



CITY OF TSHWANE

REQUIREMENTS FOR AN APPLICATION FOR PERMISSION FOR A SECOND DWELLING HOUSE IN TERMS OF CLAUSE 14(10) OF THE TSHWANE TOWN-PLANNING SCHEME, 2008

COMPILED BY:
SECTION LAND USE LEGISLATION AND APPLICATIONS MANAGEMENT
DIVISION CITY PLANNING AND DEVELOPMENT
DEPARTMENT CITY PLANNING, DEVELOPMENT AND REGIONAL SERVICES
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APPLICATION FOR PERMISSION FOR A SECOND DWELLING HOUSE IN TERMS OF CLAUSE 14(10) OF THE TSHWANE TOWN-PLANNING SCHEME, 2008

A. PROCEDURE

Before submitting any application to The City of Tshwane in accordance with these requirements, it is in your own interest to consult the town planner official for the area in question to make sure of the most recent Municipal or departmental policies and requirements that may influence your application.

1. Who may apply

The owner of land or the owner's authorised agent may apply to the Strategic Executive Director: City Planning, Development and Regional Services for permission: in terms of clause 14(10) of the Tshwane Town-planning Scheme, 2008, read with section 20 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) to

2. How to apply (legal requirements)

The applicant must submit to the City of Tshwane his or her application, together with the full particulars and plans required by the City of Tshwane (see Paragraph 3)

3. What documents are required

The application documents (with the number of copies indicated below) of which one should be the original, all stapled together in the upper left corner, must be submitted during office hours 08:00 to 15:00 to: The Strategic Executive Director: City Planning, Development and Regional services (at one of the following offices)

Akasia Office: 1ST Floor, Spectrum Building, Plein Street West, Karenpark, Akasia,
Enquiries: JM Loots (Functional Head) Tel: 012-358-9110
or

Centurion Office: Room F8, Town Planning Office cnr Basden and Rabie Streets,
Enquiries: JD Zeeman (Functional Head) Tel: 012-358-5-3253
or

Pretoria Office: Room G10, Ground Floor, Munitoria, 230 Vermeulen Street, Pretoria.
Enquiries: Lucy Nkadimeng (Functional Head) Tel : 012-358-4689

3.1 Section A: Application Documents

- 3.1.1 **Application fees** (Details of application fees payable are available at City Planning and Development Enquiries) as these may change annually.
The prescribed application fees must be paid. If a cheque is used as the method of payment, the cheque must be made out to the City of Tshwane. No post-dated cheques will be accepted.
- 3.1.2 **Covering letter (5 copies)**
This letter must be addressed to the Strategic Executive Director: City Planning, Development and Regional services.
- 3.1.3 **Motivating Memorandum (5 copies)**
A memorandum motivating the need and desirability of the second dwelling-house must be submitted with the application form.
- 3.1.4 **Application form (5 copies)**
The attached application form must be completed **in full** and signed by the applicant or agent (See attached Annexure 1).
- 3.1.5 **Notice to neighbours (3)**
The applicant must notify all the owners of surrounding properties in writing of the application. Written proof of this, together with the owners written comments or letters of no objection, must be submitted within 10 working days of the closing date for objections.
- 3.1.6 **Power of attorney (3 copies)**
If any person other than the registered owner of the property submits the application, an original signed power of attorney from the registered owner of the property must be attached. The power of attorney must correspond with the **registered** title deed (Annexure 2).
- 3.1.7 **Company/close corporation/trust resolution (3 copies)**
If the registered owner is a company, close corporation or trust, the applicant must submit a resolution of the company, close corporation or trust stating the grounds on which the applicant is authorised to act on behalf of the company, close corporation or trust. Please note that this resolution is not the same as the power of attorney.
- 3.1.8 **Proof of members of company/close Corporation/trust (3 copies)**
A copy of the following must be attached as proof:
 - CM 29 form in the case of a company (Companies Act 61 of 1973)
 - CK 1 or 2 form in the case of a close corporation (Close Corporations Act 69 of 1984)
 - Letter of appointment of trustees in the case of a trust
- 3.1.9 **Proof of marital status of the owner (3 copies)**
Proof of the owner's marital status must be provided. If the owner is married in community of property, his or her spouse must co-sign the power of attorney and application form.
- 3.1.10 **Locality, Zoning and Land- use plans (5 copies)** (Annexure 3)
The applicant must submit a land-use plan (A4-size on a scale of 1:2500) with the application site in the centre that shows the land uses of surrounding properties.

