



CITY OF CAPE TOWN
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STAD KAAPSTAD

MODEL LAND USE PLANNING AND DEVELOPMENT CONDITIONS HANDBOOK

Development Management

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PART I DRAFTING AND APPLYING STANDARD CONDITIONS

1 HOW TO USE THIS HANDBOOK

This handbook sets standard practice in the conditioning of development applications.

The handbook is designed in an easy-reading format, to be reviewed and updated regularly to incorporate more effective conditions that may be developed in practice, to accommodate changing circumstances, new case law and legal opinions impacting on the imposition of conditions or the outcome of appeals etc.

New proposals or additions to the handbook can be forwarded to the Development Policies, Processes and Legislation Unit in the Development Management Department for consideration.

2 USING CONDITIONS IN DEVELOPMENT APPLICATION APPROVALS

See section 100 in the City of Cape Town Municipal Planning By-law, 2015 (MPBL) (as amended).

Before approving an application for permission to develop land, the City is empowered to attach conditions to such approval. Generally, these conditions are imposed to:

- mitigate the impact of a proposed development on adjacent and nearby uses and/or
- enhance the co-ordinated, harmonious development of an area and/or
- establish performance standards for a development.

In essence, the purpose of imposing conditions is to balance the owner's right to develop land with the City's responsibility to safeguard the public and the community's interests in being protected from any potential adverse impacts. The ability to impose conditions enables an element of flexibility in decision-making.

3 LEGISLATIVE AND POLICY CONTEXT

Conditions on planning permissions may only be imposed within the statutory powers available.

Section 100 of the MPBL provides the legal framework for conditions to be imposed:

"100 Conditions of approval

- (1) The City, when granting an approval or making a determination in terms of this By-law, may impose reasonable conditions which arise from the proposed use of land."*

Amendment, deletion or addition of conditions can be done by following an application process in terms of the MPBL. Section 42(j) provides for this application type:

“(j) amendment, deletion or addition of conditions in respect of an existing approval granted or deemed to be granted in terms of this By-law;”

4 MAKING THE DECISION

When considering a development application, it is important to identify factors that are relevant to the decision and to establish whether these considerations warrant a refusal, an amended proposal and/or a conditioned approval. These considerations must be material considerations, in other words, they must relate directly to the application at hand. They would include (but are not limited to):

- impact of the proposal;
- design of the proposed development and its relationship to its surroundings;
- access to the subject site;
- provision of infrastructure;
- the views of statutory and other bodies or individuals consulted; and
- legitimate public concern or support expressed on relevant planning matters.

It is for the decision-maker to determine whether a consideration is material and to assess both the weight to be attached to each consideration and whether individually or together they are sufficient to outweigh the development proposal.

5 THE VALUE OF STANDARD CONDITIONS

Standard or model conditions can be of great benefit. They can:

- improve the consistency of decisions;
- make more effective use of staff resources; and
- increase the speed of processing applications.

However, they may also encourage uncritical application. It is very important that model conditions are not applied as a matter of routine, without careful assessment. It must be understood then that:

- the list of model conditions cannot be considered exhaustive;
- model conditions must be adapted where appropriate to suit the circumstances of the particular case;
- clear and precise reasons should be able to be given to justify the imposition of each and every condition; and
- if officials simply impose conditions without applying their mind or adapting them where necessary, the decision could be reviewable in a court of law.

6 CRITERIA TO DETERMINE VALIDITY OF CONDITIONS TO BE IMPOSED

In considering whether a particular condition is valid and defensible and therefore legal, a number of substantive and drafting criteria apply. As a matter of policy, conditions should only be imposed when they meet all the following tests:

8 Substantive criteria

- Rationality
- Legal conformity
- Reasonableness
- Purpose
- Relatedness
- Proportionality
- Application
- Enforceability

5 Drafting criteria

- Precision
- Focus
- Compliance with other controls
- Timelessness
- Performance

An explanation of each of these tests is provided below.

Substantive criteria

Rationality

There must be a rational basis for imposing the condition. This criterion tests the need for a condition in the first place. Ask whether planning permission would have been refused if the condition was not imposed. If not, then the condition needs clear and precise justification. A condition should not be imposed unless there is a definite need for it.

Legal conformity

Conditions must be imposed in the context of current legislative powers for doing so. Conditions should not be framed in a way that undermines the intent of the zoning. For example, approval of a consent use should not create a new use in conflict with the intent of the underlying zoning. Conditions that conflict with other legislation would clearly be *ultra vires*. It is also important that conditions accord with the spirit of other legislation.

Reasonableness

A condition should be reasonable in all respects. For example, a condition cannot impose an undue burden on the landowner i.e. if the cost, inconvenience or other impact on the owner is too onerous relative to the public benefit of the condition. A condition that conflicts with other legislation would also be considered unreasonable.

Purpose

Conditions should be designed to serve the public's interest and be relevant to the proposed development. The question should be asked: Whose interests are you protecting, and whose position are you promoting in imposing the condition?

