



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

**APPLICATION FOR WRITTEN 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, 2<sup>nd</sup> 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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**APPLICATION FOR WRITTEN CONSENT IN TERMS OF  
PROVISIONS OF CLAUSE 22 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 22.1 of the *Polokwane Land Use Scheme for Mankweng, Sebayeng, Aganang and Rural areas* for Written Consent of the municipality for:

Mark appropriate blocks with **X**

- 1.1 Erect 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 Written Consent of the local municipality (Column 5, Table “A”), namely:
- (i) the carrying on of a *Household Enterprise or Service Enterprise* from a dwelling unit in Use Zones 1, 2, 4 or 15, subject to provisions of Clause 23;
  - (ii) the use of a *Spaza or Kiosk*;
  - (iii) the use of a *Crèche*;
- 1.2 Erection of additional (second) dwelling unit or relaxation of density/number of dwelling units on erf ;
- 1.3 Relaxation of height
- 1.4 Relaxation of coverage
- 1.5 Relaxation of building lines
- 1.6 Amendment of a *Site Development Plan*
- 1.7 Relaxation of lines of no access ;
- 1.8 Display of signs for the sale or lease of properties ; and
- 1.9 Consents as envisaged in the following clauses and purposes,

namely:

- (a) Clause 13 i.r.o. subdivision of “Residential 2, 3 and 4” zoned erven into single dwelling units thereon;
- (b) Clause, 12 i.r.o. relaxation of conditions associated with Public Garages and Filling stations;
- (c) Clause 13 i.r.o. conditions applicable to subdivisions and panhandle erven;
- (d) Clause 13 i.r.o. number of persons permitted in one dwelling unit;
- (e) Clause 18 i.r.o. parking paces and access control systems.

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 22 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 <sup>1</sup>other 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):

4.4 I hereby attach a copy of the Title Deed, namely:  
(e.g. 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. 458m<sup>2</sup>)

<sup>1</sup> 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.

4.6 Street address of property:

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

4.8 Has any <sup>2</sup>other 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:

e-mail  
address:






<sup>2</sup> 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.

**PART C: APPLICATION DETAIL**

5. The application is made for the Special Consent from the Municipality:

**PART C(A): Application for secondary land use rights.**

5.1 In terms of Clause 22.1.1 to erect 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 Written Consent of the local municipality (Column 5, Table “A”), for:

(i) the carrying on of a Household Enterprise from a dwelling unit, subject to provisions of Clause 23.	 [Complete par. 5.2 below]
(ii) the carrying on of a Service Enterprise from a dwelling unit, subject to provisions of Clause 23.	 [Complete par. 5.2 below]
(iii) the use of a Spaza	 [Complete par. 5.3 below]
(iv) the use of a Kiosk	 [Complete par. 5.3 below]
(v) the use of a Crèche	 [Complete par. 5.4 below]

Subsequently:

**HOUSEHOLD ENTERPRISE & SERVICE ENTERPRISE**

5.2 In the case of an application for a “Household Enterprise” or “Service Enterprise” read together with <sup>3</sup>Clause 24 of the scheme, the proposed use/s rights to be permitted and conditions thereto, are set out as follows:

5.2.1 Full name/s of all <sup>4</sup>*occupant/s* of land/property/building:

--	--

<sup>3</sup> Clause 24 specifically deals with consent and conditions for Household or Service Enterprises.

<sup>4</sup> *Occupant* is defined in Clause 6 of the scheme.

5.2.2 I/we hereby provide the names and positions of all the persons who will practice the enterprise (including the principal of the enterprise) from the dwelling unit on land as described in paragraph 4 of Part B above.

Name	Position

5.2.3 I/we hereby provide the name of the person who is/will be the principal or in charge of the proposed enterprise, which will be conducted from the dwelling unit on land as described in paragraph 4 of Part B above.

Name of principal:
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5.2.5 I/we hereby provide the names and positions/relationship of all employees, including any agent or representative, any apprentice or trainee, any partner, of such enterprise.

Name	Position/relationship

5.2.6 I/we hereby provide the names and detail i.r.o. shareholding (existing or proposed) of all partners or shareholding members of such enterprise, including any partner, director or member of a partnership, company or close corporation under which the applicant is/will be conducting the enterprise.

