



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

Removal of Restrictive Conditions

**Amendment, suspension or removal of restrictive or
obsolete conditions or obligations, servitudes or
reservations in respect of land**

**Application in Terms of Section 41 of
The City of Johannesburg Municipal Planning By-Law, 2016.**

1. An owner of land who wishes to have any restriction, obligation, servitude or reservation as removed or amended, may lodge an application to the City in terms of this By-law for consideration
2. An application may be submitted simultaneously with any other application envisaged in sections 19, 20, 21 and 33 or the By-laws.
3. An application for removal as envisaged in subsection (1) above shall submit the following:
 - a) Prescribed application fee. (Refer to fees schedule).
 - b) Covering letter addressed to: The Executive Director
Development Planning
PO Box 30733
Braamfontein
2017
 - c) Application Information – Form A.
 - d) **Original** Power of attorney (if applicable – Form B)
 - e) Company Resolution (if applicable – Form C)
 - f) A copy of the registered title deed for each erf that is included in the application. (25 copies)
 - g) A copy of the company closed corporation, should the or trust property by registered in favour of one of the above.
 - h) If the land is subject to a mortgage bond, full details of such bond holder as well as the bond holder's consent relevant to the application.
 - i) Comprehensive motivational report in support of the application. (25 copies)
 - j) Locality plan of an area. (25 copies)
 - k) Zoning and density zoning plan. (25 copies)

- l) Information regarding the existing zoning on the land and in terms of which land use scheme or any other town planning scheme that might still be applicable;
- m) Information on the existing development on the land;
- n) A list of the restrictive conditions or obligations, servitudes or reservations to be amended, suspended or to be removed;
- o) Undertaking to advertise – Form E7.
 - a. E7a - Letter Template
 - b. E7b - Site Notice Template
 - c. E7c - Affidavit Template
 - d. E7d - Newspaper Template
- p) Subject to section 55(2) to (5) of the By-law, any other information deemed relevant to the application.

APPLICABLE SCHEME:

CITY OF JOHANNESBURG LAND USE SCHEME, 2018

APPLICATION TYPE:

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APPLICATION PURPOSES:

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.....
.....

SITE DESCRIPTION:

Erf/Erven (stand) No(s):

Township (Suburb) Name:

Street Address: Code.....

OWNER:

Full name:

Postal Address:Code:

Tel No (w): Fax No:

Cell:

E-mail address:

SIGNED:

Signature of owner/s

DATE:

AUTHORISED AGENT (IF APPLICABLE)

Full name:

Postal Address: Code:

Residential Address:

Tel No (w): Fax No:

Cell:

E-mail address:

The owner hereby elects the Authorised Agent of the Owner/s address to appear below as that to which all correspondence regarding this application shall be directed and, if having elected that of the Authorised Agent, acknowledges that correspondence addressed to such Agent shall be deemed to have been received by the Owner, notwithstanding that such correspondence may not have actually been brought to the Owner's notice.

SIGNED:
Signature of Agent

DATE:

If an AUTHORISED AGENT is submitting the application, please submit:

Special Power of Attorney (Form B)

OR – A letter of authorisation from the owner/s

IF THE OWNER IS A COMPANY

A company resolution authorising the agent is required (Form C)

SPECIAL POWER OF ATTORNEY

I, the undersigned
being the registered owner of
held under deed of transfer/certificate of consolidation title no.
do hereby nominate, constitute and appoint

.....
With power of Substitution to be my lawful representative in my name, place and
stead, to make application for

.....
In addition to applying for the Municipality’s approval of and to make any other
necessary applications including any post decision processes with regard to
contributions, payment of park contributions and inclusionary housing requests and
further to represent me at any inquiry in relation to the abovementioned matters and
generally do whatever may be necessary or desirable to procure the consent of the
Council, and generally for effecting the purpose aforementioned, to do or cause to be
done whatsoever shall be requisite, as fully and effectually, for all intends and
purpose 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 representative shall lawfully do or cause to be done,
by virtue of these present and whatever my said representative has to date done
herein.