Note: Copies of cadastral plans can be obtained at a nominal fee at any one of the following Land-use Information office:

Pretoria Office: Room G7, Ground Floor, Munitoria, 230 Vermeulen Street, Pretoria

Centurion Office: Room F10, cnr Basden and Rabie Streets

Acacia Office: 1st Floor Spectrum Building, Plein Street West, Karenpark.

The applicant must conduct the land-use survey.

3.1.11 **Site plan (5 copies)** (Annexure 4) must indicate the following:

- a. the north arrow and the scale 1:200 on which the plan was drawn;
- b. erf number, street name/names;
- c. all measurements, in meters;
- d. the placement of all existing and proposed buildings and the distances between the buildings and the erf boundaries;
- e. floodwater lines as well as areas which are influenced by unfavourable geological conditions, for example rock outcrops, dolomite etc, (if applicable);
- f. all existing physical features, for example trees, swimming pools, etc, which have a direct influence on the placement of the unit/units;
- g. the placement, design, height and area of the dwelling/dwellings;
- h. open spaces, retaining walls and landscaping;
- i. vehicle entrances and exists, **parking spaces** for the second dwelling-house and the building restriction areas.
- j. The internal layout of the two dwellings-houses;
- k. The signature of adjacent owners must be obtained on the site plan, which indicates that they have no objection to the second dwelling-house. The signature and stamp of the **HOME OWNERS ASSOCIATION** must also be obtained, where applicable.
- l. If building line relaxation is also required, the adjacent owners must also indicate that they have no objection to the building line relaxation;

The applicant is requested to draw this plan of the property, as far as it is possible, to a scale that will fit on an A4 size sheet and still be clearly legible;

REMARK: All dimensions must be metric and must be drawn to 1:200 or nearest scale.

3.1.12 **Registered Title deed (3 copies)**

The applicant shall submit copies of the title deed which is registered in the Deeds Office at the time when the application is submitted. A draft title deed is **not acceptable**. Copies of title deeds can be obtained from the Deeds Office, cnr Bosman and Vermeulen Streets, Pretoria.

3.1.13 **Zoning certificate (5 copies)**

This can be obtained from the offices mentioned in paragraph 2.

3.1.14 **The Municipality's application form, duly completed and signed**

3.1.15 **Any additional information/documents that the Municipality may deem necessary in order to process the application may be requested.**

3.2 Section B: Proof of Advertisements

3.2.1 **Proof of the placard notices**

The applicant must make an affidavit (Annexure 7) after the period stated in paragraph 4.1.1(a) has lapsed, stating that the provisions of paragraph 4.2 of this manual have been complied with and must then submit this affidavit to The City of Tshwane as soon as possible thereafter.

Important: Refer to important information set out in Annexure 6 regarding the signing of the affidavit.

3.2.2 **Photos**

The applicant must submit **two legible photos** of the placard notice(s), not smaller than half-postcard size:

- (a) One close-up of the notice to clearly show the wording.
- (b) One from a distance across the road to show the visibility of the notice.

If the wording on the notice is not clear on the photo, the applicant shall be required to submit the original placard notice to the Municipality for inspection.

4. **Advertisement Procedure**

4.1 **Placard notices**

The applicant must make his or her application known by means of a placard notice (Annexure 5) placed in a conspicuous place on each separate part of the land or building to which the application relates. These conspicuous places must be clearly visible from public land or other public places such as streets.

