



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

DEVELOPMENT MANAGEMENT INFORMATION GUIDELINE SERIES

# HOW TO OBTAIN NEW OR ADDITIONAL LAND USE RIGHTS

5



How to apply for either new development rights or additional land use rights on a property.

Making progress possible. Together.

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

**LANGUAGE POLICY:**

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

**LEGAL DISCLAIMER:**

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

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

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In terms of the South African Constitution, local authorities such as the City of Cape Town are in charge of development management and control in their areas of jurisdiction. To achieve this, Council has a zoning scheme that not only lays down rules for regulating land use and development in different areas, but also keeps a register of permitted land use and development rights for all land units. For a full explanation, consult the booklet on land use management.

Landowners may from time to time want to change or add to their properties' existing land use and development rights. To do so, they need to apply to Council for planning permission.

This booklet will help you understand how to change a property's existing land use rights or obtain additional ones.



### What are the existing land use and development rights that apply to my property?

Every property within the boundaries of the municipality has a specific zoning assigned to it based on the City of Cape Town's land use management system and Development Management Scheme (DMS). Attached to every zoning there are specific land use and development rights.



To find out what yours are, follow these simple steps:

- Step 1** 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 DMS. 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 or a departure.



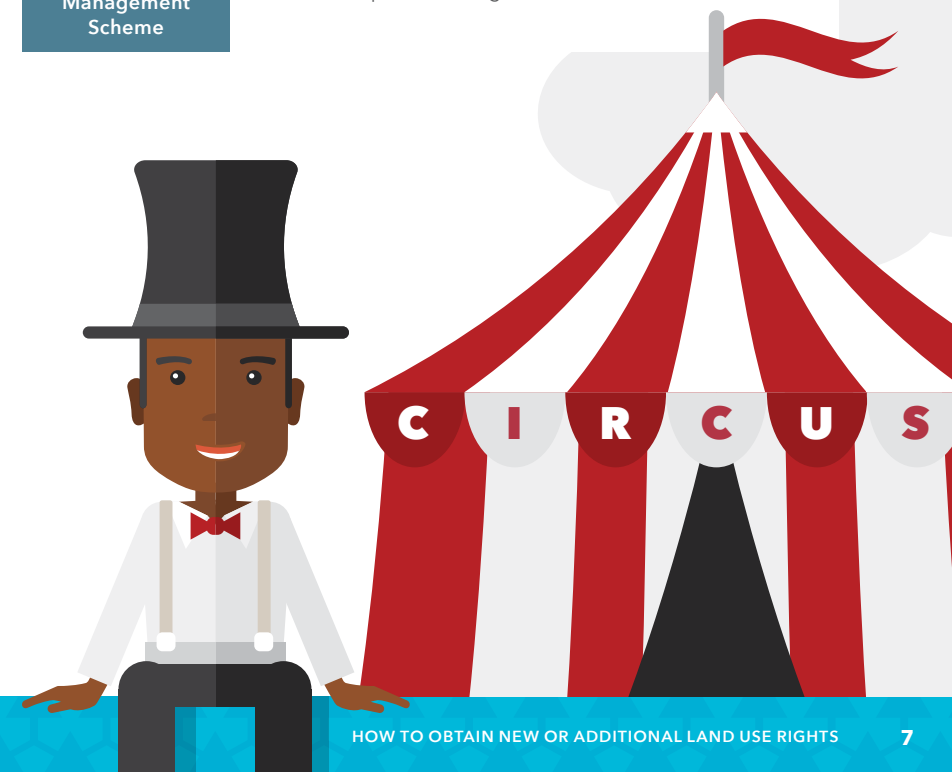
### How can I change the land uses or development rules applicable to my property, or get additional rights?

Once you have decided to obtain new or additional land use or development rights, you will need to apply to Council's Development Management Department for planning approval. This application may for example be for rezoning, a consent use, temporary land use departure, occasional use or other approval. 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).

These terms are defined below:

<b>Title deed</b>	Conditions of the title deed may restrict the way in which you can use your land. You may need to apply to have these conditions amended or removed from your title deed.
<b>Rezoning</b>	An application for rezoning is aimed at changing the zoning scheme category that applies to your property. A rezoning application is required where you are planning a substantial change in the land use or development rights of your property. If the application is granted and the new use status is not implemented within five years, the property's zoning will return to what it was originally.
<b>Consent</b>	A consent use is a land use indicated in the DMS as a use that requires the City's specific permission before it may be undertaken. Consent uses are additional or alternative land uses or development rights. Once granted, they are usually permanent and cannot lapse.
<b>Temporary land use departure</b>	An application for a land use departure seeks Council's approval for a temporary deviation to practise an additional land use or activity that is not specifically listed or provided for in the zoning scheme. A temporary land use departure can be applied for in limited instances only, such as where the planned use will really be only temporary, where no infrastructure or capital works are needed, and where the premises can easily be restored to its original use when the departure expires. It is normally granted for a maximum of five years, but will lapse if not implemented within two years from approval. For further information on temporary departures, consult the other booklets in this series.