SIGNED AT JOHANNESBURG ON THIS _____ THE DAY OF _____ 20__
in the presence of the undersigned witnesses.

SIGNED: _____

AS WITNESSES:

- 1. _____
- 2. _____

COMPANY RESOLUTION

RESOLUTION BY OWNERS / MEMBERS OF

.....
.....

RESOLVED THAT:

At a meeting held at _____ on this
_____ day _____ month for the _____ year.

1. An application be submitted to the City of Johannesburg Metropolitan
Municipality for the _____
_____.

2. _____
be and hereby authorised to sign all necessary documentation and papers to enable
the above application to be proceeded with.

Chairperson of the meeting

SIGNED: _____

AS WITNESSES:

1. _____

2. _____

UNDERTAKING TO ADVERTISE

An application for the amendment of a provision of the City's land use scheme or any other scheme that may still be applicable to the land under consideration as envisaged shall comply with the following procedures:

- (a) Notice of the application shall be given once by simultaneously publishing a notice in the ***Provincial Gazette*** and a **newspaper** that circulates within the area of jurisdiction of the application site in English;
- (b) Such notice shall clearly reflect in terms of which section of this By-law the application is made and which land use scheme or any other scheme is applicable;
- (c) Such notice shall reflect full details of the application including, but not limited to, the street address, the name of the township, a clear erf description of the erf concerned and the nature and general purpose of the application;
- (d) Such notice shall further reflect the name, postal address, telephone number, fax number and e-mail address of the person submitting the application;
- (e) Such notice shall further reflect that the application and its accompanied documents will lie open for inspection at specified times and at specified places at the City's offices and that any objection, comment or representation in regard thereto must be submitted timeously to the City in writing by registered post, by hand, by facsimile or by e-mail within a period of 28 days from the date of publication of the notice as envisaged in subsection (a) above.
- (f) A **site notice** that contains the same detail as envisaged in subsections (b) to (e) above shall be displayed on the land under consideration in English;
- (g) Such notice shall be displayed on the land from the same date as the date of the publication of the notice mentioned in subsection (a) above;
- (h) Such notice shall be in the format as determined by the City;
- (i) Such notice shall be displayed in a conspicuous place on the land in question where it would be best and easily visible and can be easily read from each and every adjacent public street or other adjacent public place;
- (j) Such notice shall be maintained in a clearly legible condition for a period of not less than 21 days from the date of publication of the notice mentioned in subsection (a) above; and

- (k) In addition to the requirements in subsections (a) and (f) above, a **letter** shall also be dispatched within 7 days of date of the publication of the notice envisaged in subsection (a) above to the owners/occupiers of all contiguous erven, including those on the opposite side of a street or lane by registered post, by hand or by any other means available informing such owners/occupiers of all the detail as prescribed in subsection (b) to (e) above.

- (l) Proof of compliance with the above must be submitted to the City in the form of a written **affidavit** within 14 days of expiry of the date contemplated in subsection (e) above.

I hereby state that I intend to advertise this application on:

Date: _____

OWNER / AUTHORISED AGENT

Full name:

Postal Address: Code:

Residential Address:

Tel No (w): Fax No:

Cell:

E-mail address:

SIGNED:
Signature of owner/s

DATE:

Name and Address of _____
Adjoining registered owner _____
And/ or interested party _____

Dear Sir/ Madam

DATE OF DISPATCHING / HAND DELIVERING THE LETTER

APPLICATION TYPE:

.....

APPLICATION PURPOSES:

.....

SITE DESCRIPTION:

Erf/Erven (stand) No(s):

Township (Suburb) Name:

Street Address: Code.....

The above application will be open for inspection from 08:00 to 15:30 at the Registration Counter, Department of Development Planning, Room 8100, 8th Floor A-Block, Metropolitan Centre, 158 Civic Boulevard, Braamfontein.

Any objection or representation with regard to the application must be submitted to both the owner / agent and the Registration Section of the Department of Development Planning at the above address, 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, by not later than (state date - 28 days from the date on which the application notice was first displayed).