Relatedness

The condition must be directly related to and incidental to the proposed land use, and the application should give rise to the need for the condition. When the condition does not relate to, or mitigate, the impacts of the development, it does not meet this criterion. Conditions that are out of keeping with the scale of the application do not meet this criterion.

Proportionality

This test relates to relatedness and reasonableness. Conditions requiring, for example, the upgrading of a road to accommodate pre-existing traffic problems would not meet this criterion.

Application

In general, conditions should relate to the use not the user, and should not regulate the details of the operation of a business, unless they are relevant to planning and directly manage impacts. It is important to remember that rights accorded by a rezoning accrue not just to the current owner but to all subsequent owners.

Enforceability

A condition should not be imposed if it cannot be enforced. By this, it is not meant to refer to the actual capacity of the enforcement agency. Sometimes a condition will be unenforceable if, in practice, it is impossible to detect the infringement. It should also be one with which that the owner can reasonably be expected to comply with the condition.

Drafting criteria

Precision

The framing of the condition requires great care. This is also important to ensure that a condition is enforceable. There are several aspects to this. A condition cannot be so vague as to make it difficult to ascertain what is required or what effect is intended. The condition must give a clear idea of what is expected – of the owner / developer / occupant, of the local authority, and for surrounding neighbours who may be impacted by the proposal. Wording must be clear and simple, not overly complex or difficult to follow. Conditions must be articulated clearly, concisely and so that they can be implemented without confusion by all relevant parties. Conditions requiring vague qualifications, difficult to interpret, should be avoided. For example, “to the satisfaction of the Directorate” provides the applicant no clear indication of what is required. Finally, and significantly, a condition must state the circumstance of its performance, especially the time frame in which it will be performed. The timing must relate to easily understood, discrete events — specifying “what, who, when.”

Focus

In part related to the test of precision, conditions must be tailored to tackle specific problems, they should not be wider in scope than is necessary to achieve the desired objective. Also, approvals should not be overloaded with conditions that are imposed “just in case”.

Compliance with other controls

Conditions should not attempt to enforce compliance with other legislative requirements. A condition that duplicates the effect of other controls is unnecessary and one whose requirements conflict with those other controls will be *ultra vires* because it is unreasonable. For example, it would not usually be necessary to control emissions from a development that would be subject to pollution controls in terms of other legislation.

Timelessness

Conditions must stand the test of time. The time between an approval and actual development may be lengthy – this clause is particularly pertinent if imposing monetary payments.

Performance

Compliance with the condition is to be expected of the owner, not the City or any other body, public or private. It is unreasonable to impose a condition which the developers would be unable to comply with themselves, or that they could comply with only with the consent or authorisation of a third party. For example, a requirement that a development proceed upon completion of road improvements by the Road Authority when there is no reasonable indication that this may occur must be considered unacceptable, as would making a development dependent upon road closure, if such a process has not yet commenced.

7 APPLYING MODEL CONDITIONS

The use of the criteria outlined above to test the validity of a condition will be important in facilitating site specific and appropriate adaptation of model conditions.

However, there are other parameters to test the validity of a condition – the nature and scale of the intended use, and the type of application also provide clues to determine when certain model conditions may be appropriate to use and when not. To illustrate, it is generally appropriate to include a condition requiring a site development plan on large-scale developments, but a less likely requirement on an application for a home business. Similarly, it may be generally appropriate to restrict the hours of operation of a child-care centre in a residential area but not a business in a commercial area.

It is of course impossible to provide for all eventualities, site specifics will always mean there will be circumstances where the opposite holds true. This may particularly be the case on environmental and heritage matters.

Although it is cumbersome in the formal reporting process to provide an explanation for every condition imposed, it should be possible for the official processing the land use application to justify every condition if challenged.

All conditions are imposed in terms of section 100 of the City of Cape Town MPBL.

8 CHECKLIST OF ISSUES / QUESTIONS TO ASK WHEN FORMULATING CONDITIONS

When assessing a development application proposal, also consider the following matters when formulating conditions of approval to be imposed:

Authority and procedural constraints

- 1 Is the decision-maker empowered to impose conditions on an approval?
- 2 Have all proposed conditions been verified to be compliant with the criteria provided for in the section 100 of the MPBL and the guidance provided in this handbook?

Factors material to the application at hand

- 3 Is the development considered large, medium or small scale?
- 4 Is the development in an area, or will it impact on an area of environmental (including visual) sensitivity?
- 5 Is the development in an area with heritage (built, cultural) sensitivities?
- 6 Does the development include one or multiple uses that may require individual conditions?

- 7 What are the impacts on the immediate neighbours and the neighbourhood? Can these be managed through the application of targeted conditions?
- 8 If comments and objections have been received, which of these could be considered legitimate or material to the application at hand and why?
- 9 If comments and conditions have been received from other departments within the City, could they all be considered material to the application at hand and are they in line with the standards in this handbook? Do they require discussion with the relevant departments and is the applicant aware of these requirements?
- 10 Where departments are suggesting conditions to be imposed, are you confident that these meet the requirements of this handbook and are not merely notes, minimum requirements or further departmental information for the applicant to note?

