

## **RELAXATION APPLICATION INFORMATION PACK**

**In terms of the KwaDukuza Municipality Spatial Planning and Land  
Use Management By-Laws No.1630**

**KwaDukuza Municipality**

**Municipal Offices**

**[NORTH] 34 Chief Albert Luthuli Street, KwaDukuza (OK Mall Building)**

**[SOUTH] 10 Leonora Drive, Ballito (Nokukhanya Luthuli House Building)**

**P. O. Box 72, KwaDukuza, 4450**

**Telephone: 032 437 5000**

**Fax: 032 437 5098**

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## **RELAXATION APPLICATION**

### **In terms of the KwaDukuza Municipality Spatial Planning and Land Use Management By-Laws No.1630**

#### **APPLICATION PROCEDURE**

1. All Relaxation applications submitted must be accompanied by:
  - 1.1) Form 1 – Pre-Consultation/Submission of the application.
  - 1.2) Form 2 – Formal Submission forms, signed by the owner and his/her authorized representative.
  - 1.3) Form 5a or 5b – Neighbours Notification Form 5a or Neighbours Consent Form 5b
  - 1.4) Form 6 – Affidavit (Applies when applicant uses Form 5a)
  - 1.5) Form 7 – Land Use Affidavit.
  - 1.6) Form 8 – Power of Attorney, signed by the owner, his/her authorized representative. This also applies to applications submitted by a company or an organisation authorising one person to sign the application.
    - (A **company resolution letter** giving authority to an individual is required. That assigned individual may sign the power of attorney in the event that they are further giving an agent powers to make the application on their behalf).
  - 1.7) Form 10A – Confirmation of Receipt.
  - 1.8) Form 10B – Summary of comments.
  - 1.9) Certified Copy of Resolution by the Board of Directors, if the property is in the ownership of a Company/Trust, member's resolution.
  - 1.10) Letter of Consent from Homeowners Association/Body Corporate (For properties within estates).
  - 1.11) Detailed (signed) planning motivation letter.
  - 1.12) Title Deeds.
  - 1.13) Registered SG Diagram / General Plan.
  - 1.14) Locality Map.
  - 1.15) Site Plan.
  - 1.16) Floor Plan.
  - 1.17) Elevations Plan that affect the relaxation.
  - 1.18) Sections Plan that affects the relaxation.
  - 1.19) Setting out plan for all "As Built structures".
  - 1.20) Three (3) x sets of completed application inclusive of the above. There must be one (1) original (colour) and the other two (2) can be copies of the original for **Formal (Final) Submission**.
2. Applicants are encouraged to have a pre-submission consultation with the town planning department prior to submission and should a pre-consultation be held Form 1 should be used.
3. Comments should be obtained by the applicant from the various sector departments determined by the Town Planner, and **Form 10B** should be returned with departmental comments upon final submission. Please note that **Form 10B** and plans submitted to the sector department should be signed/stamped and a copy of the stamped plan should be submitted with the application.

#### **Note:**

- Please refer to the tariffs of charges for Relaxation Application submission fees.
- Please note that the final submission should include all comments from the respective service departments which are to be completed in **Form 10A and 10B** and should have the respective service department's official stamp/signature.
- A pre-submission application for Relaxation applications is allowed, however, please note that there is a fee associated.
- In the case of a pre-submission, once the application has been certified to be complete the applicant should ensure that they submit a Formal Application, proof of payment for the formal application fee as outlined above. Such formal application fee is required to be paid prior or on the day of submission and no application will be accepted without proof of payment.
- In the case where the applicant/owner opts to use Form 5a, the Registered Posts should be done on the day of Formal (Final) Submission or a day before. Copies of the registered slips together with copies of Form 5A must be attached to the application pack upon Formal (Final) Submission

**CHECKLIST FOR RELAXATION APPLICATIONS IN TERMS OF THE KWADUKUZA  
SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAWS NO. 1630**