4.1.1 The placard notice must comply with the following conditions:

- (a) The placards must be maintained in good condition for at least 14 full consecutive days from the first day of notification.
- (b) If the land or building is situated so far back from a public road or other public place that the notice cannot be read from that distance, the placard notice must also be displayed at every public entrance from the public land to the property or building.
- (c) If the property to which the application relates has more than one street boundary, at least one placard notice must be displayed and maintained on every street boundary.
- (d) If an application relates to property within an existing business centre or another similar place to which the public has access, the placard notice must be placed in a conspicuous position at the entrance of the shop to which the application relates and at every public entrance of the business centre so that the placard is visible to the public.
- (e) The information on every placard notice must be written or printed in clear, legible print, as prescribed in 4.1. 3 of this manual, so that the print is clearly legible at a distance of 2 m to any person with normal eyesight for the duration of the 21 days the notice has to be displayed.

4.1.2 The notice to adjacent registered owners and placard notice must -

- (a) contain the full name, the residential or business address and the telephone number of the applicant;
- (b) state the applicable town-planning scheme, the property number and street address, the name of the township in question, the current zoning of the application site, and the purpose of the application.
- (c) state that the full particulars of the application are open for inspection by the public for 28 days from the date of publication of the notice during the hours of 08:00 to 15:00 at the relevant office .

Akasia Office:

1ST Floor, Spectrum Building, Plein Street West, Karenpark, Akasia, or

Centurion Office :

Room F8, City Planning Office cnr Basden and Rabie Streets, Centurion City Planning Division, Centurion or,

Pretoria Office :

Room 334, Third Floor, Munitoria, 230 Vermeulen Street, Pretoria.

- (d) be in English and in one other official language; and
 - (e) state that any objection to or representation in respect of the application must be submitted to The City of Tshwane in writing within 28 days, calculated from the first full day of the placard.
- 4.1.3 The placard notices shall not be smaller than 594 mm x 420 mm, and any lettering on the notices shall be at least 6 mm high, legible, upright and in print. Placard notices can be obtained at the Land-use Information Office, Room G10, Ground Floor, Munitoria, 230 Vermeulen Street, Pretoria or Room 8, cnr Basden & Rabie Streets, Centurion, or Akasia Office::1ST Floor, Spectrum Building, Plein Street West, Karenpark, Akasia, from 08:00 to 15:00, Monday to Friday
- 4.2 Note: The Municipality may, at its discretion, condone full or partial non-compliance with the provisions of paragraphs 4.1 and 4.2 of these requirements at the written request of the applicant if The City of Tshwane is convinced that -
- A method of advertising other than that determined by The City of Tshwane has a better chance of reaching the public; or
 - the nature of the non-compliance is insignificant enough not to prejudice anybody.
- 4.3 Reckoning of numbers of days in accordance with Part I, Paragraph 4 of the Interpretation Act 33 of 1957

When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on any Public Holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Sunday or Public Holiday.

5. Objections

- 5.1 Any person who wishes to object to or make representations in respect of the application must submit his or her objection or representation in writing to The City of Tshwane, together with the reasons for objecting or making representations, within the period referred to in Paragraph 4.1.2(e) of this manual.
- 5.2 If any objections are received, the rights obtained by virtue of the consent may not be exercised within a period of 28 days after the applicant and any objector have been notified or, if an appeal has been lodged, before the appeal has been finalised (in terms of Section 139 of the Town-planning and Townships Ordinance, 1986)

6. Important aspects relating to the application

- 6.1 Applications will not be accepted for consideration if they are not prepared in accordance with Paragraph 2 of this document. Incomplete applications are legally not acceptable and will unfortunately have to be returned to the applicant.
- 6.2 **Location, appearance, height and layout of the proposed second dwelling-house**

The location and appearance, height and layout must be such that -

- All neighbouring dwelling-houses are taken into consideration; and
- there is minimal disturbance for and a minimal negative impact on those houses.

The term “dwelling house” or “second dwelling-house” is used alternatively, depending on the circumstances; in other words whether the development comprises two new dwelling houses or the building of a second dwelling-house on an erf where one dwelling house already exists.

Erf sizes are not a qualifying factor for the approval or the right to construct a second dwelling-house; however, it should be kept in mind that the standard conditions applicable to Residential 1 erven smaller than 500m² differ in certain respects from that of larger erven.

The size of the second dwelling-house is not restricted, if the permissible requirements in respect of area, height and coverage are complied with.

