



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

LAND USE MANAGEMENT TARIFF BUSINESS RULES 2021/2022

(JULY 2021 UPDATE)

SPATIAL PLANNING AND ENVIRONMENT DEVELOPMENT MANAGEMENT

To be read in conjunction with the Council approved Land Use Management Tariffs for 2020/2021

Approved xxxx (ITEM xxxxx)

1. INTRODUCTION

The purpose of these business rules is to elaborate and interpret the Council approved Land Use Management Tariffs for 2021-22 ("the tariff structure"). Where there is a discrepancy between the business rules and a remark/description in the tariff structure, those in the tariff structure prevail.

All applications are made in terms of the City of Cape Town Municipal Planning By-law, 2015

The Bylaw may be amended from time to time and is the applicable legislation. Reference to the By-law should always be taken over any guideline or policy document

References to the Municipal Planning By-law, 2015 are provided (eg section 42(i)).

References to the Development Management Scheme are provided (eg item 25(1)).

The tariff structure has the following categories:

- APPLICATION FEES
- COMPLEXITY FEES
- ADVERTISING FEES
- PRINTING / COPIES & INFORMATION PRODUCT FEES
- EXEMPTIONS
- REFUNDS

2. EFFECTIVE DATE

Fees are effective from 1 July 2021

3. SUBJECT TO CHANGE

All fees and business rules are subject to change, and fees are applicable at the time of submission of the application.

4. APPLICATION FEES

Tariffs are payable per unit type and further guidance is given in the remarks column. This may be a basic fee, an additional fee, per erf per land unit, per application, per building,

per phase, per condition, etc. For example, in the case where an application includes a rezoning, a consent use as well as a permanent departure, the three tariffs for the three different application types are applicable.

4.1. **Rezoning: Section 42(a)**

- 4.1.1. Basic Fee is applicable for all rezoning applications.
- 4.1.2. When calculating the land area to be rezoned for determining the additional fee for land above 2000m² to be rezoned, land proposed to be zoned to Transport zoning 2 or Open Space 2 are to be deducted from the total. These zonings are applicable to public roads and public open space.
- 4.1.3. In the case of rezoning to subdivisional area, any area of land which is proposed to retain its current zoning is also deducted from the area calculation. The applicable area must be shown on a plan and submitted with the rezoning application documentation. This plan may also form part of an associated subdivision application.
- 4.1.4. A zoning extract comprises information regarding a specific land unit, together with an extract of the zoning map. While the map will show surrounding properties and their zoning, the information regarding the status of development rights will be provided only for the land unit(s) specified. A fee is payable for every land unit for which information regarding the status of development rights is requested. A single map may be provided if the zoning extract are requested for multiple land units in close proximity.

4.2. **Permanent departure: Section 42(b)**

- 4.2.1. For Single Residential and General Residential zoning even 200m² or less there is no fee, notwithstanding the number of permanent departures applied for. For all other erven, regardless of zoning or size, a basic fee is applicable.
- 4.2.2. A development rule sets a requirement for development and is written with its own Item number in the Development Management Scheme (DMS). The DMS is a schedule to the City of Cape Town Municipal Planning By-law, 2015.
- 4.2.3. A fee is payable for each development rule departed from, and includes development rules in an Overlay zoning. Where a development rule has multiple subsections in the MPBL, then fee is per subsection departed from. There are 3 development rules in the example below. One relating to height, one to the façade and one to the width:

Item 22 Development rules

(f) Garages, carports and outbuildings

(i) A garage, carport and outbuildings are permitted within the common boundary building line or on the common property boundary provided that the garage, carport and outbuilding do not:

(aa) extend higher than 3,5 m from existing ground level to top of roof;

(bb) contain more than a double garage façade; and

(cc) exceed a width of 6,5 m.

- 4.2.4. Examples below illustrate where tariffs are charged per departure from a development rule listed.
- 4.2.5. A single permanent departure application is applicable to buildings or structures proposed within a specified building line for the land unit concerned. Where different building lines are specified in different rules then a further departure is required.
 - In a Single Residential 1 zoning property of 500m² the standard street boundary is 3,5m, however, item 22(f)(ii) allows for garages or carports to be up to 1,5m from the street boundary item. If it is proposed for the main dwelling and a garage to be

located on the street boundary, then two development rules require departing from for which there will be two fees.

- If the proposal on the same property was for one garage to be constructed on the street boundary and another to be separately located at 1m from the boundary then there is only one development rule that needs departing from for which there will be one fee.
- Regardless of the number of floors or storeys nor whether they have varying setbacks from a boundary, there is only one fee providing only one development rule is being departed from. e.g. in Figure 1 below, there are two different setbacks but there is only one development rule departed from which is the 0.6H setback requirement.

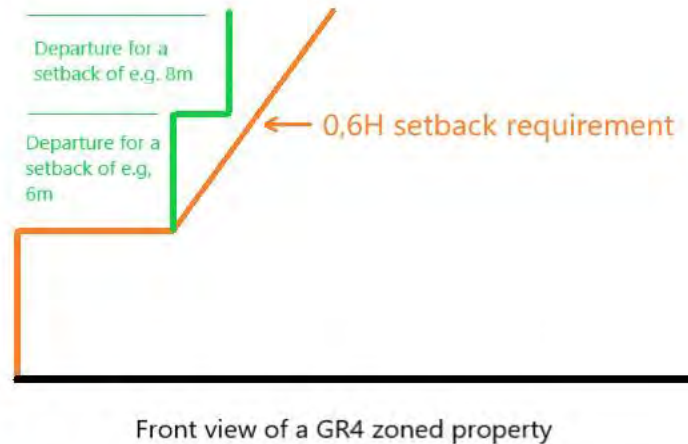


Figure 1

4.3. **Temporary land use departure: Section 42(c)**

4.3.1. Fees are based upon the type of land use proposed. House shops, Home Occupation, Places of Instruction and Worship have one fee while applications for all other land uses have a higher fee. If an application combines a House shop or Home occupation or Place of Instruction or Worship with any other temporary land use, then only the higher fee is applicable.

4.4. **Subdivision: Section 42(d)**

- 4.4.1. A basic fee is applicable for all applications.
- 4.4.2. Additional fee is required for each land portion in the proposed subdivision. The number of land portions includes Remainder portions, but excludes portions shown as Transport zoning 2 or Open Space zoning 2 on the plan of subdivision.
- 4.4.3. The subdivision of a residential erf into two portions would be charged a basic fee and an addition fee for one new erf.
- 4.4.4. Any intermediate portions that are created and which may later be consolidated again are also counted
- 4.4.5. For transfer clearance the fee is based upon the total number of number of land units contained in the request as per the approved plan of subdivision or phase of subdivision.

4.5. **Implementation of a subdivision in phases: Section 42(e)**

4.5.1. Fee is per proposed phase. For example, 5 phases require 5 fees.

4.6. **Consolidation of land: Section 42(f)**

4.6.1. A single fee is applicable regardless of the number of land portions to be consolidated.

4.7. **Amendment, suspension or removal of a restrictive condition: Section 42(g)**

4.7.1. A fee is payable for each condition to the amended, suspended or removed.

Zoning	SDP may be required	SDP is required
GR1		Group Housing
Utility	Primary uses	Consent uses
Transport 1 & 2	Primary uses	Consent uses
Transport 3		Primary & Consent uses
Open space 1, 2 & 3	Primary uses	Consent uses
Agricultural		Consent use for renewable energy structures

- 4.9.3. Amendment of approved site development plan
- 4.9.3.1. Fee not payable if an amended plan is submitted in fulfilment of a condition of an approval granted in terms of the MPBL. This would be a s42(m) application for which there is no fee.
- 4.9.3.2. If amendment is not in respect of the fulfilment of a condition, then the fee is applicable.
- 4.9.4. Package of plans in respect the following components may be required by the City in terms of Item 136:
- Contextual Framework
 - Development Framework and
 - Precinct plans
- A fee is required for each of the above 3 components that are require approval.
For amendments to an approved component an amendment fee is applicable.
While the Package of plans also references a Site Development Plan, a subdivision plan and a building plan, these are approved as separate applications in the MPBL or the National Building Regulations.
- 4.9.5. Certification or an amendment of an owners' association constitution.
- 4.9.5.1. As a **condition of approval an owners' association institution may need to be** submitted for certification. The constitution must comply with the requirements of Section 62, together with any additional specific requirements included in the conditions of approval. A single fee is required for this certification of the constitution.
- 4.9.5.2. Once approved, an amendment to the constitution must also be certified by the City and this will require the payment of a fee for each constitution submitted for an amendment regardless of the nature or extent of the amendments.
- 4.9.6. Any other approval or any other permission or requirement in terms of the DMS.
- 4.9.6.1. This application type specifically refers to an approval required in the consideration of a development proposal. A fee is required for each separate approval. References are to Item numbers in the DMS. As the DMS is subject to change, the list is not necessarily exhaustive, but is provided here as a guide.

