



CITY OF CAPE TOWN
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DEVELOPMENT MANAGEMENT INFORMATION GUIDELINES SERIES

LAND USE MANAGEMENT

3



What is land use management, and why is the City of Cape Town part of the development process? This booklet explains the City of Cape Town's land use management process and system.

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.

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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.

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What is land use management, and why is it necessary?

Land use management is a responsibility given to all municipalities in terms of the Constitution of the Republic of South Africa, 1996. In short, land use management is a system that ensures that the right things get built, in the right place, at the right time.

The system consists of legal requirements and regulations that ensure that land is developed in a desirable and sustainable way. To perform its land use management duties, the City of Cape Town mainly relies on two laws - the City of Cape Town Municipal Planning By-law, 2015 ("the Planning By-law") and the National Building Regulations and Building Standards Act 103 of 1977 ("the National Building Regulations").

For more information on these and other laws used for land use management, turn to the section towards the end of this booklet "Land use management, laws and regulations".

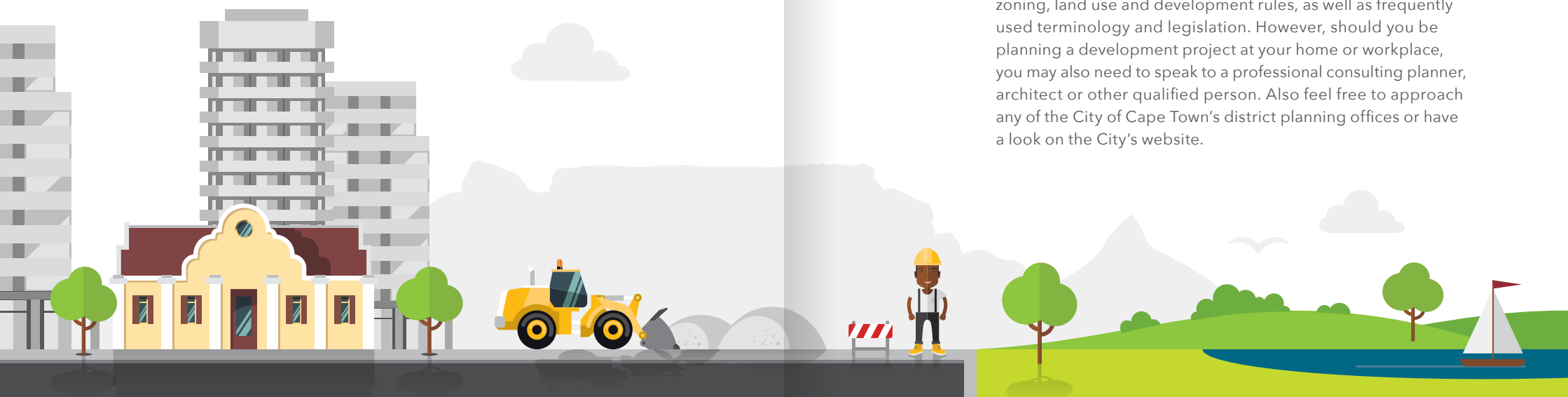


We need land use management to:

- ensure that planning and development takes place in an orderly and structured way;
- make the economy grow and create employment opportunities;
- create a safe, healthy and sustainable built environment;
- find the right balance between meeting communities' needs and protecting our natural and built heritage environment; and
- work wisely with our available land, which is becoming an increasingly scarce resource, and carefully plan and manage its development.

This makes land use management a very important component of the City of Cape Town's service delivery.

This booklet introduces landowners and developers to the City of Cape Town's land use management system and process. It contains useful information about the development process, zoning, land use and development rules, as well as frequently used terminology and legislation. However, should you be planning a development project at your home or workplace, you may also need to speak to a professional consulting planner, architect or other qualified person. Also feel free to approach any of the City of Cape Town's district planning offices or have a look on the City's website.



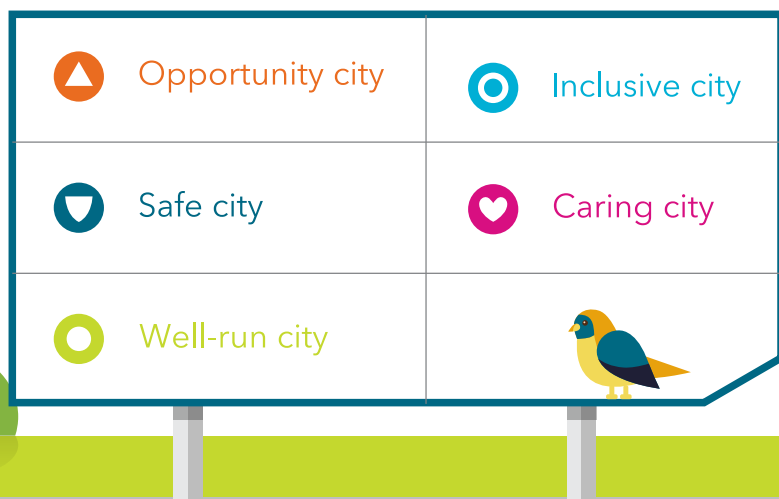


What is the City of Cape Town's role in land use management?

