



**Western Cape
Government**

Environmental Affairs and
Development Planning

BETTER TOGETHER.

MUNICIPAL LAND USE APPLICATION & APPEAL WORKFLOW WITH PRO-FORMA TEMPLATES

PROPOSED STANDARD DRAFT BY-LAW ON MUNICIPAL LAND USE PLANNING

Jeremy Benjamin

17 & 18 June 2015

LAND USE PLANNING APPLICATIONS

- (a) Rezoning;
- (b) Permanent departure;
- (c) Temporary departure;
- (d) Subdivision;
- (e) Consolidation;
- (f) Removal, suspension or amendment of restrictive conditions;
- (g) Permission required to the zoning scheme;
- (h) Amendment, deletion or imposition of conditions of approval;
- (i) Extension of the validity period of an approval;
- (j) Approval of an overlay zone;
- (k) Amendment or cancellation of an approved subdivision plan or part thereof;
- (l) Permission required to a condition of approval;
- (m) Determination of a zoning;
- (n) Closure of a public place or part thereof;
- (o) Consent use;
- (p) Occasional use of land;
- (q) Disestablish a home owner's association (HOA);
- (r) Rectify a failure by a HOA to meet its obligations;
- (s) Permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.

WORKFLOW

1. Submission

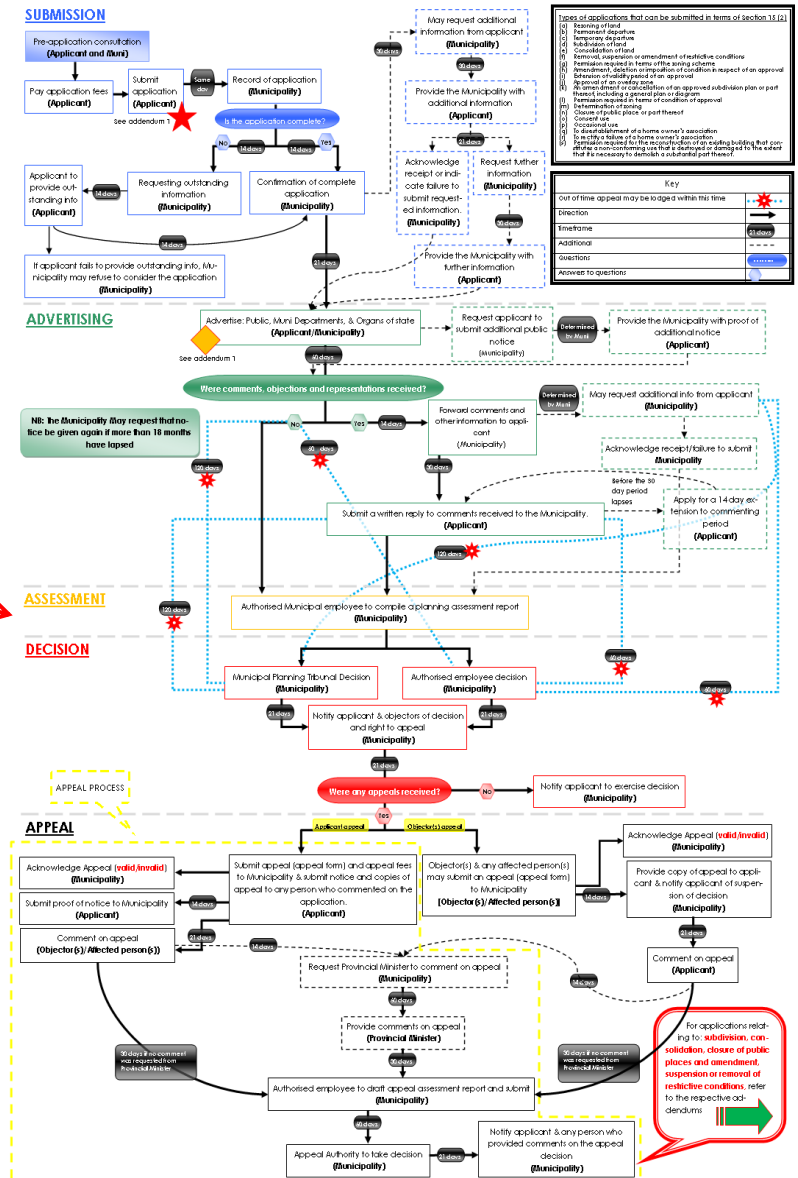
2. Advertising

3. Assessment

4. Decision

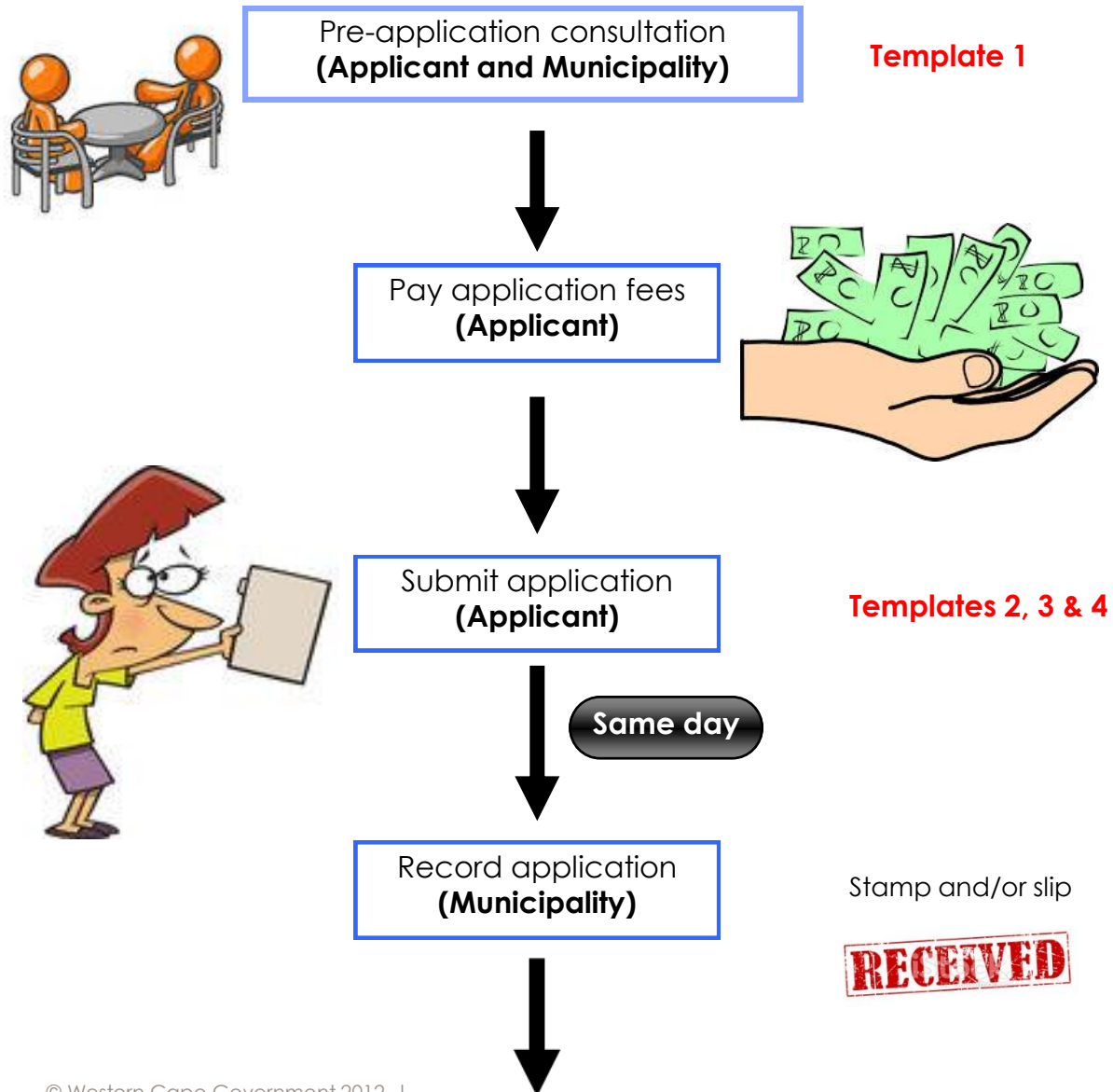
5. Appeal

Draft By-Law on Municipal Land Use Planning (Workflow)

