

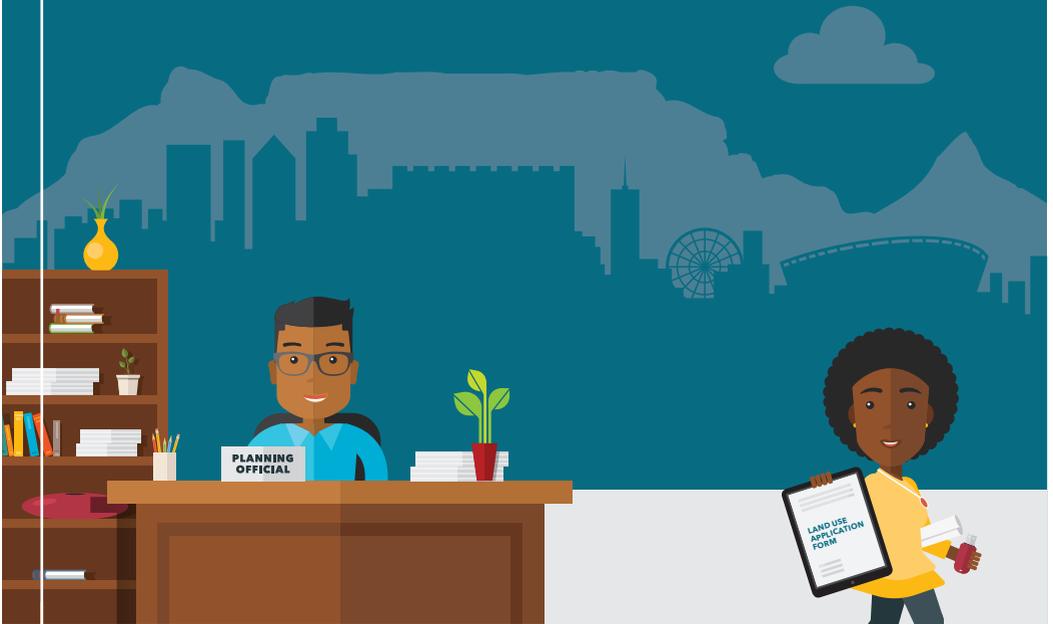


CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

DEVELOPMENT MANAGEMENT INFORMATION GUIDELINE SERIES

# MAKING A PLANNING APPLICATION

4



How do you apply for planning permission in terms of the City of Cape Town Municipal Planning By-law, 2015? This brochure will guide you through the process and requirements, from preparation, to submission, to the final decision.

Making progress possible. Together.

This booklet forms part of a series published by the City of Cape Town to help you understand and make better use of the planning system

**LANGUAGE POLICY:**

In line with the City of Cape Town's language policy, any booklet in this series is also available in Afrikaans and isiXhosa on request by e-mailing [lums@capetown.gov.za](mailto:lums@capetown.gov.za).

**LEGAL DISCLAIMER:**

Although based on law, the information provided in this booklet is presented in an informal and plain language format for the purposes of providing advice on development matters and procedures to customers and members of the public. Should there be any discrepancy with provisions in the underlying legislation, the actual legislation takes precedence and should be consulted directly. Alternatively, please obtain independent professional advice on the matter. The City of Cape Town does not accept any liability for any action taken on the basis of the information contained herein.

<http://planning.capetown.gov.za>

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### → What is a planning application?

The Constitution of the Republic of South Africa, 1996, and various other laws expect municipalities, including the City of Cape Town, to control and manage development for the benefit of their citizens. New development within the boundaries of the City of Cape Town may require approval from the City, which can be obtained by applying to the City's Development Management Department. All applications are made in terms of the City of Cape Town Municipal Planning By-law, 2015 ("the Planning By-law").

If you are planning any development on your property, this booklet will help you determine whether you need planning approval from the City of Cape Town. If you do need approval, follow the steps described here to prepare your application and understand the general process involved in obtaining planning approval.

For more specific information on the different types of development applications, such as rezoning, consent, departures, removal of restrictions, subdivision and the approval of site development and building plans, turn to the section "Types of development applications" on page 10 in this booklet, and also consult the other booklets in this series.



### → Where can I find out what my existing land use and development rights are?

Every property within the boundaries of the City of Cape Town has a specific zoning. This is determined by the City's land use management system and the Development Management Scheme ("DMS") which forms part of the City's Municipal Planning By-law mentioned on page 4.

**To find out what the existing land use and development rights for your property are, follow these simple steps:**

- Step 1** To identify the zoning allocated to your property, look on the existing zoning map (and/or database) at your local district planning office or on the City's website.
- Step 2** Now that you know the zoning of your property, turn to the DMS in the Planning By-law. Look up your particular zoning category to see what land uses and what development rules apply to your property.
- Step 3** With the allowed land uses and development rules in mind, decide how your plans for the property may be accommodated on the site, and whether you will need to apply to the City for a rezoning (change in zoning) or a departure (permission to deviate from the existing development rules).

It is important to correctly identify the zoning for your property. Also remember, even though the Development Management Scheme sets out the general rules applicable to a particular zoning, other, more specific rules may also apply, which may be more strict or less strict than the general rules contained in the Development Management Scheme. The two main areas where this may happen are in limitations contained in your title deeds and in an overlay zone that also may apply to your property in addition to its base zone. The officials at your local district planning office will be able to help you understand all the relevant rules and regulations.

### → When do I need to apply for planning approval?

Once you have determined your property's zoning, and the land use and development rights permitted in that zoning, you will be able to check whether your planned development or land use activity is allowed without you having to submit an application to the City of Cape Town. If the development or land use is not allowed in terms of the rules of your zoning, you may decide to apply to the City's Development Management Department.

These applications must be submitted and processed according to the standards prescribed by law. The Development Management Department will assess your application, looking at whether it complies with existing policies, plans and guidelines, before a decision is made. You can also decide to modify your proposal so that it complies with the Development Management Scheme and its rules.



