



DIRECTORATE: PLANNING & DEVELOPMENT
TOWN & SPATIAL PLANNING

ADMINISTRATIVE PENALTY APPLICATION
in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020

ADDENDUM A: ADMINISTRATIVE PENALTY FORM

This Addendum A must be completed and submitted together with the Land Use Planning (LUP) Application Form. Applicant / Owner and Property Details are as recorded in the LUP application form. Please note that this Addendum A is **solely** for the unauthorised structures or land use which is in contravention with the By-Law.

SECTION A: TYPE OF APPLICATION

Verification of the below is required for an application for the determination of an Administrative Penalty made in terms of Section 90 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020

LAND USE

Has the owner / operator been served with a notice in terms of the By-Law to rectify any unlawful land use(s) on the property?	Y	N
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BUILDING WORK

Has the owner/operator been served with a notice in terms of the By-Law to rectify any unlawful building work/structures on the property?	Y	N
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Is the current property owner responsible for the unlawful building work / structures / land use?	Y	N
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SECTION B: DETAILS OF APPLICATION IN TERMS OF SECTION 90.(3) OF THE BY-LAW

(Full motivation for administrative penalty to be included in motivation report.)

Give a brief description of the land use or structure(s) / building work that are in contravention on the property.

Provide the extent(s) in m² of the property used for the unlawful use activity, and unlawful building work / structure(s) that contravene the By-Law. [Indicate extent(s) on a building plan / map / plan / diagram.]

Provide explanatory motivation addressing the circumstances in which the land use or structure(s) / building work has occurred.

Describe the duration of the contravention(s).

Has the unlawful activity ceased?	Y	N	If yes, provide the date when the activity ceased: _____
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Has the owner / person previously contravened the By-Law, or a previous By-Law?	Y	N	If yes, please provide more details below.
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SECTION C: LIST OF ATTACHMENTS & SUPPORTING INFORMATION

x	Notices served on owner (if applicable)	x	Motivation in terms of Section 90.(3) of the By-Law
x	Previous approval granted (if applicable)	x	Quantity Surveyor calculations to support motivation
x	Site Development Plan - <u>Only</u> highlight the unauthorised building work / structures or land use that contravenes the By-Law		

SECTION D: 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 am/are properly authorized to make this application on behalf of the owner and (where applicable) that copies of such full relevant Powers of Attorney/Consent are attached hereto.
3. **Where a consultant/agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the By-law will be sent only to the consultant/agent and that the owner will regularly consult with the consultant/agent in this regard.**
4. **I'm aware that it is an offense in terms of Section 84.(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct and in doing so can lead to criminal proceedings of a fine or imprisonment or both.**
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.

Registered owner's signature _____

Date

Full name

Agent / Consultant's signature _____

Date

Full name

Professional capacity

If application is made by person other than registered owner (eg. Consultant / Agent), full power of attorney and both signatures above are required. If property is owned by more than one person, signature of each owner is required. Where the property is owned by a company / trust / other juristic person, a copy of the board of directors / members / trustees resolution is required.