Some final considerations

- 11 Have you discussed the draft conditions with the applicant?
- 12 How easy will it be to monitor and enforce the conditions?
- 13 Can you justify each condition individually?
- 14 Does each condition meet the eight substantive criteria specified in this handbook, i.e. is it rational, does it conform with other legislation, is it reasonable, does it serve a public purpose, is it related to the proposed land use, are the conditions proportional to the extent of the use, do the conditions regulate the use and not the user or the details of the operation of a business, can it be enforced?
- 15 Does each condition meet the five drafting criteria specified in this handbook, i.e. is it precise, tailored to specific problems, does it avoid duplicating the effect of other legislation or controls, can it stand the test of time (immediate and long term), can it be reasonably complied with?

PART II MODEL CONDITIONS

Most of the model conditions are preceded by an explanation of the use of such a condition, followed by one or more model conditions and, in certain instances, examples of unacceptable conditions are also presented to illustrate the case.

It should be noted that many of the model conditions include provision for the decision-maker to incorporate specific details, as relevant to the application. These are indicated in *italics* which are not to be included in the final condition.

Notwithstanding, case officers should also be careful to not necessarily impose all the above notes, standard requirements and minimum specifications indicated by other departments as part of the comments on the application, as conditions of approval. In many instances, these are for the departments to apply and to enforce via other mechanisms.

9 PLANNING PERMISSION

9.1 Time limits

This condition is to only be applied in the granting of temporary departures or consents in terms of the MPBL.

Time limits

- The Temporary Departure / Consent (delete whichever is not applicable) shall be valid for a period of year(s) from date of notification.
- That ... (*specify e.g. buildings/works*) hereby permitted shall be removed or the use hereby permitted shall be discontinued and the land restored to ... (*specify requirements*). Any such restoration works shall be carried out by ... (*specify date*).

9.2 Restriction to specific operator

Land use rights accrue to the land unit, not the owner. Thus, it is never appropriate to restrict an approved application to a specific owner or operator.

There is a tendency to utilise this condition for consent uses permitting business operations in a residential zone. In imposing conditions of this sort, it should be established whether the objective of maintaining a residential component or character cannot be better met by requiring a residential component, permanently occupied, to the approved development or use.

Restriction to operator



Example of an unacceptable condition:

- That this consent/departure is granted to the current applicant/owner only, and the guest house may be only sold as a going concern subject to the new owner accepting all the original conditions in writing, prior to the alienation/transfer of the subject property being affected.

Generally, the rights and associated conditions accrue to the land and are binding on all successors in title. Also, spelling error “affected” rather than “effected” changes the sense of the sentence – points to the importance of precise drafting.

9.3 Owners’ association

In granting certain applications, an owners’ association may be required in terms of section 61 of the MPBL.

Owners’ association

- An owners’ association must be established in accordance with the provisions of section 61 of the City of Cape Town Municipal Planning By-law, 2015 (as amended) and shall come into being before the City will certify in terms of Section 137(3) of said By-law that any condition on which the subdivision was granted, has been complied with.
- That the following private road/s and open space/s (*use appropriate terminology*) with erf number/s (*use numbers on GP*) shall vest in the owners’ association, who shall take transfer simultaneously with the transfer or separate registration of the first deducted land portion in such phase.
- That the constitution of the owners’ association be submitted to ... prior to ... (*date or event*) for approval in terms of section 62(2) of the City of Cape Town Municipal Planning By-law, 2015 (as amended).

9.4 Survey matters

In granting certain applications, registration of a servitude may be required, or it may be necessary that properties making up an application site, be notarially tied. Where this is the case, the following standard conditions can be used:

Survey matters

- That a servitude for ... (*specify e.g. municipal services or provision of access*) be registered in favour of ... (*specify*) prior to ... (*specify, generally transfer*).

- That erven ... and ... (*specify*) are notarially tied in the Deed's Registry.
- That consolidation of the erven (*specify*) occur prior to ... (*specify e.g. building plan approval, transfer, etc*) in the Deed's Registry and that the conditions contained in this approval shall be applicable to the consolidated site.

10 LAND USE AND BUILT FORM

10.1 Permitted uses

In designing conditions to restrict uses, notwithstanding the uses permitted in the Development Management Scheme (DMS), it is preferable to phrase the condition so as to prohibit a particular unacceptable use or uses (provided the list is not too long) rather than in terms which prevent any change of use at all i.e. restriction only to the specific use applied for. Sometimes, it may be more appropriate to restrict the scale of development rather than the uses. It should also be noted the list of prohibited uses can only include those uses listed as of right in the applicable use zone. Any other uses would require further planning permission and thus do not require specification.

Permitted uses

- Notwithstanding uses permitted in the zoning of the Development Management Scheme, the following uses are not permitted:
 -(*specify*)
- Notwithstanding uses permitted in the zoning of the Development Management Scheme, the following uses are permitted:
 -(*specify*)

Permitted uses



Example of an unacceptable condition:

- That the applicant submits a Building Plan within ... months, indicating all changes of use of buildings on the site in accordance with the requirements of the National Building regulations.

A re-statement of other legislative controls is unnecessary.

10.2 Extent of use

The extent of use may need to be restricted when the scale of the development proposed is important to the management of impact or to ensure the building remains available to meet the purpose for which it was zoned. This may be the case, for example, for business operations in residential areas. Floor space is one restriction available to condition, but

occasionally it may be necessary to confine an operation to a certain number of rooms within a dwelling.

Extent of use

- That the(specify activity) shall be limited to a maximum of ... rooms within the dwelling unit on the land unit.

10.3 Height

Height

- That notwithstanding heights permitted in the zoning of the Development Management Scheme, no building or structure on the property shall exceed a height of metres.

10.4 Floor space

It should be noted that conditions specifying minimum floor areas are inappropriate, unless it is determined that a particular use or service should be provided at a minimum.

It is preferable to specify maximum floor space to simplify verification as to whether the structure complies with the floor space restriction or not.

Floor space

- That notwithstanding the maximum floor space permitted in the zoning of the Development Management Scheme, floor space shall not exceed (specify) m².

10.5 Coverage

Coverage

- That notwithstanding the coverage permitted in the zoning of the Development Management Scheme, coverage shall not exceed (specify) %.

10.6 Floor factor

Floor factor

- That notwithstanding the floor factor permitted in the zoning of the Development Management Scheme, floor factor shall not exceed (specify).

10.7 Building lines

It is important to specify the building line requirements in detail, both in the conditions and in the recommendations. It is often useful to refer to a plan to indicate where the departure is to be permitted, to avoid any confusion.

Building lines

- That notwithstanding the building lines permitted in the zoning of the Development Management Scheme, building lines shall be as follows:
 - Street boundary: (specify) metres
 - Common boundaries:(specify) metres

Note: it may be appropriate to refer to a plan in the case of an irregularly shaped erf

Building lines



Examples of unacceptable conditions:

- No portion of any structure is to project over the property boundary.

This would be illegal and is not necessary to specify.

- No windows or apertures are permitted on the lateral boundaries.

If the objective is to prevent overlooking, rather stipulate other design requirements (e.g. opaque glass windows) to address such features.

11 VISUAL IMPACT

The appearance of a proposed development and its relationship to its surroundings are material considerations in planning decisions. While conditions of this nature should not impose matters of taste, there will be circumstances where it is important to secure a high quality of design if a development is to make a positive contribution to site and surroundings. The appearance and treatment of spaces between and around buildings is often important. The relationship of the development to the street is particularly significant. Certain vistas or landscape features may need to be maintained or enhanced. However, conditions of this sort may be onerous and are generally imposed only for larger developments or in particularly sensitive landscapes.

11.1 Design and architectural treatment

Generally, specification of design parameters follows approval of the essential concept. Thus, conditions relating to design matters are often reserved for later approval procedures, such as the submission of precinct plans, site development plans or architectural design manuals.

Design, architectural treatment

- Development of the property shall be substantially/generally in accordance with Plan (or approved Architectural Guidelines) (specify plan description, number, reference as submitted by applicant), dated (specify).
- Details of the design of (specify, for e.g. fenestration, perimeter walls, etc) shall be submitted to the authorised official in consultation with the Executive Director: Spatial Planning and Environment or his/her delegate. for approval, prior to building plan approval.

Design, architectural treatment



Example of an unacceptable condition:

- That the developer will strive to enhance and preserve Durbanville's rural character and architecture through the provision of functional landscaping and an aesthetically acceptable development to the satisfaction of the Area Urban Planner.

This condition is vague in the extreme and provides no guidance to any party.

12 OPERATIONAL RESTRICTIONS

It is important when imposing conditions that limit the details of the business to relate the condition to the proposed use of the land – the focus should be on minimising potential adverse impacts, not on regulation of the manner of the operation.

12.1 Hours of operation

Hours of operation

- That the use hereby permitted shall only operate between ... (specify hours and days).

12.2 Storage of materials / waste

Storage of materials / waste

- No materials, including waste products, shall be stored on the site, outside of the buildings.
- No ...(specify materials e.g. hazardous waste, flammable substances) shall be stored within ...(specify) metres of buildings on the site or within ...(specify) metres of the(specify: site boundary, or rear, lateral or front boundary).
- No...(specify materials e.g. hazardous waste) shall be stored on the site.

Storage of materials



Example of an unacceptable condition:

- That the site shall be kept tidy at all times.

The condition is vague and unlikely to be capable of enforcement.

12.3 Other restrictions on operations

Many of these uses are governed by policy, which stipulate the range of conditions potentially applicable.

