

CITY OF CAPE TOWN DEVELOPMENT CHARGES

An Implementation Guide to the Development Charges Policy for Engineering Services for the City of Cape Town

28 November 2014

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Background

The new Development Charges Policy for Engineering Services for the City of Cape Town was approved by council on 29 May 2014 and implemented on 1 July 2014 (policy number C41/05/14). This implementation guide aims to provide a brief overview and explanation of the policy. The guide is not a substitute for the Policy and intention of the guide is simply to assist the reader understand and apply the Policy. The guide will introduce each section of the Policy and then explain selected parts of that section.

Definitions

Section 1 of the Policy sets out a list of definitions of technical and legal terms used in the Policy. These definitions are largely self-explanatory. The most important definition to understand is that for external engineering services, which includes bulk and link external engineering services.

Introduction

Section 2 introduces the context in which development charges are applied, the reason why the City needs to raise development charges and the implications for the City and its residents of the City not raising development charges.

A Development Charge (DC) is a once-off capital charge imposed by the City on a developer in order to cover the cost of bulk municipal engineering services required as a result of the intensification of land use. The DCs are calculated to determine the fair share of the actual capital cost of municipal infrastructure required by a particular development. The costs for the provision of infrastructure are based on the unit costs that are determined for each service.

DCs have been part of the land development system in South Africa for many years. They have been known by different names at different times, including Developer Contributions, BICLs, and Engineering Services Contributions. The City has had various policies in the past that cover these payments, and this Guide introduces the newest such policy.

The City is legally able to require payment of DCs as a condition of approval when it approves a land development application in terms of the applicable legislation.

Principles

Section 4 of the Policy sets out the Principles that guided the City in developing the new policy. These Principles are largely taken from a set of principles proposed by the National Treasury for all municipalities in the country. The Principles are:

- Equity and fairness: the policy must be fair to developers, to the City and to the residents of Cape Town
- Predictability: developers and the City need to know how Development Charges will be calculated so that there can be proper planning of investment by both parties.
- Spatial and economic neutrality: Development Charges are a financial instrument to address financial costs, they are not a tool to be used to achieve economic or spatial

outcomes, although the financial rules reflected in the policy may well have economic and spatial impacts; and

• Administrative ease and uniformity: the policy must be easy to implement and must apply to all parts of the City.

Roleplayers and stakeholders

Section 5 of the policy briefly outlines the stakeholders and roleplayers who are affected by the implementation of the policy.

Legislative Framework

In Section 6 the Policy describes the legal framework in terms of which the Policy will be implemented. The laws governing land use and land development are changing in the province, from the Land Use Planning Ordinance to the Land Use Planning Act, and nationally with the introduction of the Spatial Planning and Land Use Management Act. The Policy is drafted to satisfy the requirements of both the current and anticipated legislation. The [imminent] Municipal Planning By-law of the City of Cape Town also deals comprehensively with engineering services and Development Charges.

Definition of Development Charge Components

Section 7 sets out the different components to be taken into account when calculating Development Charges in the City. The most important rule is that Development Charges are used to pay for external services: i.e. city-wide services that have to be increased by the City to accommodate the impact of the new land use. Internal services, which are the services constructed on the developer's land and which serve that development Oharges are used, are divided into bulk and link services. The bulk services are provided by the City but paid for by the developer's payment of Development Charges. The link services must be installed by the developer directly. Table 1 below illustrates the approach to bulk and link services.

Co	mpone	nt	Definition	Paid for by	
	Bulk	External bulk	Services external to the development site boundary serving multiple users at a municipality-wide scale as indicated in the relevant master plans	Developers through DC – calculated by	
External		Internal bulk	As above, but passing through the site boundary	formula	
engineering service	Link		Services external to the development site boundary required to connect internal engineering services within the proposed development to existing or proposed bulk engineering services	Developers through DC – paid directly through installation of the services	
Internal en	Internal engineering service		Services within the development site boundary to service that development and which will be transferred to the municipality	Developer as part of development cost	

Table 1: Definition of infrastructure components

Example: Separate treatment of bulk and link components of a DC liability

Developer X submits a development application. The City calculates X's DC liabilities to total R1,500,000 for roads, transport, stormwater, sewerage, water and solid waste as calculated using the DC Calculator. Developer X, in this case, also has to provide a link road to connect to the planned city road network, valued at R 500,000. The total DC liability is thus R2,000,000, which the developer discharges through the payment of a bulk DC contribution of R1,500,000 and the construction of the link road.

Land development applications that give rise to Development Charges

Not all land use changes give rise to Development Charges. Section 8 identifies those land development applications for which a developer will have to pay Development Charges. Development Charges will apply to:

- Most rezoning decisions;
- Subdivision, permanent departure and consent use applications that result in a more intense land use; and
- Applications to amend conditions imposed on an earlier application, where the condition limited the intensity of the land use.

In general, Development Charges do not have to be paid in the case of other applications for land use change permission.

The policy also identifies a set of land use changes that do give rise to a more intense land use, and which would otherwise give rise to Development Charges. In these cases a land development application may have an impact on municipal infrastructure but that impact will be similar to or not greater than the existing impact. In these cases the City has set impact thresholds, below which DCs will not have to be paid. Applications for land uses, up to the following thresholds, will **not** give rise to a DC liability:

- Early childhood development centre up to 34 children per erf;
- Home occupation up to 50m² per erf;
- Home child care up to six children per erf;
- House shop up to 50m² per erf;
- Second dwelling up to 60m² per erf; and
- Bed and breakfast establishment up to the first three bedrooms of an existing dwelling.

Methodology for determining unit costs for use in Development Charges calculations

A developer's overall Development Charge liability is calculated based on the impact on municipal services infrastructure that a development will have, multiplied by a predetermined unit cost. This can be illustrated as:

DC=*additional units of impact x unit cost*

Section 9 of the Policy explains how the unit costs for each service are determined. This was done through a modelling and costing of the infrastructure required to service a fully developed 20-year land use projection. The unit costs are average figures for the whole of the City of Cape Town and will be applied uniformly across the City. Unit cost estimates for each infrastructure category will be re-calculated annually in line with inflation in terms of the Civil Engineering Index published by the South African Federation of Civil Engineering Contractors (SAFCEC).

Calculation of Development Charges

Once the unit costs have been determined, as set out in Section 9 of the Policy, they have to be multiplied by the additional units of impact. Section 10 of the Policy explains how this is done, starting with the identification of units of impact for each service. The total DC for any land development application then is the sum of the DCs calculated for each of the six services: water, sewerage, roads, transport, stormwater and solid waste.

In order to ensure uniformity across the city as well as administrative ease there is a spreadsheet calculator, which is introduced below. Examples of two DC calculations are annexed to this Guide (see below, Appendix A - Examples of DC calculations).

How to use the DC Calculator

The DC calculator will be made available to the public on the City website in order for developers to estimate the bulk component of their DC liability. The final quantification of the DC liability however can only be calculated by City officials and may not agree with estimates made by a developer, depending on the inputs used. The following information is required when using the DC calculator:

- Erf size
- Existing land use rights
- Total new land use right being applied for
- Location in relation to Public Transport Zones (inside/outside)

Should an application for rezoning not specify the particular land use (or the extent of that use in terms of square metres), the highest possible development impact for that zone as defined in the Cape Town Zoning Scheme (CTZS) will be charged. To simplify the application of the Policy the numerous land use categories in the CTZS were aggregated into broad groups. The land use categories listed in each group are the same land use categories as defined in the CTZS. This consistency of terminology was specifically used in order to minimise confusion.

If a particular application is based on a combination of land use categories listed in Annexure B of the policy, the impact of each category of land use that makes up the development is calculated individually and added together.

Format of the DC calculator

The DC calculator is an MS Excel spreadsheet. It requires version 2007 or newer. Entries are only allowed in the yellow shaded cells. The calculator has embedded macros to clear the sheet and to input demand for land uses not listed in the calculator, but will work for simple applications without this functionality. To benefit from all the functionality in the model, macros have to be enabled on your version of MS Excel.

Layout of the DC calculator

City Of Cap	e Town Developm	ent Charges Calcu	ator	(Master Co	ру		Version	2.0	June 2014		Compulsory
Please complete compulsory information (indicated with *) Di						Erf Number *					information
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A2	Single Residential >	650m² Erf		•		Dwelling unit					for each
A3	Single Residential >	350m² Erf				Duvalling unit		1			land use
A4	Single Residential <	350m² Erf		•	1	SINGLE RESIDEN	TIAL (<3	50m²)			
A5	State Funded Housi	ng				Dwelling house, inc	cluding on	e 'Additiona	l Use'		category
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A9	Group Housing <20	0m²		•		Dwelling unit					
A10	Flat >100m ²			•		Dwelling unit					Yellow input
A11	Flat <100m ²					Dwelling unit					
A12	Second/ Additional	Dwelling/Granny Flat		•		Dwelling unit					cells for
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B2	Accommodation Est	ablishments				m ² GLA					
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D1 D2	Industrial			•	•	m ² GLA				_	_
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Exceptional circumstances

Developers may, where there are exceptional circumstances, request the City to calculate liability based on actual cost, i.e. not using the spreadsheet calculator, subject to a number of conditions that are laid out in paragraph 10.11 of the policy. Exceptional circumstances include:

- Unprecedented scale of the development;
- Guaranteed exceptional dependence on, or independence from, one or more municipal engineering services; or
- Where it can be demonstrated that the City will not need to provide municipal infrastructure.

Exemptions

Section 11 of the Policy identifies the conditions under which exemptions can be granted from Development Charges. Exemptions are discouraged because they compromise the City's ability to provide the required infrastructure for growth. Exemptions can only be granted by council resolution or a council-approved policy to exempt specified categories of land use or specified geographical areas or a combination of both from DCs.

An exemption can be for the total DC liability or for a part of that liability. However, where the council does approve an exemption the City must identify the alternative funding source that will be used instead of the DC payment. Exemptions to individual developers or properties are not permitted. The City has to report annually on the number of exemptions granted and the amount of DC funding that was found from alternative sources. Exemptions are dealt with in a separate City policy – the Investment Incentives Policy – and any applications in terms of this policy should be directed to the Economic Development Department and not submitted as part of the land use application process.

Administrative process

The detailed steps to be followed in the implementation of the policy are contained in Section 12 of the Policy. These include:

- The information that a developer must provide in order for the City to calculate the applicable Development Charges;
- The procedure to be followed for the calculation of Development Charges, as part of the land development application process;
- The actual payment of the Development Charge (see Table 2 below);
- The installation of infrastructure by a developer in lieu of paying a Development Charge;
- Restrictions on the use of the Development Charges funds by the City; and
- Transitional arrangements for the implementation of the new policy.

A flow diagram of the DC process from development application to granting of approvals is shown below:

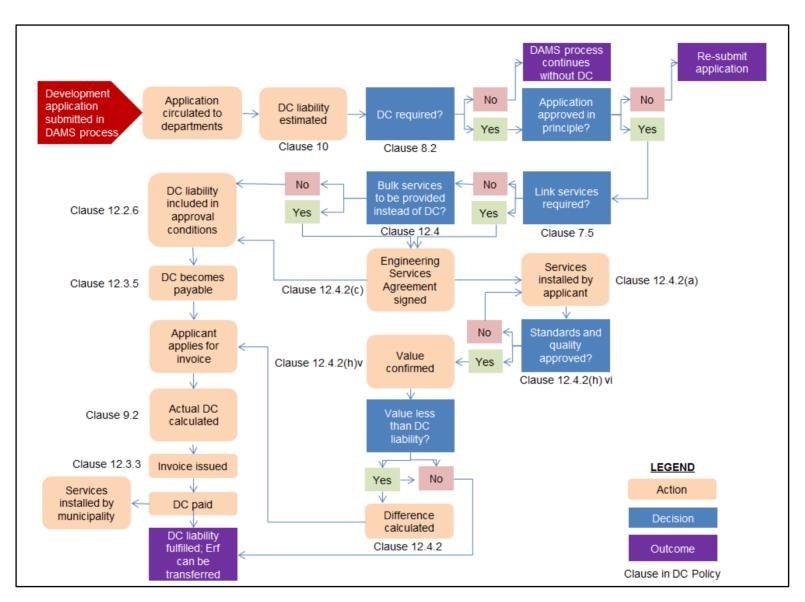


Figure 1: Flow diagram of the DC process

Table 2: Timing of DC payments for different types of land development

Type of land development	Timing of payment
Subdivision of land	Prior to the issuing of a section 31 clearance certificate which would allow transfer of first unit, or registration of a Certificate of Registered Title, unless the conditions of approval indicate otherwise
Where no subdivision is required and where the intended development requires approval of a building plan	Prior to approval of building plans unless the conditions of approval indicate otherwise
Where no subdivision clearance or subsequent building plan approval is required	Prior to commencement of any activity on site pursuant to the application

Monitoring, evaluation and review

The final section of the policy, Section 13, deals with the City's obligation to monitor and review the implementation of the Policy. It requires yearly reporting on the use of Development Charges in the City's Annual Report and also allows the city to review the policy whenever the need arises.