Full names	Position	Shareholding

5.2.7 In the case of a Company or Close Corporation, I/we hereby attach a copy of the relevant documentation (CK 2 documentation) issued by the Registrar of Companies & Close Corporations (CIPRO), as annexure hereto, marked:

Annexure “ \_\_\_\_\_ ”

5.2.8 In the case where a Company or Close Corporation is not registered yet, but the intention is to do so, I/we attach a copy of application in this regard or other relevant information, and further undertake to submit the relevant proof of registration of such entity within a period of three (3) months from approval of the application (should it be approved).

5.2.9 The proposed enterprise entails the following use of the land/dwelling unit and activities, namely:

5.2.10 I/we hereby provide the following information in the **table below**, pertaining to the dwelling unit and all buildings on the land described in paragraph 4 of Part B above and where the enterprise will be conducted from, AND also attach a **sketch plan/draft building plan** hereto, marked:

Annexure “ \_\_\_\_\_ ”

*\* Please complete the table*

	Floor Area (in square meter)
Existing total floor area of dwelling unit i.r.o proposed enterprise.	
<input type="checkbox"/> Main building:	M <sup>2</sup>
<input type="checkbox"/> Outbuildings:	M <sup>2</sup>
<b>A: Total area:</b>	<b>M<sup>2</sup></b>
Total floor area of proposed additions of to dwelling unit:	
<b>B:</b> <div style="border: 1px solid black; border-radius: 5px; padding: 5px; display: inline-block; width: 80%;">(Describe)</div>	M <sup>2</sup>
<b>C: Grand Total area of dwelling unit:</b>	<b>M<sup>2</sup></b>

*(Note: Use this area for calculations in par. 5.2.11 below)*



5.2.11 The enterprise will be conducted from the following part/s of the dwelling unit, as also clearly indicated on the attached plan contemplated in par. 5.2.10 above.

Description of part of the building to be used for enterprise	Floor area of building/part to be used	Percentage of Grand Total Floor Area (as indicated in C, par 5.2.10) of dwelling unit
- from Main building <i>(describe)</i>	M <sup>2</sup>	%
- from Outbuilding/s <i>(describe)</i>	M <sup>2</sup>	%
<b>TOTAL</b>	<b>M<sup>2</sup></b>	<b>%</b>

5.2.12 If the part of the dwelling unit where the enterprise will be conducted from is in any way removed or detached from the main building, please state the distance and submit a draft Site Development Plan (SDP) whereby location of proposed enterprise is clearly indicated.

5.2.13 If the proposed enterprise is to be conducted from any part of the dwelling unit which does not form the core part of the dwelling unit or main building, or which is remotely removed from the main building, I/we hereby provide the following reasons to indicate the exceptional circumstances why the municipality may consider the approval of such application. I/we further understand that the municipality may, only in exceptional circumstances, approve such application.

*Complete reasons may be submitted in a separate annexure hereto.*

5.2.14 The following number of parking spaces will be provided on the property itself as more clearly indicated on the draft SDP. (Please note that no parking may be indicated on the road reserve and/or sidewalk along any street).

Number of parking spaces to be provided on the property/erf:



5.3.2 I hereby intend to conduct the following use from land mentioned in paragraph 4, Part B, namely:

Spaza, not exceeding 30m<sup>2</sup>

Kiosk, not exceeding 12m<sup>2</sup>

5.3.3 The total floor area of the proposed spaza/kiosk is:  M<sup>2</sup>

5.3.4 In the case where a part of a dwelling unit will be used for the spaza/kiosk, I/we hereby submit the following detail i.r.o. the part of the building to be used for such purpose as also clearly indicated on a sketch plan/building plan referred to in par. 5.3.1 above.

*Describe the part to be used:*

5.3.4 The following number of parking spaces will be provided on the property itself as more clearly indicated on the draft SDP. (Please note that no parking may be indicated on the road reserve and/or sidewalk along any street).

