



**CITY OF CAPE TOWN**  
**ISIXEKO SASEKAPA**  
**STAD KAAPSTAD**

## DEVELOPMENT MANAGEMENT

### COMMENT on an application received by the City of Cape Town

(prescribed form in terms of section 90 of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL))

If you wish to comment in terms of section 90 of the City of Cape Town Municipal Planning By-law, 2015 (MPBL) regarding a land use application being considered by the City you are required to complete this form to ensure the comment is valid.

Use of this form does not limit any supplementary documentation that you may wish to bring to the attention of the decision authority. All documents you wish to submit for consideration by the decision authority should be attached and submitted simultaneously with this form.

Please complete/tick the appropriate boxes below, provide a motivation/explanation of your answer, attach any supplementary documentation to this form and submit it to the relevant email address as specified in the notice.

Subject to section 90(7) of the MPBL your submission may appear on a public agenda. In terms of section 92 of the MPBL your submission will be referred to the applicant to allow for a response to the City.

#### SECTION A: APPLICATION DETAILS

Case ID		Subject erf number	
Street address of the subject property			
How did you become aware of the application? <input type="checkbox"/> Registered letter via post <input type="checkbox"/> Onsite notice <input type="checkbox"/> Newspaper <input type="checkbox"/> City of Cape Town website <input type="checkbox"/> Other, please specify			

#### SECTION B: DECLARATION BY AFFECTED PARTY OR PARTIES/ PROPERTY OWNERS

In respect of the aforementioned application, I/we the registered owner(s) or resident(s) of the undermentioned premises, formally comment (which may include an objection, providing representation or support for the application.) Indicate preference below:

☐ Object  
 ☐ Comment on  
 ☐ Provide representation

If the activity is currently in operation, how does the activity affect you?

The decision-maker will use section 99(3) of the MPBL to determine the desirability of the application. Should you wish to align your submission with the above-mentioned criteria please visit the [City website to peruse the MPBL](#). Reason for comment must include:

- Your interest in the application.
- Effect the application will have on you, your property or the area.
- Any aspect of the application that is considered to be inconsistent with policy, and how.
- What impact the application will have on your property.

**If your response exceeds the space provided below, please attach it as an annexure.**

Are you commenting on the whole application

☐

or only part of it?

☐

If in part, provide more details below:

Would you support the application if particular conditions were imposed?

Yes

No

Such condition(s) must be reasonable and relate to the application at hand in terms of section 100 of the MPBL. If so, state the reason and propose conditions below:

Section 120(11) of the MPBL provides that a person may make a request to the Municipal Planning Tribunal (MPT) to make an oral submission. For such request to be considered it must comply with the following requirements:

1. Must be a written request emailed to the following address: [MPT.oralhearings@capetown.gov.za](mailto:MPT.oralhearings@capetown.gov.za).
2. Adequate reasons must be given for such request.
3. The request must be received at the above-mentioned address at least five days before the MPT meeting where the application(s) will be considered, or closer to the meeting if good cause is shown.

To assist you in deciding whether you would like to make such request, go to the following web link to view the MPT meeting dates: <http://www.capetown.gov.za/Family%20and%20home/meet-the-city/city-council/Meeting-calendar>.

You will be able to view MPT meeting dates, agendas and reports using erf numbers, physical addresses and case ID. Requestor to note that you will be required to identify when the application to which you wish to make oral submission on, will appear on the Tribunal agenda in order for you to submit the request in time as per the above requirement.

By lodging a comment you acknowledge and consent that:

- (i) the personal information you provide will be processed by the City of Cape Town, its agents and/or its representatives (and for the purposes of, or in connection with, the application);
- (ii) such processing complies with the obligation imposed by applicable law on the City of Cape Town;
- (iii) in accordance with applicable law, the information you provide may be made available to the public and to the applicant; and
- (iv) should you disclose more information than is necessarily required, such information may also be publicised.

You are also advised to consider the City of Cape Town Privacy Policy (available on the CCT website) and any other POPIA policies related or relevant to Development Management.

## SECTION C: SIGNATORIES DETAILS

Full name and surname

Erf number  Postal address

Email address for correspondence\*

\* If this form is submitted using a different email address than the one stated above, then note that the City will only communicate with you using the email address from which the form was received.

Contact number

Signature

Cell number

Date

D	D	M	M	Y	Y	Y	Y
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## EXTRACT FROM THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015

### 90 Comment on an application

- 1) A person who accepts an invitation or who responds to a public invitation to comment must comply with this section.
- 2) A comment must be in writing.
- 3) A late comment will not be considered, unless the City Manager condones the late submission in terms of subsection (4).
- 4) The City Manager may condone the late submission of a comment if good cause is shown and consideration of the late comment would not -
  - (a) cause an unreasonable delay; or
  - (b) prejudice the public interest.
- 5) A person who submits a comment must provide on the prescribed form -
  - (a) sufficient details of the application for it to be readily identified;
  - (b) their full name;
  - (c) their physical address, email address and other contact details;
  - (d) their interest in the application;
  - (e) the reason for their comment, including -
    - (i) the effect that the application will have on them or the area;
    - (ii) any aspect of the application that they consider inconsistent with policy, and how.
- 6) A comment which does not meet the requirements of subsection (5) may be disregarded.
- 7) The City Manager may keep the information provided under subsections (5)(b) and (5)(c) confidential on good cause shown.
- 8) No person may seek payment of money or other consideration from the applicant or anyone involved in the application in return for not objecting, submitting a notice of no objection or supporting the application.
- 9) No person may offer payment of money or other consideration to others not to object, to submit a notice of no objection or to support the application.
- 10) Subsections (8) and (9) do not prohibit the request for, or the offer to undertake measures to mitigate the impact of the development contemplated in the application.
- 11) A person who contravenes subsections (8) or (9) is guilty of an offence and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).

### 111 Method and date of notification

The date of notification is determined as follows:

- 6) if the notification is provided -
  - (a) orally, on the date of oral communication;
  - (b) by hand, on the date of delivery or collection;
  - (c) by registered post, on the fourth day after the date stamped upon the receipt for registration issued by the post office which accepted the notice;
  - (d) by email, fax or other form of electronic communication, on the date that the email, fax or other form of electronic communication is sent.

### Interpretation Act No 33 of 1957 section 4

- (4) Reckoning of number of days. - When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusive of the first and inclusive of the last day, unless the last day happens to fall on a Sunday or on any public holiday, in which case the time shall be reckoned exclusive of the first day and exclusive also of every such Sunday or public holiday.

As an example, if the date of notification is 1 October, then the first day of calculation of the 21 day appeal period will be 2 October and the 21st day would be 22 October. If 22 October is either a Sunday or a public holiday, then the closing date will be the next following day that is not either a Sunday or a public holiday.