ELECTRONIC SUBMISSION - LAND USE MANAGEMENT GUIDELINES 2020

- Types of application to be submitted
- E-application process guidelines
- Post approval applications
- Scheme information links
- Land use application links
- Application fees
- MSDF / RSDF links
- e-GIS Viewer
- Contact information
ELECTRONIC SUBMISSION GUIDELINES

LAND DEVELOPMENT APPLICATION SUBMISSION IN TERMS OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 (LUM BY-LAW)

Applications to submitted to: Newlanduseapplications@TSHWANE.GOV.ZA

• All New Land Development Applications
• Section 16(18) and 16(19) in terms of the LUM By-law
• Section 32 in terms of the LUM By-law Excision of Agricultural Holdings (Will be handled on a file and not on APS)
• Restriction of Access applications in terms of the Rationalisation of Local Government Affairs Act, 1998 (Will be handled on C9)

Documentation to be submitted to: CityP_Registration@TSHWANE.GOV.ZA

Additional documentation on all Land Development Applications submitted pre 1 July 2020 to be submitted.
ELECTRONIC SUBMISSION GUIDELINES

LAND DEVELOPMENT APPLICATION SUBMISSION TO:

Newlanduseapplications@TSHWANE.GOV.ZA

Documentation must be submitted as required by the LUM By-law in the relevant Schedules including to but not limited to the list as set out below. The documentation should be submitted electronically in separate PDF format files (Minimum size publishing) with submissions:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Proof of payment</td>
</tr>
<tr>
<td>2</td>
<td>Cover letter</td>
</tr>
<tr>
<td>3</td>
<td>Application form</td>
</tr>
<tr>
<td>4</td>
<td>Power of Attorney</td>
</tr>
<tr>
<td>5</td>
<td>Company Resolution (If applicable)</td>
</tr>
<tr>
<td>6</td>
<td>Memorandum</td>
</tr>
<tr>
<td>7</td>
<td>Title Deed</td>
</tr>
<tr>
<td>8</td>
<td>Bondholders consent (If applicable)</td>
</tr>
<tr>
<td>9</td>
<td>Locality plan</td>
</tr>
<tr>
<td>10</td>
<td>Land use Plan</td>
</tr>
<tr>
<td>11</td>
<td>Zoning Plan</td>
</tr>
<tr>
<td>12</td>
<td>Zoning Certificate</td>
</tr>
<tr>
<td>13</td>
<td>Site Plan</td>
</tr>
<tr>
<td>14</td>
<td>Draft Amendment Scheme Annexure</td>
</tr>
<tr>
<td>15</td>
<td>Draft Amendment Scheme Map</td>
</tr>
<tr>
<td>16</td>
<td>List of adjoining landowners with a Map</td>
</tr>
<tr>
<td>17</td>
<td>Any additional Reports or Documentation submitted with application (Each Report or Document should be submitted separate with a clear description)</td>
</tr>
<tr>
<td>18</td>
<td>Proof of advertisements (once completed)</td>
</tr>
</tbody>
</table>

Any new information that the applicant wants to submit electronically should be named clearly.

Note: Do not put maps/plans in the memo that can be included as annexures.
• An applicant who in terms of the provisions of the LUM By-law is required to advertise a land development application shall be advertised substantially in accordance with Schedule 13 and Schedule 23 read with COT: F/12, COT: F/13, COT: F/14, COT: F/15 or COT: F/16 of the LUM By-law with the following additional information included in the advertisement:

• Should any interested or affected party wish to view or obtain a copy of the land development application:
  – It can be viewed at the Office of the Municipality as indicated in the Advertisement; or
  – a copy can be requested from the Municipality, only in the event that the interested and affected party is unable to view the application during the time period when the application is open for inspection, at the respective Municipal Office due to the Municipal Office being closed for COVID-19, by requesting such copy through the following contact details: newlanduseapplications@tshwane.gov.za; or
  – a copy can be requested from the applicant at the address indicated in the advertisement.