Any objection/s not fully motivated as required in terms of Section 68 of The City of Johannesburg Municipal Planning By-Law, 2016, (Validity of Objections) may be deemed invalid and may be disregarded during the assessment of the application.

Details of OWNER / AUTHORISED AGENT

Full name:

Postal Address: Code:

Residential Address:

Tel No (w): Fax No:

Cell:

E-mail address:

SIGNED:
Signature of Agent

SITE NOTICE – TO BE ENLARGED

Notice is hereby given, in terms of Section 41 of the City of Johannesburg Municipal Planning By-Law, 2016, that I / we, the undersigned, intend to apply to the City of Johannesburg for:

APPLICATION TYPE:

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.....

APPLICATION PURPOSES:

.....
.....

SITE DESCRIPTION:

Erf/Erven (stand) No(s):

Township (Suburb) Name:

Street Address: Code.....

Particulars of this application will be open for inspection from 08:00 to 15:30 at the Registration Counter, Department of Development Planning, Room 8100, 8th Floor A-Block, Metropolitan Centre, 158 Civic Boulevard, Braamfontein.

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OWNER / AUTHORISED AGENT

Full name:

Postal Address:Code:

Residential Address:

Tel No (w): Fax No:

Cell:

E-mail address:

SIGNED:
Signature of owner/s

DATE:

DISPLAY OF NOTICE ON THE SITE AND DISPATCHING OF LETTERS

AFFIDAVIT

I, (Name) of

SITE DESCRIPTION:

Erf/Erven (stand) No(s):

Township (Suburb) Name:

Street Address: Code.....

make oath and say that:

1. On (*Date of erection of notice*) I posted in a conspicuous position at: (*Application site*) so as to be visible to the passing public, the notice of my intention to apply to the Council for (*specify the conditions being removed*) on the abovementioned property.

2. I inspected such noticed on various dates after the (*Date of erection of notice*) and on the (*Date of removal of notice at least 21 days later*) and found the notice at the time of all such including the latter date, intact and posted as aforesaid.

3. On (*Date of letters*) I posted / hand delivered / e-mailed or in a letter to the properties listed on this form.

So as to inform the owner/s and /or occupant/s of my intention to apply to the Council
for

.....

(specify the conditions being removed) on the abovementioned property.

or land) on the abovementioned property.

.....

Applicant's Signature

Signed and sworn to, before met at

(Name of town/city) this Day of 20....

I certify that the Deponent has acknowledged that he/she knows and understands the
contents of this affidavit.

.....

Commissioner of Oaths

List of Property Owner/s / occupant/s notified:

Property:

.....

Address / Signature and contact details if hand delivered:

.....

.....

Property:

.....

Address / Signature and contact details if hand delivered:

.....

.....

Property:

.....

Address / Signature and contact details if hand delivered:

.....

.....

List of Property Owner/s / occupant/s notified: (continue)

Property:

.....

Address / Signature and contact details if hand delivered:

.....

.....

Property:

.....

Address / Signature and contact details if hand delivered:

.....

.....

Property:

.....

Address / Signature and contact details if hand delivered:

.....

.....

List of Property Owner/s / occupant/s notified: (continue)

Property:

.....

Address / Signature and contact details if hand delivered:

.....

.....

Property:

.....

Address / Signature and contact details if hand delivered:

.....

.....

Property:

.....

Address / Signature and contact details if hand delivered:

.....

.....

**NEWSPAPER ADVERTISEMENT FOR AMENDMENT, SUSPENSION OR
REMOVAL OF RESTRICTIVE OR OBSOLETE CONDITIONS OR OBLIGATIONS,
SERVITUDES OR RESERVATIONS IN RESPECT OF LAND**

Notice is hereby given, in terms of Section 41 of the City of Johannesburg Municipal Planning By-Law, 2016, that I / we, the undersigned, intend to apply to the City of Johannesburg for:

APPLICATION TYPE:

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APPLICATION PURPOSES:

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SITE DESCRIPTION:

Erf/Erven (stand) No(s):

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OWNER / AUTHORISED AGENT

Full name:

Postal Address: Code:

Tel No (w): Fax No:

Cell:

E-mail address:

DATE: