



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

APPLICATION SUBMISSION REQUIREMENTS

1 July 2015

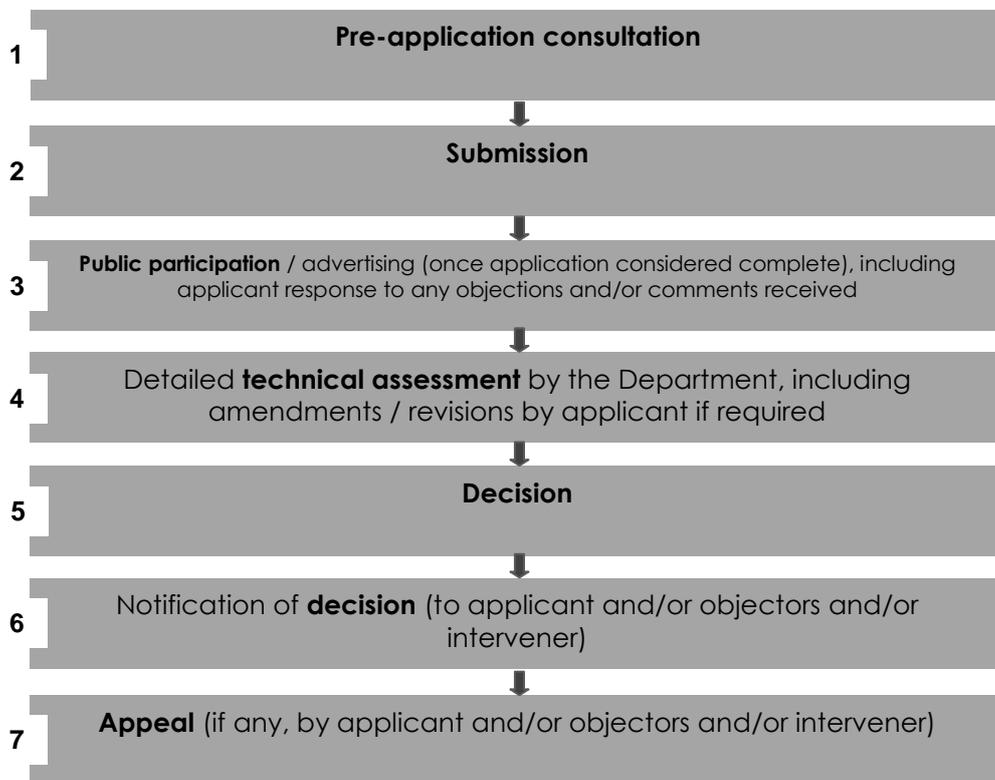
**Planning and Building Development Management
Department**

Annexure to this guide:

Annexure: Application Requirements

1 BASIC APPLICATION PROCEDURE

Depending on the nature, extent and complexity of a proposal, processing a planning application is generally likely to go through (a number of or all) the following procedural steps or stages:



In an effort to prevent delays and ensure the success of your application, prospective applicants are advised to pre-consult their local planning office in order to gauge the merit of their proposal and obtain proper information on the application procedure to be followed, relevant higher order planning frameworks and policies, by-laws, regulations and other requirements, as well as any likely application / advertisement / notice fees payable and the relevant application forms, before an application is prepared or submitted.

Once submitted and accepted, you'll receive acknowledgement of receipt of your application, wherein the case number allocated to your application, as well as the case officer's name and phone number will be stated. Kindly note the case number and quote it in all future correspondence with the Department.

Should the City consider your application incomplete or require any further information / documentation / fees to enable its consideration, this will be requested in writing within a 14 day period, whereupon you are required to submit the outstanding information / documentation / fees within 30 days.

Until a written letter of approval is received, any correspondence or discussion regarding your application should not be construed as an indication that it will in fact be approved and is not binding on the City in any way.

2 APPLICATION TYPES

Planning applications may include any of the following, all made in terms of the City of Cape Town Municipal Planning By-Law, 2015:

Type	In terms of (see below) of the City of Cape Town Municipal Planning By-Law, 2015
Rezoning of land, including rezoning to subdivisional area overlay zoning	Section 42(a)
Permanent departure	Section 42(b)
Temporary departure	Section 42(c)
Subdivision of land	Section 42(d)
Implementation of a subdivision approval in phases	Section 42(e)
Consolidation of land	Section 42(f)
Amendment, suspension or deletion of a restrictive condition	Section 42(g)
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	Section 42(h)
Consent, approval or any other permission or requirement in terms of the development management scheme	Section 42(i)
Amendment, deletion or addition of conditions in respect of an existing approval granted or deemed to be granted in terms of this By-Law	Section 42(j)
Extension of the period of validity of an approval	Section 42(k)
Amendment or cancellation of an approved plan of subdivision or general plan	Section 42(l)
Permission required in terms of the conditions of approval of an application	Section 42(m)
Determination of a zoning, a non-conforming use right or any other matter which the City may determine in terms of this By-Law	Section 42(n)
Correction of a zoning map	Section 42(o)
Certification of an owners' association constitution or an amendment	Section 42(p)
Alteration or amendment of a street name or number	Section 42(q)
Determination of an administrative penalty as contemplated in section 129(1)	Section 42(r)
To exempt a subdivision from the need for approval in terms of this By-Law as contemplated in section 67(3)	Section 42(s)
Any other application provided for in this By-Law	Section 42(t)
Any other application which the City Manager may prescribe in terms of this By-Law	Section 42(u)

3 SUPPORTING INFORMATION & DOCUMENTATION

It is important that your application include all relevant information necessary to enable the Department to properly evaluate it. The annexure to this document lists the minimum supporting information and documentation required to enable the City to assess the various types of planning applications. However, as this is only a guideline, please consult your local district planning office as there may be site specific or additional / unique requirements relating to your proposal.

Should the title deed of the subject property be unclear, a conveyance's certificate may be required, certifying that the relevant original title deed (and not only the latest deed of transfer) was examined by a conveyancer for restrictive conditions and describing such restrictions if any.

4 APPLICATION FEES & TARIFFS

Application fees and tariffs are set on an annual basis by Council for each financial year (i.e. from 1 July to 30 June the next year) and must be paid in full at submission, failing which the application will not be processed. Contact your nearest district planning office to determine the exact amount payable in respect of your application. Once calculated, the planning office will issue you with an invoice which can be settled at any Council cash receiving office, which in turn should issue you with a formal receipt. Such proof of payment should accompany your submission.

The total fee payable is determined by the application type, extent / complexity of the proposal and extent of public participation required and may therefore consist of:

- basic application fee; and/or
- complexity fee; and/or
- advertising / notices fee.

Should the need for further impact assessments (indicating complexity) only arise later during the evaluation process or further additional public participation be required (i.e. in case of a major amendment), an additional fee may be charged at such time. If approved at the same time it is imposed as a condition of approval, there is no separate fee for a site development / sketch plan application. Kindly note, withdrawal or cancellation of an application may result in forfeiture of part or all of the application fee paid. Also, the fee is not refundable in case of a refusal.

5 PROPOSAL MOTIVATION

In order to explain your proposal to potentially affected parties and enable the Department to assess it, it is necessary that it be properly motivated in terms of the **criteria set out in section 99 of the City of Cape Town Municipal Planning By-Law, 2015 (or section 48(4) in case of removal, suspension or amendment of restrictive conditions)**.

Whereas minor applications may only require motivation by means of a paragraph or two in a cover letter, larger and more complex applications may require clear explanation of the concepts and detail involved and the desirability thereof in a separate detailed motivation report. Such a detailed motivation report may include, but is not limited to, the following aspects:

- **Background:** Any information of significance to the application, may include site history, any previous negotiations, transactions or changing circumstances preceding the application, previous applications etc.
- **Physical characteristics of application premises and surrounding area:** Description of all physical characteristics of subject premises, including topography, slopes, drainage, vegetation, floodplains and floodlines, unique ecological habitats and sensitive areas, any unstable soil formations, existing buildings and structures, access routes etc, as well as expert knowledge and opinion where problems are anticipated. The use of photographs is encouraged. It is furthermore strongly

recommended that the surrounding area is assessed in the context of the specific application, to an extent that is acceptable and realistic.