	<b>Application reference:</b>			
	<b>Date Accepted:</b>			
NO.	DOCUMENT	COMPLETE (for KDM official use)		
		Yes	No	Comments
1.	Completed <b>Form 1</b> – Pre-Consultation/Submission if a Pre-consultation was held.			
2.	Completed Application form ( <b>Form 2 Formal Submission</b> )			
3.	Neighbours Notification <b>Form 5a</b> relates when direct consultation <b>cannot be</b> made with the adjacent and adjoining property owners regarding the subject application. <b>Form 5a</b> is then sent via registered post to the affected neighbours wherein a 30 day objection period applies and proof of the registered slip should then be submitted with the application.  Neighbours Consent <b>Form 5b</b> relates when direct consultation <b>can be</b> made with the adjacent and adjoining property owners regarding the subject application. <b>Form 5b</b> is signed by the registered owners of the property granting consent to the application in question.			
4.	<b>Form 6 – Affidavit</b> (Applies when applicant uses Form 5a)			
5.	Land Use Affidavit confirming land uses on site as well as on plans ( <b>Form 7</b> ).			
6.	Power of Attorney ( <b>Form 8</b> )			
7.	Comments from the respective service departments (but not limited to) <b>(Form 10A and Form10B)</b> <ul style="list-style-type: none"> <li>▪ KDM. Building Control</li> <li>▪ KDM. Civil Engineering</li> <li>▪ KDM. Electrical Engineering</li> <li>▪ Sembcorp Siza Water</li> <li>▪ ILembe District Municipality (Technical Services)</li> </ul>			
8.	Certified Copy of <b>Resolution by the Board of Directors</b> , if the property is in the ownership of a Company/Trust, member's resolution.			
9.	Letter of Consent from Homeowners Association/Body Corporate ( <i>For properties within estates</i> ).			
10.	<b>Motivation letter in detail setting out full details of and reasons for the application inclusive of the following subheading details:</b> <ul style="list-style-type: none"> <li>▪ Property Description</li> <li>▪ Ownership details</li> <li>▪ Street Address</li> <li>▪ Area of the property</li> </ul>			

	<ul style="list-style-type: none"> <li>▪ The character of the locality</li> <li>▪ Present land use of the site</li> <li>▪ Details of proposal</li> <li>▪ Reason for proposal</li> </ul>			
11.	Copy of <b>Title Deed</b>			
12.	Registered <b>SG Diagram / General Plan</b>			
13.	<b>Locality Map</b> -showing the location of the property in relation to the surrounding properties and streets (existing property numbers and street names must be indicated). If in close proximity to national or provincial road or intersection, indicate distance from road or intersection.			
14.	<b>Site Plan:</b> to scale plan (A2 or A3 or A4) showing: <ul style="list-style-type: none"> <li>▪ Existing buildings</li> <li>▪ Location of new proposed buildings</li> <li>▪ Access to the site</li> <li>▪ Parking</li> <li>▪ Common areas</li> <li>▪ Building lines</li> <li>▪ Property dimensions</li> <li>▪ Splays (if any)</li> <li>▪ Erven adjoining the proposed development</li> <li>▪ Roads bordering the property</li> <li>▪ Contours</li> <li>▪ 1:100 year floodlines (if any)</li> <li>▪ High-water mark of the sea and the admiralty reserve (if any)</li> <li>▪ Existing and proposed servitudes</li> <li>▪ Engineering services</li> </ul>			
15.	<b>Floor plan</b> , preferable when change of usage which will show: <ul style="list-style-type: none"> <li>▪ Existing buildings and land uses</li> <li>▪ Location of new proposed buildings</li> <li>▪ Bulk factors (Permitted, Existing and proposed FAR, Coverage and Height).</li> <li>▪ Land use table illustrating areas and percentage of each proposed land use (especially in the case of proposed mixed use).</li> </ul>			
16.	<b>Elevations Plan</b> that affect the relaxation			
17.	<b>Sections Plan</b> that affect the relaxation			
18.	<b>Setting Out Plan</b> clearly indicating all “As Built Structures” with distances in relation to the boundaries. The setting out drawing submitted should be endorsed by the registered surveyor.			
19.	<b>Proof of Payment.</b>			