Domestic quarter definition no more than one domestic staff quarters is allowed on a land unit without the approval of the City;

14 Occasional uses The occasional use of a property for temporary events (including craft markets, circuses, public meetings, religious gatherings, film shoots or other events) may be permitted with the City's approval.

15 Special use A special use is a use not defined or provided for in this development management scheme, and may be so classified and permitted in any zoning with the approval of the City.

21 & 108 & 112 Use of the property Additional use rights Where more than one such activity is required, the City's approval shall be obtained

23 Home occupation Off-street parking shall be provided at a ratio of 1 parking bay per 25 m² area used for home occupation unless the City's approval is obtained to waive this requirement.

25 Home child care At least one off-street parking bay shall be provided, plus one additional parking bay which is suitable for the use of parents to drop off or collect their children, unless the City's approval is obtained to waive this requirement.

25A Second dwelling The total floor space of a second dwelling may not exceed the total floor space of the main dwelling unit without the approval of the City.

25B Third dwelling The total floor space of a third dwelling may not exceed the total floor space of the main dwelling without the approval of the City.

54 House shop The following are not permitted in a house shop unless the approval of the City is obtained: sale of alcoholic beverages, storage or sale of fireworks, storage or sale of gas and gas containers, vending machines, gaming machines, video games or pool tables.

60 & 64 Development rules (k) Parking and access Except with the approval of the City, no parking bays at ground floor level on a land unit, either outside or within a building, shall be located closer than 10 m to a street boundary, in order to enhance amenity at street level.

69 & 76 & 124 Hazardous substances Notwithstanding the fact that an activity constitutes a primary use right in terms of this zoning, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and the City has given approval thereto.

89 & 101 Construction and deposit of materials No person shall:

- (a) construct a private crossing, bridge or culvert onto, under or across a public street;
- (b) construct or lay a sidewalk on a public street;
- (c) construct a verandah, stoep, wall, steps or other projection in or over a public street;
- (d) deposit or leave any goods, articles, building materials or waste in a public street or road reserve other than for a reasonable period during the course of loading, off-loading or removal thereof, except in accordance with and after the City has given its approval.

109 Development rules Floor space The total floor space of all dwelling units on the land unit, including accommodation for bona fide agricultural workers employed on the property, shall not exceed 1 500 m²; provided that with the approval of the City this requirement may be relaxed if such accommodation is required for persons who are genuinely engaged for their livelihood in agricultural activities on the land unit.

Approvals contained in the following items:

126 Earth banks, retaining structures, support structures and similar devices

129 Recreational vehicles and watercraft

137 Off-street parking requirements

138 Alternative parking supply

139 Combined parking requirements

141 Parking layout requirements

144 Loading

158 Specific provisions: Koeberg Restriction Area Overlay Zoning

162 General provisions: Heritage Protection Overlay Zoning

166 General provisions: Environmental Management Overlay Zoning

176 Specific provisions: Harfield Village Local Area (LAO/2)

180 Specific provisions: Marina Da Gama Extensions 1,2 & 4 (LAO/8)

185 Specific provisions: whole of the Cape Town CBD Area (LAO/4)

186 Specific provisions: St Georges Street subarea

187 Specific provisions: Roggebaai subarea

188 Specific provisions: Bakoven, Clifton and Glen Beach Bungalow Area (LAO/5)

189 Specific provisions: Victoria Road, Clifton local area (LAO/5(ii))

4.10. **Amendment, deletion or addition of conditions of an existing approval: Section 42(j)**

- 4.10.1. No fee if condition to be amended or deleted is same as in a simultaneous Section 42(g) or 42(h) application.
- 4.10.2. All other conditions of approval to be amended or deleted require a fee per condition.
- 4.10.3. Addition of a condition always requires a fee.

4.11. **Extension of the period of validity of an approval: Section 42(k)**

- 4.11.1. Application needs to be submitted prior to initial approval lapsing.
- 4.11.2. All permanent departures extensions have no fees, nor requires any complexity fee.
- 4.11.3. For all other applications for extension of validity, a new total set of application fees is applicable and is calculated in terms of the current fee structure. Complexity fees are not applicable. If required by the City, advertising fees may be applicable.

- 4.11.4. An extension of multiple approval for a permanent departure, rezoning and amendment of condition would be charged only for the rezoning and amendment of restrictive condition at the approved fee applicable at the time of the application for extension of validity.
- 4.12. **Amendment or cancellation of an approved subdivision plan: Section 42(l)**
- 4.12.1. This fee is payable in all cases where a subdivision approval has already been granted by the City, irrespective of whether a general plan has been approved or not.
- 4.13. **Permission required in terms of the conditions of approval of an application: Section 42(m)**
- 4.13.1. A condition of approval imposed, may require an action by the owner that still requires the further permission of an authorised official. For example, an amended site development plan or a stormwater management plan or a landscaping plan that must be implemented to the satisfaction of the relevant line department. While this is a category of application that requires a submission to the City there is no fee applicable.
- 4.14. **Determination of a zoning, a non-conforming use right or any other matter which the City may determine in terms of the MPBL: Section 42(n)**
- 4.14.1. This category applies to an application to determine a zoning where such land does not have a zoning (as contemplated in Section 36), or application for the determination of a non-conforming use (as contemplated in Section 37). A fee is applicable for each application made.
- 4.15. **Correction of a zoning map: Section 42(o)**
- 4.15.1. No fee applicable
- 4.16. Note that there is currently no Section 42(p) in the MPBL
- 4.17. **Alteration or amendment of a street name or number: Section 42(q)**
- 4.17.1. No fee applicable
- 4.18. **Determination of an administrative penalty: Section 42(r)**
- 4.18.1. No fee applicable
- 4.19. **To exempt a subdivision from the need for approval in terms of the MPBL: Section 42(s)**
- 4.19.1. This application is ONLY required for an exemption in terms of Section 67(3).
- 4.19.2. Requests for other exemptions for subdivisions and consolidation as indicated in Section 67 are not applications in terms of 42(s).
- 4.20. **Permission for the construction of a building or a substantial part of it within the envelope of a non-conforming use: Section 42(t)**
- 4.20.1. This application is in terms Section 37(6) where construction is requested in relation to a non-conforming use on a land unit. Fee is applicable for each application.
- 4.21. **Any other application which the City Manager may prescribe in terms of the MPBL: Section 42(u)**
- 4.21.1. **This category should not be used unless the City Manager has specifically prescribed a new application type. Currently none have been prescribed.**
- 4.22. **Approval of a building or structure on an unregistered erf: Section 42(v)**
- 4.22.1. This application is in terms of Section 55(4)(b) and the fee is applicable for each unregistered land unit of an approved subdivision proposed to be built upon. The fees are applicable for each of the first 10 unregistered land units.

5. COMPLEXITY FEES

- 5.1. A complexity fee is charged in addition to the basic application fee when a Heritage Impact Assessment (HIA), Environmental Impact Assessment (EIA), Traffic Impact Statement / Assessment (TIA/S) and/or Major Hazard Installation Assessment (MHI) are required, since such applications are more complex and involve more complex assessments.
- 5.2. They are required when specialist studies as set out in the tariff structure are submitted as part of an application that requires in depth consideration but relevant line departments in the City.
- 5.3. The difference between a Transport or Traffic Impact Statement (TIS) and a Transport or Traffic Impact Assessment (TIA) is that the TIS complexity fee is payable where the proposed development will result in 50 to 150 peak hour vehicle trips being generated (calculated in terms of the Department of Transport : SA Trip Generation Rates), while the TIA complexity fee is payable where the proposed development will result in more than 150 peak hour vehicle trips being generated (calculated in terms of the Department of Transport : SA Trip Generation Rates) – consult with your in-house traffic specialist in this regard.
- 5.4. This additional fee is not applicable for a Heritage Impact Assessment (HIA) if it is included in an EIA assessment Environmental Impact Assessment (EIA) - Full Scoping and Environmental Impact Assessment (in respect of activities listed in terms of GN R387) or Basic Assessment (in respect of activities listed in terms of GN R386).

6. ADVERTISING FEES

- 6.1. Fees for regional newspapers, community newspapers, Provincial Gazette, notices by recorded delivery or notices of no objection are set out in the tariff structure.
- 6.2. Certain types of application require a notice in the media as set out in the MPBL or other legislation.
- 6.3. The online submission process will provide an initial guide for advertising requirements.
- 6.4. After the application has been accepted by the City and the case officer has fully assessed the proposal, the applicant will be advised if there are different advertising requirements.
- 6.5. Multiple applications in respect of the same subject property when advertised collectively in the press attract a single notice in the media fee.

7. PRINTING/COPIES & INFORMATION PRODUCT FEES

- 7.1. Printing and copying fees are as per Promotion of Access to Information Act 2 of 2000.
- 7.2. There is no fee for providing information directly from DAMS.

8. EXEMPTIONS

- 8.1. All exemptions are set out in the tariff structure.

9. REFUNDS

- 9.1. Provision of certain refunds are set out in the tariff structure.
- 9.2. Refunds are only made upon request from the applicant or owner.

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