Restrictions on operations – General

- A maximum of ... (specify) employees in connection with this activity shall be permitted at any one time.
- A maximum of ... (specify) employees in connection with this activity shall be permitted, whether such person ordinarily resides on the premises at any one time.
- A maximum of ... (specify) children shall be permitted on the premises at any one time.
- A maximum of (specify) paying guests or lodgers shall be permitted at any one time.
- A maximum number of ... (specify) bedrooms shall be used for the accommodation of paying guests or lodgers.
- Every guest room must be attached to the dwelling house/ second dwelling unit (whichever is applicable).
- The selling or supply of liquor to non-guests is prohibited.
- The operation of video games or pinball tables is not permitted on the premises.

Restrictions on operations – General



Examples of unacceptable conditions:

- Any person wishing to operate a centre which does not comply with these conditions may apply to the City for a departure, or for consent to operate a creche, or for a rezoning to operate a place of instruction.

This should be for information, not a condition.

- The applicant shall provide adequate insurance cover for the transportation of children.

This is not of relevance to planning.

- The applicant is held responsible for the supervision of the operators and must be present on site during operating hours.

This is not of relevance to planning. Rather, and if pertinent, condition the precise impact to be managed.

- The selling or supply of liquor is strictly prohibited, unless the necessary consent has been obtained from the City and a liquor license has been obtained.

There is no need to re-state the requirement for other approvals in the conditions, it should be included for information.

- That the house shop complies with the requirements of the National Building Regulations and Building Standards Act, No 103 of 1977.

This is a statement, not a condition, for information.

- A register of guests and lodgers must be kept, and completed when rooms are let, and the register must be produced for inspection on request by a Council official.

This is difficult to enforce and unlikely to manage the specific impacts so anticipated.

- Guest rooms shall not be converted to or used as separate dwelling units and there shall be no cooking facilities in the guest rooms apart from a kettle.

This will be covered by the restrictions of the zone.

- That no tour buses shall be permitted to visit this site.

This would be considered an unreasonable restriction on public roads and cannot be legally enforced. If an operation is likely to generate significant heavy traffic, it may be more appropriate to consider whether it should be approved.

- Only meals that are supplied to guests or lodgers who have lodging at the bed and breakfast establishment or dwelling house are permitted.

This requirement is imprecise. What about meals for permanent residents and their guests? If the objective is to restricting an open restaurant, if the application is in a residential zone, a restaurant is not

a permitted use. If in a zone where a restaurant is a permitted use, this use can specifically be precluded.

13 ENVIRONMENTAL, HERITAGE AND LANDSCAPING MATTERS

Environmental and heritage conditions and requirements tend to be very site specific. A minor development application in an environmentally or historically sensitive area may have a far greater impact than a similar development in an area not considered sensitive. Generally, environmental and heritage factors should be identified at the outset and should inform the use of the land.

Conditions pertaining to environmental and heritage matters are usually suggested by several departments within the City. Given the overlap of interests, it is critical to ensure a co-ordinated approach and to clarify where responsibility lies for monitoring and enforcing compliance. Whilst certain of these issues can be incorporated into the conditions, successful co-ordination lies in a consultative approach and agreed internal procedures. Care must be taken to avoid conflicting or unrealistic requirements.

Conditions contained in a Record of Decision should not be duplicated or repeated, as this element of the assessment of the development proposal has been concluded.

13.1 Landscaping

Landscaping conditions are generally only appropriate for large-scale developments, where land is to be transferred as public open space or where an environment is particularly sensitive. It would not be usual, for example, to impose such a condition on a home business, or a subdivision of an erf into two portions.

It is important to ensure that the landscape design proposals are reflected in the quality of works and materials in the final product. The design and implementation stages of landscape treatment may therefore be addressed more successfully by separate conditions, occurring as they do at different stages and under variable conditions.

Enforcement of such conditions is important, but they require careful wording since they could be construed as unreasonable. This is specifically the case as landscaping is generally undertaken only in the final phases of a development. Linking landscaping works in to a programme or timetable agreed with the developer is desirable. For example, it may be unreasonable to require that all elements of landscaping be completed prior to building occupation. This may mean that a building remains unoccupied for a considerable time as landscaping generally occurs when it is unlikely to conflict with other construction activity. It may however be reasonable to require fulfilment of this condition prior to occupation of the last unit in a multi-unit facility. It may also be acceptable to require that works should be substantially completed by a certain period.

Also refer to Annexures 2 and 3 to this handbook.

13.2 Landscape plans

A landscape plan must form part of a Site Development Plan (SDP), when required. Refer to Annexures 2 and 3 to this handbook.

Landscape design and the treatment of open space can vary greatly and is likely to be subjectively viewed and valued. A key objective should be to ensure that the intended design quality can be achieved and sustained in practice. Thus, it is important for the City to clarify, in so far as is possible, the essential characteristics and elements of an acceptable landscape scheme, and to ensure that such expectations are not unreasonable.