### What will happen if I start a new land use or development on my property without first getting the City's permission?

As a landowner, it is your legal responsibility to comply with the Development Management Scheme and to first get permission for any new land use and/or building work on your property. If you fail to comply, you will be guilty of an offence and could face serious problems. For example, should you start running an unauthorised business from home, your neighbours might complain to the City and an investigation will take place. Should you carry out illegal construction work, this may be uncovered by future buyers when they ask for a copy of the approved building plan.



The City's property and building inspectors will investigate all alleged cases of non-compliance, and may order the activity to stop immediately. The City may impose a fine or take legal steps.

**For more information on general enforcement matters, please consult the other booklets in this series.**



## Will I need to apply for planning approval if ...

### ... I work from home/have a home occupation/have a child care facility at home/run a professional practice from home?

In some zones, you are allowed to run a small home industry, professional practice or occupation from a property zoned "single residential", without needing the City's approval. Where this is the case, your industry, occupation or practice must still comply with certain restrictions that are aimed at limiting its size, potential nuisance to neighbours, and impact on the surrounding environment.

Don't simply assume that you are allowed to start such an activity or business at your home. Do not automatically accept what an estate agent may tell you. Rather contact a planning official at your local district planning office, who will explain the restrictions applicable to your property. If you do not, and the relevant activity turns out not to be permitted in terms of the DMS, you will have broken the law. The City will investigate and take action in terms of the Planning By-law.



### ... I live in an informal settlement or 'less formal' township?

Yes, unless the informal settlement involves illegal land occupation. Most informal settlements, together with 'less formal' townships, are also subject to zoning control. Therefore, new development or land use activities in these areas also require planning approval. Rather make sure and speak to a planning official at your local district planning office to find out whether your area is subject to building control.

**For more information on general enforcement matters, please consult the other booklets in this series.**

# TYPES OF DEVELOPMENT APPLICATIONS

If you have determined that you do need the City's planning approval, the next thing to establish is what type of application you need to submit to the Development Management Department.

**→ Applications may be for any one or a combination of the following**

<b>Administrative penalty</b>	An application to the City to determine a penalty for an unauthorised land use or building project that does not comply with the Development Management Scheme. Such a penalty must be paid by the landowner (or the operator of the land use or project) and must be determined before the City can decide on an application to rectify the non-compliance. If a penalty is imposed, a payment date will also be indicated. If you already know that there is unauthorised use or building work, then it is advisable to get that process started so that if a penalty is imposed, it can be finalised without delaying a decision on your planning application.  A booklet on Administrative Penalties will form a future part of this series.
<b>Amendment/deletion of conditions of approval</b>	Where an earlier development approval was granted subject to conditions, a landowner may apply to the City to have some of these conditions changed or deleted where this becomes necessary due to new circumstances.
<b>Consent</b>	An application with regard to a development right that requires the City's specific consent (permission). If an application for consent is granted, it is usually permanent and cannot lapse.
<b>Consent/approval in terms of a title deed restriction</b>	An application for the City's consent or approval of, or for the relaxation of, a restrictive condition in a title deed, where the restriction relates to use, subdivision, development rules or design criteria.
<b>Consolidation</b>	An application for the consolidation (combination) of two or more neighbouring land units into a single land unit. This may be necessary if you wish to build over the boundaries of a land unit. Consolidation is only possible if the land units are owned by the same person.

<b>Temporary land use departure</b>	The City may grant an application for a temporary land use departure, where the Development Management Scheme does not specifically permit a land use or activity. If a land use departure is granted, it can only be for a maximum period of up to five years.
<b>Development rule departure</b>	The City may grant an application for a development rule departure, where the proposed development or building will not comply with the development rules and exceeds parameters for that specific zoning in the Development Management Scheme. If granted, it becomes a permanent right.
<b>Extension of approval validity</b>	Most planning approvals expire or lapse if they are not carried out or acted on within a set period of time. Apart from temporary land use departures, it is possible to apply for the City to consider an extension of the validity period of an approval so that you have more time to carry it out. Please note that only one extension of validity can be granted.



<p><b>Removal or amendment of title deed restrictions</b></p>	<p>Where existing conditions or restrictions in a property's title deed restrict or prohibit a new use or development, a landowner may apply for an amendment (change) of the restriction, or even for its complete removal.</p>
<p><b>Rezoning</b></p>	<p>This type of application is for a change in your property's zoning. It is usually submitted where you are planning a substantial change in the way your property will be used (such as running a business instead of just living there), and the planned new land use is not already permitted in the existing zoning. (In the example mentioned above, the landowner will apply for rezoning from "single residential 1" to "general business".) A rezoning approval will lapse and the original zoning will again apply if the approval is not acted on within five years. (Unless an extension is granted.)</p>
<p><b>Site development plan approval</b></p>	<p>A site development plan can be a single plan or a set of plans illustrating the details of a proposed development. An application for approval of a site development plan is usually submitted due to a condition imposed in an earlier approval or where the DMS specifically requires it.</p>
<p><b>Subdivision and phasing</b></p>	<p>An application to divide a single property into a number of smaller portions or land units. The smaller, subdivided portions are then individually registered at the Deeds Office. If such an application is granted, at least one subdivided portion needs to be registered at the Deeds Office within five years following approval, otherwise the approval will lapse. Subdivisions may also be approved in phases.</p>

**Depending on what you are planning for your property, you may need to submit more than one type of application. Different types of applications can usually be lodged at the same time.**

When submitting your application(s), be sure to include all required components and documentation, and check that all possible departures and restrictions have been identified correctly. If not, it will only delay the process. Speak to a planning official at your local district planning office to help you decide on the most appropriate application options (such as whether to apply for a temporary land use departure or a permanent rezoning).