• In addition, the applicant may upon submission of the application either forward a copy electronically or publish the application, with confirmation of completeness by the Municipality, accompanying the electronic copy or on their website, if any. The applicant shall ensure that the copy published or forwarded to any interested and affected party shall be the copy submitted with the Municipality to newlanduseapplications@tshwane.gov.za.

• The applicant shall upon receiving a request for a copy of a land development application as contemplated in notice in terms of Schedule 23 to the LUM By-law, provide a copy within 3 days of the request by the interested and affected party as contemplated in bullet 1 above and shall certify that he/she has provided a full copy as submitted with the Municipality through an affidavit confirming this.
The application provided to an interested or affected party, either by means of an e-mail or publication on a website, or delivery by hand shall be accompanied by a letter from the Municipality indicating that the application is complete as per Regulation 14(l)(i) of the Act and the LUM By-law. Where the Municipality failed to confirm within the prescribed time that the application is complete, the provisions of the LUM By-law will apply for purposes of being able to advertise and the consequences will remain the same.

The applicant shall send and or publish the application as it was submitted to the Municipality and any addition, alteration or amendment, or removal of any information that did not form part of the application submitted with the Municipality as the application shall be regarded as having contravened the provisions of Schedule 13 read with Schedule 23, which contravention is an offence.

Should the applicant fail to provide a copy of the land development application within the prescribed time period as contemplated in bullet or paragraph 2 above the request for a copy of the land development application shall be regarded as an objection and the person having requested the copy of the application shall be regarded as an objector of record.

The applicant shall retain proof of any request and compliance with the request for a copy of the application and shall submit this together with his/her proof of advertising as contemplated in the Schedules related to the land development applications referred to in the preamble.
Post approval applications

All post approval applications of land development applications that have been captured on the APS with Item Numbers can now be submitted electronically. This includes applications for Regulation 38’s and Section 16(10)’s for subdivisions and applications (post approval) for Townships that were submitted in terms of the LUM By-law, and NOT in terms of the Ordinance;

Provided that the Municipality:

- May still require hard copies to be submitted (Notarial Deeds, Guarantees, Agreements)
- May have to obtain the files that consist of various volumes.
- Cannot guarantee response times for files from Registry where files are needed.
- The Ordinance extensions of times must be submitted to LUMA. (Land Use Management and Administration)
Notification

- Documents by post-approval will be e-mailed
- Arrangements for originals required by the Registrar or other Bodies can be collected if arranged with Post Approval Specialist.
- We request that you have minimal physical contact with staff to prevent any transmission of Covid-19.

Township Application Amendments

- Multiple Conditions of Establishment Amendment Applications will not be done.
- Multiple amendments are causing confusion on which set to apply.
- Amendment of Conditions of Establishment to the Erf Number amendments, General Plan Amendments and Final Amendments for purposes of issuing a Section 101 in terms of the Ordinance or Section 16(7) of the LUM By-law
POST APPROVAL

E-mail and file naming protocol

- Land Use Amendments and Layout amendments to LUMA
- Refer to three Circulars Issued by Development Compliance.
- Please follow the naming protocols in the subject line being: Type of Application, Item Number, Erf Number, Township Name and Extension.
- Applications must be scanned as a PDF as ONE DOCUMENT including your e-application form that must be the first document.
- Non compliant applications will be deleted.
- Please make sure that you give a clear indication of the application type. The administration section will be required to be able to do allocation of the application with the information provided in the subject line.
Please use the following “type of application” abbreviations and references:

- **EOT** – For Extension of Time
- **PCP** – For application for proof of compliance with Conditions
- **Section 16(7)** – For application to open Township Register
- **Section 28(1)** – Servitude Registration
- **PA Amendment of COE (Erf numbers/GP Section 16(7)** – Post approval amendment of Conditions of Establishment and the reason for the amendment (only By-law).
- **Section 16(10)** Subdivision
- **Section 23(2)** Corrections
- **COO** – Change of ownership
- **Excisions Section 6(1)**
LIFE CYCLE OF A LAND DEVELOPMENT APPLICATION IN TERMS OF SPLUMA AND THE LAND USE MANAGEMENT BY-LAW