Landscape plans

- That a landscaping plan be submitted for approval along with the Site Development Plan or prior to the submission of building plans (whichever occurs first). The landscaping plan shall address landscaping both on-site and along the public road verge directly abutting the subject property. The landscape plan shall be to the satisfaction of the Director: Recreation and Parks.
- That the landscape plan shall comply with the standard requirements for landscape plan submission (attached as Annexure 2 and 3).
-

13.3 Landscaping implementation

Particular attention should be paid to implementation of landscaping requirements in subdivision approvals. Essential elements of the landscape framework should be completed prior to transfer to individual owners, and although the option may be provided, it should be pointed out that requiring compliance prior to building plan approval is probably too late in a development that comprises many new erven. It is also important to make provision for on-going maintenance and to clarify responsibilities in this regard. This is easier if a body corporate or owners' association can assume responsibility.

It should be noted that there may be overlap with other condition requirements, such as the implementation of a site development plan, or environmental management plan. Congruence between these conditions is essential.

Standard requirements of the Recreation and Parks, Environment Management or Urban Planning and Design Department are included in Annexure 2 and 3 and should be attached for information to the approval where relevant. These however do not constitute conditions of approval.

It is also generally not appropriate to require private landowners (or an owners' association) to assume ongoing responsibilities for maintenance of public open space areas, which should be the responsibility of the City to maintain subsequently to establishment.

Landscaping implementation

- The developer shall be responsible for the implementation of landscaping in accordance with the approved landscape plan, (prior to the Section 137 clearance of the last phase within the development or - prior to occupation of the last unit within this development).

- The landscaping shall be implemented to the satisfaction of the Manager: Environmental and Heritage Management (in respect of on-site landscaping) and the Director: Recreation and Parks in respect of landscaping along the public road verge/public open space.
- The property owner/managing agent shall be responsible for on-going maintenance of all landscaping; including the landscaping implemented on the road verge directly abutting the subject property.
- Landscaping along centre medians and circles as well as public open spaces/public parks shall be maintained by the owner/developer for a minimum period of 12 months, calculated from the date of completion of the landscaping.
- The developer shall ensure that the provision of public open space/parks comply with the standard requirements for developing open space (attached as Annexure 3). Open space shall be provided as required by the City's accepted norms and standards.
- Trees located on Council owned land may not be removed or pruned without prior consultation with and written approval from the Director: Recreation and Parks.
- In the event of any trees being removed without written permission from an authorised official, the applicant will be in contravention of the Streets Public Places and the prevention of noise nuisances By-Law (2007) and any other applicable legislation and may be prosecuted and/or liable for any replacement or rehabilitation measures as determined by an authorised official.
- Implementation shall be substantially in accordance with plan no ... *(specify no, date)* by ... *(specify author)* and to the satisfaction of the *(specify Directorate/s)*.

13.4 Environmental Management Plans

Conditions and statements relating to the below need to be considered only when an EIA is not triggered. It should be noted that the same principles apply to Heritage Conservation Management Plans.

Environmental Management Plans (EMPs) are essentially a tool designed to protect the environment during and for post construction. It is difficult to standardise the application of these conditions as context is critical in making this determination. However, there are common issues and concerns that warrant standardisation of aspects of these conditions.

There are a number of commonly used generic EMPs, designed to suit the particular requirements of different circumstances:

- In a large residential estate development or commercial development where the developer is responsible for both installing the services and constructing the individual units. Depending on the nature of the site, an EMP may be required only

for the installation of services and not for the construction of the units as well. EMPs for the construction of dwellings will only be required in exceptional circumstances.

- In small scale developments that have minimal environmental impacts, but where social impacts may be of concern (Site Environmental Management Plans - SEMP).
- Construction method statements may be required for certain developments.
- The long-term management of large developments that may or may not be associated with tracts of private open space or sensitive landscapes or water bodies. This ensures that environmental awareness and good practice is continued through the lifespan of the development (Operational Environmental Management Plan - OEMP). As an alternative to an OEMP, a management agreement can be entered into which places the responsibility of managing the conservation worthy area on the developer or owners' association.

Environmental Management Plans
(Single/multiple phase developments – for services only)

- The developer/owner (*select one*) must submit an Environmental Management Plan (EMP) for the installation of the Services to the City for approval by the authorised official in consultation with the Executive Director: Spatial Planning and Environment or his/her delegate, prior to the commencement of any earthworks on the property.
- The EMP must address, inter alia, the following: (*specify*).
- The developer/ owner (*choose the appropriate one*) is bound to comply with and enforce compliance by contractors with provisions of the EMP during the earthworks, installation of the services. The developer shall ensure that the EMP forms part of the contractor's documentation.
- The developer/owner (*select one*) shall appoint, at his/her cost, an independent Environmental Site Officer (ESO), with appropriate environmental impact management for the duration of the works contemplated in the EMP, in order to monitor compliance by all parties with the EMP and requiring the ESO to liaise with the City's environmental officers on a regular basis.
- The developer/owner (*select one*) shall enter into a contract with the ESO detailing the minimum hours per week the ESO must be on site and conferring the power on the ESO to stop the construction on site if there is noncompliance with the EMP. The developer/owner (*select one*) shall make good any damage to the environment caused as a result of noncompliance with the EMP, to the satisfaction of the authorised official in consultation with the Executive Director: Spatial Planning and Environment or his/her delegate.

Environmental Management Plans
(Single/multiple phase developments – for services and dwelling)

Note: Only in exceptional circumstances should an EMP be required for the construction of dwellings.

- The developer/owner (*select one*) must submit an Environmental Management Plan (EMP) for the installation of services and the construction of the dwellings to the City for approval by the authorised official in consultation with the

Executive Director: Spatial Planning and Environment or his/her delegate, prior to the commencement of any earthworks on the property.

- The EMP must address, inter alia, the following: *(specify)*
- The developer/ owner *(choose the appropriate one)* is bound to comply with and enforce compliance by contractors with provisions of the EMP during the earthworks, installation of the services and the construction of the dwellings. The developer shall ensure that the EMP forms part of the contractor's documentation.
- The developer/owner *(select one)* shall appoint, at his/her cost, an independent Environmental Site Officer (ESO), with appropriate environmental impact management for the duration of the works contemplated in the EMP, in order to monitor compliance by all parties with the EMP and requiring the ESO to liaise with the City's environmental officers on a regular basis.
- The developer/owner *(select one)* shall enter into a contract with the ESO detailing the minimum hours per week the ESO must be on site and conferring the power on the ESO to stop the construction on site if there is noncompliance with the EMP.

The developer/owner *(select one)* shall make good any damage to the environment caused as a result of noncompliance with the EMP, to the satisfaction of the authorised official in consultation with the Executive Director: Spatial Planning and Environment or his/her delegate.

Construction Method Statement (CMS)

- The owner/developer *(specify)* must submit an A3 plan indicating all elements of a Construction method statement (CMS) for the approval of the authorised official in consultation with the Executive Director: Spatial Planning and Environment or his/her delegate, prior to building plan approval.
- The CMS is required to contain, at a minimum, the following:
 - A fully dimensioned plan indicating the footprint of the structures on the property, the erf boundaries, the stockpile areas, toilet facilities during construction, entrances and exits to the erf during construction.
 - A notation on how the following issues are to be dealt with: dust control, erosion control, construction traffic, demarcation of site, ablution facilities, waste management during construction, protection of sensitive features (e.g. trees), materials handling, storage and stockpiles.
 - The owner/developer *(specify)* is obliged to comply with the CMS and ensure that the contractors (including sub-contractors) comply with the CMS.

13.5 Tree protection

Whilst generally considered as part of a SDP / landscaping plan, it may be useful in certain circumstances to expressly condition the securing or preservation and/or the planting of trees. It may be appropriate to require the submission of particular details relating to trees to be retained on site, such as their location in relation to the development, and their

general state of health and stability. The protection of trees during construction may also require specification. Long-term maintenance over a specified number of years (including provision for removal and replacement of dead trees) is usually necessary to ensure secure establishment of new trees.

Tree protection

- No trees on the property (more than 6m in height / 500mm in diameter) shall be lopped, topped, felled, removed or damaged in any way without the prior written approval of the authorised official in consultation with the Executive Director: Spatial Planning and Environment or his/her delegate.. This condition also extends underground to include the area of the root zone.
Development on the site shall not begin until trees marked for retention on (*specify approved plan reference*) have been suitably protected to the satisfaction of the C.

14 TRAFFIC AND TRANSPORTATION ASPECTS

New developments often generate additional traffic, either in the form of vehicles of residents, visitors or employees. This will imply requirements for adequate road and parking space, some of which (such as parking for certain uses) is specified in the development management scheme. Any conditions in this regard should be reasonable in relation to the size and nature of the development as well as consistent with transport policy.

A Traffic Impact Assessment (TIA) or Traffic Impact Statement (TIS) is generally required to form part of the application under consideration. Early discussions between the applicant and the approving road authorities (which may include Provincial authorities) will facilitate agreement on these matters. It is important that an approval set out the details of any road improvements required such as adding an extra turning lane, traffic control measures such as a stop, signal or roundabout, and when or prior to what stage / phase of the development these are to be provided.

Departmental requirements from Transport for Cape Town are attached as Annexure 4 and can be included in approvals for information.

Traffic and transport

- Detailed design and location of (*specify e.g. access points, circulation, parking, loading, pedestrian facilities, etc*) shall be in accordance with Drawing number ..., dated (*specify as appropriate*) submitted in terms of this application.

15 FURTHER PROCESSES

In considering an application, it may be that certain aspects of the development are crucial to the decision as to whether the application should be recommended for approval or refusal are clear, but that other (less fundamental) details require further consideration. To facilitate the development process, it may be appropriate to condition an approval to

ensure further assessment of those matters. Such matters cannot obviously be of such importance that if there cannot be a satisfactory resolution at this later stage, the development should not have been permitted in the first instance.