SERVICES:-

Second electrical- and water connections are provided on a cost basis.

No additional sewerage connection point will be provided and both dwelling-houses must therefore make use of the same point, unless a second point can be provided on an existing sewer line and the applicant will be liable for all costs with regard to the incision of the second point.

Additional basic levies for water and sewerage services will be imposed on the second dwelling-house by the Department: Public Works and Infrastructure from the date of the final inspection.

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NB! CENTURION AREA

Before you apply or draw up expensive building plans, please bear in mind the following:-

- **The application must first be discussed** with the Geology Office of the Section: Division of Roads and Storm water Infrastructure Planning and Management.
- In some townships second dwellings will not be allowed because of difficulties regarding the provision of services. (portions of Pierre van Ryneveld, Clubview X63, Zwartkop X4,5 and 8 and all other townships proclaimed after August 1996). Some services may be supplied at additional cost, while other services may not be supplied at all. This implies that second dwellings will not be allowed.
- Geological investigations are required in some townships, especially older townships as well as farm land and holdings which can further influence the costs.

If you have any doubts with regard to the above-mentioned, please contact the City Planning and Development Division or the Service Department involved.

ANNEXURE 1

APPLICATION FORM – FOR PERMISSION FOR SECOND DWELLING-HOUSE

Please ensure that all the information is completed on the form. If any information is missing/incomplete this might result in a rejection of the application. This application can be hand submitted to Akasia Office: 1ST Floor, Spectrum Building, Plein Street West, Karenpark, Akasia: or Centurion Office : Room F8, City Planning and Development Office cnr Basden and Rabie Streets, Centurion or Pretoria Office : Room G10, Ground Floor, Muntoria, 230 Vermeulen Street, Pretoria.

1. Type of application :	Second Dwelling House
<i>According to Tshwane Town-Planning Scheme : Refer to sub-clause</i>	14(10)

2. The status of the applicant	Registered owner
	Authorised agent

3. Applicant details		
3.1	Individual/Company/Other (specify)	
3.2	Surname	
3.3	First names	
3.4	Initials	
3.5	Email	
3.6	Telephone number	
3.7	Fax number	
3.8	Cellular Phone Number	
3.9	Physical Address	
3.10	Postal address	Postal Code
		Postal Code
4. Application fees		
4.	Receipt number (for official use)	
4.1	Receipt amount (for official use)	
5. Application date (as signed by		
6. Date received at City of Tshwane		

7. Required documents:

	Application form		Covering letter		Land-use plan
	Site plan		Bondholders consent		Consent of neighbours
	Title Deed		Company Resolution		
	Motivating memorandum		Zoning certificate		

Please complete this section for each property (make a separate copy for each property)

8. PROPERTY INFORMATION							
8.1	Township						
8.2	Property No.	Portion (e.g. /R/1)					
8.3	Ward						
8.4	Street name						
8.5	Street number	Planning Zone					
8.6 Registered Owner according to Title Deed		(only required if different to applicant's detail)					
8.6.1	Company name						
8.6.2	Title	Mr	Mrs	Miss	Dr	Prof	Other
8.6.3	Surname						
8.6.4	First names						
8.6.5	Initials						
8.6.6	Email						
8.6.7	Tel						
8.6.8	Fax						
8.6.9	Cellular Phone						
8.6.10	Physical Address						
		Postal code					
8.6.11	Postal Address						
		Postal code					
8.6.12	Marital Status	Not applicable	In community of property	Out of community of property			
8.7	Present Zoning (Scheme)						
8.8	Present Height (Scheme)						
8.9	Present Density (Scheme)						
8.10	Present Coverage(Scheme)	Present FSR (Scheme)					
8.11	Present Annexure T	Present Amendment Scheme No					
8.12	Present Land value	Proposed land value					
8.13	Property size (m ²)	Title Deed No					
8.14	Existing development						
8.15	Restrictive Title Deed condition paragraph no						
8.16	If Administrator's Consent is required, specify condition						