Contact point

For further information or clarity on any of the issues raised in the policy please contact Johan.Snyman@capetown.gov.za

Frequently Asked Questions

Can I pay the DC off in instalments?

No. The only part payment that is allowed is if development approval is given for a phased development and payment is linked to the approval of each phase.

Once I have paid my DC, when will the infrastructure be provided?

Once the Development Charges paid towards bulk infrastructure have been paid in full for a specific piece of infrastructure, the City will prioritise that infrastructure development project on the capital budget in the subsequent budget cycle. The payment will be placed in a dedicated fund that will be utilised according to standard capital budgeting and expenditure processes. The money will be kept in a dedicated fund per service in the geographical area it was collected and when sufficient funds for the implementation of the infrastructure are collected the required infrastructure will be constructed. If the developer requires infrastructure sooner than the City is able to provide, then the option of providing services instead of DC payment is available to the developer.

What happens if I pay the DC and the municipality does not provide bulk infrastructure for my development?

As part of the evaluation of the development application the existing infrastructure capacity must be evaluated to ascertain the sustainability of the proposed development. The municipality will not approve the development proposal if there is a lack of infrastructure that will compromise the existing users. Where smaller developments are approved in an incremental manner, they will contribute to the DC fund over time and the fund will be utilised to provide the infrastructure required. In the interim, the existing infrastructure will be managed not to exceed available capacities before new infrastructure is provided.

How do I know that the money will be spent in the area of my development?

The DC policy requires that the City of Cape Town spends the funds according to the service for which it was paid and in the district in which it was paid. The exception for this is for cross-boundary services (such as water and solid waste) where the infrastructure network serving the proposed development is not confined to any one municipal district.

Can I apply for an exemption?

Individual developers may not apply for exemptions. There is a separate City policy – the Investment Incentives Policy – that covers exemptions, and developers should make reference to this policy. If a development qualifies for an exemption under an existing resolution or policy, this should be noted in the development application, which will then be verified by City officials.

What happens if a City department acts as a developer?

City departments are required to follow the same procedures as private developers. The DC liability will be calculated for city projects involving land use changes and a payment made into the relevant DC fund, either from the departmental capital budget, or from an alternative funding source as identified in terms of the exemption provisions specified in the policy.

How do I pay the DC and to whom?

Cheque or EFT can be made based on an invoice provided by the City of Cape Town. The banking details will be provided on the invoice.

Do I get a discount for using 'green' infrastructure in my development?

Although measures to reduce consumption of water and lessen impacts on all infrastructure capacity are encouraged and supported by the City, the implementation of these measures cannot be sufficiently guaranteed at the time of a development application to be considered in the calculation of the Development Charge. However, the DC policy makes provision for developers to request that the actual costs of the external services be calculated for that particular development, subject to certain conditions.

Appendix A - Examples of DC calculations

Example One: Conversion of farmland into a mixed-use development

Mr AN Other wishes to convert his undeveloped 5ha farm on erf 200 in in Durbanville into a mixed-use development comprising 2 residential plots of 750 m² each, 4 residential plots of $500m^2$ each and a small office park of $1000m^2$ Gross Leasable Area (GLA). The development is located inside the City of Cape Town's defined Public Transport Zone and will only take place in 2016.

The total DC payable in this case, is R564,734.02, as shown below.

