



Polokwane Municipality

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Polokwane Land Use Scheme for Mankweng, Sebayeng, Aganang and Rural areas (PLUSMSAR), 2017

APPLICATION FOR SPECIAL CONSENT FROM THE LOCAL MUNICIPALITY IN TERMS OF PROVISIONS OF CLAUSE 21 OF THE PLUSMSAR, 2017, READ TOGETHER WITH SECTION 73 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW 2017

DIRECTORATE PLANNING & DEVELOPMENT

SPATIAL PLANNING & LAND USE MANAGEMENT BUSINESS UNIT, 2ND FLOOR WEST WING, CIVIC CENTRE, c/o LANDROS MARE & BODENSTEIN STREETS, POLOKWANE.

NB: Please read the Footnotes

NB: Submit two (2) copies of the complete application and annexures.

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PARTS OF THIS APPLICATION TO BE COMPLETED & SUBMITTED BY APPLICANT

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Examples (Notice, Affidavit, Power of Attorney, etc.)

**APPLICATION FOR SPECIAL CONSENT IN TERMS OF CLAUSE 21 OF
THE POLOKWANE LAND USE SCHEME FOR MANKWENG, SEBAYENG,
AGANANG AND RURAL AREAS**

PART A: APPLICATION

1. I/we the undersigned

being the *owner* of land described herein after, hereby apply in terms of Clause 21.1(a) of the *Polokwane Land Use Scheme for Mankweng, Sebayeng, Aganang and Rural areas* for Special Consent of the municipality for:

Mark appropriate blocks with **X**

- (i) the erection and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the Special Consent of the local municipality in terms of Column 4, Table “A”; and
- (ii) an increase in the density of an erf (see Column 10, Table “C”); and
- (iii) an increase of the floor area ratio (see Column 16, Table “C”).

2. The complete application detail shall be set out in **Part C, Paragraph 5** below.

3. I/we hereby acknowledge and accept that:

3.1 The local municipality may upon the granting of the consent contemplated in Clauses 21 of this scheme, impose conditions regarding the payment of contributions for the provision of services, open spaces and parks, as envisaged in Section 49(4) of the Spatial Planning and Land Use management Act, Act 16 of 2013, read with the provision of the Polokwane Municipal Planning By-Law (PMPB), 2017 or its successor in title for which purposes the provisions of Section 120 of the of the PMPB shall *mutatis mutandis* apply;

3.2 A consent granted by the local municipality by virtue of provisions of this Scheme does not entitle any person the right to use any land, or to erect or use buildings thereon in any manner or for any purpose which is prohibited

by the provisions of any condition registered against the title deed under which such land is held, or imposed by legislation in respect of such land.

- 3.3 If any land use is permitted in terms of this scheme but otherwise restricted in the Title Deed, the onus lies with the owner of such property to:
- (i) remove or waive the restriction by following the necessary procedure provided in legislation; and
 - (ii) to submit proof to the local municipality that such restrictive conditions has been removed.

PART B: PARTICULARS OF APPLICANT & PROPERTY

4. I hereby furnish the following information and particulars in respect of the owner and land.

4.1 Full name/s or ¹other particulars of registered owner of land/property:

4.2 Full name and/or particulars of the duly authorized person or agent of such owner mentioned in par. 4.1 above (if any):

4.3 In the case of an authorized person or agent, I hereby attach the Power of Attorney as well as company resolution, as contemplated in chapter 6 of the Municipal Planning By-Law 2017:

No, not attached or not applicable

Yes, attached hereto



If answered “yes”, attached the documents and mark as “Annexure A” hereto.

4.3 Property description according to the Title Deed or Deed of Grant (e.g. Erf 102 Mankweng A):

¹ Other particulars means full particulars in the case of a company, close corporation, trust or any other legal entity, or a person charged with the administration of the estate thereof.

4.4 I hereby attach a copy of the Title Deed, namely:
(e.g. T4523/2017)

The copy of the Title Deed is attached hereto and marked as
“Annexure B”.

4.5 Size of the property:
(e.g. 458m²)

4.6 Street address of property:

4.7 Existing zoning of the property in terms of the scheme
(e.g. “Residential 1”):

4.8 Has any ²other land use rights been granted on the property which may
impact on this application?

No

Yes



If “yes”, state the complete extent thereof and attach necessary proof of
documentation and/or reference numbers where applicable.

Note: Information can be submitted in a separate annexure hereto.

