF EMPLOYEES ETC.(IF APPLICABLE)	X				X	X	X		X

HUMAN SETTLEMENTS

R)	WRITTEN CONFIRMATION THAT OWNER RESIDES ON THE PREMISES						X	X		
S)	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

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 (ii) 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 lpmadmin@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 & SITE NOTICE

**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 (ii)] 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:

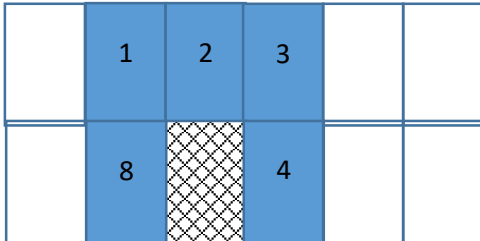
- (1) The Applicant, [ADDRESS, TELEPHONE/CELLPHONE NUMBER & EMAIL ADDRESS] and a copy sent to
- (2) The Executive Director: Human Settlements, P O Box 9, Port Elizabeth 6000; e-mail lpadmin@mandelametro.gov.za and MMAY@mandelametro.gov.za

on or before [DAY, MONTH, YEAR].

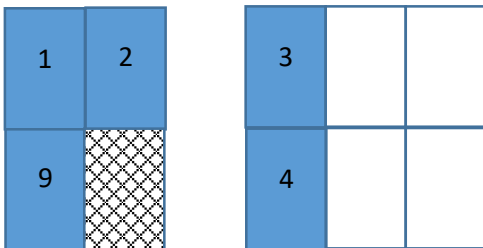
(Comments submitted after the said date will be considered invalid.)

ADJACENT PROPERTIES WHERE NOTICES MUST BE SENT

A) PROPERTY LOCATED IN MID-BLOCK



B) PROPERTY LOCATED AT THREE-WAY JUNCTION



LEGEND



**PROPERTIES WHERE
NOTICES MUST BE SENT**



**SUBJECT APPLICATION
PROPERTY**

C) PROPERTY LOCATED AT FOUR-WAY JUNCTION

