



## MUNICIPALITY OF PRINCE ALBERT

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# **APPLICATION SUBMISSION REQUIREMENTS**

## **Planning and Building Control**

### **Annexure to this guide:**

Annexure A: sample of motivational memorandum

Annexure B: sample of motivational memorandum

Annexure C: basic application procedure

## **BASIC APPLICATION PROCEDURE**

Depending on the nature, extent and complexity of a proposal, processing a planning application is generally likely to go through (a number of or all) the procedural steps or stages as indicated on **Annexure C**:

In an effort to prevent delays and ensure the success of your application, prospective applicants are advised to pre-consult their local planning office in order to gauge the merit of their proposal and obtain proper information on the application procedure to be followed, relevant higher order planning frameworks and policies, by-laws, regulations and other requirements, as well as any likely application / advertisement / notice fees payable and the relevant application forms, before an application is prepared or submitted.

Once submitted and accepted, you'll receive acknowledgement of receipt of your application

### **1. PROPOSAL MOTIVATION**

In order to explain your proposal to potentially affected parties and enable the Department to assess it, it is necessary that it be properly motivated in terms of the **Prince Albert By-Law on Land Use Planning, 2015**.

Whereas minor applications may only require motivation by means of a paragraph or two in a cover letter, larger and more complex applications may require clear explanation of the concepts and detail involved and the desirability thereof in a separate detailed motivation report. Such a detailed motivation report may include, but is not limited to, the following aspects:

#### **Background:**

Any information of significance to the application, may include site history, any previous negotiations, transactions or changing circumstances preceding the application, previous applications etc.

#### **Physical characteristics of application premises and surrounding area:**

Description of all physical characteristics of subject premises, including topography, slopes, drainage, vegetation, floodplains and bloodlines, unique ecological habitats and sensitive areas, any unstable soil formations, existing buildings and structures, access routes etc, as well as expert knowledge and opinion where problems are anticipated. The use of photographs is encouraged. It is furthermore strongly recommended that the surrounding area is assessed in the context of the specific application, to an extent that is acceptable and realistic.

### ❖ **Development proposal:**

Detailed description of all aspects of the proposed development, including any alternative schemes. The application should furthermore be supported by drawings, plans, sections or elevations which can give an indication of the proposed built form, landscaping and public interface of the proposed development.

### ❖ **Desirability:**

The following considerations are relevant to the assessment of the proposed land use to determine if it would be desirable –

- economic impact;
- social impact;
- scale of the capital investment;
- compatibility with surrounding uses;
- impact on the external engineering services;
- impact on safety, health and wellbeing of the surrounding community;
- impact on heritage;
- impact on the biophysical environment;
- traffic impacts, parking, access and other transport related considerations; and
- whether the imposition of conditions can mitigate an adverse impact of the proposed land use

In motivating applications for the removal, suspension or amendment of restrictive conditions, applicants must have regard to section 39(5) of the Land Use Planning Act and section 47 of the Spatial Planning and Land Use Management Act

## **2. APPLICATION TYPES**

Planning applications may include any of the following, all made in terms of the Prince Albert Municipal Planning By-Law, 2015:

<b>Sections in terms of Prince Albert Land use planning By-law,2015</b>	<b>Type of application</b>
2(a)	Rezoning of land
2(b)	Permanent departure(s) from the development parameters of the zoning scheme
2(c)	Departure granted on a temporary basis to utilize land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
2(d)	Subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement
2(e)	Consolidation of land that is not exempted in terms of section 24

2(f)	Removal, suspension or amendment of restrictive conditions in respect of a land unit
2(g)	Permission required in terms of the zoning scheme
2(h)	Amendment, deletion or imposition of conditions in respect of an existing approval
2(i)	Extension of the validity period of an approval
2(j)	Approval of an overlay zone as contemplated in the zoning scheme
2(k)	Amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
2(l)	Permission required in terms of a condition of approval
2(m)	Determination of a zoning
2(n)	Closure of a public place or part thereof
2(o)	Consent use contemplated in the zoning scheme
2(p)	Occasional use of land
2(q)	To disestablish a home owner's association
2(r)	To rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
2(s)	Permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building

### 3. SUPPORTING INFORMATION & DOCUMENTATION

It is important that your application include all relevant information necessary to enable the Department to properly evaluate it. The **annexure A** to this document lists the minimum supporting information and documentation required to enable the department to assess the various types of planning applications. However, as this is only a guideline, please consult your local district planning office as there may be site specific or additional / unique requirements relating to your proposal.

Should the title deed of the subject property be unclear, a conveyance's certificate may be required, certifying that the relevant original title deed (and not only the latest deed of transfer) was examined by a conveyancer for restrictive conditions and describing such restrictions if any

#### **4. APPLICATION FEES & TARIFFS**

Application fees and tariffs are set on an annual basis by Council for each financial year (i.e. from 1 July to 30 June the next year) and must be paid in full at submission, failing which the application will not be processed. Contact Town planning office to determine the exact amount payable in respect of your application.

Once calculated, the planning office will issue you with an invoice which can be settled at any Council cash receiving office, which in turn should issue you with a formal receipt. Such proof of payment should accompany your submission.

**Note:**

- All payment done via EFT will first be verified with Finance department before deemed true
- Erf / farm number should be used as Reference for all payment
- withdrawal or cancellation of an application may result in forfeiture of all of the application fee paid.
- Also, the fee is not refundable in case of a refusal

#### **5. ADVERTISING & PUBLIC PARTICIPATION**

The **Municipality** is obliged to facilitate public consultation and participation in respect of certain planning applications submitted to it by arranging advertising of your proposal to persons whose rights or legitimate expectations may be materially and adversely affected if an application is approved. This can be done by means of several forms or methods of notification. The **applicant** will be responsible for any cost of public participation as determined by the municipality.

#### **6. APPEALS**

Once the municipality has reached a decision on your application, you (the applicant) and any objectors or interveners will be notified in writing of such decision and be advised of your right to appeal to the appeal authority (should you feel aggrieved by the decision) in terms of section 108 of the prince Albert Municipal Planning By-Law, 2015.

Should you decide to exercise such appeal right, it must be done within the prescribed manner.

Should any objector/intervener exercise their appeal right, you'll be afforded the opportunity to comment thereon (and vice versa) before a final decision is taken.

**Kindly note, any decision on your application is suspended until such time as the period for lodging appeals has lapsed and the Municipality has advised you in writing that you may act on the decision or until the final outcome of any appeal submitted are made known.**

## Annexure A: sample of motivational memorandum

### Motivational memorandum

The application may be fully motivated so that the potentially affected parties can fully understand it and municipal officials can assess it and make informed decisions.

- **Smaller scale applications**  
*(Temporary Departures for House shops, guest houses, saloon, car wash, etc)*  
A motivational memorandum can be a minimum 1-page cover letter
- **Larger scale applications**  
The detailed report that clearly explain all the concepts and details of the planned project/proposal

#### STRUCTURE OF MOTIVATIONAL MEMORANDUM

<b>1. Introduction</b>	Introduction of the application and desired development.
<b>2. Background</b>	2.1 Location of the property 2.2 Ownership 2.3 Existing Zoning and Use 2.4 Restrictive conditions 2.5 Surrounding Zoning  N/B: supporting attachment such as locality map, zoning map and photographs can be provided.
<b>3. Development proposals</b>	3.1 type of applications 3.2 Relevant land use policies, municipal By-law and statutory framework  N/B : attachment such as consolidation and sub-division plan , Site Development Plan ( include existing structures, access, proposed structure, landscaping, parking bays, building lines, existing municipality services)
<b>4. Needs and Desirability</b>	4.1 needs in general (how proposed development will improve): a. socio-economic circumstances b. efficiency c. spatial sustainability d. site suitability for the proposed development  4.2 impact of the proposed development and mitigation on: a. environment b. physical character and surrounding land uses c. traffic impact d. visual impacts e. Municipality service and infrastructures.
<b>5. Conclusion</b>	Concluding the proposed development

## Annexure B: Minimum requirement

The purpose of this checklist is to guide applicants in the preparation of land use planning applications, as well as the Municipality, to ensure basic completeness of applications prior to submission thereof. An application must be accompanied by the information and documents as set out in section 38 of the Proposed Standard Draft By-law on Municipal Land Use Planning and failure to submit the information and documentation will result in the application being deemed incomplete and are grounds for the Municipality to refuse to accept an application in terms of section 40 of the said legislation. The applicant should consult with the Municipality to ascertain the applicability of the compulsory information and documentation required for each specific application type. The applicant will be advised of the outstanding information, or alternatively, be advised to make an appointment for a pre-application consultation meeting. All land development application submissions remain subject to a final completeness check by an official within 30 days of receipt of the application and the Municipality may request additional information

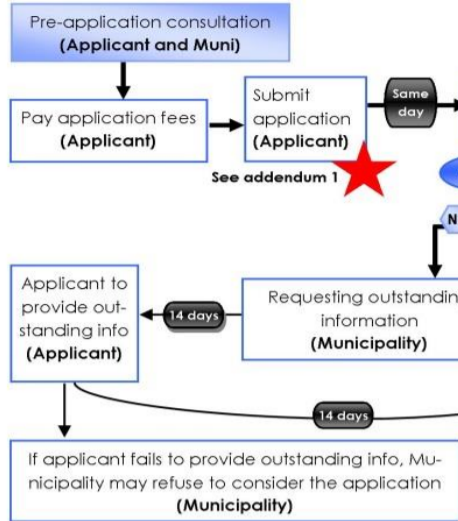
Section 15(2)	Type of applications	Completed & signed application form	Power of Attorney / Owner's consent (1)	Resolution (2)	Proof of registered ownership (3)	bondholder's consent (if any)	Written motivation (4)	S.G. diagram / Extract of general plan	locality plan	Site development plan / conceptual layout plan	Subdivision plan (including street name(s) & number(s)) (5)	Proof of payment of application fees	Copy of title deed	Conveyancer certificate (7)	Minutes of preapplication meeting (8)	Zoning plan	Phasing plan	Consolidation plan	Proof of lawful use right	Proof of failure of HOA (9)	Copy of original approval letter (s)
2(a)	Rezoning of land	V	V	V	V	V	V	V	V	V	-	V	V	V	V	V	-	-	-	-	-
2(b)	Permanent departure(s) from the development parameters of the zoning scheme	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	-
2(c)	Departure granted on a temporary basis to utilize land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	-
2(d)	Subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	-
2(e)	Consolidation of land that is not exempted in terms of section 24	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	V	-	-	-
2(f)	Removal, suspension or amendment of restrictive conditions in respect of a land unit	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	-
2(g)	Permission required in terms of the zoning scheme	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	-
2(h)	Amendment, deletion or imposition of conditions in respect of an existing approval	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	V
2(i)	Extension of the validity period of an approval	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	V
2(j)	Approval of an overlay zone as contemplated in the zoning scheme	V	V	V	V	V	V	V	V	V	-	V	V	V	V	V	-	-	-	-	-
2(k)	Amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram	V	V	V	V	V	V	V	V	V	-	V	V	V	V	V	-	-	-	-	V
2(l)	Permission required in terms of a condition of approval	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	V
2(m)	Determination of a zoning	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	V	-	V
2(n)	Closure of a public place or part thereof	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	V	-
2(o)	Consent use contemplated in the zoning scheme	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	-
2(p)	Occasional use of land	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	-
2(q)	To disestablish a home owner's association	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	V
2(r)	To rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	V
2(s)	Permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	V	V	V	V	V	V	V	V	V	-	V	V	V	V	-	-	-	-	-	V
<b>GENERAL NOTES:</b>						(3) - Proof that the copy of the title deed as submitted is the latest document. (5) - The subdivision plan should comply with section 38.(i) and 98 of the by-law (6) - To include proof of an agreement or approval if an application for subdivision requires servitude(s) over land which does not belong to the applicant.						(7) - Conveyancer certificate or copy(ies) of all historical title deeds (8) - Where applicable, the minutes of a pre-application consultation in respect of the application should be submitted. (9) - Constitution of HOA and proof of failure. (10) - To include a certified copy if applying for removal, suspension or amendments of restrictive conditions									



Annexure C: BASIC APPLICATION PROCEDURE

Draft By-Law on Municipal Land Use Planning (Workflow)

SUBMISSION



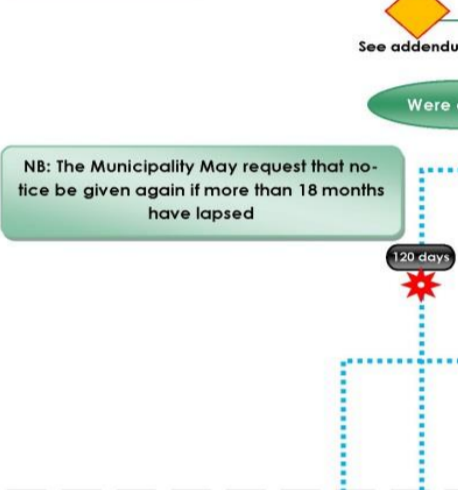
**Types of applications that can be submitted in terms of Section 15 (2)**

- Rezoning of land
- Permanent departure
- Temporary departure
- Subdivision of land
- Consolidation of land
- Removal, suspension or amendment of restrictive conditions
- Permission required in terms of the zoning scheme
- Amendment, deletion or imposition of condition in respect of an approval
- Extension of validity period of an approval
- Approval of an overlay zone
- An amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
- Permission required in terms of condition of approval
- Determination of zoning
- Closure of public place or part thereof
- Consent use
- Occasional use
- To disestablishment of a home owner's association
- To rectify a failure of a home owner's association
- Permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part thereof.

**Key**

Out of time appeal may be lodged within this time	★
Direction	→
Timeframe	21 days
Additional	---
Questions	?
Answers to questions	!

ADVERTISING



ASSESSMENT



DECISION



APPEAL PROCESS

APPEAL