**FORM 1: PRE – CONSULTATION/SUBMISSION**

<b>FOR OFFICIAL USE ONLY</b>	
Application Reference No.	
Date Received	
Checked By	
<b>Notes:</b>	
<b>1. INSTRUCTION</b> 1.1 This form must be completed in block capitals or typewritten. 1.2 This form is issued without prejudice and does not constitute acceptance of the application. 1.3 The application shall be lodged within 12 months from date of issuing this pre-registration form, failing in which will result in the lapsing of this submission.	
<b>2. ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION FORM</b> I hereby acknowledge receipt of application <b>Form 1</b> which sets out the minimum requirements to be met when submitting a complete application as well as the application pack containing the respective supporting documentation.	
<b>3. PROPERTY DETAILS</b>	
Title Deed No.	
Registered property description	
Physical address of the property concerned	
Municipal and (District) of the area of jurisdiction	
<b>4. APPLICANT DETAILS AND DOCUMENTS</b>	
I, the undersigned (state full name) _____	
Telephone Number	
Cell phone Number	
Postal Address:	
Fax No:	
Email address:	
In my capacity as owner of land/ a person acting with the written consent of the owner of the land which is described, Erf Number : _____ situated at _____ _____ Hereby give notice to the KwaDukuza Municipality that an application will be submitted in due course for: _____ _____ _____ (Give a short description of the application).	
Furthermore, I have gone through the Checklist which sets out the application requirements and I fully understand what is required upon final submission.	
Signature :	Date:
_____	_____



**FORM 2: FORMAL SUBMISSION**

FOR OFFICIAL USE ONLY			
<b>Date Received:</b>		<b>Received By:</b>	
<b>Receipt No.</b>		<b>File Ref:</b>	

SECTION A: APPLICANT DETAILS	
First names	
Surname	
Company/Trust Name	
VAT no	
Business Address	
Postal Address	
Email	
Telephone Number	
Cell phone Number	
SECTION B: PROPERTY DETAILS	
Erf/Erven/Farm N	
Street address	
Suburb	
Current Zoning	
Title deed no	
Title Deed date	
Approximate age of existing buildings	
Property extent	
Any restrictive title deed conditions affecting development on the property?	
Is the property encumbered by a bond?	
Any unauthorized land use/building work/structures on the property? If so, has the owner been served with a notice to rectify?	
Is the purpose of this application to rectify a contravention in terms of the KwaDukuza Municipality Spatial Planning and Land Use Management Act By-Laws, 2016?	
SECTION C: OWNER DETAILS	
First names	
Surname	

Company/Trust Name	
VAT no	
Email	
Tel	
Cell	
<b>SECTION D: APPLICATION TYPE</b>	
Relaxation Application in terms of Section 46(c) of the KwaDukuza Municipality Spatial Planning and Land Use Management By-Laws No. 1630 March 2016.	
Has there been any previous related application? If Yes, ref/application no	
Was a pre-application consultation undertaken with a municipal official regarding the subject application?	
Is the pre-application consultation record attached?	