<b>Occasional use</b>	This application type applies where a property is to be used for a temporary event, such as a craft market, circus, public meeting, religious gathering or other event. Even though these events may not be listed in the use rights of the property, Council may approve it if an event will not negatively affect surrounding areas or the natural and cultural environment, if it will really be temporary and short-term, if it will be restricted to a maximum of five days per month (or as stipulated by the City), and if it is line with the City's policies. If approved, the City may also stipulate certain conditions, such as parking requirements, ablation requirements and the maximum duration of the occasional use.
<b>Approval in terms of the Development Management Scheme</b>	Other approvals may be required in terms of the Development Management Scheme.



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

Some applications require a meeting with City officials before you submit so they can clearly explain to you the City's requirements and to agree on the content of documents to be submitted. Even where such a meeting is not required, do consider requesting it if you are uncertain of the different application types, the application process or the submission requirements.

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



## → Supporting information/documents

Applications for rezoning, consent uses, temporary land use departures or occasional uses generally require the following supporting information and documents to be valid and complete:



- See \* [
- A completed and signed application form
  - The correct application (and possibly also advertising) fee
  - Power-of-attorney letter signed by you (if someone else will act on your behalf)
  - A locality plan (or survey plan) that shows the exact size and boundaries of the property
  - A copy of the relevant title deed/deed of transfer
  - Where the title deed is perhaps unclear, a conveyancer's certificate confirming that there are no restrictive conditions prohibiting the proposed development
- See \*\* [
- A motivation report explaining what makes the proposal desirable, as well as its likely impact on its surroundings
  - A site layout/development/sketch plan illustrating the proposed development

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See \*\*\*

- A breakdown of the typical unit types (internal layout and external face) (where applicable)
- A separate civil services report (for larger developments)
- A copy of an environmental impact assessment/heritage impact assessment/record of decision (if required by law)
- A copy of a transport impact assessment/transport impact statement (if applicable)
- Supporting documents in respect of any other land use management application submitted at the same time

**It is important to check that you fully comply with these requirements when preparing and submitting your application. If not, it may be considered incomplete and will be returned for you to make corrections and improvements.**

Also keep in mind that the list above is not necessarily complete. Depending on the nature of your planned development and any unique circumstances, your local district planning office may need additional information to help them process and assess your application. Rather be sure and check with them beforehand.

### \* About application forms and fees

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

The City of Cape Town charges a set fee for processing land use management applications. This fee must be paid in full after you have received an invoice for your application. If not, your application cannot be processed. For a complete list of land use management tariffs and application fees, please consult the City's website or contact your local district planning office. You may pay this fee at any City cash office or electronically via participating outlets.

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

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

For rezoning applications, the basic fee is determined by the size of the area to be rezoned. Should there be a need for further impact assessments during the evaluation process, or for additional public participation, an additional fee may be charged. Please note that fees are non-refundable if your application is refused.



## \*\* About motivating my proposal

Your proposal must be properly motivated (explained) so that potentially affected parties can fully understand it, and the City can assess it. For smaller-scale applications, a motivation of one or two paragraphs in a cover letter may be sufficient. For larger and more complex applications, however, the motivation may have to be in the form of a separate, detailed report that clearly explains all the concepts and details of the planned project, and why it is a sensible proposal.

Such a detailed motivation report may consist of the following sections, amongst others:

<b>Background</b>	Any important information relating to the application, such as site history, any previous negotiations, transactions or changing circumstances prior to the application, previous applications, etc.
<b>Physical characteristics of the property and/or surrounding area</b>	A description of all physical characteristics of the property, including topography (all natural and man-made features of the area), slopes (the rise or fall of the area), drainage, vegetation, floodplains (low-lying land that is adjacent to a river and subject to flooding), flood lines (lines that predict potential flood levels), unique ecological habitats and sensitive areas, any unstable soil formations, existing buildings and structures, access routes, etc. Applicants are encouraged to include photographs.
<b>Development proposal</b>	A detailed description of all aspects of the proposed development, including any alternative schemes.
<b>Desirability</b>	To be desirable, a development should improve the social, economic and physical circumstances of all parties involved, should not cause any significant harm to existing or future users of the premises, surrounding residents or property owners, the surrounding natural, cultural, man-made or heritage environment, the local authority or the public at large, and should attract capital investment into the area.

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Pay particular attention to the following when discussing the desirability of your proposal, and take special care to fully address those printed in bold in the case of an application for new or additional land use or development rights:

- The degree to which the planned development complies with City and other relevant land use policies, local area plans and statutory planning frameworks
- Why is it that the proposal needs to be apart from the zoning scheme?
- Why can the proposal not be amended so that it complies?
- The proposed site layout and other aspects of the design, including scale
- Arrangements to provide sufficient access to the site and manage any possible traffic impact or problems
- The cost and availability/provision of required services and infrastructure
- Any potential ways in which the environment may be disrupted or damaged, and measures to control this
- Any potential ways in which immediate neighbours and the surrounding community may be affected
- The suitability of the site for the planned development in terms of its location, accessibility and physical characteristics
- The conservation-worthiness of existing buildings, structures, vegetation and other natural features on the site
- Compatibility of proposed development with surrounding land uses and spatial structure
- The visual impact of the planned development when looking at it from outside

### \*\*\* About impact assessments or other approvals

In complex cases, specific detailed studies may be required to determine the likely impact of a proposed development on its surroundings, or you may have to obtain other prerequisite approvals. These may include the following:

- **A traffic impact assessment (TIA) and/or permission from the Provincial Roads Engineer**

*Definition of TIA: A study that assesses the traffic and safety implications relating to a specific development, such as whether existing roads would be able to accommodate the additional traffic volumes generated by the new development.*

- **An environmental impact assessment (EIA)**

*Definition of EIA: A study that evaluates the likely environmental impact of a proposed project or development and identifies options to minimise environmental damage.*

- **A heritage impact assessment (HIA)**

*Definition of HIA: A study to evaluate the impact that the proposed development will have on the cultural heritage resources in the area, and to recommend an overall approach to the conservation of those resources.*

- **Removal/amendment/suspension of title deed restrictions**



Ask your local district planning office to help you identify whether any of these are required for your application to avoid delays or possible rejection. Remember, if any of these are required, the City's Development Management Department cannot assess your application before you have provided them with all the information.





## Quick self-assessment checklist

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

Application aspect / element	Compliance	
	YES	NO
Does the application require a pre-application consultation?	<input type="checkbox"/>	<input type="checkbox"/>
If a pre-application consultation was required, have the approved minutes of the meeting been attached?	<input type="checkbox"/>	<input type="checkbox"/>
Have the prescribed application forms been completed, signed and dated correctly?	<input type="checkbox"/>	<input type="checkbox"/>
If relevant, does the application include a power-of-attorney and bondholders consent letter?	<input type="checkbox"/>	<input type="checkbox"/>
Is the proposed development adequately illustrated on a scaled site layout/development/sketch plan, which is prepared in line with Council's standards?	<input type="checkbox"/>	<input type="checkbox"/>
If the particular application type requires a pre-application consultation, has it taken place?	<input type="checkbox"/>	<input type="checkbox"/>
Are all existing services/infrastructure/servitudes and other restrictions illustrated on the proposed site layout/development plan, as necessary?	<input type="checkbox"/>	<input type="checkbox"/>
Is the property affected by any restrictive title deed condition, servitude or lease agreement, or would the planned development be prohibited by any such conditions? If so, has an application been submitted for their removal/relaxation?	<input type="checkbox"/>	<input type="checkbox"/>
Does the application include a copy of the relevant title deed as well as any impact assessments/record of decision?	<input type="checkbox"/>	<input type="checkbox"/>

Application aspect / element	Compliance	
	YES	NO
Is the application properly motivated (in terms of desirability and existing statutory frameworks and policies)?	<input type="checkbox"/>	<input type="checkbox"/>
Is a copy of the relevant title deed as well as any impact assessments or record of decision included?	<input type="checkbox"/>	<input type="checkbox"/>
In the case of subdivision, has a proposed subdivision plan been prepared according to the City's requirements, is the plan appropriately scaled and coloured, and does it include an accurate proposed zoning schedule as well as proposed street names and numbers?	<input type="checkbox"/>	<input type="checkbox"/>
In the case of subdivision, is an electronic copy of the proposed subdivision plan included?	<input type="checkbox"/>	<input type="checkbox"/>
Has all affected neighbours' consent been obtained (where required)?	<input type="checkbox"/>	<input type="checkbox"/>
In the case of an unauthorised land use or structure that does not comply with the Development Management Scheme, has an application been submitted for an administrative penalty?	<input type="checkbox"/>	<input type="checkbox"/>

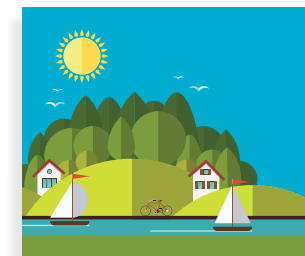
## → Ready to submit

The public counters at Council's local district planning offices are open to receive applications on weekdays from **08:00 to 14:30**. These specific slots have been set so that the City can use its time effectively to capture data and process applications.

Applications need to be submitted in an electronic format on a data stick (a flash drive). The staff at the district office will first do a quick check to ensure that all the essential components of the submission are included. If not, you will be informed of any missing information, which you will then need to go and collect. Do consider asking for a meeting with a staff member at your local district planning office before you prepare your submission to ensure that your application is complete. Once your application has all the essential components, your data will be loaded onto the City's computer system. If submitted on a data stick, it will be returned to you.



Alternatively, you may submit your application from the comfort of your home or office via the planning portal on the City's website.





### What happens after I have submitted my application?

Following submission, applications for rezoning, consent use, temporary departure or occasional use typically go through the following general steps:

- Step 1:** Your application may require public participation, advertising and formal consultation with all interested and affected parties or surrounding property owners. In addition, the application may have to be circulated internally in the City to all relevant line departments for their comments.
- Step 2:** Keep in contact with your local district planning office to monitor progress with the processing of your application.
- Step 3:** Respond to any objections received against the application during the consultation processes and consider any amendments or revisions that the City requests, and then resubmit your reworked application to the local district planning office for final assessment and decision.
- Step 4:** An authorised official in the Development Management Department or the municipal planning tribunal takes a final decision and notifies you (and any objectors) in writing. Anyone who wishes to appeal can do so at this stage.
- Step 5:** The City will issue a final approval letter if no appeals are received. Alternatively, the appeal authority - who is the Executive Mayor - will decide the appeal(s) received.

- Step 6:** If approved, you will now need to comply with any imposed conditions of the approval. In the case of a subdivision in particular, your consultants will need to obtain a general plan or diagram approval from the Surveyor-General, approval for services and infrastructure design from the City local authority, subdivision and rates clearance certificates from the City once infrastructure works have been completed, and will finally register the new land units and transfer them to their individual owners at the Deeds Office. For applications other than subdivision, you will need to comply with certain conditions of approval before you may exercise your new right. While other conditions would be limitations on use that you will always need to comply with.

- Step 7:** Once new land units have been registered and you plan to carry out building work, you or your architect will prepare and submit building plans for the City's consideration and approval.

- Step 8:** Once the City has approved the building plans, construction of the new buildings or alterations/additions to existing buildings may commence.

- Step 9:** Once all other conditions of approval have been complied with, which include the issuing of completion and occupation certificates in the case of building work, the new or additional use may start.



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

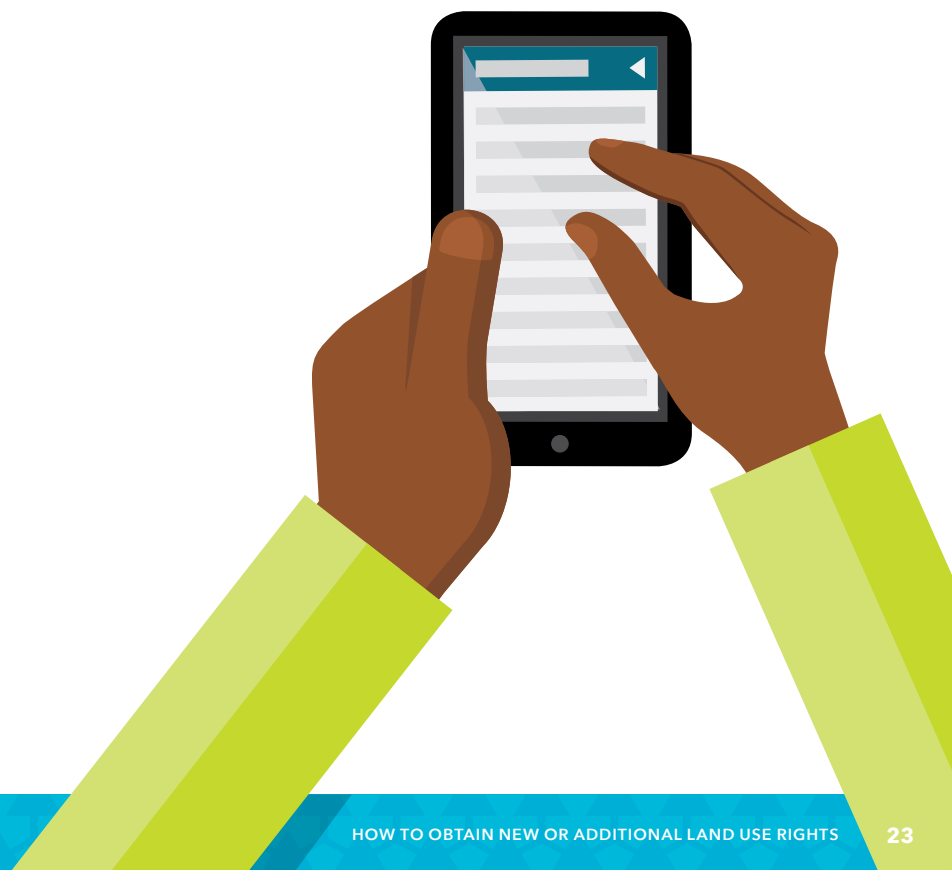
Once they have accepted your application as valid and complete, the staff at your local district planning office will do the following:

- Capture your application on the system and issue you with a unique reference number.
- Properly inspect your application to check for validity and completeness.
- Acknowledge receipt and notify you in writing if any further outstanding information or documents are required.
- Allocate your application to a case or administrative officer and advise you accordingly. The case officer will again check whether all required information has been submitted, and will notify you in writing whether anything further is required from you. The case officer will also determine whether advertising is required. If so, the officer will arrange for the required advertising as well as circulation to internal and external departments.
- Notify you of any comments and objections received so that you may respond.
- Assess the desirability of your development proposal and write a report with a recommendation to the decision-making authority (either an authorised official or the Municipal Planning Tribunal), who will finally decide on your application.



## How can I check on progress with my application?

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





## If advertising is required, how will my application be advertised?

The City has a duty to consult the public by advertising a proposal to all interested and affected parties before assessing and deciding on an application. Public consultation or advertising may take various forms, including:

- registered notices to surrounding property owners or community organisations;
- advertising in the press and the Provincial Gazette; or even
- a notice put up on the site;
- for certain application types it is also possible for you to take a 'no objection' form that has been completed by the case officer for you to consult with your neighbours. If they do not wish to sign them, they will need to receive a registered letter giving them a time period within which to comment.

The minimum public consultation required may vary substantially based on the nature of the application. Such minimum requirements are explained in more detail in Council's Notification Policy. Therefore, it is best to contact your local district planning office for an estimate of the likely extent, format and cost of the public consultation for your specific proposal. Also note that all documents submitted along with your application are considered public record, which means that the public will be able to view and inspect them.

Where advertising is required in terms of any other legislation (such as the National Environmental Management Act, Act 107 of 1998), this may be combined with advertising required in terms of the Municipal Planning By-law. Usually, the Development Management Department takes care of advertising and notifications, at the applicant's cost.





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

Following the public consultation process, the City will send you any comments or objections received with regard to your application. You will be asked to formally respond to any such comments or objections within a specific period. It is in your interest to respond as soon as possible after you receive the objections so that processing of your application can continue. But remember, even if your application is approved, objectors still have the right to appeal the decision.

You may also wish to make changes to your application to address any concerns raised by objectors during the public participation process. However, if these changes are considered substantial and may have a more negative impact on interested and affected parties than the original proposal, the City may have to re-advertise the application in its changed form, which will mean further advertising costs and delays. You will need to balance the risk of an appeal from an objector to the risk of more objections and longer time to reach a decision.

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



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



The time taken to process your application will depend on:

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

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

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

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



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

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

### “Section 99: Criteria for deciding application

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

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



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

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





### Who makes the decision?

Once the Development Management Department has finished its assessment and made a recommendation, a decision can be taken. Depending on the type and nature of the application and whether objections have been received, final decision-making powers may be delegated to:

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

Ask a planning official at your local district planning office about the specific delegation and process for your application.

You (together with any objectors) will be informed in writing of the decision and the further processes involved. Should the application be approved, the City will most likely impose certain conditions of approval that you or the developer must comply with when carrying out the development. These conditions may include obtaining approval of a site development plan, providing certain infrastructural services for the proposed development, *paying bulk infrastructure contribution levies*,\* or taking steps to reduce possible negative impacts.

### \* What are bulk infrastructure contribution levies, and who should pay them?

Where new or additional development rights are granted (such as where a property is rezoned from residential to business), the City may by law expect a developer to make a financial contribution to the additional external bulk infrastructure needed to serve the area. Bulk infrastructure includes roads, water networks, sanitation networks and electricity infrastructure that are not necessarily located on the application site, but serve the broader area. These contributions are called bulk infrastructure contribution levies.

The City's Engineering Department calculates these levies based on the number of potential residential units or the size of commercial floor space created, and the expected additional demand this would place on the City's infrastructure and service networks. The levy may be substantial. Developers should therefore factor them into their planning and feasibility studies. The levies are usually imposed as a condition of approval and must be paid before the development can start. Contact your nearest district planning office or the City's Engineering Department for an estimate.



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

Along with the decision on your application, you will also be informed of the rights of appeal available to you if you are not satisfied with the City's decision. In terms of section 108(1) of the Municipal Planning By-law, you or any objectors can submit an appeal to the Executive Mayor. This must be done within the time period indicated in the notice of the decision, which is 21 days from the date of notification.



**!** For more information or assistance in connection with appeals, contact your local district planning office. Further information is also available in another booklet in this series.



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

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

If the appeal is received within the prescribed time period and is therefore valid, it is circulated to the opposing party/parties for a response. Where the applicant submits an appeal, the opposing parties would be the previous objectors. Where an objector submits an appeal, the opposing party would be the applicant. Once these responses have been received and the arguments for the appeal have been considered, a report is prepared and sent to the appeal authority, namely the Executive Mayor.

A decision will be taken and all parties will be informed in writing. This decision will be final. Anyone who remains not satisfied at this stage would need to approach the courts to review the decision.





## For how long does permission or an approval remain valid?

In terms of planning law, most planning permissions are valid for at least two years from the date of the decision. The decision must be implemented within this period. If not, it will lapse. For some applications like a rezoning, subdivision or departure, this period is five years from the date of approval. Again, the approval will lapse if not implemented within the five years. As soon as you have complied with all conditions of approval and have implemented the new or additional development rights, the approval becomes permanent (except with temporary land use departures) and can no longer lapse.

A temporary land use departure is also granted for up to five years and must be implemented within two years, after which it expires.

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

### Please note:

- The Municipal Planning By-law allows only one extension of validity for an application, for a maximum of five years.
- Different periods of validity may apply to approvals that were granted in terms of legislation that was in force before the commencement of the Municipal Planning By-law. Consult your local district planning office if you have an existing approval that was granted in terms of such other legislation and has not been implemented yet.



## When can I start implementing my rezoning, consent use or temporary departure approval?

Most planning permissions are subject to specific conditions of approval. By law, these conditions must be reasonable and must relate to, or be required by, the development proposal. Still, they may involve various requirements, further restrictions and obligations that you must fully comply with either before or sometimes after you start implementing your planning permission. Where applicable, you may also have to obtain building plan approval from the City's Development Management Department before any buildings may be constructed.

For further information, consult the other booklets in this series, in particular the booklets on subdivision and departure approvals.



## CONTACT DETAILS

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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:Khayemitch.hub@capetown.gov.za)

### Cape Flats District

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

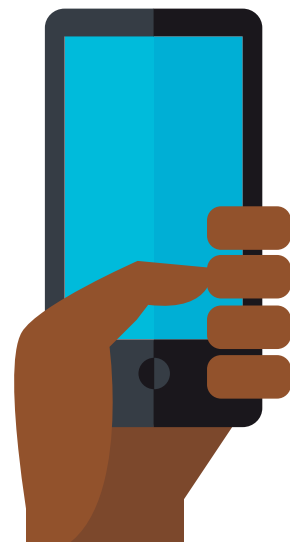
Email address: [CapeFlats.hub@capetown.gov.za](mailto:CapeFlats.hub@capetown.gov.za)

### Southern District

Plumstead Administrative Building, cnr. Main and Victoria roads

Postal address: Private Bag X5, Plumstead, 7801

Email address: [Southern.hub@capetown.gov.za](mailto:Southern.hub@capetown.gov.za)



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



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