Being a local authority, the City of Cape Town is closest to the people. For this reason, the City is in the best position – and has a constitutional duty – to regulate and manage the development of the natural and built environment within its boundaries.

This may sound simple, but requires a fine balancing act. On the one hand, new housing, new industry, new businesses, new schools, new hospitals and other community facilities are needed to meet the needs of Cape Town's ever-growing population. On the other hand, the City must also protect the natural and built environment so that what we build today does not affect future generations' ability to live a quality and fulfilled life.

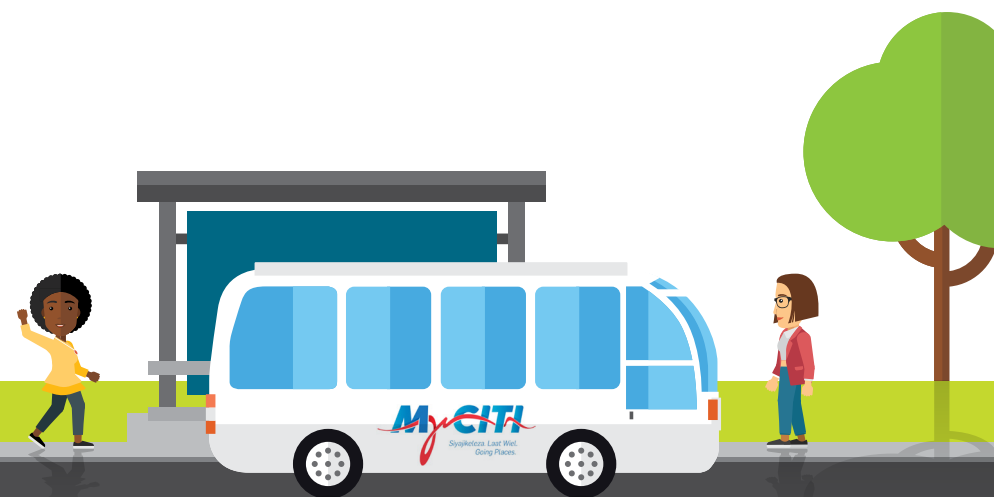
In its Integrated Development Plan (IDP), which serves as the City's "business plan", the City of Cape Town has committed itself to turn Cape Town into the opportunity city, the safe city, the caring city, the inclusive city and the well-run city.



From a land use management perspective, the City of Cape Town can achieve these goals by ensuring that:

- development in Cape Town boosts the city's economy, while also growing the economy of the region and the country (opportunity city);
- we develop safe and healthy work and living spaces (safe city);
- we cater to communities' needs by including social facilities in development projects (caring city);
- the city is developed in a way that puts all people within reasonable reach of public transport, job opportunities and social facilities (inclusive city); and
- we comply with and enforce all development-related laws and regulations (well-run city).

The City of Cape Town's land use management function is carried out by the Transport and Urban Development Management Directorate – more specifically, the Development Management Department in that directorate.





What are the City of Cape Town's core land use management functions and services?

The City's Development Management branch is responsible for the following core functions:

- **Land use management:** Regulating and managing the use of land in the city
- **Building development management:** Regulating and managing the structures that are built on land in the city
- **Outdoor advertising and signage control:** Laying down a uniform set of rules for billboards, shop signs, etc.
- **Enforcement of various laws and by-laws:** Ensuring that all legal requirements are met

To perform these functions, the Development Management branch works with many other departments and directorates in the City to prepare a wide range of policies, plans and development frameworks.

These take into account issues such as:

- population growth
- human settlement
- urban integration
- public transport
- poverty reduction through employment creation
- environmental conservation
- balancing the natural, built and socio-economic environment

The Development Management Department is responsible for managing and directing development in a sustainable way for the benefit of all residents and visitors to Cape Town.

The services offered by the Department include:

- giving general development advice and information to property owners and developers;
- processing planning applications and issuing various approvals and permissions;
- issuing building plan approvals and permits for minor building work;
- extending the validity period of previous planning approvals or an approved building plan (when necessary);
- issuing permits for temporary structures, demolition and hoarding as part of building operations;
- issuing zoning extracts for individual properties;
- performing building inspections during construction, and issuing occupancy certificates for completed work;
- generally enforcing building and land use regulations and standards;
- investigating and resolving complaints and contraventions regarding construction and land use;
- making available copies of approved building plans as well as zoning maps; and
- providing access to local spatial plans, the Municipal Planning By-law and the National Building Regulations.



The basics of the land use management process

Each property within the boundaries of the City of Cape Town is subject to a set of regulations to control development on that property. These regulations are set out in the Development Management Scheme, which forms part of the Planning By-law.

Each land unit in the city has a zoning. The zoning prescribes what land uses are allowed on the land unit. Each zoning also has development parameters, which determine the way in which the property may be developed and used, for example how close to the property boundary you may build, how high you may build, the maximum floor area permitted, and on-site parking requirements.

If a landowner wants to use or develop land in a way that differs from the development rules for the particular zoning, (s)he may apply to the City to either (i) change the zoning to one that will allow the use or development, or (ii) change the development rules applicable to the specific land unit.



Where a landowner wants to put up new structures on a property, a building plan usually needs to be submitted to the City for approval in terms of the National Building Regulations. When assessing the plan, the Development Management Department will determine:

- whether the planned use and structures are in line with the land use and development rules applicable to the land unit, as contained in the City's Development Management Scheme. If not, the landowner will need to apply to the City for either a change in zoning or development rules in terms of the Municipal Planning By-law. Only if the application is approved, can the City continue assessing the building plan in terms of the National Building Regulations; and
- whether the planned development is in line with the conditions in the title deed for the land unit. If the landowner needs the City's permission in terms of the title deed or wants to change or delete a title deed condition, (s)he can apply to the City in terms of the Planning By-law.

If an application to change the zoning or development rules is approved, the City may set certain conditions. The Development Management Department will continue monitoring the development and use of the property to ensure that the landowner complies with those conditions. The Department will also actively enforce the various applicable laws and regulations, and will investigate and address any complaints of contravention.



Plans and policies considered by the City

To undertake land use management, the City of Cape Town is guided by many different plans and policies. These include the following:



Building plan

A building plan sets out the detailed technical specifications of a planned new building or structure. It is required by law and needs to be approved by the Development Management Department before construction may start on a site. The department retains a copy of the approved plan for future reference purposes, and to ensure compliance.



Integrated Development Plan (IDP)

This is the City of Cape Town's long-term "business plan", which is updated every year. It sets out the City's vision, strategies, programmes and action plans that, together with the budget, will be used to achieve the objectives that have been agreed with the communities of Cape Town.



Spatial development frameworks (SDFs) or structure plans

These frameworks or plans determine future public and private development, and provide guidelines for general land use and infrastructure investment. They could be prepared for the entire municipal area as part of the IDP (providing very broad, general guidelines and principles) or for a sub-region, district or an even smaller area (providing much more detailed guidelines on land use and development). Importantly, however, these documents provide guidelines only, and do not give or take away any development rights.

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Sector or thematic spatial plans

These plans are similar to spatial development frameworks, but usually deal with a specific subject or issue across an entire area, such as mining activities and mineral resources for Cape Town as a whole, or development of the entire Cape Town coast.



Land use management policies

The City of Cape Town uses land use management policies to help it carry out its development management function. A land use management policy may deal with a specific land use activity or form of development (such as a policy on early childhood development or guest accommodation establishments) or may set out procedures to be followed (such as for the public participation process with regard to planning applications).



Zoning map

The City uses a zoning map to indicate the different zonings (and, by implication, the land use and development rights) of each individual property in Cape Town. The zoning map is a component of the City's zoning scheme and an important part of the land use management system.



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How does the development process work?

Broadly speaking, the development process consists of the following phases:



Initial idea or need: Each development - whether private or public - usually starts off with an idea or vision. This is normally in response to a specific community need or market demand. An appropriate site for the development is identified and obtained.



Planning/feasibility and design: This phase involves market analysis (testing whether the market has a need for the development) and feasibility assessments (testing whether the development is achievable). The developer needs to plan and design the proposed development, working strictly according to the City's policies and plans mentioned above, as well as any applicable limitations and restrictions laid down by laws and regulations (such as the City's Development Management Scheme). If all of these tests and assessments show that the development is realistically achievable, the developer will prepare an application for approval.



Pre-application consultation: Before finalising and submitting the application, the developer may wish to speak to a City official to be clear about precisely what is expected. In fact, for certain types of applications, such a pre-application consultation is compulsory. This is to ensure that there are no unnecessary delays after submission.



Statutory process and decisions: Once the application is submitted to the City, it is processed according to prescribed procedures, which include obtaining all required permissions and possibly also going through a process of formal public participation, such as publishing notices of the planned development for public comment. After the application has been assessed, it is referred to the City's decision-making body on planning applications. This may be an authorised City official or the City's Municipal Planning Tribunal. Once the official/tribunal has made a decision, it may also be appealed if the applicant or another party is dissatisfied.



Implementation: In this phase, the development is physically constructed, along with all infrastructure (electricity, water, sewer networks) needed to support it. Everything needs to be done according to agreed standards, which are monitored by the City until the entire project has been completed.



Operating, monitoring/review: This is when the new development officially starts being used (for example, newly built residential units are transferred to the residents, or a newly constructed office block starts operating). In this phase, the City will continue monitoring and reviewing the development to ensure that it complies with all conditions and standards set.



Keep in mind that this is a dynamic process that involves many different role-players and considers many different factors. The process may therefore change according to specific circumstances. For example, the developer may need to get permission from other authorities than just the City, or may still need to find the necessary finance and draw up a proper business model. After all the permissions have been obtained, the developer may even decide not to go ahead with the development. For this reason, the duration of the phases above may vary from a few weeks to several years.



Who are the role-players involved in the development process?

Landowner/ property owner (also called "developer")	The person or institution who: <ul style="list-style-type: none"> - comes up with the idea or makes land available for development; - appoints all necessary consultants to act on his/her/its behalf; and - oversees the entire development process until complete.
Bank/financial institution/ mortgager/investor	May be approached by the landowner/developer to provide the finance for the development, usually in the form of a long-term loan or bond. May need to give consent for an application to be submitted.
Public Private Partnerships	A partnership formed between a role-player from the public sector (government or a government agency) and a role-player from the private sector (a private company or developer) to jointly undertake a specific development in the interest of the broader community, such as building a shopping centre (private) next to a railway station (public). Each partner contributes specific skills or assets.
Town planner/ urban designer	Appointed by the landowner/developer to: <ul style="list-style-type: none"> - identify suitable land for development; - determine the best way to use or develop the land; - prepare layout plans and proposals for submission to and approval by the City; - negotiate with all interested and affected parties on the developer's behalf; and - oversee the planning, pre-application and approval phases.
Architect/ draughtsperson	Appointed by the landowner/developer to: <ul style="list-style-type: none"> - design the proposed buildings/structures that form part of the development; - obtain building plan approval from the City; and - (usually) oversee the actual construction.

Consulting engineer	Appointed by the landowner/developer to: <ul style="list-style-type: none"> - design the services and infrastructure required for the development (such as roads, water, sewers, stormwater drainage and electricity) as well as any structural elements of the development; and - install these (or have them installed).
Quantity surveyor	Appointed by the landowner/developer to calculate the cost of the building/development according to specified standards.
Land surveyor	Appointed by the landowner/developer to: <ul style="list-style-type: none"> - survey (measure out) the property; and - prepare survey diagrams or general plans, which are submitted to the Surveyor-General for approval.
Landscape architect	Appointed by the landowner/developer to design and beautify all open spaces around the newly constructed buildings, using either plants and lawn or hard surfacing materials such as paving.
Conveyancer/ attorney	Appointed by the landowner/seller to: <ul style="list-style-type: none"> - prepare and submit transfer documents to the Deeds Office once the City has given approval, in order to register and transfer individual units to new owners; and - possibly help prepare documents for submission to the City, respond to comments or objections received during public participation, or lodge an appeal.
Contractor/ builder/ developer	Selected and appointed by the landowner/developer to: <ul style="list-style-type: none"> - build the development; and - install the supporting infrastructure; usually with the help of subcontractors such as electricians, plumbers, carpenters, landscapers, etc.

Estate agent	Appointed by the landowner/seller to: <ul style="list-style-type: none"> - market the property or development; - find willing buyers for the development or for units in the development; and - help conclude the sale.
Community/ interested and affected parties	Members of the public who have an interest in or are affected by a proposed development. By advertising development applications, the City provides interested and affected parties with an opportunity to have a say in the planning proposal and design, and in monitoring the development during construction and implementation. Although not all applications are advertised, the larger ones and those that may affect property rights usually are.
Non-governmental organisations	Organisations - often operating on a charitable not-for-profit basis (such as residents' and ratepayers' associations) - that provide assistance and advice to communities and represent them in general planning and development matters.
Various government departments and agencies/parastatals	Includes national and provincial government departments. They comment and provide input on proposed developments when consulted, and sometimes also perform specific functions required by law.
Surveyor-General	A government office that: <ul style="list-style-type: none"> - approves survey diagrams or general plans submitted for a new development; and - keeps official records of all surveyed properties and their descriptions.
Registrar of Deeds/ Deeds Office	A government office that: <ul style="list-style-type: none"> - registers the transfer of property into new owners' names; and - keeps official records of all registered properties and their details, such as any servitudes, restrictions, bonds, etc.

Local authority/ municipality	The City of Cape Town, which is responsible for: <ul style="list-style-type: none"> - providing basic services and infrastructure to communities; - drawing up long-term development policies and plans for the wider community; - approving development applications and building plans if they are in line with the City's policies, plans and legislation; - monitoring the implementation of development projects according to approved standards; and - investigating and resolving any contraventions or illegal development.
Planning official	A City employee who is responsible for: <ul style="list-style-type: none"> - processing and assessing development applications, which may include public participation; - ensuring that an applicant is informed of the decision in the shortest possible time; - monitoring implementation of the project; - enforcing all applicable laws; and - providing developers, consultants and members of the public with general advice on procedures and technical aspects in line with the City's Development Management Scheme throughout the process.
Building control officer	A City employee who is responsible for overseeing: <ul style="list-style-type: none"> - the processing and assessment of building plan applications; and - the recommendation for approval of applications; in accordance with the National Building Regulations and other applicable laws.
Building inspector	A City employee who is responsible for: <ul style="list-style-type: none"> - monitoring and inspecting on-site construction to ensure that it complies with the approved building plans and standards; and - investigating contraventions and complaints regarding building work.



What does the City's land use management system entail?

By law, the City is required to have a land use management system to manage and regulate development. Put simply, this is a collection of all the City's formal policies, processes, procedures and systems used to manage development and take effective development decisions. Typical components of the land use management system are:

- objectives and a policy framework for development in Cape Town as a whole and in specific local areas;
- policies, guidelines and spatial frameworks for land use in Cape Town as a whole and in specific local areas;
- standard business principles and workflows that apply throughout the City;
- standard operational procedures, manuals and staff instructions that apply throughout the City;
- standardised letters and forms;
- procedures and tariffs for various types of applications;
- the City of Cape Town Development Management Scheme, a zoning register and a zoning map;
- a system of delegated (transferred) powers of decision-making; and
- procedures to enforce development laws and regulations.

Using all of the land use management system aims to:

- promote sustainable development where it is appropriate, but limit development where conservation is more important;
- provide clear procedures to ensure a fast and efficient system for development decisions;
- provide clear guidelines for decision-making to create more certainty in less complicated applications and allow for flexibility and discretion in more complex ones;
- provide effective mechanisms for public consultation and dispute resolution;
- ensure that the environment is properly taken into account when development applications are approved;
- ensure that the development applications approved today will contribute to the type of Cape Town we wish to have in the future; and
- find the right balance between private and public interests.

DECISION-MAKING AS PART OF THE LAND USE MANAGEMENT SYSTEM

One of the most important functions of the City of Cape Town's land use management system is to guide various decision-makers in taking their development decisions. This is necessary so that all development decisions across the City of Cape Town are consistent, fair, effective and, in a sense, predictable. Landowners should know that if an application complies with the relevant policy, it is more likely to be approved.

In order to achieve this, decision-making as part of the land use management system must meet these requirements:

- Decisions can only be made if the correct application procedure has been followed (as prescribed by law).
- The decision-maker must have the power to take the decision and must consider all relevant aspects of the application, along with any policies, guidelines or directives, before deciding.
- Interested and affected parties (see "Who are the role-players involved in the development process?") may be given the opportunity to have their say on a planned development before a decision is made.
- If the requirements are not met, the decision could be appealed or taken on review.
- The decision itself must be recorded properly, along with the reasons for it.
- The applicant (and any objectors) must receive written notice of the decision (and of their right to appeal against the decision) within the time prescribed in the Planning By-law.
- Any party that is dissatisfied with the decision must have the opportunity to lodge an appeal against it within the period prescribed in the Planning By-law.



The decision on all development applications is taken by either an authorised City official or the City's municipal planning tribunal. The Executive Mayor is the appeal authority.



The City of Cape Town's Development Management Scheme: How do these fit into the land use management system?

Zoning

One of the ways in which the City carries out its responsibility of land use management is through a system of zoning. When a property is zoned, it is assigned a specific zoning category that sets out the rules for how the property may be used and further developed. In other words, zoning describes and controls the purpose and legal use of a property. Landowners in Cape Town who want to change the permitted way in which their property may be used or developed must by law apply to the City of Cape Town for permission to do so. In this way, zoning makes it possible for the City to control the use and development of land so that it takes place in an organised and sustainable manner in the interest of communities and the broader public.

The zoning scheme

The zoning scheme is a collection of land and development rights, restrictions and rules applicable to properties in specific areas of Cape Town. The zoning scheme is an important part of the land use management system and consists of the following components:

- The City's Development Management Scheme
- A zoning register, which also indicates consent uses (alternative land uses for which the City has given permission) and departures (deviations from the Development Management Scheme) applicable to properties
- A zoning map showing the zoning of all individual properties

The zoning scheme is aimed at:

- controlling the way in which Cape Town grows and develops, while protecting our natural and built environment at the same time;
- creating stability and certainty in the property market by laying down clear rights and obligations for all properties, thereby creating property value;
- promoting a well-balanced mix of land uses that support one another and are managed in an orderly and coordinated manner, and finding solutions where land uses seem to clash;
- determining and controlling the shape of Cape Town and the relationship between different land uses so that the city is a pleasant and well-functioning place to live and work;
- coordinating development so that it promotes order, public health and safety, such as not allowing development in fire and flood-prone areas or close to industries that may be dangerous to human health, and directing development towards the areas where it will be most beneficial to the residents of Cape Town;
- balancing private property rights with public interests;
- promoting development that is integrated (where everything works well for everyone) and sustainable (where everything works well now and into the future); and
- improving the quality of the built environment.

The City of Cape Town's Development Management Scheme

As part of the zoning scheme, the City of Cape Town Development Management Scheme sets out all the land uses and development rules applicable to the various property zonings in Cape Town.

Land uses

Typically, the Development Management Scheme indicates the land use for a specific zone on different levels, such as:

- **Primary land use:** The main purposes for which a property may be used
- **Additional uses:** Other uses that may also be allowed if they meet certain criteria
- **Consent uses:** Other uses for which the City may give permission upon application

The following example shows what the Development Management Scheme may look like for the zoning "single residential 1":

Zoning category	Primary use	Additional uses	Consent uses
Single residential zone 1	Single residential dwelling	Bed and breakfast	Place of worship

For the zoning "general residential 4", the Development Management Scheme may look like this:

Zoning category	Primary use	Additional uses	Consent uses
General residential zone 4	Flat	None	Utility service, place of instruction

A land use that is not specifically indicated as a primary, additional or consent use may require a departure (deviation) from the City's Development Management Scheme. The landowner will have to apply to the City for such a departure. Land use departures are only granted for a specific period of time. A rezoning to another zone that permits the required use would be the alternative.

Development rules

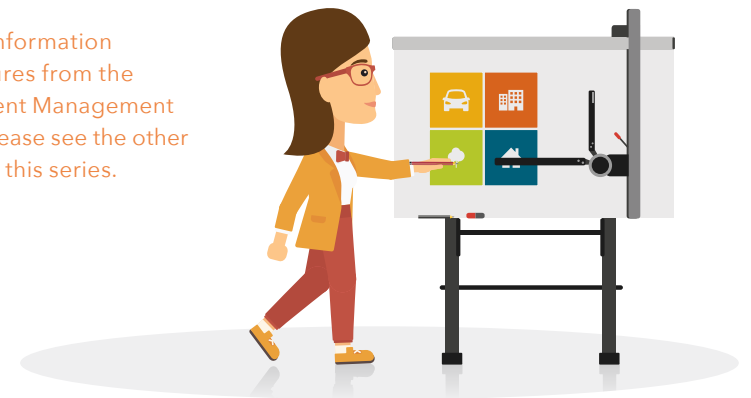
Apart from the primary, additional and consent uses for a property, the Development Management Scheme also prescribes the development rules that apply to a property. These development rules will for example determine:

- maximum site coverage;*
- maximum bulk/floor factor;*
- building lines or setbacks;*
- height restrictions; and
- on-site parking requirements.

* Turn to the next section, "Land use management terminology", for easily understandable definitions of these and other land use management terms.

When designing and planning the development of a property, the landowner may find that the building will not comply with the development rules. It may for example be that the building will cover more of the site or be higher than allowed in the development rules, or there may not be enough room on the site for the number of parking bays required by the development rules. Again, the landowner will have to apply to the City for a departure from the Development Management Scheme. Development rule departures are granted permanently.

For more information on departures from the Development Management Scheme, please see the other booklets in this series.



Land use management may seem complicated because of all the terminology used. Have the following list handy to help you through the process:



Additional use right means a land use that is indicated in the Development Management Scheme as a use that is only allowed on a property if certain criteria are met.