<b>SECTION E: ATTACHMENTS AND SUPPORTING INFORMATION</b>			
Please note that the following documents/plans are required			
	<b>Form 1</b> – Pre-Consultation/Submission		<b>Locality Map</b>
	<b>Form 5a or 5b</b> (Proof of adjacent and adjoining land owners being notified / proof of registered mail)		<b>Site Plan</b> indicating clearly the position of the proposed structure and distance from the relevant boundary with affected areas marked in red
	<b>Form 6</b> – Affidavit (Applies when applicant uses Form 5a)		<b>Floor Plan</b> that affect the relaxation
	<b>Form 7</b> – Land Use Affidavit		<b>Elevations Plan</b> that affect the relaxation
	<b>Form 8</b> – Power of Attorney		<b>Sections Plan</b> that affects the relaxation.
	<b>Form 10b</b> – Summary of Comments		<b>Setting out plan</b> for all “As Built structures”.
	Certified Copy of <b>Resolution by the Board of Directors</b> , if the property is in the ownership of a Company/Trust, member’s resolution.		In case of boundary/retaining walls the position is to be indicated on the site plan with a section and road facing elevation.
	<b>Letter of Consent</b> from Homeowners Association/Body Corporate (For properties within estates		All plans to be submitted preferably on A2 or A3 or A4 (i.e. to scale)
	Detailed (signed) <b>Planning Motivation Letter</b>		Other supporting documents
	Copy of <b>Title Deed</b>		<b>Three (3) copies</b> of the application for <b>Formal (Final) Submission</b> .
	Registered <b>SG Diagram / General Plan</b>		<b>Proof of Payment</b>

## SECTION F: FURTHER APPLICATION DETAILS

<b>Building line relaxation</b>				
Front Building line	From	m	to	m
Side Space (left)	From	m	to	m
Side space (right)	From	m	to	m
Rear space	From	m	to	m
Other	From	m	to	m
<b>Boundary / retaining walls</b>				
Boundary/retaining walls in excess of 2m	From	m	to	m

## SECTION G: DECLARATION

I/we hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. That I/we are properly authorized to make this application on behalf of the owner and (where applicable) that copies of such full relevant powers of attorney are attached hereto.
3. That where an agent is indeed appointed to submit this application on the owner's behalf, it is accepted that correspondence and formal notification as required in terms of Planning law will only be sent to such consultant/agent and that the owner will regularly consult with the agent/consultant in this regard.
4. That this submission includes all necessary planning applications (including any departures) required to enable the development proposed herein. I/we specifically confirm that I/we have read the relevant title deed (s) and that there are no restrictive conditions which impact on this application, or alternatively where there are, removal/amendment/suspension of these form part of the submission.
5. That where the proposal involves existing building work erected and /or used in contravention of the development management scheme, that I/we have consulted with the planning department with reference to the applicable area to ensure the correct application in terms of planning law is made. Notwithstanding submission of the departure application, in the case of unauthorized work, I/we acknowledge the municipality's right to exercise any option in terms of the KwaDukuza Municipality Spatial Planning and Land Use Management By-Laws, 2016.
6. That, as owner/applicant/developer, I am/we are aware of the state of existing bulk services provision and infrastructure availability in the subject area and any development contributions that might be payable in respect of the development proposed herein (if applicable). If the application is made by a person other than the registered owner (e.g. an agent/consultant) the requirements in terms of the KwaDukuza Municipality Spatial Planning and Land Use Management By-Laws, 2016 must be adhered to.

Registered owner's name			
Registered owner's signature		Date	
Agents /Consultant's name			
Agents /Consultant's signature		Date	
Professional capacity		Applicants Ref	



**FORM 5A - NEIGHBOURS NOTIFICATION**  
**(Per registered post)**

TO: REGISTERED OWNERS:

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ERF/LOT DESCRIPTION OF REGISTERED OWNERS:

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Notice is hereby given that an application has been made to the KwaDukuza Municipality

In terms of the KwaDukuza Municipality Spatial Planning and Land Use Management By-Laws No.1630.

For the \_\_\_\_\_ (Type of application) on  
 \_\_\_\_\_ (Property description) situated at  
 \_\_\_\_\_ (Street address) has been submitted for  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (Proposal)

A copy of the application and its accompanying documents will be open for inspection by interested members of the public between the hours of 08h00 to 12h30 Mondays to Fridays (excluding Public Holidays) at the offices of the Development Control Section, 34 Chief Albert Luthuli Street KwaDukuza / 10 Leonora Drive Ballito.