- **Development proposal:** Detailed description of all aspects of the proposed development, including any alternative schemes. The application should furthermore be supported by drawings, plans, sections or elevations which can give an indication of the proposed built form, landscaping and public interface of the proposed development.
- **Desirability:** The following considerations are relevant to the assessment of the proposed land use to determine if it would be desirable –
 - economic impact;
 - social impact;
 - scale of the capital investment;
 - compatibility with surrounding uses;
 - impact on the external engineering services;
 - impact on safety, health and wellbeing of the surrounding community;
 - impact on heritage;
 - impact on the biophysical environment;
 - traffic impacts, parking, access and other transport related considerations; and
 - whether the imposition of conditions can mitigate an adverse impact of the proposed land use.

In motivating applications for the removal, suspension or amendment of restrictive conditions, applicants must have regard to section 39(5) of the Land Use Planning Act and section 47 of the Spatial Planning and Land Use Management Act.

6 ADVERTISING & PUBLIC PARTICIPATION

The City is obliged to facilitate public consultation and participation in respect of certain planning applications submitted to it by arranging advertising of your proposal to persons whose rights or legitimate expectations may be materially and adversely affected if an application is approved. This can be done by means of several forms or methods of notification. Further detail of required advertising and public participation is contained in the City's Notification Policy for Land Use Development Applications (planning.capetown.gov.za).

7 APPEALS

Once the City has reached a decision on your application, you (the applicant) and any objectors or interveners will be notified in writing of such decision and be advised of your right to appeal to the appeal authority (should you feel aggrieved by the decision) in terms of section 108 of the City Of Cape Town Municipal Planning By-Law, 2015.

Should you decide to exercise such appeal right, it must be done within the prescribed manner. Should any objector/intervener exercise their appeal right, you'll be afforded the opportunity to comment thereon (and vice versa) before a final decision is taken.

Kindly note, any decision on your application is suspended until such time as the period for lodging appeals has lapsed and the City has advised you in writing that you may act on the decision or until the final outcome of any appeal submitted are made known.

APPLICATION REQUIREMENTS

The purpose of this checklist is to guide applicants in the preparation of development applications, as well as City staff on the department's submission counters to check basic completeness of development applications prior to receipt thereof.

Development application submissions are required to be accompanied by the minimum supporting information and documentation listed herein, without all of which the application will not be accepted and the applicant will be advised of the shortcomings and invited to return once the proposed submission fulfil all requirements as stated herein, or alternatively to make an appointment for a pre-application consultation meeting with a planning official. Should you be unsure at all, kindly consult a official on duty.

Kindly note in the case of planning application submissions, compliance with the requirements stated herein and subsequent receipt thereof by the City at the counter does not necessarily guarantee the City's acceptance of the completeness of the application. All land use application submissions remain subject to a final completeness check by a planning official within 14 days of receipt, during which time further requirements may be identified and conveyed to the applicant depending on the nature of the application.

Types of applications in terms of the Cape Town Municipal Planning By-Law, 2015								
Section 42(a)	Section 42(b)	Section 42(c)	Section 42(d)	Section 42(e)	Section 42(f)	Section 42(g)	Section 42(h)	Section 42(i)
Rezoning of land, including rezoning to subdivisioal area overlay zoning *8	Permanent departure *8	Temporary departure *8	Subdivision of land *5 *6 *7 *8	Implementation of a subdivision approval in phases *5 *6 *7 *8	Consolidation of land *8	Amendment, suspension or deletion of a restrictive condition *8	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	Consent, approval or any other permission or requirement in terms of the development management scheme *8
Information required								
Completed and signed application form	x	x	x	x	x	x	x	x
Relevant authority ito section 71(1)(b)(i-iv) of the MPBL *1	x	x	x	x	x	x	x	x
Consent of any mortgage bond holder *3						x		

Proof of payment of all fees	x	x	x	x	x	x	x	x	x
Proof of pre-consultation *2	x	x	x	x	x	x	x	x	x
Full copy of the title deed	x	x	x	x	x	x	x	x	x
Conveyancer's certificate *3									
Locality plan, layout plan or plan depicting the proposed development	x	x	x	x	x	x	x	x	x
Copy of the SG diagram or extract from the approved general plan	x	x	x	x	x	x	x	x	x
Written motivation for the application based on the criteria for decision and information to support such motivation	X	x	x	x	x	x	x	x	x
Motivation to support criteria in terms of section 39(5) of LUPA and section 47 of SPLUMA							x		
Information required in pre-consultation *2	x	x	x	x	x	x	x	x	x
Sufficient information as required into the City's approved DC policy *4	x	x	x	x	x	x	x	x	x
Any additional information that the City Manager calls for or prescribes *3									
Notice of no objection		x	x					x	