Building envelope means the total three-dimensional size of all built structures on a property without any departures from the Development Management Scheme, taking into account building lines, site coverage, floor factor and all other requirements.

Building line means an imaginary line on a property within which all buildings must be contained.

Bulk/floor factor means the number used to calculate the maximum floor space of a building, usually by multiplying the floor factor by the total property area.

Cadastral boundary means the legal outer limit of a property as it appears on a survey diagram or Surveyor-General plan.

Consent use means a land use indicated in the Development Management Scheme as a use that requires the City's specific permission before it may be undertaken.

Coverage means the total area of a property that may be covered by buildings, usually expressed as a percentage of the total property area of the property.

Departure means a deviation from the land uses or development rules prescribed in the Development Management Scheme, granted by the City on a temporary or permanent basis.

Development parameters/land use restrictions are unique rules to control development of land in a particular zoning category, for example determining where buildings may be located on a site, as well as their size and height.

Dwelling unit means a self-contained, interlocking group of rooms, with not more than one kitchen, used for the living accommodation and housing of one family.

Environmental impact means the degree to which the environment is changed or affected - either positively or negatively - as a result of development.

Heritage resource means any place or object that is high in aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value and needs to be protected for future generations.

Land use means the actual use of a property and any buildings/structures on it.

Non-conforming use means an existing land use that does not comply with the uses prescribed in the Development Management Scheme, but has been allowed for an extended period of time or permitted under previous zoning schemes.



Overlay zone means a zoning with additional land uses and development rules over and above the land uses and development rules of the base (or underlying) zone. These additional land uses and development rules may be stricter or less strict than those of the base zone to achieve a specific objective, such as to protect a unique local area or a place of particular natural beauty.

Primary land use means the collection of land uses and activities that are allowed in terms of a property's existing zoning, without the landowner or developer having to apply to the City for any further approval. In the zoning "single residential", for example, the primary land use usually is a dwelling unit.

Rezoning means the process to permanently change a property's zoning in terms of the law, such as from "single residential 1" to "general business". This process starts with an application to the City.

Spatial planning is the process of drawing up plans for a specific area of Cape Town or for the city as a whole to determine the way in which development and conservation will take place far into the future. Based on spatial planning, the City knows where to allow development, where not to allow development, and where to invest money in infrastructure.

Subdivision means the process to cut a single property into a number of smaller portions, which are then individually registered by the Registrar of Deeds to take the place of the original undivided property.

Title deed is a legal document that acknowledges ownership of a property.

Title deed restrictions are detailed conditions in a title deed that may limit the way in which a property may be used or developed, usually to protect the character of the area. Title deed restrictions must be complied with in addition to the land uses and development rules in the Development Management Scheme.



Zoning means to assign a specific zoning category to a particular property, setting out the rules for how the property may be used and further developed. These rules are contained as regulations in the City's Development Management Scheme.

Zoning scheme is the system of land and development rights, restrictions and rules applicable to properties in specific areas of Cape Town. It consists of the City of Cape Town's Development Management Scheme, a zoning register and a zoning map. The zoning scheme is an important element of the City of Cape Town's land use management system and helps the City control the use and development of land, ensuring that it takes place in an organised and sustainable manner for the benefit of communities and the broader public.

LAND USE MANAGEMENT LAWS AND REGULATIONS

In performing its land use management duties, the City of Cape Town needs to take into account various national, provincial and local planning laws and regulations. The following table contains the most important of these:

Law/regulations	General purpose/relevance to land use management
Constitution of the Republic of South Africa, 1996	Sets out the rights of each individual citizen as well as local authorities' competencies, duties and responsibilities, including land use management and planning.
Spatial Planning and Land Use Management Act 16 of 2013	A national act that determines the principles and minimum requirements for decision-making, law enforcement and appeals with regard to land use management.
Western Cape Land Use Planning Act 3 of 2014	A provincial act that determines the principles and minimum requirements for spatial planning, provincial decision-making on certain applications, and municipal land use management matters.
City of Cape Town Municipal Planning By-law, 2015	A by-law of the City that deals with all land use matters, clearly setting out all the rules and procedures for submitting applications, the processing of applications, decision-making and appeals, as well as enforcement of land use management laws and regulations. The by-law includes the City of Cape Town Development Management Scheme, which indicates the land uses and development rules for each zoning in Cape Town.
Environmental Conservation Act 73 of 1989 ("ECA")	A national act that has been partly replaced by NEMA (see below) and deals with the conservation of the natural environment and control of activities that may be environmentally harmful.
National Environmental Management Act 107 of 1998 ("NEMA") and related regulations on environmental impact assessments ("EIAs")	A national act that sets out national environmental management principles to ensure that the environment is protected from harmful development and activities.