### Advice before I apply: Who can help me?

To make sure that your application has the greatest chance of success, consider speaking to your local district planning office before you apply. They will be able to guide you on how achievable your plans are as well as any specific factors that you should consider before preparing your application.

In addition, since some proposals involve complicated technical issues or require detailed architectural drawings, subdivision or site development plans, you may also wish to approach an architect, town planning consultant or land surveyor to help you prepare your application. If you appoint a consultant to submit an application, you will have to give that person power of attorney (the authority to act on your behalf) to serve as your agent and carry out the work for you.

Certain application types also require a pre-application consultation with City officials, as determined by the City Manager. This usually applies to larger developments that might affect the availability of municipal services or have an impact on a significant number of other people, such as where application is made for the rezoning of open space, agricultural or rural land, or to amend, suspend or delete a restrictive title condition.



### Supporting documents and number of document sets required

The tables on the next two pages indicate the minimum supporting documents that should be included in the different application types so that the applications can be accepted as valid and complete, and the City can properly assess them. The staff members in the district planning offices use these tables to check the completeness and validity of applications. If an application fails this first check, the City will not accept it, the official will point out the missing parts to the applicant, and the applicant will be invited to resubmit once all missing information has been added.



Where an asterisk and a number appear (for example \*3), please read the relevant explanatory note in the final table.



## Supporting documents

	Section 42(a): Rezoning of land, including rezoning to subdivisional area overlay zoning *8	Section 42(b): Permanent departure *8	Section 42(c): Temporary departure *8	Section 42(d): Subdivision of land *5 *6 *7 *8	Section 42(e): Implementation of a subdivision approval in phases *5 *6 *7 *8	Section 42(f): Consolidation of land *8	Section 42(g): Amendment, suspension or deletion of a restrictive condition *8	Section 42(h): Consent or approval in terms of, or the relaxation of, a restrictive condition in a title deed where the restriction relates to use, subdivision, development rules or design criteria *8	Section 42(i): Consent, approval or any other permission or requirement in terms of the Development Management Scheme *8	Section 42(j): Amendment, deletion or addition of conditions in respect of an existing approval granted or deemed to be granted in terms of the Municipal Planning By-law *8	Section 42(k): Extension of the period of validity of an approval *8	Section 42(l): Amendment or cancellation of an approved plan of subdivision or general plan *8	Section 42(m): Permission required in terms of the conditions of approval of an application *8	Section 42(n): Determination of a zoning, a non-conforming use right or any other matter that the City may determine in terms of the Municipal Planning By-law *8	Section 42(o): Correction of a zoning map *8	Section 42(p): Certification of an owners' association constitution or an amendment *8	Section 42(q): Alteration or amendment of a street name or number *8	Section 42(s): To exempt a subdivision from the need for approval in terms of the Municipal Planning By-law, as contemplated in section 67(3) *8
Information required	Completed and signed application form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Relevant authority in terms of section 71(1)(b)(i-iv) of the Municipal Planning By-law *1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Consent of any mortgage bond holder *3																	
	Proof of payment of all fees	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Proof of pre-consultation *2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Full copy of the title deed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Conveyancer's certificate *3																	
	Locality plan, layout plan or plan depicting the proposed development	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Copy of the Surveyor-General diagram or extract from the approved general plan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Written motivation for the application based on the criteria for decision and information to support such motivation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Motivation to support criteria in terms of section 39(5) of the Land Use Planning Act and section 47 of the Spatial Planning and Land Use Act Management																	✓
	Information required in pre-application consultation *2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Sufficient information as required in terms of the City's approved Development Contributions policy *4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Any additional information that the City Manager requests or prescribes *3																	
	Notice of no objection *9		✓	✓														

## Explanatory notes

*1	Unless applicant is registered owner.
*2	If application requires pre-application consultation, as prescribed by the City Manager.
*3	As prescribed/required/determined by the City Manager.
*4	If development contributions are required.
*5	In the case of an application for the subdivision of land, the subdivision plan, showing the following - <ul style="list-style-type: none"> <li>(i) The location of the proposed land units</li> <li>(ii) The proposed zonings of the proposed land units</li> <li>(iii) Any public places</li> <li>(iv) Existing structures</li> <li>(v) Existing and proposed access points</li> <li>(vi) Servitudes</li> <li>(vii) Contours with at least a 1 m interval for a site with a slope of less than 1:4, otherwise 5 m intervals *3;</li> <li>(viii) Existing external engineering services</li> <li>(ix) Any significant natural features</li> <li>(x) Street furniture</li> <li>(xi) Scale of the plan</li> <li>(xii) The proposed names and numbers of streets</li> </ul>

*6	If a subdivision is to be implemented in phases, the subdivision application must be accompanied by a phasing plan showing the following - <ul style="list-style-type: none"> <li>(a) The proposed timeline for the completion of the entire subdivision</li> <li>(b) How the subdivision will be implemented and what engineering services must be in place before a certificate contemplated in section 137 may be granted</li> <li>(c) That the engineering services for each phase will be able to function independently and in sequence</li> <li>(d) The links in engineering services to the next phase</li> <li>(e) Proposed measures to avoid or counteract any negative impact on neighbouring land units or proposed land units not located within the phase to be developed</li> <li>(f) A map indicating - <ul style="list-style-type: none"> <li>(i) the proposed subdivision, which clearly marks the boundaries of each proposed phase in bold lines;</li> <li>(ii) each phase labelled alphabetically; and</li> <li>(iii) the roads, land units, open spaces, internal engineering services and external engineering services that the applicant will provide for each phase.</li> </ul> </li> </ul>
*7	If an application for subdivision requires a servitude over land that does not belong to the applicant, the applicant must provide a copy of a written agreement with the owner of such land over which the servitude will be registered.
*8	If an owners' association is to be established, the applicant must provide an indication of the financial costs of the maintenance of the private open spaces, private streets and internal engineering services and amenities for such owners' association.
*9	An official can provide you with a notice of no objection for you to get neighbours to sign before submitting your application.

**Remember, the requirements in the tables on pages 16 and 17 are only for the first completeness check.**

The fact that your application may comply with these requirements and be accepted by the City does not necessarily guarantee that your application is complete. All land use applications are subjected to a further, detailed completeness check by a planning official within the period prescribed by the Municipal Planning By-law. During this time, the applicant may be requested to submit additional information.



**The additional information may include any of the following:**

- A copy of a traffic impact study (if between 50 and 150 peak-hour trips are expected) or a traffic impact assessment (if more than 150 peak-hour trips are expected)
- An environmental impact assessment/heritage impact assessment report and record of decision (where required by law)
- Confirmation of submission of the environmental impact assessment/heritage impact assessment/notice of intent to develop (NITD)
- A flood line certificate (where the property is located in or close to a floodplain)
- A services infrastructure report
- A phasing plan
- A landscaping plan (where relevant)
- A tree survey plan (where relevant)
- A contour plan
- Typical unit types (plan and elevation, i.e. external face of buildings)
- Perspective illustrations or models (illustrations or models able to be viewed from various angles)
- Additional copies of selected documentation
- Additional motivation
- Any other required information specified by the planning official



## About traffic, environmental and heritage impact assessments

In complex cases, specific detailed studies may be required to determine the likely impact of a proposed development on its surroundings. These impact assessments are often prescribed in terms of other, related laws, legislation or policies and may include the following:

- **A traffic impact assessment (TIA) and/or permission from the Provincial Roads Engineer**  
**Definition of TIA:** A study that assesses the traffic and safety implications relating to a specific development, such as whether existing roads would be able to accommodate the additional traffic volumes generated by the new development.
- **An environmental impact assessment (EIA)**  
**Definition of EIA:** A study that evaluates the likely environmental impact of a proposed project or development and identifies options to minimise environmental damage.
- **A heritage impact assessment (HIA)**  
**Definition of HIA:** A study to evaluate the impact that the proposed development will have on the cultural heritage resources in the area, and to recommend an overall approach to the conservation of those resources.

Ask your local district planning office whether any of these are required for your application to avoid processing delays or possible rejection.



Ensure that your application meets all the requirements mentioned above. If not, it may be considered incomplete, in which case the City may decide not to accept it, its processing may be delayed, or it may even be returned for corrections and further improvements.

Also ensure that your application is submitted on the prescribed form, and is accompanied by the relevant fees (read the next section, "Application forms, fees and submission times").



## Forms

A single, standard application form is available from your local district planning office during office hours, or on the City of Cape Town's website. This form must be completed and included with your submission. Your local district planning office can help you complete this form if you want them to, and will also be able to provide you with an estimate of the application fees payable.



In addition, certain application types allow the applicant to serve a 'notice of no objection' on neighbours. This form needs to be completed by a City official before it can be delivered to the neighbours.



## Fees

The City of Cape Town charges a set tariff for processing planning applications. This tariff must be paid in full after you receive an invoice that will be given to you following your submission. If not, your application cannot be further processed. For a complete list of land use management tariffs and application fees, please consult the City's website or contact your local district planning office. Once the fee has been calculated, the district planning office will provide you with an invoice, which can be settled at any City cash office or participating electronic payment at a commercial outlet. The receipt issued after payment can be submitted, or if you paid the fee electronically, the City should automatically receive payment confirmation. If the City has not received confirmation, you may be required to provide proof of payment, so please retain proof in case it is needed.



The total fee payable depends on the application type, the extent or complexity of the proposal, and the amount of public participation required. The fee may consist of:

- a basic application fee;
- a complexity fee (if applicable); and
- an advertising fee.

Should there be a need for further impact assessments during the evaluation process, or for additional public participation, an additional fee may be charged. Please note that fees are non-refundable if your application is refused.

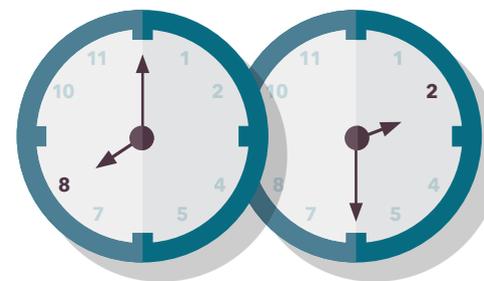


## Submission times

Applications may be submitted:

- through the planning portal on the City's website;
- OR
- in electronic format at the district planning office dealing with the property.

If you choose to submit at a district planning office, please visit on weekdays between 08:00 and 14:30.





## How should I motivate my proposal?

Your proposal must be properly motivated (explained) so that potentially affected parties can fully understand it, and the City can assess it. Your motivation must meet the criteria in section 99 of the City of Cape Town Municipal Planning By-law, 2015. In addition, if your application involves the removal, suspension or amendment of restrictive conditions, your motivation must be in line with section 48(4) of the Municipal Planning By-law, section 39(5) of the Land Use Planning Act, as well as section 47 of the Spatial Planning and Land Use Management Act.

This may look very confusing and challenging. If your development proposal is a significant change and may impact upon the City's resources or on the rights of other people, then an expert consultant may be sought to assist you with the submission.

For minor applications, a motivation of one or two paragraphs in a cover letter may be sufficient. For larger and more complex applications, however, the motivation may have to be in the form of a separate, detailed report that clearly explains all the concepts and details of the planned project, and why it is a sensible proposal. Such a detailed motivation report may consist of the following sections, amongst others:

- **Background:** Any important information relating to the application, such as site history, any previous negotiations, transactions or changing circumstances prior to the application, previous applications, etc.
- **Physical characteristics of the property and/or surrounding area:** A description of all physical characteristics of the property, including topography (all natural and man-made features of the area), slopes (the rise or fall of the area), drainage, vegetation, floodplains (low-lying land that is adjacent to a river and subject to flood levels), flood lines (lines that predict potential flooding), unique ecological habitats and sensitive areas, any unstable soil formations, existing buildings and structures, access routes, etc., as well as expert knowledge and opinions where problems are anticipated. Applicants are encouraged to include photographs. The City also advises applicants to do an acceptable and realistic assessment of the surrounding area of the site where the development is planned.
- **Development proposal:** A detailed description of all aspects of the proposed development, including any alternative schemes. This part should include supporting documents such as drawings, plans, sections (illustrations showing portions of the planned buildings "cut" vertically to show their construction or interior) or elevations (illustrations of the external face of a building or structure), to clearly indicate the proposed form of the buildings, the surrounding landscape and the way in which the public will access or use the developed site.

- **Desirability:** To explain the desirability of the proposed land use, an applicant will have to include the following in the motivation:
  - **Economic impact:** Will it attract money to the area? Will it create jobs?
  - **Social impact:** Will it improve people's lives by creating access to social services, child care, health care, etc.?
  - **Extent of capital investment:** How much money will be invested in constructing or acquiring fixed assets?
  - **Compatibility with surrounding uses:** Will it fit into the existing environment?
  - **Impact on the external engineering services:** Will the water, electricity and sewer networks be able to cope?
  - **Impact on safety, health and wellbeing of the surrounding community:** Will the development cause any excessive noise, dust, exposure to any risks or have any other harmful effect?

- **Impact on heritage:** Will all culturally important resources in the vicinity of the site be respected and protected?
- **Impact on the biophysical environment:** Will the development affect the natural environment and the various forms of life in it?
- **Traffic impacts:** Will there be enough parking, access and other transport-related provision?
- Whether a **negative impact** of the proposed development may be **minimised** by imposing a particular condition/conditions





## Quick self-assessment checklist

Use the following checklist before you submit your application to minimise errors and omissions, prevent any delays or comebacks, and ensure speedy processing:

Application aspect / element	Compliance	
	YES	NO
Does the application require a pre-application consultation?	<input type="checkbox"/>	<input type="checkbox"/>
If a pre-application consultation is required, have the approved minutes of the meeting been attached?	<input type="checkbox"/>	<input type="checkbox"/>
Have the prescribed application forms been completed, signed and dated correctly?	<input type="checkbox"/>	<input type="checkbox"/>
If relevant, does the application include a power-of-attorney and bondholders consent letter?	<input type="checkbox"/>	<input type="checkbox"/>
Is a copy of the relevant title deed as well as any impact assessments or record of decision included?	<input type="checkbox"/>	<input type="checkbox"/>
Is the property affected by any restrictive title deed condition, servitude or lease agreement, or would the proposed development be prohibited by any such conditions? If so, has an application been submitted for their removal/relaxation?	<input type="checkbox"/>	<input type="checkbox"/>
Is the proposal adequately illustrated on a subdivision/site development/layout or sketch plan which is prepared in line with Council's standards?	<input type="checkbox"/>	<input type="checkbox"/>
In the case of subdivision, has a proposed subdivision plan been prepared according to the City's requirements, is the plan appropriately scaled and coloured, and does it include an accurate proposed zoning schedule as well as proposed street names and numbers?	<input type="checkbox"/>	<input type="checkbox"/>

Application aspect / element	Compliance	
	YES	NO
In the case of subdivision, is an electronic copy of the proposed subdivision plan included?	<input type="checkbox"/>	<input type="checkbox"/>
Has all affected neighbours' consent been obtained (where required)?	<input type="checkbox"/>	<input type="checkbox"/>
Is the application properly motivated (in terms of desirability and existing statutory frameworks and policies)?	<input type="checkbox"/>	<input type="checkbox"/>
In the case of an unauthorised land use or structure that does not comply with the Development Management Scheme, has an application been submitted for an administrative penalty?	<input type="checkbox"/>	<input type="checkbox"/>
If the particular application type requires a pre-application consultation, has it taken place?	<input type="checkbox"/>	<input type="checkbox"/>
Are all existing services/infrastructure/servitudes and other restrictions illustrated on the proposed site layout/development plan, as necessary?	<input type="checkbox"/>	<input type="checkbox"/>
Is the application properly motivated (in terms of desirability and existing statutory frameworks and policies)?	<input type="checkbox"/>	<input type="checkbox"/>



### How does the general planning application process work?

The process usually involves the following steps.

#### Preparing application

- Step 1:** Contact your local district planning office to determine permitted land uses, zoning parameters and restrictions, and obtain application forms, submission requirements and information on applicable procedures.
- Step 2:** Have a pre-application consultation with your local district planning office (where this is required) to discuss your development proposal, identify any relevant policies, development frameworks, structure plans, impact assessments required, and potential issues.
- Step 3:** If necessary, appoint a consultant (town planner, land surveyor, architect, etc.) to help you prepare the application (including any site layout drawings or subdivision plan) according to the City's submission requirements and guidelines. Where necessary, consult your neighbours before you apply.

#### Submitting application

- Step 4:** Submit your application along with all the required supporting documents to your local district planning office and arrange to pay the applicable application fees. The City will provide you with a reference number.

#### After submission

- Step 5:** Your application may require public participation, advertising and formal consultation with all interested and affected parties or surrounding property owners. In addition, the application may have to be circulated internally in the City to all relevant line departments for their comments.
- Step 6:** Keep in contact with your local district planning office to monitor progress with the processing of your application.
- Step 7:** Respond to any objections received against the application during the consultation processes and consider any amendments or revisions that the City requests, and then resubmit your reworked application to the local district planning office for final assessment and decision.
- Step 8:** An authorised official in the Development Management Department or the municipal planning tribunal takes a final decision and notifies you (and any objectors) in writing. Anyone who wishes to appeal can do so at this stage.
- Step 9:** The City will issue a final approval letter if no appeals are received. Alternatively, the appeal authority - who is the Executive Mayor - will consider and decide on any appeal(s) received.

Continued...

**Step 10:** If approved, you will now need to comply with any imposed conditions of the approval. In the case of a subdivision in particular, your consultants will need to obtain a general plan or diagram approval from the Surveyor-General, approval for services and infrastructure design from the City local authority, subdivision and rates clearance certificates from the City once infrastructure works have been completed, and will finally register the new land units and transfer them to their individual owners at the Deeds Office. For applications other than subdivision, you will need to comply with certain conditions of approval before you may exercise your new right. While other conditions would be limitations on use that you will always need to comply with.

**Step 11:** Once new land units have been registered and you plan to carry out building work, you or your architect will prepare and submit building plans for the City's consideration and approval.

**Step 12:** Once the City has approved the building plans, construction of the new buildings or alterations/additions to existing buildings may commence.

**Step 13:** Once all other conditions of approval have been complied with, which include the issuing of completion and occupation certificates in the case of building work, the new or altered use may start.



## How will the Development Management Department process my application?

To process your application, the staff at your local district planning office will do the following:

- Capture your application on the system and issue you with a unique reference number
- Properly inspect your application to check for validity and completeness
- Acknowledge receipt
- Allocate your case to a case officer
- Notify you in writing of any further outstanding information or documents required
- Arrange for any required advertising and circulation once the application is complete
- Notify you of any comments and objections received so that you may respond
- Assess the desirability of your development proposal and write a report with a recommendation to the decision-making authority (either an authorised official or the municipal planning tribunal), who will decide on your application
- Notify you and any objectors of the decision and offer all parties the opportunity to appeal
- If no appeals are received, provide you with a final notification of the decision
- If an appeal is received, provide you with a final notification once the appeal authority (the Executive Mayor) has decided on the appeal



## What criteria will the Development Management Department use to assess and decide on my application for new or additional land use or development rights?

In considering applications, the City looks at how desirable the proposed development is against the requirements of section 99 of the Municipal Planning By-law. For easy reference, section 99 appears below:

### “Section 99: Criteria for deciding application

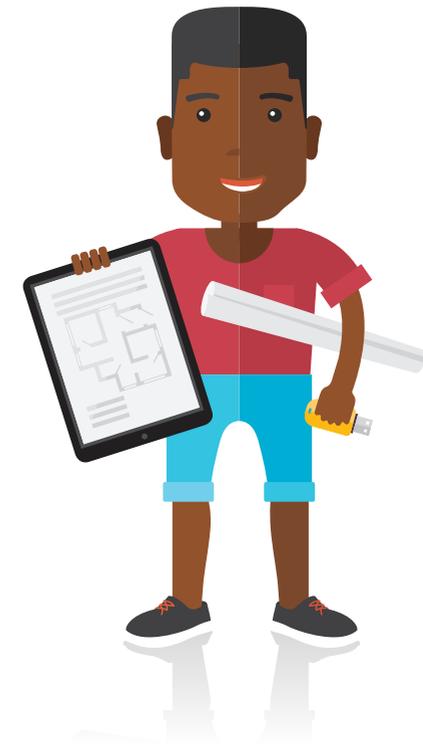
- (1) An application must be refused if the decision-maker is satisfied that it fails to comply with the following minimum threshold requirements:
  - (a) the application must comply with the requirements of this by-law;
  - (b) the proposed land use must comply with or be consistent with the municipal spatial development framework, or if not, a deviation from the municipal spatial development framework must be permissible;
  - (c) the proposed land use must be desirable as contemplated in subsection (3); and
  - (d) in the case of an application for a departure to alter the development rules relating to permitted floor space or height, approval of the application would not have the effect of granting the property the development rules of the next subzone within a zone.
- (2) If an application is not refused under subsection (1), when deciding whether or not to approve the application, the decision-maker must consider all relevant considerations including, where relevant, the following:
  - (a) any applicable spatial development framework;
  - (b) relevant criteria contemplated in the development management scheme;
  - (c) any applicable policy approved by the City to guide decision making;
  - (d) the extent of desirability of the proposed land use as contemplated in subsection (3);
  - (e) impact on existing rights (other than the right to be protected against trade competition);
  - (f) in an application for the consolidation of land unit -
    - (i) the scale and design of the development;
    - (ii) the impact of the building massing;
    - (iii) the impact on surrounding properties; and
  - (g) other considerations prescribed in relevant national or provincial legislation.

- (3) The following considerations are relevant to the assessment under subsection (1)(c) of whether, and under subsection (2)(d) of the extent to which, the proposed land use would be desirable:
- (a) economic impact;
  - (b) social impact;
  - (c) scale of the capital investment;
  - (d) compatibility with surrounding uses;
  - (e) impact on the external engineering services;
  - (f) impact on safety, health and wellbeing of the surrounding community;
  - (g) impact on heritage;
  - (h) impact on the biophysical environment;
  - (i) traffic impacts, parking, access and other transport related considerations; and
  - (j) whether the imposition of conditions can mitigate an adverse impact of the proposed land use.
- (4) An application in respect of an existing use or construction work which has commenced in contravention of this by-law must be dealt with in terms of section 130.
- (5) No decision required to be made in terms of this by-law may be delayed pending the creation of a policy to guide decision-making on the matter."



## Can I change my application to address any concerns or objections?

Yes, either in response to any objections raised during the public consultation process, or as requested by the Development Management Department in connection with a specific problem they have identified during assessment. It is in your interest to submit any changes as soon as possible to avoid delays in the processing of your application.





## How long will it take for my application for new or additional land use or development rights to be processed?



The time taken to process your application will depend on:

- the nature, extent and complexity of your proposal;
- how much public participation is required;
- whether decision-making powers have been delegated to officials, or whether the Municipal Planning Tribunal needs to decide; and
- whether or not any appeals are received.