4.9 Other contact detail of applicant:

Postal address:

Tel. no:

Cell. no:

Fax. no:

² Other land use rights may include consent from other the controlling authorities, e.g.
i.t.o. provisions of Act 21 of 1940, or consent i.t.o. the title.

e-mail address:

PART C: APPLICATION DETAIL

5. In terms of Clause 21.1(a) of the scheme the application is made for the Special Consent from the Municipality:

Application for secondary land use rights.

5.1 The erection and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the Special Consent of the local municipality in terms of ³Column 4, Table “A” of the scheme, namely:

Mark appropriate block with X	
<p>Guest House <input type="checkbox"/></p> <p>Tea Garden <input type="checkbox"/></p> <p>Institution <input type="checkbox"/></p> <p>Place of Instruction <input type="checkbox"/></p> <p>Place of Public Worship <input type="checkbox"/></p> <p>⁴Tavern* <input type="checkbox"/></p> <p>Conference Facility <input type="checkbox"/></p> <p>Retirement Village <input type="checkbox"/></p> <p>Hotel <input type="checkbox"/></p> <p>⁵Service Enterprise* <input type="checkbox"/></p> <p>⁶Household Enterprise* <input type="checkbox"/></p> <p>Funeral Parlour <input type="checkbox"/></p> <p>Residential Building <input type="checkbox"/></p> <p>Place of Amusement <input type="checkbox"/></p> <p>Crematorium <input type="checkbox"/></p> <p>⁷Noxious Industry <input type="checkbox"/></p> <p>Panelbeaters <input type="checkbox"/></p> <p>⁸Special Use * <input type="checkbox"/></p>	<p>Kiosk <input type="checkbox"/></p> <p>Club <input type="checkbox"/></p> <p>Restaurant <input type="checkbox"/></p> <p>Lodge <input type="checkbox"/></p> <p>Taxi Holding Area <input type="checkbox"/></p> <p>Taxi Rank <input type="checkbox"/></p> <p>Caravan Park <input type="checkbox"/></p> <p>Corner Shop <input type="checkbox"/></p> <p>Kennels <input type="checkbox"/></p> <p>Nursery <input type="checkbox"/></p> <p>Recreation <input type="checkbox"/></p> <p>Place of Refreshment <input type="checkbox"/></p> <p>Municipal Purposes <input type="checkbox"/></p> <p>Passive Access Control Facility <input type="checkbox"/></p> <p>Partially Restricted Access <input type="checkbox"/></p> <p>Control Facility <input type="checkbox"/></p> <p style="text-align: right;"><i>(Please see Footnotes)</i></p>
<p>* In the case of a “Special Use”, the proposed land use/use rights to be permitted and conditions thereto, shall be set out separately. Please complete Paragraph 5.2 below.</p>	<p>* In the case of a “Tavern”, also complete paragraph 5.3 below;</p> <p>* In the case of a “Household Enterprise” or “Service Enterprise”, also complete paragraph 5.4 below.</p>

³ Please note that although a complete list of uses are provided in this form, application can only be made for those uses provided in Column 4 and the rows as contained opposite that specific Use Zone (e.g. “Residential 1” only contains 7 uses).

⁴ Tavern is defined in the scheme. Please note special provisions.

⁵ Service Enterprise is defined in the scheme. Please note special provisions

⁶ Household Enterprise is defined in the scheme. Please note special provisions

⁷ Noxious Industry uses are set out in Schedule 1 of the scheme.

⁸ A “Special Use” is defined in the scheme.

- 5.2 In the case of an application for a “Special Use” as defined in Clause 6.110 of the scheme, the proposed use/s rights to be permitted and conditions thereto, are set out as follows:

A “Special Use” for...

subject to the following conditions:

Note: Information can be submitted in a separate annexure hereto.

or

- 5.3 In the case of an application for a “Tavern”, I/we hereby confirm that I am/we are aware that additional information shall be submitted and that additional procedure shall be followed, as contemplated in the relevant policy of the municipality, which may be amended from time to time.

I/we hereby attach an annexure in this regard, which is marked as follows:

ANNEXURE “ _____ ”

or

- 5.4 In the case of an application for a Household Enterprise or Service Enterprise, I am/we are aware of the additional requirements contemplated in Clause 24 of the scheme, and hereby submit additional information in this regard as part of a motivational memorandum as also contemplated in **Part D, Paragraph 6** below.

No, additional information/motivation is not attached

Yes, additional information/motivation is attached

Application for increased density.