Types of applications in terms of the Cape Town Municipal Planning By-Law, 2015

Section 42(j)	Section 42(k)	Section 42(l)	Section 42(m)	Section 42(n)	Section 42(o)	Section 42(p)	Section 42(q)	Section 42(s)
Amendment, deletion or addition of conditions in respect of an existing approval granted or deemed to be granted in terms of this By-Law *8	Extension of the period of validity of an approval *8	Amendment or cancellation of an approved plan of subdivision or general plan *8	Permission required in terms of the conditions of approval of an application *8	Determination of a zoning, a non-conforming use right or any other matter which the City may determine in terms of this By-Law *8	Correction of a zoning map *8	Certification of an owners' association constitution or an amendment *8	Alteration or amendment of a street name or number *8	To exempt a subdivision from the need for approval in terms of this By-Law as contemplated in section 67(3) *8

Information required									
Completed and signed application form	x	x	x	x	x	x	x	x	x
Relevant authority to section 71(1)(b)(i-iv) of the MPBL *1	x	x	x	x	x	x	x	x	x
Consent of any mortgage bond holder *3									
Proof of payment of all fees	x	x	x	x	x	x	x	x	x
Proof of pre-consultation *2	x	x	x	x	x	x	x	x	x
Full copy of the title deed	x	x	x	x	x	x	x	x	x
Conveyancer's certificate *3									
Locality plan, layout plan or plan depicting the proposed development	x	x	x	x	x	x	x	x	x
Copy of the SG diagram or extract from the approved general plan	x	x	x	x	x	x	x	x	x
Written motivation for the application based on the criteria for decision and	x	x	x	x	x	x	x	x	X

information to support such motivation									
Motivation to support criteria in terms of section 39(5) of LUPA and section 47 of SPLUMA									
Information required in pre-consultation *2	x	x	x	x	x	x	x	x	x
Sufficient information as required into the City's approved DC policy *4	x	x	x	x	x	x	x	x	x
Any additional information that the City Manager calls for or prescribes *3									
Notice of no objection		x							

*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 DC's 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"> (i) location of the proposed land units; (ii) proposed zonings in respect of the proposed land units; (iii) public places; (iv) existing structures; (v) existing and proposed access points; (vi) servitudes; (vii) contours with at least a 1m interval for site with a slope of less than ###, otherwise 5m intervals *3; (viii) existing external engineering services; (ix) any significant natural features; (x) street furniture; (xi) scale of the plan; and (xii) the proposed names and numbers of streets.
*6	If a subdivision is to be implemented in phases, the subdivision application must be accompanied by a phasing plan showing – <ul style="list-style-type: none"> (a) the proposed timeline for the completion of the entire subdivision;

	<p>(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;</p> <p>(c) that the engineering services for each phase will be able to function independently and in sequence;</p> <p>(d) the links in engineering services to the next phase;</p> <p>(e) proposed measures to avoid or mitigate any adverse impact on adjoining land units or proposed land units not located within the phase to be developed; and</p> <p>(f) a map indicating –</p> <p>(i) the proposed subdivision which clearly marks, in bold lines, the boundaries of each proposed phase;</p> <p>(ii) each phase labelled alphabetically; and</p> <p>(iii) the roads, land units, open spaces, internal engineering services and external engineering services that the applicant will provide for each phase.</p>
*7	If an application for subdivision requires a servitude over land which does not belong to the applicant, the applicant must provide a copy of a written agreement with the owner of the 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 the owners' association.

Depending on the nature of the application and at the planning official's discretion, additional information / documentation which may be required during the 14 day final completeness checking period may include (but is not limited to) any of the following :

- Copy of TIS (if between 50-150 peak hr trips) or TIA (if >150 peak hr trips)
- Floodline certificate (where proposal located in / close to floodplain)
- Copy
- EIA / HIA report & RoD (where required in terms of legislation)
- Confirmation of submission of EIA / HIA / NITD
- Services infrastructure report
- Phasing plan
- Landscaping plan (where relevant)
- Tree survey plan (where relevant)
- Contour plan
- Typical unit types (plan & elevation)
- Perspective illustrations / models
- Additional copies of selected documentation
- Additional motivation etc. etc.