Submission to approval

Application Submitted by applicant in terms of Section 16 of the LUM By-law

Application checked for completeness Reg 14(1)(i) – if Complete Application circulated

Applicant is advised to advertise application and do Public Participation

RSP Receives comments and objections

MPT – Opposed applications
AO Com Unopposed applications

CONDITIONAL APPROVAL IN TERMS OF SECTION 40 OF SPLUMA AND SECTION 16 OF BY-LAW - Based on comments from internal departments and planning

Ward Councilors
Ward Committee
Engineering Service Departments
Legal Services for legal compliance

Applicant receives decision – copies to S.G. and Registrar

Applicant install services as per comments/services schemes PAY DEVELOPMENT CHARGES

Applicant complies with conditions of approval required before rights adopted

Applicant submits documents to S.G. and Registrar after compliance

RIGHTS INTO OPERATION - PUBLICATION

If registration transactions/transfer of erven Legal Services confirms to Registrar that registration transactions can take place Section 52/Section 16(10)

Site Development Plan is submitted/processed and approved

Building Plan submitted/recommended/approved

Applicant requests clearances for service installation - guarantees

Engineering Services agreement - Council provides clearance – through Serv Dept. of services installation
Registration/Scanning of Building Plans

Section 16 – A5/6 confirmation of completeness

LUMA - Officers

Circulation – Internal and External Engineering Departments National/Provincia

Evaluation and Consideration by Professional Planners

Decision making MPT/AO-Com/MAT and Support

Post Approval Compliance processes

Supplementary Applications and Finalisation

Promulgation/Proclamation and In operation

Site Development Plan Submission

Circulation and Technical Evaluations

Evaluation by Professional Planner and Committee decision

Registration/Scanning of Building Plans

Circulation – Internal Engineering Departments and Geology

Technical Committee evaluation

Recommendation by the Building Control Officer

Municipality approves Building Plans

7 Statutory Inspections

Occupation Certificate

Land Development Application Processes
Inspection done by Development Compliance Officer

Notice Served with 21 day correction to be done A25(10) Section 4(1)

Re-Inspection of the site

Contravention persists – Photos taken and evidence gathered

Docket opened and referred to Municipal Court for prosecution

Complaint received and Registered

Inspection done by Development Compliance Officer

Notice Served with 21 day correction to be done A25(10) Section 4(1)

Re-Inspection of the site

Contravention persists – Photos taken and evidence gathered

Docket opened and referred to Municipal Court for prosecution

BEMF Contravention categories – High Court referral

Legal requested to appoint attorneys

Legal appoints attorney and Counsel

Court proceedings for interdict

Judgment

Land-use Compliance Processes
Land Development Applications will be evaluated on:

- **SPLUMA Principles: Section 7 and 42 / LUM By-Law Principles**
  Spatial Justice, Spatial Sustainability, Efficiency, Spatial Resilience, Public interest,

- **National Development Framework/Provincial Spatial Framework (Section 42.(1)(b))**
  Reduces urban sprawl, Promotes of public transport, Shorten travel distances, Promotes a walkable City, mix of housing types within the neighbourhood, Accelerate economic growth, Fight poverty, sustainable communities

- **Council Policies**

- **Integrated Development Framework (IDP) – (sustainable, provision of basic services, spatial restructuring, densification, compact urban form)**

- **Metropolitan Spatial Development Framework.- spatial restructuring, densification, compact urban form,**

- **Regional Spatial Development Framework:** Region densification zone, compact urban form, corridor development, activity streets. Activity corridors, nodal development.
The RSDF image is one of the layers on the web based mapping solution, e-GIS viewer (The RSDF image can be accessed under the category “Services” on the e-GIS Viewer).
CITY OF TSHWANE e-GIS VIEWER