The City tries to process planning applications within the timeframe prescribed in its Municipal Planning By-law. This timeframe is 180 days, plus another 90 days where an appeal is submitted. But remember, the 180 days do not necessarily start on the day of submission of the application. It may start on any of the following three dates:

- The date on which the case officer determines that the application is complete and no advertising needs to take place.
- If advertising needs to take place and there are no objections, the closing date for comments or objections by interested and affected parties. Normally, the public has 30 days to comment on an advertised proposal. This may be extended by another 14 days on request.
- If advertising needs to take place and comments/objections are received, the date on which the applicant responds to the comments/objections.

If your application is of a small scale and straightforward, you may even receive a decision sooner than indicated above.



## Where can I find out about progress with my application?

Although the City will send you a communication by post, by email or by SMS to inform you of progress with your application, you may at any stage of the process also contact the relevant case officer at your local district planning office to enquire. Please have your reference number and the name and contact number of your case officer handy when making enquiries. If you have submitted your application via the website, you can also monitor progress online.





### Why must the public be consulted on my planning application, and how will my application be advertised?

Many planning applications are advertised to inform anyone whose rights or legitimate expectations may be affected. The Constitution, the Municipal Systems Act and the Promotion of Administrative Justice Act also expect the City to encourage the community to become involved and participate in municipal affairs and planning application.

The type of application determines the advertising procedure. Certain application types must be advertised and the City may do so in various ways, depending on the nature and extent of the proposed development and its likely impact. Possible advertising and public consultation methods include:

- registered notices to surrounding property owners or community organisations;
- a notice in the press; or
- a notice put up on the site.

A minimum period of 30 days is allowed for members of the public to submit their comments or objections.

Because the required public consultation and participation may vary from one application to the next, it is best to contact your local district planning office for an estimate of the likely extent, format and cost of the public consultation for your specific proposal.

Usually, the Development Management Department takes care of advertising and notifications, at the applicant's cost. However, applicants who have the necessary skills to deal with it themselves may apply for accreditation to do so. Applicants who choose to handle all advertising themselves must however ensure that it complies with strict City of Cape Town standards and must provide evidence.



### What if members of the public object to my application?

Following the public consultation process, you will receive copies of any comments or objections received with regard to your application. You will be asked to formally respond to any such comments or objections within a specific period. It is in your interest to respond as soon as you receive the objections so that processing of your application can continue.

But remember, even if your application is approved, objectors still have the right to appeal the decision or any conditions of approval. As the applicant, you may also appeal the conditions of approval.

Once all comments and responses have been considered, the Development Management Department will make a final assessment of the sensibility of your application and will then make a recommendation to the decision-making authority.





### Who makes the decision?

Once the Development Management Department has finished its assessment and made a recommendation, a decision can be taken.

Depending on the type and nature of the application and any objections received, final decision-making powers may be delegated to:

- an authorised official in the Department;
- OR
- the Municipal Planning Tribunal, which consists of external professionals and officials appointed by the City.

You (together with any objectors) will be informed in writing of the decision and the further processes involved. Should the application be approved, the City will most likely impose certain conditions of approval that you or the developer must comply with when carrying out the development.



### Rights of appeal: What if my application is refused or I don't agree with the conditions imposed?

When your decision letter is issued, you (along with any objectors) will be informed of the rights of appeal available to anyone who is unhappy with the City's decision. In terms of section 108 of the City of Cape Town Municipal Planning By-law, an appeal can be submitted to the appeal authority by giving written notice of the appeal and the reasons for it.

Appeals are usually submitted by:

- an applicant who believes that a condition of approval is unreasonable, or whose application has been refused; and
- an objector when an application has been approved.

The appeal authority is the Executive Mayor.

In either case, an appeal must be lodged within 21 days following the date of notification. This term will be explained in the letter. An applicant or objector may appeal to the appeal authority (the Executive Mayor).

The following procedure for lodging an appeal must be strictly followed. If not, the appeal may be declared invalid:

- The appeal must be in writing.
- It must be accompanied by valid reasons and supporting documents.
- The City must receive the appeal within 21 days following the date of notification. This term will be fully explained in the letter.
- The appeal must be received in the way prescribed in the decision notice.

For more details on the appeal process, read sections 108 and 109 of the City of Cape Town Municipal Planning By-law.



## What happens if there are appeals against the decision?

If an appeal is lodged, the City's original decision is suspended (temporarily put aside). This means that you cannot implement (carry out) the decision until the appeal has been processed and the outcome announced. This can cause serious delays on a development and should be factored into your planning.



If the appeal is received within the prescribed time period and is therefore valid, it is circulated to the opposing party/parties for a response. Once these responses have been received and the arguments for the appeal have been considered, a report is prepared and sent to the Office of the Executive Mayor.

The Executive Mayor, being the appeal authority, will make a final decision, and all parties will be informed in writing. Anyone who remains unhappy at this stage would need to approach the courts to review the decision.



## How long does an approval remain valid?

In terms of planning law, most planning permissions are valid for a specific period only, after which it will lapse if not implemented. For a rezoning, subdivision or departure approval, this period usually is five years from the date of approval. A temporary land use departure is also granted for a set period of time only, usually anything up to five years, following which it expires.

Speak to a planning official at your local district planning office to ensure that you are fully aware of the validity period of your planning approval and are not caught off guard when the approval expires.

If you are unable to implement a planning permission within the prescribed period, but still want to proceed, you can apply to your local district planning office for an extension of the validity period. This must however be done well before it expires.



**The City of Cape Town Municipal Planning By-law allows only one extension of validity for an application, for a maximum of five years. (Temporary land use departures may not be extended.)**





## When can I start implementing my planning permission?

Most planning permissions are subject to specific conditions of approval. By law, these conditions must be reasonable and must relate to, or be required by, the development proposal.

