

Ray Nkonyeni Development Planning Services

DID YOU KNOW?

Following the previous article on land use management schemes, please note the following;

If a land use or development is permitted in terms of a Scheme, no application for planning approval is required.

Building plan approval is however still required for the erection of buildings in terms of the National Building Regulations and Standards Act, 103 (Act 103 of 1977), as amended. In considering building plans it must be noted that it may be necessary to refer to additional legislation and the Title Deeds of the property.

If a land use or development requires a municipality's consent in terms of a scheme, an application must be made to the municipality.

If a land use or development is prohibited by a scheme, a property may not be used or developed for that purpose, unless the scheme is first amended.

Municipal planning approval does not absolve an applicant from the need to obtain any other statutory approval for the activity.

If an activity requires both municipal planning approval and building plan approval, municipal planning approval must be obtained before building plan approval may be granted.

Building plan approval *is invalid* that conflicts with a Municipality's approval for:

- the Municipality's land use scheme;
- consent in terms of a land use scheme;
- the subdivision of land;
- the consolidation of land;
- the notarial tying of land;
- the permanent closure of a municipal road or a public place; and
- condition of title relating to use or development of land.

Provision is made for several planning applications to be made simultaneously. Most applications can be accommodated on the same application form and be dealt with concurrently.

The Ray Nkonyeni Municipal Planning and Land Use Management Bylaw (2019) sets out application processes for Municipal Planning Approval and categorizes who is authorized to grant approval for various applications.

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