- 5.5 The increase in the density of an erf as contained in **Column 10, Table “C”** and as follows, namely:

From,
Existing/Primary right of:
(e.g. 1 detached)

NB: *Delete not applicable ↴

*dwelling units/erf; or
*dwelling units/ha; or
*rooms/ha.

To,

⁹Relaxation of:
(see Footnote)

*dwelling units/erf; or
*dwelling units/ha; or
*rooms/ha.

⁹ Please note that only those densities contained in the rows opposite a specific Use Zone can be applied for (e.g. “Residential 1” - 30 d.u./ha)

Application for increased FAR.

5.6 An increase of the floor area ratio (FAR) as contained in **Column 16, Table “C”** and as follows, namely:

From,

Existing/Primary right with a FAR of:
(e.g. 1,0)

To,

¹⁰Relaxation with a maximum FAR of:
(e.g. 1,2. See Footnote)

PART D: MERITS OF THE APPLICATION

Purpose.

6. The purpose of this application and intended consent can be summarized as follows:

Note: Information may be submitted in a separate motivational memorandum hereto.

Merits of intended use.

7.1 I/we hereby confirm that I/we are aware of the Criteria for consideration of the application for Special Consent as set out in Clause 20.1 of the scheme, and hereby furnish a detail **motivational memorandum** in this regard and attached it hereto.

No, I have not submitted any motivational memorandum

Yes, a motivational memorandum is attached hereto

7.2 I am/we are aware that the failure to submit a motivational memorandum whereby the Criteria of Clause 20.1 is addressed, may lead to the rejection of the application and/or disqualification thereof.
NB!

¹⁰ Please note that only the maximum FAR contained in the row opposite a specific Use Zone can be applied for (e.g. “Residential 1” - FAR = 1,2). It may however be lower.

PART E: APPLICATION PROCEDURE

8.1 I/we hereby confirm that I/we are aware of the procedure to follow and responsibilities on the applicant as more clearly set out in **Clause 21.1(b) to (f)** of the scheme and will submit the required information to the municipality, and further hereto:

8.2 I/we submit the following information to assist the municipality, namely:

8.2.1 The first notice of the application as contemplated in Clause 21.1(b)(i) to (iii) of the scheme, will appear on the following date:

8.2.2 The objection period will lapse on the following date:

NOTE: The provisions of Clause 21 of the scheme with specific reference to the procedure to be followed, is set out in explanatory pages hereto.

PART F: GENERAL

9. I/we hereby attach two (2) copies of the following documentation and information, namely:

9.1 A **motivational memorandum**, at least addressing the criteria set out in Clause 20.1 of the scheme.

9.2 A Power of Attorney and Company Resolution, marked **“Annexure A”**.

9.3 A copy of the Title Deed or Deed of Grant, marked **“Annexure B”**.

9.4 Application fee/proof of payment of the application fee as determined i.t.o Polokwane Municipal Planning By-Law, 2017.

Application fee payable: **R**
[Official Use Only]

NB: I/we confirm that I am/we are aware that failure to submit the documents set out in par. 9.1 to 9.4, may lead to the rejection of the application and/or disqualification thereof.

9.5 Other documentation (where applicable), namely:

Please note: Additional documents should be marked as annexures

PART G: DECLARATION BY APPLICANT

- 10.1 I hereby declare that the information contained in this application is true and the application is done to the best of my knowledge. I am/we are also aware of the provision of the Municipal Planning By-Law 2017, which stipulates that any person who willfully and with intent to defraud, furnishes false or misleading information in connection with an application, shall be guilty of an offence.
- 10.2 I/we also undertake to submit any further information that may be required by the municipality to finalise the application.

Signed in _____ on this _____ day
of _____ 20 __.

SIGNATURE OF APPLICANT

Witnesses:

1. _____
2. _____

Example of notices (in English) to be published in newspaper and posted on the land.

**POLOKWANE LAND USE SCHEME, 2017 FOR MANKWENG, SEBAYENG,
AGANANG AND RURAL AREAS**

SPECIAL CONSENT FOR

(Use of land, e.g. "Place of Instruction")

Notice is hereby given in terms of provisions of Clause 21 of the Polokwane Land Use Scheme, 2017 for Mankweng, Sebayeng, Aganang and Rural Areas, that I/we, the undersigned,

(Full names of owner/s and/or authorized agent)

intend applying to the Polokwane Municipality for the Special Consent for

(Use of Land as provided in Column 4, Table "A" of the Scheme, e.g. "Place of Instruction")

for purposes of

(Purpose of the proposed use and/or use of buildings, e.g. "...the use of the existing building for purposes of a crèche")

on _____ located in
(Property description, e.g. Erf 102 Mankweng A)

(Street address, e.g. 14 University street, Polokwane)

Particulars of the application will lie for inspection during normal office hours at the applicant at the address mentioned herein, and at the offices of the Town Planners, first floor, west wing, Civic Centre, Polokwane, for the period of 30 days from _____ *(date)*.

Any objections to or representations in respect of the application shall be lodged in writing simultaneously with the applicant and with the Municipal Manager, Polokwane Municipality at the above address or at PO Box 111, Pietersburg, 0700, within a period of 30 days from _____ *(date)*.

Address and contact detail of applicant/agent:

Example of Affidavit

AFFIDAVIT

Reference: Special Consent into Polokwane Land Use Scheme, 2017 for Mankweng, Sebayeng, Aganang and Rural Areas i.r.o.

(Property description)

I/we, the undersigned _____, hereby declare that I/we have posted and maintained the notice for a period of at least 14 days in the prescribed form and manner in a conspicuous place as prescribed in Clause 21.1(iii) of the Polokwane Land Use Scheme, 2017 for Mankweng, Sebayeng, Aganang and Rural Areas, on the following land:

(Property description)

Signed in _____ on this _____ day of _____ 20 ____.

(Signed) **APPLICANT**

I certify that the above mentioned affidavit was declared to me and that the declarant confessed that he/she is familiar with the contents of this sworn affidavit and understands it. The affidavit was confirmed by oath in my presence and the declarant's signature was administered in my presence.

Sworn and signed in my presence at _____ on this _____ day

of _____ 20_____.

(Signed) **COMMISSIONER OF OATHS**

Example of Power of Attorney

SPECIAL POWER OF ATTORNEY

I/We, the undersigned

_____ (id. _____)
(Full names)

being the registered owner/s of _____(property description),
do hereby nominate, constitute and appoint:

(Full names)

with power of Substitution to be my lawful Town Planners and appointed Agent in name, place and stead, to make application in terms of the Polokwane Land Use Scheme, 2017 for Mankweng, Sebayeng, Aganang and Rural Areas read together with Municipal Planning By-Law, 2017, for:

The Special Consent of the municipality on the mentioned erf/land, for

(Proposed Use and purpose)

and generally affecting the aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as I might or could do if personally present and acting herein hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my said Town Planner and Agent shall lawfully do, or cause to be done, by virtue of these present.

Signed at _____ on this _____ day of _____ 20__ in

the presence of the undersigned witnesses.

(Signed)

As witnesses:

1. _____

2. _____

**POLOKWANE LAND USE SCHEME, 2017 FOR MANKWENG, SEBAYENG,
AGANANG AND RURAL AREAS**

SPECIAL CONSENT FOR A TAVERN

Notice is hereby given in terms of provisions of Clause 21 of the Polokwane Land Use Scheme, 2017 for Mankweng, Sebayeng, Aganang and Rural Areas, that I/we, the undersigned,

(Full names of owner/s and/or authorized agent)

intend applying to the Polokwane Municipality for the Special Consent for a Tavern for purposes of selling and serving liquor and other beverages and prepared food, to be consumed on

(Property description, e.g. Erf 102 Annadale)

located in _____
(Street address, e.g. 88, Pietersburg street, Polokwane)

As you are an owner within a distance of 50 meter or as per the policy if applicable, or an Educational Institution, or Place of Public Worship within a radius of 250 meter or as per the policy if applicable, you are specifically notified of the proposed use in order to comment and/or be provided with the opportunity to lodge any objection.

Particulars of the application will lie for inspection during normal office hours at the applicant at the address mentioned herein, and at the offices of the Town Planners, first floor, west wing, Civic Centre, Polokwane, for the period of 28 days from _____ *(date)*.

Any objections to or representations in respect of the application shall be lodged in writing simultaneously with the applicant and with the Municipal Manager, Polokwane Municipality at the above address or at PO Box 111, Pietersburg, 0700, within a period of 28 days from _____ *(date)*.

Should no comments and/or objections be received as set out above, the municipality will assume that you are in support of the application and may approve the proposed land use rights.

Address and contact detail of applicant/agent:

DATE OF NOTICE: _____