Members of the public are invited to lodge written comments by hand with Development Control Section, 34 Chief Albert Luthuli Street KwaDukuza / 10 Leonora Drive Ballito, or by registered post to P. O. Box 72, KwaDukuza, 4450, or by email to [municipalm@kwadukuza.gov.za](mailto:municipalm@kwadukuza.gov.za) on or before the\* \_\_\_\_\_ (Date).

Should you fail to lodge or forward comments by the said date, it will be considered that you have no objections or comments to the above proposal. You will be disqualified from further participating in the process.

NAME AND ADDRESS OF APPLICANT:

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Tel: \_\_\_\_\_

Email: \_\_\_\_\_

**Note:** The date to be inserted where marked\* above shall be thirty **(30) days** (excluding Public Holidays) and should in any event be calculated by excluding the first day as well as every public holiday, and by including the last day, unless the last day happens to fall on a Saturday, Sunday or public holiday, in which case the days must be calculated by including the first work day immediately following that Saturday or Sunday or public holiday. Should you choose to use e-mail/telefax as your elected method of correspondence, you **must** confirm in writing that it is your formally elected email address / telefax number to receive all future correspondence pertaining to this application.

**FORM 5B: NEIGHBOURS CONSENT FORM**

Dear Sir/Madam

An application for \_\_\_\_\_ (type of application) on \_\_\_\_\_ (property description), situated at \_\_\_\_\_ (street address).

I/we \_\_\_\_\_ being the registered owners of \_\_\_\_\_ (property description) located at \_\_\_\_\_ (street address) hereby confirm that I/we have viewed the proposed plans/application in respect of the above mentioned property with reference to the proposed development for the following:

<b>Building line relaxation</b>				
Front Building line	From	m	to	m
Side Space (left)	From	m	to	m
Side space (right)	From	m	to	m
Rear space	From	m	to	m
Other	From	m	to	m
<b>Boundary / retaining walls</b>				
Boundary/retaining walls in excess of 2m	From	m	to	m

With respect to the proposal/application made, I **support** / **object** (please circle appropriate).

\_\_\_\_\_

Yours Faithfully

\_\_\_\_\_

Signature of registered owners

Full name in block capital letters : \_\_\_\_\_

Identity number : \_\_\_\_\_

Contact number : \_\_\_\_\_

Email address : \_\_\_\_\_

**FORM 6: AFFIDAVIT**

I, \_\_\_\_\_ the undersigned, in my capacity as the appointed agent/owner do hereby declare under oath that all the proposed plans/application in respect of the Proposal: \_\_\_\_\_

\_\_\_\_\_ On \_\_\_\_\_ cadastral  
description / Erf no: \_\_\_\_\_ Street Address:  
\_\_\_\_\_, situated within the jurisdiction of KwaDukuza Municipality.

The application together with the relevant supporting documents has been delivered by registered post to all interested and affected properties. Copies of the registered slips together with copies of Form 5A are attached to the application submitted.

This affidavit relates to the application submitted to the KwaDukuza Municipality and confirms that the appointed agent / owner have complied with the public notice and all comments/objections received have been addressed and forwarded to the (Development control section).

Yours Faithfully;

\_\_\_\_\_  
Appointed Agent/Owner

Name : \_\_\_\_\_  
Address : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date : \_\_\_\_\_

<p><b>The Deponent acknowledges that he/she knows and understands the contents of this Affidavit.</b></p> <p>Signature: _____</p> <p>Declared before me _____ at _____ on _____</p> <p>this _____ day of _____</p>	<p><b>Commissioner of oath stamp</b></p>
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**FORM 7: LAND USE AFFIDAVIT**

I, \_\_\_\_\_ the \_\_\_\_\_ undersigned, in \_\_\_\_\_ my capacity \_\_\_\_\_ do hereby declare under oath that that no portion of the existing building or the proposed additions / alterations, for which building plans/relaxations have been submitted for approval (Plan/Relaxation No: \_\_\_\_\_), will be used for any purposes other than what is shown on the plan and will not be used or converted for use as a separate dwelling unit unless application has been to council and approval granted in terms of the Kwadukuza Town Planning Scheme in course preparation.

Proposal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On cadastral description / Erf No: \_\_\_\_\_  
situated at street address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of applicant: \_\_\_\_\_

Address of applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Applicant)

<p><b>The Deponent acknowledges that he/she knows and understands the contents of this Affidavit.</b></p> <p>Signature: _____</p> <p>Declared before me _____ at _____ on this _____ day of _____</p>	<p><b>Commissioner of oath stamp</b></p>
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**FORM 8: POWER OF ATTORNEY**

The Director- Development Planning  
KwaDukuza Municipality  
P. O. Box 72  
KwaDukuza  
4450

Date: \_\_\_\_\_

Dear Sir / Madam

**OWNER'S CONSENT**

I/We \_\_\_\_\_, owner (s) of the property  
described as \_\_\_\_\_ (Erf No.) \_\_\_\_\_ and \_\_\_\_\_ known  
as \_\_\_\_\_ (Road / Street No.) do hereby confirm that permission has been  
given to \_\_\_\_\_ (person or business) to apply and submit the for  
the necessary \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (nature of application).

Yours faithfully

\_\_\_\_\_  
Signature of Registered Owner

<p><b>The Deponent acknowledges that he/she knows and understands the contents of this Affidavit.</b></p> <p>Signature: _____</p> <p>Declared before me _____ at _____</p> <p>_____ on _____</p> <p>this _____ day of _____</p>	<p><b>Commissioner of oath stamp</b></p>
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**FORM 10A: CONFIRMATION OF RECEIPT**

An application for \_\_\_\_\_ (Type of application)  
on Erf \_\_\_\_\_ Situated at \_\_\_\_\_  
\_\_\_\_\_ (Street Address) for the purposes of \_\_\_\_\_

\_\_\_\_\_ (Proposal) will be submitted to KwaDukuza Municipality in  
terms of the KwaDukuza Municipality Spatial Planning and Land Use Management By-Laws No.1630.

Accordingly, as required by the KwaDukuza Municipality Spatial Planning and Land Use Management By-Laws  
No.1630 the application needs to be circulated to the relevant service departments for comments. The above  
mentioned application for has been circulated to  
the \_\_\_\_\_ (Department) on the \_\_\_\_\_  
\_\_\_\_\_ (Date) to obtain comments.

As stipulated in Schedule 4, Section 3 (1) (2) of the KwaDukuza Municipality Spatial Planning and Land Use  
Management By-Laws No.1630, the Service Department should provide comments within 60 days from being  
served with a request for the information or decision or such further period as agreed upon with the applicant which  
will lapse on the \_\_\_\_\_ (Date) from the date of confirmation of receipt of application as  
confirmed herein.

**CONFIRMATION OF RECIEPT**

The \_\_\_\_\_ department hereby confirms receiving the above  
mentioned application on the \_\_\_\_\_ (date).

<p><b>Name of official:</b> _____</p> <p><b>Designation:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date:</b> _____</p>	<p><b>Departmental Stamp</b></p>
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**FORM 10B: SUMMARY OF COMMENTS**

An application \_\_\_\_\_ (Type of application) on  
Erf \_\_\_\_\_ Situated at  
\_\_\_\_\_ (Street Address) for the purposes  
of \_\_\_\_\_

\_\_\_\_\_ (Proposal) was submitted to  
\_\_\_\_\_ (Department) on the \_\_\_\_\_ (Date).

Accordingly, the following comments are recorded for consideration:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In light of the above, \_\_\_\_\_ Department/ Organization.

**RECOMMENDED FOR  
APPROVAL**

☐

**REFER TO ATTACHED REPORT**

☐

**RECOMMENDED FOR  
DISAPPROVAL**

☐

(Please tick the appropriate)

<p><b>Name of official:</b> _____</p> <p><b>Designation:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date:</b> _____</p>	<p><b>Departmental Stamp</b></p>
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