ity Of Cap	pe Town Developm	ent Charges	Calculator	r (Maste	r Co	ру)	Ver	Tow mar	logo of t n is visib ndatory ir n capture	le when formati	all
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A1	Single Residential > 10	00m² Erf		•		Dwelling unit					
A2	Single Residential > 65	0m² Erf				Dwelling unit				2	
A3	Single Residential > 35	0m² Erf				Dwelling unit				4	
A4	Single Residential < 35	0m² Erf				Dwelling unit					
A5	State Funded Housing					Dwelling unit					
A6	GAP/Affordable Housin	g				Dwelling unit					
A7	Group Housing >650m	2				Dwelling unit					
A8	Group Housing >200m				1	Dwelling unit					
A9	Group Housing <200m	2				Dwelling unit				Dropp	sod now
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E3	Care / Accommodation	(Hospitals, Clinic	cs, Old age h	iome)		Bed m ² GLA					
E4	Office/ Consulting room env. facilities)	ns (welfare office	es, <mark>c</mark> linics, ho	ospitals &		m² GLA				The	development is
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ransport	pers.trips/peak period	32.3300	R ·	688.99		22,275.04		3,118.51		25,393.54	
tormwater ewerage	ha"C kl/day	0.2858 5.9000	R ·	141,572.96 14,394.26		40,467.67 84,926.12		5,665.47 11,889.66		46,133.14 96,815.77	
lewerage /ater	ki/day	7.6000	R	1,765.67		13,419.08		1,878.67		15,297.76	
olid Waste	kg/day	63.6300	R	356.25		22,667.98		3,173.52		25,841.49	
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Example Two: Conversion of a residential house into a pre-school

Ms EX Ample wishes to convert her large Bellville home into a pre-school that will accommodate 40 children. There are no additional rights currently granted to the property. The development is likely to take place in 2014 and the property is not located within the Public Transport Zone.

In this case the impact on all municipal services, except for transport, is calculated to be less than or equal to the existing impact, and no DC is charged. The total DC is calculated to be R488.09, based on the transport impact only.

ity of cap	e Town Developme	nt Charges Calcu	ator (Master Co	(Yqq	Version 2.0	June 2014	
				Erf Number *		100	Developer
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	Making progress	oossible. Together.		ved Building Plan No.	19	98/200	application
						ent Parameters	
Code		Land Use		Unit	Existing Right	Total New Right	
SIDENTIA	1				Existing rught	Total New Right	
A1	Single Residential > :	1000m2 Erf		Dwelling unit	1	-	
	-						
A2	Single Residential > (Dwelling unit			
A3	Single Residential > 3	350m² Erf		Dwelling unit			
A4	Single Residential < 3	350m² Erf		Dwelling unit			Existing
A5	State Funded Housin	D		Dwelling unit			property
A6	GAP/Affordable Hous	sina		Dwelling unit			
A7	Group Housing >650	-		Dwelling unit			rights
				-			
A8	Group Housing >200			Dwelling unit			1
A9	Group Housing <200	m²		Dwelling unit			1
A10	Flat >100m ²			Dwelling unit			1
A11	Flat <100m ²		,	Dwelling unit			1
A12	Second/ Additional D	welling/Granny Flat		Dwelling unit			1
				-			1
A13	Rural / Undetermine			Dwelling unit			1
A14	Rural Intensification	-		Dwelling unit			1
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				-			development
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			, in age nome)	m ² GLA			within PT2
54	Office/ Consulting ro	oms (welfare offices	, clinics, hospitals 8	2			
E4	env. facilities)			m² GLA			
E5	Meeting Places (plac	es of assembly place	e of worship)	m ² GLA			1
			s or woranip)	•			1
E6	Open Spaces / Publi			m²			
	Land uses not refl	ected on the calcula	tor	Actual Demand	Click yellow but	ton to ent r demand	
							No charge
	Is the de	velopment located	l within Public Tr	ansport (PT2) zone?		No	for other
	Calcul	ation of <u>bulk engi</u>	neering <u>services</u>	component of Dev	elopmen <u>t Charge</u>		services
Service		Additional Demand	Unit Cost	Amount	VAT	Total	
ads	trips/day	0,8000	R -		R -		
ansport	pers.trips/peak period	0,6500	R 658,69				
ormwater	ha*C	0,0000	R 135 347,00		R -	R -	
werage	kl/day	0,0000	R 13 761,24		R -	R -	Total DC
ater	kl/day	0,0000	R 1688,02		R -	R -	payable
lid Waste	kg/day		R 340,58		R -	R -	
	ngineering services					R 488,09	covers
	ingineering services	component of De	velopment charg	e payable		K 488,05	transport
	City of	Cape Town			Developer/Own	er 💦	only. This
alculated :				Received :			l charge
							includes the
Signature	·			Signature:	:		
							exemption
Date	:			Date:			provided for
				1			
							ECD in the
							202
				MATION PROVIDED		PPLICABLE FOR THE JALLY WITH THE CPAF	policy