NOTES FOR THE GUIDANCE OF DEVELOPERS - ADVERTISEMENT PROCEDURES: TOWN PLANNING SCHEME IN COURSE OF PREPARATION.

1. Any person intending to make application to the Central Operational Entity for its special consent for the erection and/or use of a building where;

   1.1 the use of land or buildings is to be changed to a use which in terms of the zoning is not freely permitted in terms of the Town Planning Scheme in course of preparation, or

   1.2 any person intending to make application for any relaxation of the Town Planning Scheme Regulations forming part of the provisions of the Town Planning Scheme in course of preparation

must comply with the following requirements:-

a) A notice, on Form 1 supplied by the Consent Use Division, shall be published, at the cost of the applicant, on the Friday after the date on which the application is made, or on the Friday being the day on which the application is made, in an English and, where directed by the Executive Director (Development and Planning) or her representative, an Afrikaans or Zulu newspaper published and printed in Durban Metropolitan Unicity area.

b) Display, on a notice board posted conspicuously on the site to which the application relates, or in such a position or positions as may be indicated by the Executive Director (Development and Planning) or her representative, the notices, on Form 2 supplied by the Consent Use Division, in English and, where directed by the Executive Director (Development and Planning) or her representative, Afrikaans or Zulu for a period of not less than twenty four days from the date on which the notices are published in the newspapers. The notices must be clearly visible from any street from which access to the site can be gained and must be maintained in a good and legible condition during the period specified.

c) Within the twenty one (21) day period prior to the publication of the advertisement in the newspaper, a notice, on Form 3 supplied by the Consent Use Division, must be served by the applicant, by registered post, on the owner or occupier of every adjoining site other than a vacant site, calling attention to the application which has been or is about to be made.

d) The applicant must notify in writing, on Form 4 supplied by the Consent Use Division, the Consent Use Division, Development Management Department, Ground Floor, Development and Planning Unit, 166 Old Fort Road, Durban, the date of publication in the newspapers and the names of the newspapers in which the notices are published. At the same time, the applicant must certify that the notices have been erected on the site and that the adjoining property owners or occupiers have been notified of the application in accordance with (c) above.
e) Any person, may, by the date fixed in the notice published in the newspapers and displayed on the site, or where the Executive Director (Development and Planning) requires further notices to be displayed in terms of (b) above, within twenty two (22) days from the date of erection of such further notices, object to the granting of the authority sought by giving written notice setting out the grounds of the objection to the Executive Director (Development and Planning) and at the same time serving a copy of such notice on the applicant by registered or certified post or by hand.

f) Objectors MUST, in notifying the Executive Director (Development and Planning) of their objections, certify that a copy of the notice has been served on the applicant.

2. On the date on which the notice is published in the newspapers, the prescribed fee must have been paid and the following documents MUST be in the possession of the Consent Use Division, Development Management Department, Ground Floor, Development and Planning Unit, 166 Old Fort Road, Durban:

2.1 The application form supplied by the Development Management Department, submitted in terms of the Town Planning Ordinance No. 27 of 1949, as amended,

2.2 Plans of the proposed development drawn to scale and indicating clearly the type of development and the relaxation of the Regulations required by the applicant.

2.3 A certificate from the registered owner of the site stating that the application is being made with the full consent of such registered owner, and

2.4 Any other information which the applicant considers relevant to the application.

3. IMPORTANT NOTES

3.1 The fact that no objections are received in response to the advertisement does NOT imply that the Council will approve the application.

3.2 The fact that an objection is lodged shall NOT be construed as given the applicant or any objector the right to appear before any Committee or Sub-Committee of the Council in connection with the application or any objection thereto.

3.3 Any objection received AFTER the prescribed date and / or where a copy has NOT been served on the applicant by the prescribed date is NOT VALID. However, the contents of the objection shall be taken into account when consideration is given to the application.

3.4 An application for consent WILL NOT be dealt with until Form 4 as required in terms of 1(d) above has been received.

3.5 If the plans and documents required in terms of 2 above, are not in the possession of the Consent Use Division on the date of publication of the advertisement in the newspapers it WILL be necessary for the proposal to be RE-ADVERTISED.