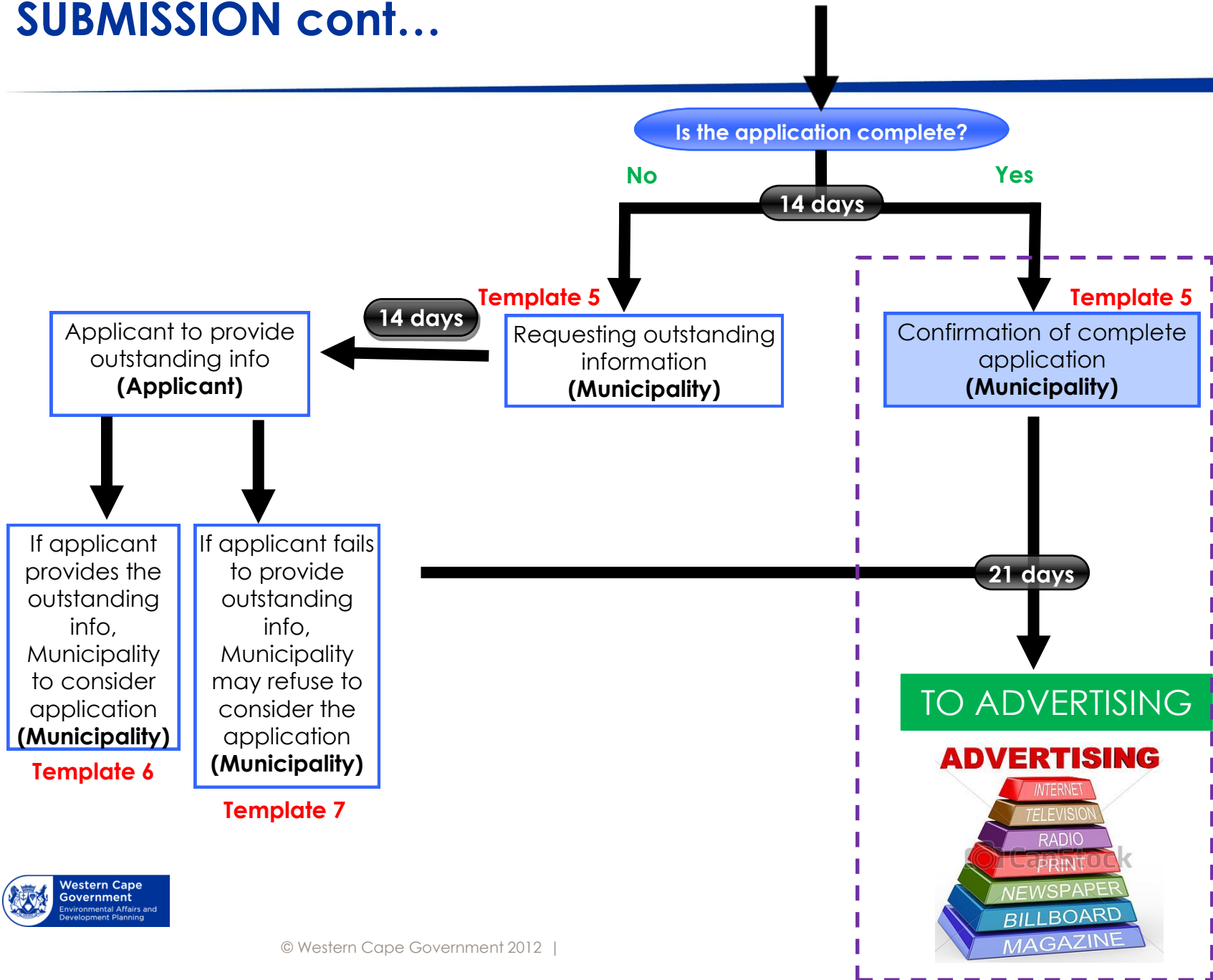


SUBMISSION OF APPLICATION

