



City of Johannesburg
Department of Development Planning

Metro Centre
158 Civic Boulevard
Braamfontein

PO Box 30733
Braamfontein
2017

Joburg Connect +27(0)11 375 5555
www.joburg.org.za

THE CITY OF JOHANNESBURG

MUNICIPAL PLANNING BY-LAW, 2016

Land Use Management Application Submission Manual

1. Application of By-law

All land and land development applications within the jurisdiction of the City of Johannesburg and all such applications shall be submitted under the provisions of this By-law.

No person may use or develop land unless the use or land development is permitted in terms of the City's land use scheme or an approval in terms this By-law.

2. Provisions and principles which shall guide and inform all land development applications

Any land development application in terms of this By-law shall be guided and informed by the City's integrated development plan and municipal spatial development framework as approved by Council.

Any land development application in terms of this By-law must address need, reasonableness, desirability and public interest.

Any land development application in terms of this By-law shall have as its main purpose the co-ordinated and harmonious development of the area to which the application relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such specific area as well as efficiency and economy in the process of such development.

3. Municipal Planning Tribunal (MPT)

The Municipal Planning Tribunal shall decide on any opposed land development application (applications not supported and / or where objections have been received) referred to it in terms of the provisions of this By-law, or the City's land use scheme or any other applicable law relating to land development.

The applicant, objector/s and official/s will be required to make representation to the Municipal Planning Tribunal hearing.

4. Applications to be decided by the officials (Delegated Authority)

The authorised official may only decide unopposed land development applications submitted in terms of this By-law, or the City's land use scheme or any other applicable law relating to land development which application complies with the provisions of the Council Policies.

The authorised official may decide any unopposed application which does not comply with any one or more of the applicable policies, without forwarding it to the Municipal Planning Tribunal for a decision.

Such official will have the discretion to forward any application referred to him/her to the Municipal Planning Tribunal for a decision.

5. Types of applications

The following land development applications are defined in the By-law.

- (1) consent-use as provided for in the City's land use scheme;
- (2) building line relaxation as provided for in the City's land use scheme;
- (3) amendment of a provision of the City's land use scheme or any other scheme which might still be applicable relating to land (rezoning);
- (4) township establishment;
- (5) subdivision and/or consolidation of an erf/erven in an approved township or the subdivision of any other land;
- (6) subdivision of any other land not in an approved township;
- (7) phasing of an approved township; (submitted to the legal administration department)
- (8) extension of boundaries of an approved township;
- (9) amendment or cancellation either wholly or in part of a general plan; (submitted to the legal administration department)
- (10) amendment, suspension or removal of a restrictive or obsolete condition, obligation, servitude or reservation registered against the title of land, including a consent application if required by a condition of title registered against the title deed of land;
- (11) Excesion

6. Consent use (Application Form 1)

An owner of land may submit a consent use application in terms of this By-law and as provided for in the City's land use scheme to use the land or site or any building on the land or site for a particular purpose.

7. Building line relaxation (Application Form 2)

Any building line restriction imposed on land in terms of the City's land use scheme may be relaxed in terms of an application submitted by an owner of land in terms of this By-law.

8. Amendment of land use scheme (Application Form 3)

An owner of land who wishes to have a provision of the City's land use scheme or any provision of any other scheme which may still be applicable to the land under consideration amended, may submit an application in terms of this By-law to the City for consideration.

- 9. Township establishment (Application Form 4)**
A township must be established on any farm portion or agricultural holding where the land concerned is to be used, developed or subdivided mainly for residential, business, commercial, industrial, institutional, educational or other similar purposes as defined in the applicable land use scheme, excluding agricultural, open space or nature conservation purposes.
- 10. Subdivision and/or consolidation of an erf/erven in an approved township (Application Form 5)**
An owner of an erf in an approved township who wishes to subdivide and / or consolidate such erven, may submit an application, simultaneously or separately, as the case may be, to the City as provided for in its land use scheme and at the same time lodge a plan with the City setting out the proposed subdivision and/or consolidation.
- 11. Subdivision of any other land not in an approved township (Application Form 6)**
An owner of land, who wishes to divide such land, may submit an application to the City as provided for in its land use scheme and at the same time lodge a plan with the City setting out the proposed division.
- 12. Amendment, suspension or removal of restrictive or obsolete conditions or obligations, servitudes or reservations in respect of land (Application Form 7)**
An owner of land who wishes to have any restriction, obligation, servitude or reservation amended, suspended or removed, may lodge an application to the City in terms of this By-law for consideration.
- 13. Phasing of an approved township**
(Submitted to the legal administration department.)
An owner of land who has been notified that his township application has been approved, may within a period of 6 months from the date of the notice, or such further period as the City may allow, apply to the City for the phasing of the approved township into two or more separate townships.
- 14. Alteration, amendment or cancellation of a general plan application**
(Submitted to the legal administration department.)
Any person who wishes to have the general plan of an approved township or an approved SG diagram of a subdivision of land (if any) altered, amended or totally or partially cancelled by the Surveyor-General in terms of the Land Survey Act may subject to the provisions of this By-law, apply in writing to the City for approval.