Law/regulations	General purpose/relevance to land use management
National Heritage Resources Act 25 of 1999 ("NHRA")	A national act that deals with the protection and management of heritage resources. For certain types of development (such as where work is planned on buildings older than 60 years), the NHRA requires the developer to submit an application and perform certain studies and tests.
Sectional Titles Act 66 of 1971	A national act that deals with the regulation of sectional title developments.
Advertising on Roads and Ribbon Development Act 21 of 1940	A national act that provides guidelines for development along national roads. The act prohibits any development (including advertisements) within a certain distance of national roads, unless the permission of the provincial roads authority is obtained.
National Building Regulations and Building Standards Act 103 of 1977 and related national building regulations	A national act that deals with the general control and administration of construction activities, including activities by local authorities such as the submission and approval of building plans, as well as determines the standards and specifications for construction.
Local Government Municipal Systems Act 32 of 2000 ("MSA")	A national act that requires local authorities to undertake land use management and planning in a way that promotes and encourages development in the interest of the people, and to consult communities before decisions are made. In terms of this act, each municipality must prepare an annual Integrated Development Plan, which must - among others - contain a spatial development framework.
Municipal Ordinance No 20 of 1974	This ordinance previously dealt with construction activities, the naming and closure of public roads and the management of open spaces by local authorities. It has been largely replaced by the MSA and the City of Cape Town Immovable Property By-law.
Roads Ordinance No 19 of 1976	Deals with the proclamation (official declaration), management and closure of provincial roads by the provincial roads authority.



How do I find out what my existing land use and development rights are?

Follow these simple steps:

Step 1

In terms of the City's land use management system and the Development Management Scheme, every property in the area of the City of Cape Town has been assigned a specific zoning. 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 City's Development Management Scheme. Look up your particular zoning category to see what land uses and 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, a departure, or another type of permission.



Where can I complain about an illegal land use or development in my area?

Complaints regarding an illegal land use, illegal building work or any other illegal form of development must be put in writing and submitted to the enforcement officer at your local district planning office. The officer will investigate the matter and take the necessary legal and other action. For more information on general enforcement matters, please consult the other booklets in this series.





How can I change the land uses or development rules applicable to my property, or get additional rights?

If you want to develop or use your property in a way that is not currently allowed in terms of the City's Development Management Scheme, you have to apply to the City of Cape Town for approval. In your application, you may ask the City's permission to completely change the development rules applicable to your property (such as rezoning or subdivision) or ask to be assigned additional rights (such as a consent use or departure).

The City's Development Department will assess your application in terms of the prescribed procedures, based on which a decision will be made. For more information on the application process, consult the rest of the booklets in this series.



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

For more information on general enforcement matters, please 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

Email address: Tablebay.hub@capetown.gov.za

Blaauwberg District

Municipal Building, 87 Pienaar Road, Milnerton

Postal address: PO Box 35, Milnerton, 7435

Email address: Blaauwberg.hub@capetown.gov.za

Northern District

Kraaifontein Administrative Building, Brighton Road

Postal address: PO Box 25, Kraaifontein, 7569

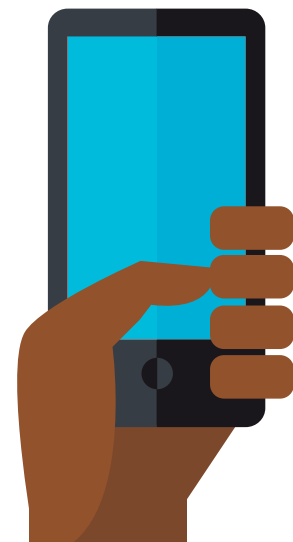
Email address: Northern.hub@capetown.gov.za

Tygerberg District

Parow Administrative Building,
cnr. Voortrekker Road and Tallent Street

Postal address: Private Bag X4, Parow, 7499

Email address: Tygerberg.hub@capetown.gov.za



Helderberg District

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

Postal address: PO Box 19, Somerset West, 7129

Email address: Helderberg.hub@capetown.gov.za

Mitchells Plain/Khayelitsha District

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

Postal address: Private Bag X93, Bellville, 7535

Email address: Khayemitch.hub@capetown.gov.za

Cape Flats District

Ledger House, cnr. Aden Avenue and George Street, Athlone Postal address: PO Box 283, Athlone, 7760

Email address: CapeFlats.hub@capetown.gov.za

Southern District

Plumstead Administrative Building, cnr. Main and Victoria roads

Postal address: Private Bag X5, Plumstead, 7801

Email address: Southern.hub@capetown.gov.za

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



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