SUBMISSION

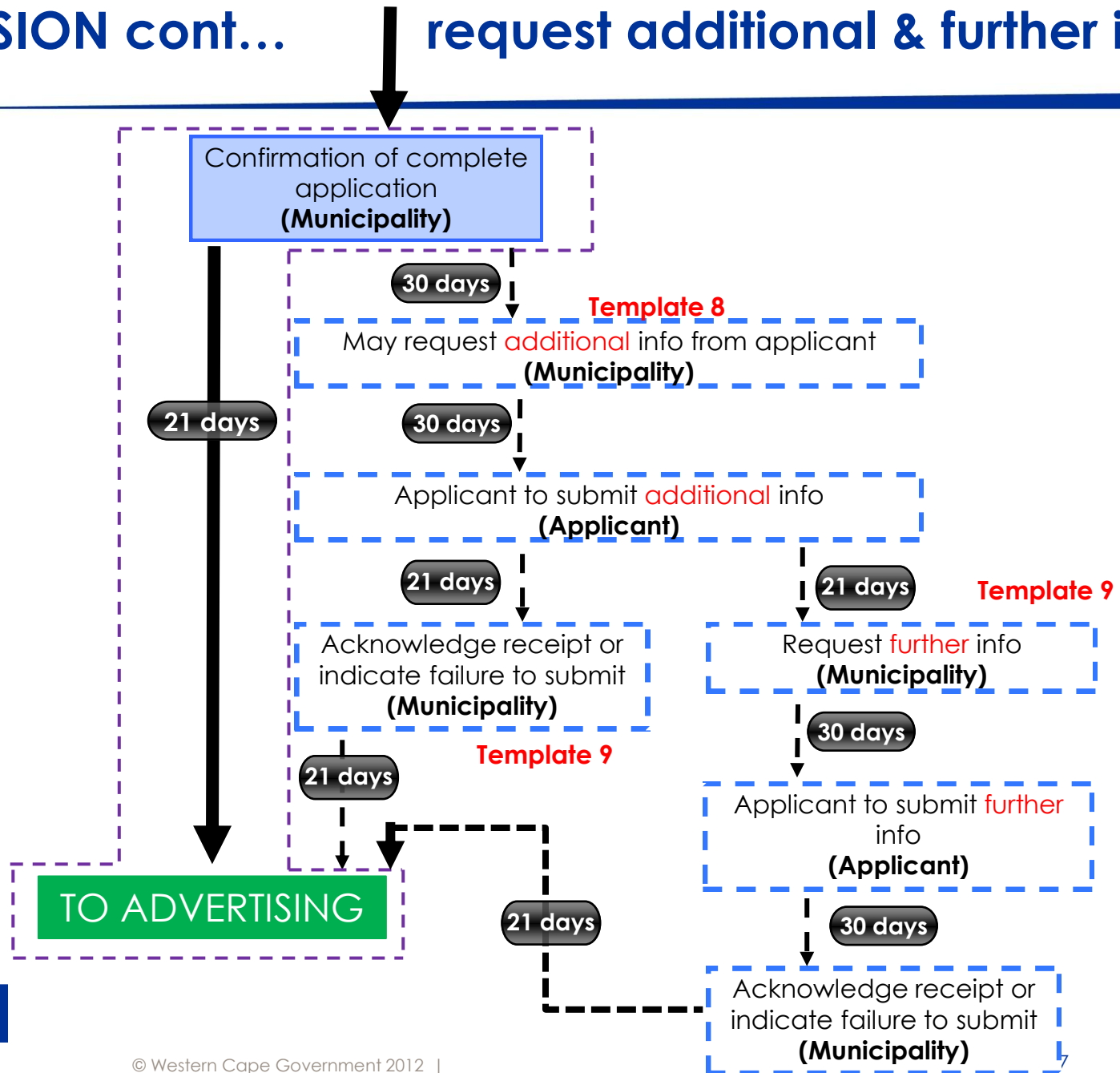


SUBMISSION cont...