Number of parking spaces to be provided on the property/erf:

5.3.5 I am/we are aware that in the case of a “Spaza” or “Kiosk”, 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 “ \_\_\_\_\_ ”

5.3.6 Will any alcohol beverages be sold and/or served on the property and/or from the proposed spaza/kiosk?

Yes

No

or

**CRECHE**

5.4 In the case of an application for a “Crèche”, I/we hereby provide the following information:

5.4.1 The total floor area of all buildings, including proposed additions to buildings, from where the crèche will be conducted from and on the land described in paragraph 4 of Part B above, is indicated on an attach a **sketch plan/draft building plan** hereto, marked:

→ Annexure “ \_\_\_\_\_ ”

5.4.2 The total floor area for the proposed crèche is:  M<sup>2</sup>  
(see footnote below)

5.4.3 The total number of learners to attend the facility is:  learners

5.4.4 The total number of personnel or tutors to be employed at the facility is:  persons

5.4.5 The maximum age of learners to attend the facility is:  years

5.4.6 The following number of parking spaces will and can be provided on the property itself as more clearly indicated on the draft SDP. (Please note that no parking may be indicated on the road reserve and/or sidewalk along any street).

Number of parking spaces to be provided on the property/erf:

5.4.7 Apart from the parking spaces mentioned in par. 5.4.6 above, I/we hereby confirm that an additional <sup>5</sup>Drop-off Zone can be provided and the detail is set out as follows and also more clearly indicated on the draft SDF.

and/or

**PART C (B): Relaxation of height, coverage, building lines, site development plan & lines of no-access & others.**

5.5 In terms of Clause 22.1.3 for the relaxation of Height of an erf as contained in **Column 12, Table “C”** and as follows, namely:

From,  
Existing/Primary right of:  storeys  
(e.g. 2 storeys)

Relaxation to a <sup>6</sup>maximum height of:  storeys  
(e.g. 3 storeys. See Footnote)

to

<sup>5</sup> Drop-off Zone is defined in Clause 6.25 of the scheme.

<sup>6</sup> Please note the maximum provided in the Column and opposite the specific Use Zone, may not be exceeded.

And/or

- 5.6 In terms of Clause 22.1.4 for the relaxation of Coverage of an erf as contained in Column 14, Table “C” and as follows, namely:

From,

Existing/Primary right of:  
(e.g. 50%)

 %

to

Relaxation to a <sup>7</sup>maximum  
coverage of: (e.g. 70%)

 %

And/or

- 5.7 In terms of Clauses 22.1.5; 22.1.6; 22.1.7; 22.1.8; 22.1.9, an application as follows:

The application is in terms of Clause

For the purpose of :

And subsequently set out as follows:

Note: More detail may be submitted in a separate annexure hereto.

#### 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.

<sup>7</sup> Please note that the maximum percentage provided in the Column and opposite the specific Use Zone, may not be exceeded.

**Merits of intended use.**

7.1 I/we hereby confirm that I/we are aware of the Criteria for consideration of the application for Written 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!**

**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 **Clauses 22.2 to 22.5** 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 notice of the application as contemplated in Clause 22.2.1 of the scheme, will be posted for a period of at least 14 days, starting from the following date:

8.2.2 The objection period will lapse on the following date:

**NOTE:** The provisions of Clause 22 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 <sup>8</sup>[Regulation 46] and Company Resolution (where applicable) [Regulation 45], marked **“Annexure A”**.

<sup>8</sup> Regulations 45 and 46 of the Town-Planning & Townships Ordinance, 1986 (Ord. 15 of 1986)

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 Schedule 17 of the Town Planning and Townships Ordinance, 1986.

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 annexure

**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 stipulations of Section 132 of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), 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 \_\_\_\_\_ 200\_\_.

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

Witnesses:

1. \_\_\_\_\_

2. \_\_\_\_\_



### 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. \_\_\_\_\_

**AFFIDAVIT**

Reference: written Consent to 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**

**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**

**WRITTEN CONSENT FOR A SPAZA/KIOSK**

Notice is hereby given in terms of provisions of Clause 22 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 Written Consent for:

- a Spaza for purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments (*delete part not applicable*);
- a Kiosk for purposes of preparation or sale of meals and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets (*delete part not applicable*), 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, you are specifically notified of the proposed spaza/kiosk 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:** \_\_\_\_\_