Link: e-GIS VIEWER

• The e-GIS Viewer is available on the Tshwane Website and on the link above;
• The e-GIS can be used to access information on the RSDF and Aerial photo’s;
• RSDF image is part (as a layer) of the web based mapping solution, e-GIS;
• The Mobile GIS Viewer: Limited functionality and layers (base maps) for mobile devices;
• The Web Map Services: This allows clients to link “layers” (remains hosted at the ISP) to their maps, viewers, etc.
LINKS TO LEGAL AND RELATED DOCUMENTS USED FOR THE SUBMISSION OF LAND DEVELOPMENT APPLICATIONS

TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014)
Link: Tshwane Town-planning Scheme 2008, (Revised 2014)

THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016
Link: LUM By-law

LAND USE APPLICATIONS TARIF'S, JULY 2020 - JUNE 2021:
Link: Land Use Application Tariff 2020-2021

LAND USE APPLICATION FORMS:
Link: Land Use Application Forms

ZONING CERTIFICATES:
You can request a zoning certificate from:
GeoInfoService@TSHWANE.GOV.ZA
### ELECTRONIC SUBMISSION OF APPLICATIONS/ REQUESTS

<table>
<thead>
<tr>
<th>Category</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Land development applications</td>
<td><a href="mailto:newlanduseapplications@tshwane.gov.za">newlanduseapplications@tshwane.gov.za</a></td>
</tr>
<tr>
<td>PSP applications</td>
<td><a href="mailto:PCPDevCompliance@tshwane.gov.za">PCPDevCompliance@tshwane.gov.za</a></td>
</tr>
<tr>
<td>MPT submissions</td>
<td><a href="mailto:MATappeals@tshwane.gov.za">MATappeals@tshwane.gov.za</a></td>
</tr>
<tr>
<td>STS requests</td>
<td><a href="mailto:LUS-STS@tshwane.gov.za">LUS-STS@tshwane.gov.za</a></td>
</tr>
<tr>
<td>Section 125 applications</td>
<td><a href="mailto:LUSTAM@tshwane.gov.za">LUSTAM@tshwane.gov.za</a></td>
</tr>
<tr>
<td>Liquor / Gambling Licence</td>
<td><a href="mailto:LUSTAM@tshwane.gov.za">LUSTAM@tshwane.gov.za</a></td>
</tr>
<tr>
<td>Geo-info enquiries</td>
<td><a href="mailto:geoinfoservice@tshwane.gov.za">geoinfoservice@tshwane.gov.za</a></td>
</tr>
<tr>
<td>Physical Address Enquiries (Note NOT adjacent owners postal addresses)</td>
<td><a href="mailto:address@tshwane.gov.za">address@tshwane.gov.za</a></td>
</tr>
<tr>
<td>Toponomy enquires</td>
<td><a href="mailto:Toponomy@tshwane.gov.za">Toponomy@tshwane.gov.za</a></td>
</tr>
<tr>
<td>Section</td>
<td>Position</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Office of the Divisional Head</td>
<td>Divisional Head</td>
</tr>
<tr>
<td>Spatial Planning</td>
<td>Director</td>
</tr>
<tr>
<td>Land Use Scheme, Toponomy and application Management</td>
<td>Director</td>
</tr>
<tr>
<td>Development Compliance</td>
<td>Director</td>
</tr>
<tr>
<td>Land Use Administration &amp; Applications</td>
<td>Director</td>
</tr>
<tr>
<td>Development Facilitation</td>
<td>Director</td>
</tr>
<tr>
<td>Land Use Scheme</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>Tribunal Secretariat</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>-Land Use Management and Administration - Region 1</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>Land Use Management and Administration - Region 2</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>Land Use Management and Administration - Region 3</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>Land Use Management and Administration – Region 4</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>Land Use Management and Administration – Region 5 &amp; 6 N</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>Land Use Management and Administration - Region 6 S</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>Land Use Management and Administration - Region 7</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>Geomatics</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>Geomatics</td>
<td>Deputy Director</td>
</tr>
</tbody>
</table>