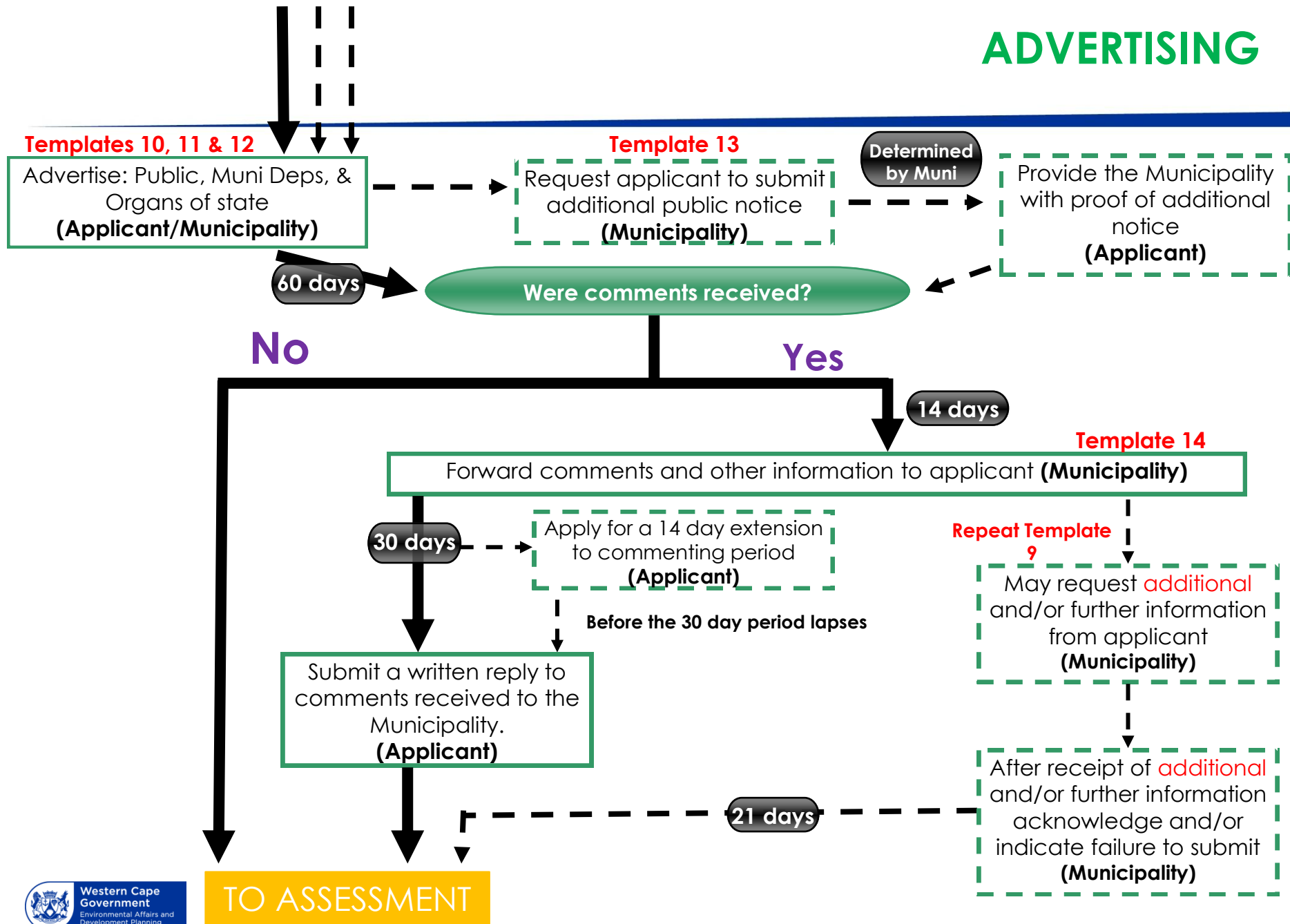


SUBMISSION cont...

request additional & further info



ADVERTISING THE APPLICATION



ASSESSING THE APPLICATION

ASSESSMENT

Template 15

Authorised Municipal employee to compile a planning assessment report
(Municipality)



DECISION

Municipal Planning Tribunal Decision
(Municipality)

Authorised employee decision
(Municipality)

21 days

Template 16, 17 & 18

Notify applicant & objectors of decision and right to appeal
(Municipality)

21 days

21 days

Were any appeals received?

No

Template 19 & 27

Notify applicant to exercise decision
(Municipality)

Yes

TO APPEALS



APPEALS



APPEAL TYPES

What can be appealed?

Decisions of the Tribunal (MPT) or the Authorised Employee (AE)

Failure of MPT or AE to decide on an application

Who can appeal?

Any person whose rights are affected; and

An applicant

Who is the Appeal Authority:

The executive authority (executive committee/executive mayor of the municipality/ if the municipality does not have an executive committee or executive mayor, a committee of councillors)

What is an invalid appeal?

If, the applicant is the appellant:

1. Appeal fee must be paid
2. Proof of copy of notices
3. Grounds for appeal as set out in Section 80
4. Must be lodged within 21 day period

If, a person(s) who commented on the application is/are the appellant(s);

1. Grounds for appeal as set out in Section 80
2. Must be lodged within 21 day period

APPEAL PROCESS

Were any appeals received? **Yes**

Applicant
appeal

21 days

Objector(s)
appeal

Template 18

Submit appeal (appeal form), appeal fee to Municipality & submit notice and copies of appeal to any person who commented on the application.
(Applicant)

14 days

Submit proof of notice to Municipality
(Applicant)

21 days

Comment on appeal
(Objector(s)/Affected person(s))

Acknowledge Appeal
(valid/invalid)
(Municipality)

Template 20

Objector(s) & any affected person(s) may submit an appeal to Municipality
[Objector(s)/Affected person(s)]

14 days

Acknowledge Appeal
(valid/invalid)
(Municipality)

Template 21

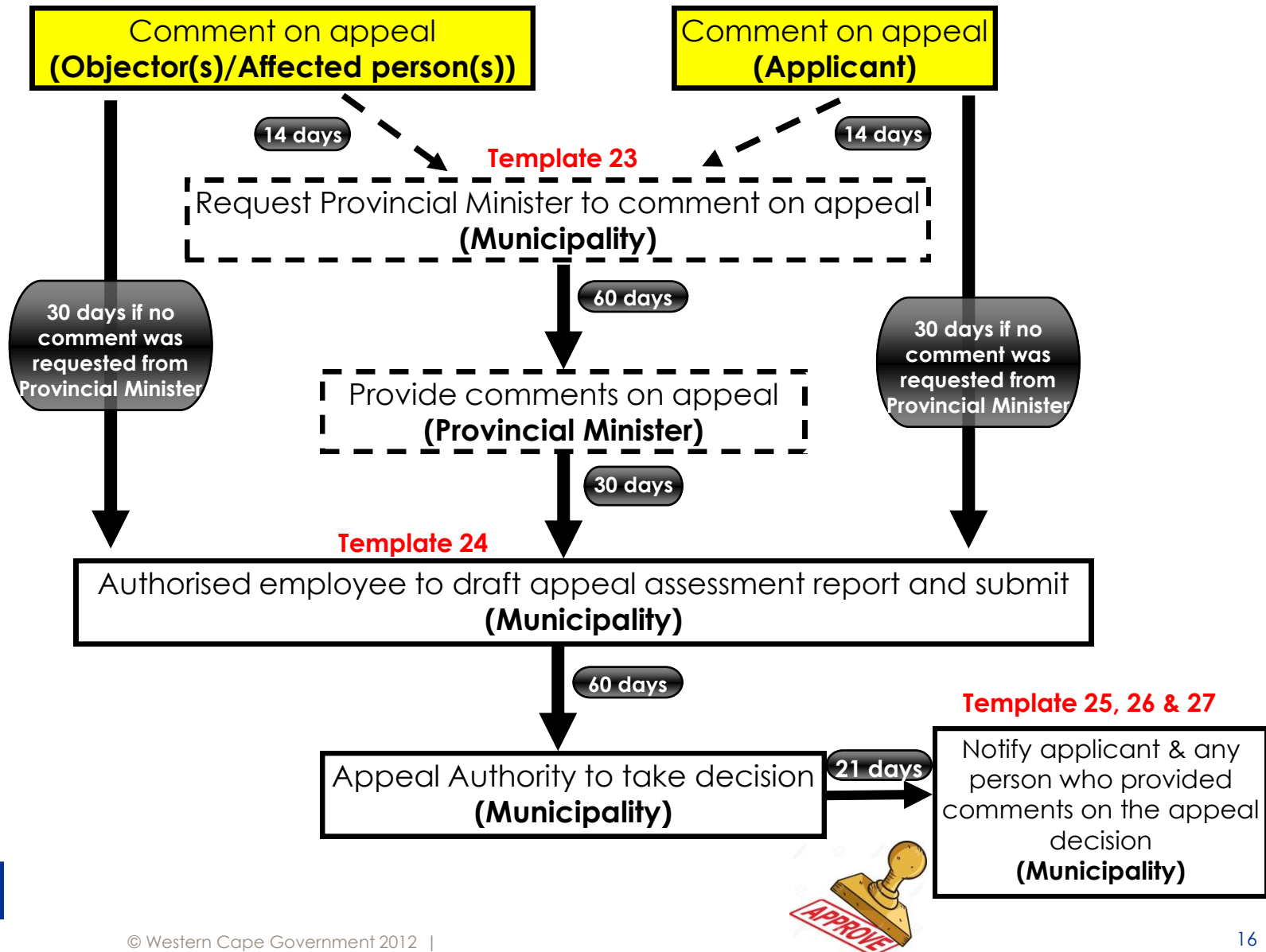
Template 22

Provide copy of appeal to applicant & notify applicant of suspension of decision
(Municipality)

21 days

Comment on appeal
(Applicant)

APPEAL PROCESS cont....



PRO-FORMA TEMPLATES

Colours:

Legend:

All text in the colour:

Orange - is just a description of each template and should be deleted.

Green – refers to draft legislation, which will be amended accordingly when legislation is finalised.

Blue – is an explanatory action where there are various options.

Red – is an explanatory action that needs to be changed accordingly.

Black – is fixed and should not be changed.

Thank you



Director's Contact Details

Comments and/or queries to be submitted to:

Region	Director	Email	Telephone
Region 1: - City of Cape Town - West Coast	Zaahir Toefy	Zaahir.Toefy@westerncape.gov.za	(021) 483 2700
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