9. SECOND DWELLING-HOUSE DETAILS

9.1	Proposed development	New second dwelling house			
		Two new dwelling-houses			Please mark
		Extend existing dwelling house to +100m ² Extension of existing second dwelling			
		Convert existing dwelling house into two dwelling houses			
9.2	Proposed Height		2.6 Distance from the following		
9.3	Proposed coverage (%)		Bus stop:		
9.4	Proposed Gross Floor Area		School:		
9.5	Estimate project value (R)		Shops:		
			Park/open spaces		
10.	Advertisement / Notice (Official use)				

I _____ being
the Registered Owner / Authorised Agent of the property/ties declare that the above information is
correct and that the required documents are attached.
The following documentation will be submitted to City Planning and Development Division within 28
days of the date that the application has been lodged at The City of Tshwane:

Affidavit		Photos of placard		Proof of Advertisements	
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Signature

Date

ANNEXURE 2

SPECIAL POWER OF ATTORNEY

I/We, [John Citizen], ID No. _____,
the undersigned, hereby nominate, constitute and appoint -
_____, ID No. _____

with the power of substitution to be my/our legal attorney(s) and agent(s) in my/our name,
place and stead to apply for -

_____ (type of application and
property description)

at _____ (name of
local authority)

and in general to do everything to effect the application and to do whatever I/we would do if
I/we were present in person and acting in the matter; and I/we hereby ratify, allow and
confirm, and promise and agree to ratify, allow and confirm everything and anything my/our
attorney(s) and agent(s) may do or may permit to be done legally in terms of this power of
attorney.

Signed at _____ on this _____ day of _____ 20 _____

in the presence of the undersigned witnesses.

AS WITNESSES:

1. _____

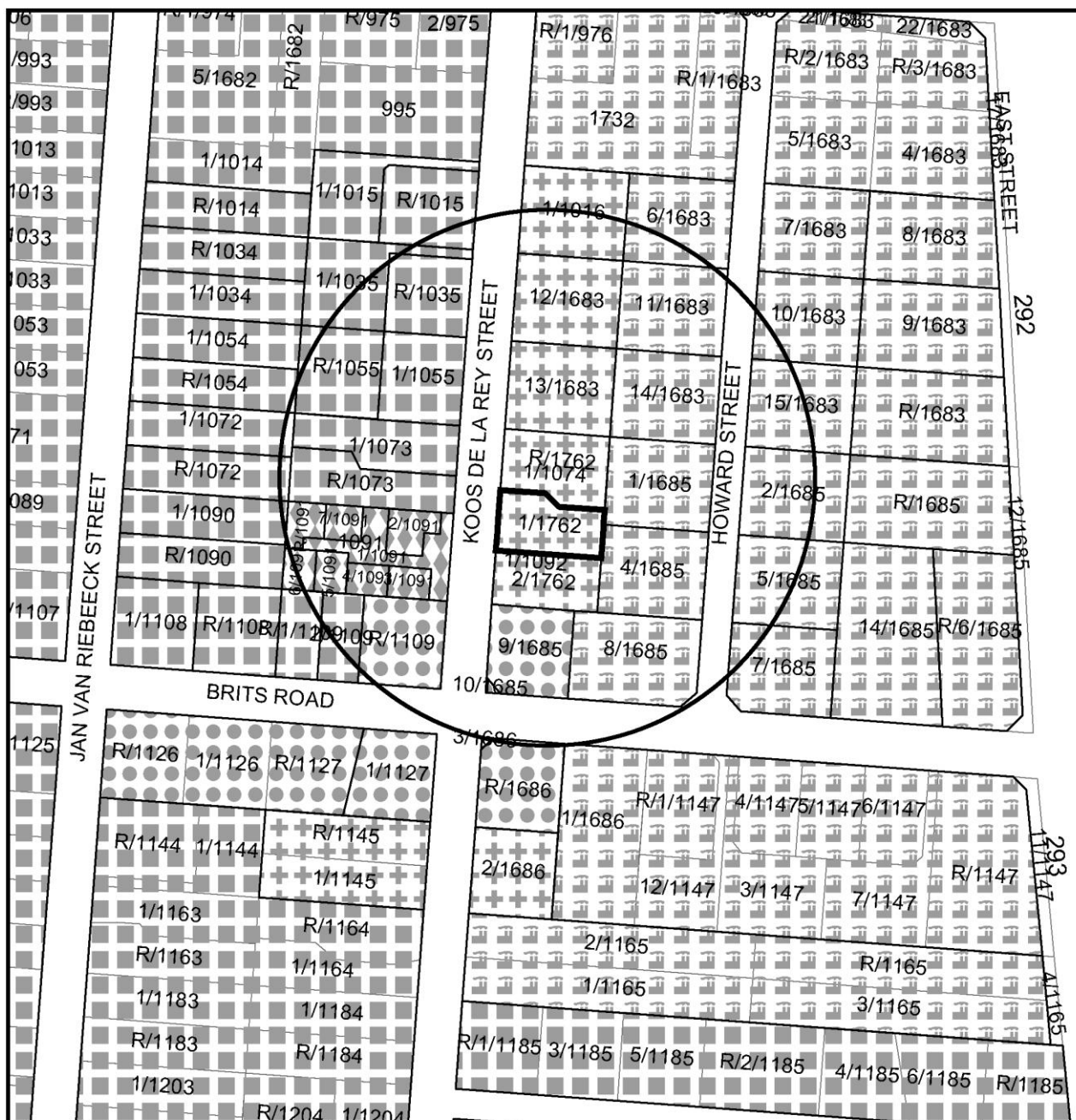
2. _____

[John Citizen]
Registered owner

Annexure 3

LAND USE PLAN

PORTION 1 OF ERF 1762, PRETORIA NORTH



REFERENCE



LAND USE



Low Density Residential



Medium Density Residential



Business



Industrial

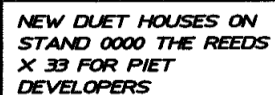


Dwelling House Offices



Date : 02/07/2004

Scale : 1:2,500



SITE PLAN 1:200

EXAMPLE OF PLACARD AND NOTICE TO ADJACENT OWNERS: ANNEXURE 5

<p>TSHWANE-DORPSBEPLANNINGSKEMA, 2008 INGEVOLGE KLOUSULE 14(10) VAN DIE TSHWANE-DORPSBEPLANNINGSKEMA, 2008, WORD HIERMEE AAN ALLE BELANGHEBBENDES KENNIS GEGEE DAT EK (VOLLE NAAM), VAN VOORNEMENS IS OM BY DIE STAD TSHWANE AANSOEK OM TOESTEMMING TE DOEN OM:</p> <p>*(i) 'n tweede woonhuis op te rig; of *(ii) 'n deel van 'n bestaande woonhuis te omskep in as 'n tweede woonhuis; of *(iii) die bestaande tweede woonhuis tot groter as 100m² te vergroot (*Skrap wat nie van toepassing is nie) OP (EIENDOM EN VOORSTAD)..... OOK BEKEND AS (STRAATNAAM EN NOMMER)..... GELEË IN 'N SONE. (*Bv.: Residensiele 1, landbou of Onbepaald)</p> <p>ENIGE BESWAAR, MET REDES DAARVOOR, MOET BINNE 28 DAE NA die eerste dag van hierdie kennisgewing, NAAMLIK SKRIFTELIK BY OF TOT: DIE Strategiese Uitvoerende Direkteur: Stedelike Beplanning Ontwikkeling en Streeksdienste *Akasia: 1st Vloer, Spektrum-gebou, Pleinstraat, Karenpark, Akasia, Posbus 58393, Karenpark 0118a *Centurion: Kamer F8, Stedelike Beplanning Knatore, h/v Basden- en Rabiestraat, Centurion, Posbus 14013, Lyttelton 0140 *Pretoria: Kamer 334, Munitoria, , h/v Vermeulen- en Van der Walt-straat, Pretoria, Posbus 3242, Pretoria, 0001, INGEDIEN OF GERIG WORD. VOLLEDIGE BESONDERHEDE EN PLANNE (AS DAAR IS) KAN GEDURENDE GEWONE KANTOORURE BY DIE BETROKKE KANTOOR BESIGTIG WORD, VIR 'N PERIODE VAN 28 DAE NA DIE EERSTE DAG VAN HIERDIE KENNISGEWING. HIERDIE KENNISGEWING SAL VERTOONWORD: VANAF TOT SLUITINGSDATUM VIR BESWARE: AANVRAER SE STRAAT EN POSADRES:.....</p>	<p>TSHWANE TOWN-PLANNING SCHEME, 2008 NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN THAT IN TERMS OF CLAUSE 14(10) OF THE TSHWANE TOWN PLANNING SCHEME, 2008, I (FULL NAME) INTEND APPLYING TO THE CITY OF TSHWANE FOR CONSENT TO-</p> <p>*(i) erect a second dwelling house; or *(ii) convert part of an existing dwelling house as a second dwelling house; or *(iii) enlarge the existing second dwelling house to more than 100m². (* Delete whichever is not applicable). ON (PROPERTY AND SUBURB) ALSO KNOWN AS (STREET NAME AND NUMBER) SITUATED IN AN ZONE. (*Example: Residential 1, Agricultural or Undetermined)</p> <p>ANY OBJECTION, WITH THE GROUNDS THEREFOR, SHALL BE LODGED WITH OR MADE IN WRITING TO: THE STRATEGIC EXECUTIVE DIRECTOR: CITY