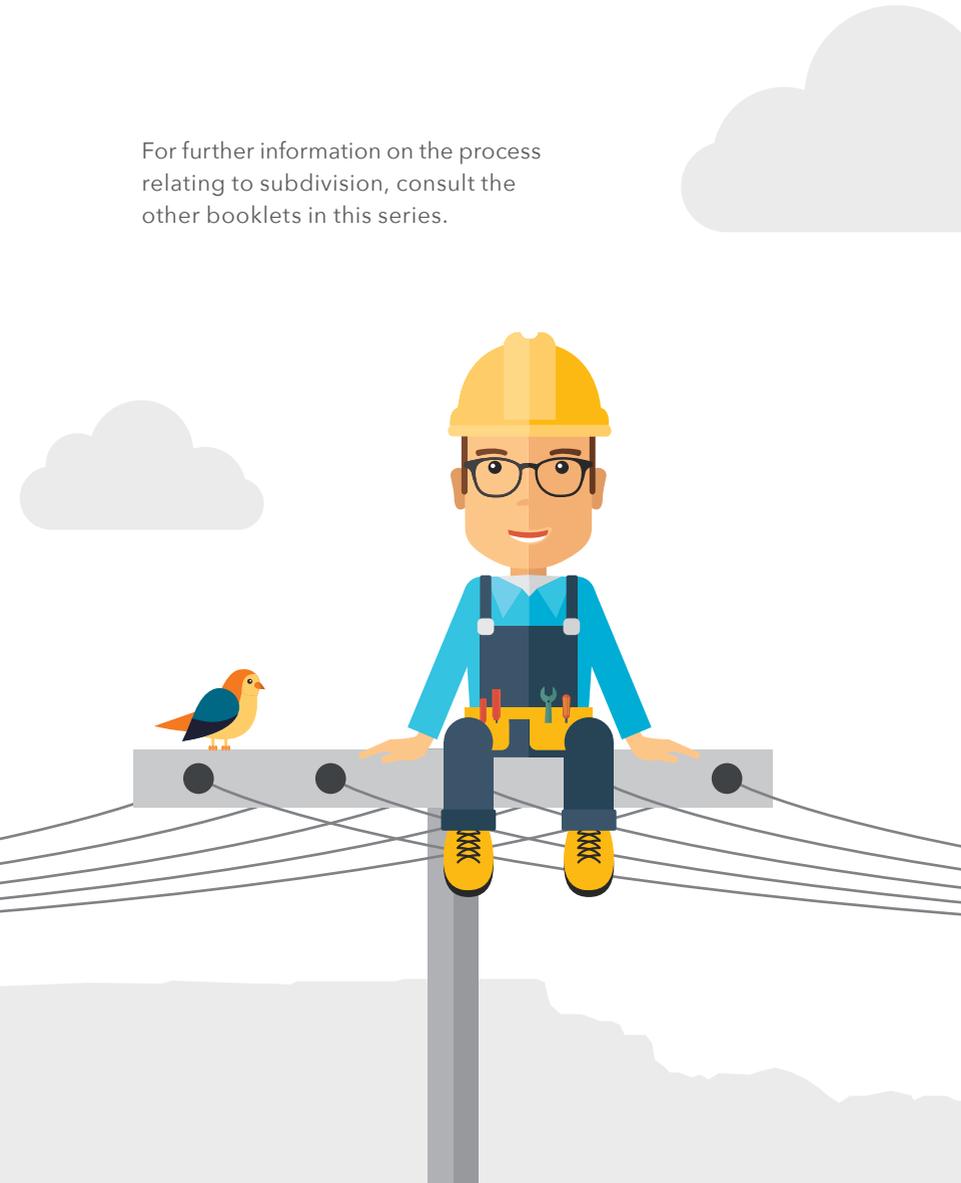
Still, they may involve various requirements, further restrictions and obligations that you must fully comply with either before or sometimes after you start implementing your planning permission.

### Typical conditions of approval include:

- providing infrastructure services to the proposed development;
- paying bulk infrastructure contribution levies;
- transferring certain portions of land to the City; and/or
- allowing electricity or phone telephone cables or pipelines to be laid across the property.

Once any appeals have been resolved and any conditions of approval have been complied with, the planning approval can be implemented with immediate effect. In the case of a subdivision, a range of further steps must be taken in the Surveyor-General's Office and the Deeds Office before construction may start. For any building work, a building plan can be submitted for approval.

For further information on the process relating to subdivision, consult the other booklets in this series.



For any further questions about land use management issues, contact your nearest development management office on the numbers provided below:

### Table Bay District

Media City Building, 2nd Floor, cnr. Adderley Street and Hertzog Boulevard, Cape Town

Postal address: PO Box 4529, Cape Town, 8000

Contact number: 021 400 6444

### Blaauwberg District

Municipal Building, 87 Pienaar Road, Milnerton

Postal address: PO Box 35, Milnerton, 7435

Contact number: 021 444 0561

### Northern District

Kraaifontein Administrative Building, Brighton Road

Postal address: PO Box 25, Kraaifontein, 7569

Contact number: 021 444 1062

### Tygerberg District

Parow Administrative Building, cnr. Voortrekker Road and Tallent Street

Postal address: Private Bag X4, Parow, 7499

Contact number: 021 444 7843

### Helderberg District

Somerset West Administrative Building, cnr. Andries Pretorius and Victoria streets

Postal address: PO Box 19, Somerset West, 7129

Contact number: 021 444 4619

### Mitchells Plain/Khayelitsha District

Stocks and Stocks Complex, Ntlazane Road, Ilitha Park, Khayelitsha

Postal address: Private Bag X93, Bellville, 7535

Contact number: 021 360 1101

### Cape Flats District

Ledger House, cnr. Aden Avenue and George Street, Athlone

Postal address: PO Box 283, Athlone, 7760

Contact number: 021 684 4369

### Southern District

Plumstead Administrative Building, cnr. Main and Victoria roads

Postal address: Private Bag X5, Plumstead, 7801

Contact number: 021 444 7721



<http://planning.capetown.gov.za>



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