- 15. Extension of boundaries of an approved township**
An owner of land who wishes to have the boundaries of an approved township extended to include his land may submit an application to the City.
- 16. Permanent closing of a public place or diversion of a street**
The City may, either of its own accord or upon a written application by any person; permanently close a public place or divert any street or portion of a street.
- A written application for the closing of a public place or diversion of a street or portion of a street shall be accompanied by a plan showing the public place to be closed or showing the boundaries of the street or portion of the street proposed to be closed or diverted.
- 17. Failure to comply with requirements of the City**
Where an owner of land has, for a period of one year from the date he was requested in writing to comply with any requirement of the City in respect of an application envisaged in terms of the By-laws, failed to comply, the City shall notify the owner of land of such failure and thereupon the application shall automatically lapse.
- 18. Contributions for external engineering services and Open Spaces**
Where an amendment scheme which is an approved scheme came into operation, the City may, direct the owner of land to which the scheme relates to pay a contribution to it in respect of the provision of engineering services envisaged; and a contribution towards open spaces where the commencement of the amendment scheme will bring about a higher residential density.
- 19. Internal appeals (See Appeal Process)**
An owner of land, any person that submitted an objection and any person who's petition to intervene has been granted, whose rights may be adversely affected by a decision taken by the Municipal Planning Tribunal, the authorised official or any of its sub-delegates may appeal against that decision to the City Manager.
- 20. Petition to be granted intervener status**
Where an application has been submitted to a Municipal Planning Tribunal, authorised official or any of its sub-delegates or an appeal has been lodged to the appeal authority, an interested person may, at any time during the proceedings, but within seven days of becoming aware of the proceedings, petition the City in writing to be granted intervener status.

- 21. Sectional Title Schemes (Application Form 8)**
Notwithstanding the provisions of this By-law, the Registrar shall not register a sectional title scheme on any property unless the City has confirmed in writing that there has been compliance with this By-law, the City's land use scheme and/or any other planning legislation that might still be in operation and applicable to the property in question.
- 22. Continuation of application by new owner**
If land that is the subject of any land development application is transferred to a new owner before the conclusion of such application, the new owner may continue with the application as the successor in title to the previous owner and the new owner will be regarded as the applicant for purposes of this By-law.
- 23. Amendment of an application**
An owner of land may at any stage prior to a decision been taken on any application, amend or withdraw his application provided that with an amendment, the amendment is not regarded in the opinion of the City as being material which would warrant re-compliance with the advertising processes.
- 24. Concept of a Complete application and Time frames**
An application is regarded as a complete application only if the City has received the application fee, all information necessary for the City to assess the application as envisaged in the By-law and the information submitted is compliant with all information specifications as set out in the applicable application form.
- 25. Exemption**
The City may in writing exempt any person from complying with any procedural provision of this By-law upon good cause shown.
- An application for exemption shall be in writing setting out which section of the By-law exemption is being applied for accompanied by a full motivation why such exemption should be granted.
- Such application shall be considered by the authorised official and a decision shall be made on the application within 14 days from date of receipt of such application and the applicant shall be informed in writing of such decision.
- 26. Administrative language**
All land development applications, requests, reports, documentation, notices and/or communications shall be in English provided that any person may, within good reason and where practically possible, request that it be translated to another language of choice in terms of the City's approved language policy, if any.

27. Validity of Objections

Where in terms of any provision of this By-law any person may lodge an objection against any land development application or appeal, such objection must clearly set out the right, interest or legitimate expectation of the objector.

Any objection or representation must be submitted to both the owner / agent and the Registration Section of the Department of Development Planning. Such submission can be made:

By hand at:

The Registration Section: Development Planning Department
Room 8100, 8th Floor, A-Block, Metropolitan Centre,
158 Civic Boulevard, Braamfontein, 2017, or

Posted to:

P. O. Box 30733,
Braamfontein,
2017, or

A facsimile send to (011) 339 4000, or

An e-mail send to ObjectionsPlanning@joburg.org.za

Councillors may only lodge an objection against any land development application in their personal capacities and not in their capacity as a Ward Councillor on behalf of a third-party or parties.

28. Submission of Applications

The Registration Section: Development Planning Department
Room 8100, 8th Floor; A-Block, Metropolitan Centre
158 Civic Boulevard, Braamfontein, 2017

Office Hours: Monday to Friday- 08:00 to 15:30

29. Copy of Title Deed

This is obtainable from either the bondholder or the Registrar of deeds.

Address:

PRETORIA: Corner Bosman and Vermeulen streets
Private Bag X 65
Pretoria
0001
Tel No (012)338-7000

JOHANNESBURG: 2 Rissik Street, cnr Albert Street
Johannesburg
2001

Tel No (011)378-2111

30. General Comment

The Department will allow a four (4) months grace period for applicants to comply with the requirements of a complete application.

31. Application Fees

The Department will review application fees on an annual basis, the amended fees will be promulgated annual in the Provincial Gazette.

32. A copy of the full By-laws and Application Forms

A copy of the full By-law and the application forms can be obtained via the following link on the general page of the Department of Development Planning Website:

http://www.joburg.org.za/index.php?option=com_content&task=view&id=544&Itemid=9&limitstart=5

Annexures:

Consent use - Application Form 1

Building line relaxation - Application Form 2

Amendment of land use scheme - Application Form 3

Township establishment - Application Form 4

Subdivision and/or consolidation in an approved township - Application Form 5

Subdivision not in an approved township - Application Form 6

Amendment, suspension or removal of restrictive conditions - Application Form 7

Sectional Title – Application Form 8

Excision – Application Form 9

Borehole – Application Form 10

Written Consent – Form 11

Site Development Plan – Form 12

Spaza / House Shop Written Consent – Form 13

Appeal Process