PLANNING, DEVELOPMENT AND REGIONAL SERVICES *Akasia : 1ST Floor, Spectrum Building, Plein Street West, Karenpark, Akasia. P O Box 58393, Karenpark, 0118 *Centurion: Room F8, Town Planning Office, cnr Basden and Rabie Streets, Centurion, PO Box 14013, Lyttelton, 0140; or *Pretoria: Room 334, Third Floor, Munitoria, c/o Vermeulen and Van der Walt Street, Pretoria, P O Box 3242, Pretoria 0001 WITHIN 28 DAYS OF THE FIRST DAY OF THIS NOTICE. FULL PARTICULARS AND PLANS (IF ANY) MAY BE INSPECTED DURING NORMAL OFFICE HOURS AT THE RELEVANT OFFICE FOR A PERIOD OF 28 DAYS FROM THE FIRST DAY OF THIS NOTICE. THIS NOTICE SHALL BE DISPLAYED: FROM..... TO..... CLOSING DATE FOR OBJECTIONS: APPLICANT STREET AND POSTAL ADDRESS:..... </p>
<p>Note: The above is an example of the wording of the site notice. The placard notices must not be smaller than 594 mm x 420 mm, and any lettering on the notices must be at least 6 mm high, legible, upright and in print. Placard notices can be obtained at the City Planning and Development Division, Room G10, Ground Floor, Munitoria, Centurion of Akasia, from 08:00 to 15:00, Monday to Friday.</p>	

EXAMPLE OF AFFIDAVIT/DECLARATION: ANNEXURE 6

AFFIDAVIT/DECLARATION

TO WHOM IT MAY CONCERN:

I, the undersigned, (full name)

*hereby declare under oath/*hereby confirm that the placard notice(s) as prescribed in terms of Clause 14(10) of the Tshwane Town-planning Scheme, 2008, on Property No,Township/Farm/Agricultural Holding....., was displayed and maintained in a conspicuous and to the public accessible position, from the day the advertisement was advertised in the Provincial Gazette, viz 20..., for a period of 21 days.

SIGNED: (Signature of applicant)

ON:

AT:

I certify that the declarant acknowledges that he is conversant with this declaration and understands it, and that the declarant uttered the following words: "I swear that the contents of this declaration are true, so help me God".

COMMISSIONER OF OATHS:

DATE:

***Delete what is not applicable.**

TAKE NOTE:

This declaration must be handed in only after the required period for the display and maintenance of the placard notice has expired. The day upon which the advertisement was published in the Provincial Gazette, as well as any possible following public holidays thereafter, must not be counted in the calculation of the 21 day period. In the event of this declaration being incorrectly completed/signed and/or handed in too early, the Municipality will view such a declaration as a false declaration.
In the aforementioned case it shall be required from the applicant to comply with the prescribed advertisement/procedure anew. Legal prosecution of the applicant shall possibly also be considered.