Also see Annexure 1 for standard requirements and processes that may apply in the circumstances.

15.1 Precinct and site development plans

Refer to item 123 of the Development Management Scheme (DMS).

Precinct and site development plans

- That a precinct plan for the entire area be submitted for approval by the authorised official in consultation with the Executive Director: Spatial Planning and Environment or his/her delegate) prior to ... *(specify process)*. Such plan is to include the following: *(specify)*
- That a site development plan be submitted for approval by the authorised official in consultation with the Executive Director: Spatial Planning and Environment or his/her delegate prior to ... *(specify process)*. Such a plan to include the following: *(specify)*
- All development shall be implemented generally / substantially in conformance with the approved Site Development Plan no ... *(specify plan ref no, author and date)*.

15.2 Removal of uses or buildings

Removal of uses or buildings

- That the entire property be cleared of builder's rubble and associate dumping materials prior to *(specify: building plan approval, transfer, etc.)*
- The ...*(specify building or structure)* be removed from ... *(specify position/erf if relevant)* at the applicants cost, prior to ... *(specify: subdivision clearance, building plan approval, transfer, etc.)*
- The ... *(specify use)* cease operation on ... *(specify position/erf if relevant)* at the applicants cost, prior to ... *(specify: subdivision clearance, building plan approval, transfer, etc.)*

Note: Exercise caution with this clause, it can only be used where the subdivision impacts on the use.

16 ENGINEERING INFRASTRUCTURE

Engineering issues are increasingly impacting on the approval or otherwise of development applications. A historical lack of investment in infrastructure and maintenance has meant

there is a backlog of improvements required to achieve adequate compliance and capacity in respect of services such as wastewater, stormwater and so on. Financial constraints and legislative requirements in respect of undertaking capacity extensions (such as EIA requirements) mean that it can take several years before the necessary improvements are in place to accommodate development. This issue affects some areas more than others. In this context, it is important to be aware of areas constrained by service capacity and to determine, in consultation with the relevant service departments, whether this may significantly influence the outcome of development application decisions. Standard engineering administrative requirements (note, these are technical requirements, not conditions of approval), which may be attached to decision notices for noting by the applicant / developer, are attached as Annexure 4 to this handbook.

16.1 Infrastructure services

Service requirements of a development, particularly larger subdivisions, can be substantial, and will involve a number of departments. Given the extensive nature of these requirements, and the application of many legal, policy and guideline frameworks, model conditions are more easily compressed into a number of overarching stipulations, which allow the service departments to apply the relevant standards. However, these standard requirements must be adequately and clearly communicated to developers.

Engineering services

- That, where bulk services are required, the owner / developer shall enter into a Services Agreement with the City for the provision of bulk municipal services in lieu of Development Charges in terms the Municipal Planning Bylaw (Part 6 ss 65) prior to the approval of any building plans or the approval of a Certificate in terms of Section 137 or the transfer of any land unit, whichever takes place first. The developer shall be responsible for any funding shortfall, should the cost of DC-deductible infrastructure exceed the Development Charges.
- That the owner / developer shall install, at his cost, all required internal services, link services and external services and obtain written acceptance that all services have been installed to the satisfaction of the City, prior to:
 - ... any earthworks / construction commencing on site;
 - ... any building plan approval;
 - ... subdivision clearance;
 - ... the transfer of any part of the property/development;
 - ... an application for an occupancy certificate and/or permission- to-use shall be lodged with the City.
- That the owner / developer shall be responsible for all costs incurred in respect of the upgrading, extension, deviation, connection or removal of any existing stormwater, sewerage, electricity, roads or other service or work arising from the development.
- That engineering design reports, drawings and specifications in respect of the construction or alteration of any transport, roads

and stormwater Infrastructure, shall be approved by the Department: Urban Mobility, prior to ... :

- ... *any earthworks / construction commencing on site;*
- ... *any building plan approval;*
- That any public works or any work in a road reserve shall comply with the Standard Requirements and Specifications for Construction or Alteration of Transport, Roads and Stormwater Infrastructure, attached hereto as Annexure 4.
- [Where upgrades to mitigate traffic impacts are applicable] That the owner / developer shall, at his cost, implement the following recommendations of the approved TIA, to the satisfaction of the Department: Urban Mobility:
 - *[Specify any footways, embayments, access roads, and upgrades for a particular phase or allotment of bulk / floor area].*
- That any stormwater attenuation and discharge be [in accordance with the approved Stormwater Management Plan and] to the satisfaction of the City.
- That the developer will be liable for the reinstatement of any damage to municipal infrastructure caused by any activities related to improvement/development of the property, to the satisfaction of Council, prior to...:
 - ... *subdivision clearance;*
 - ... *the transfer of any part of the property/development;*
 - ... *application for an occupancy certificate and/or permission to use shall be submitted or lodged with the City.*

16.2 Development contributions

Refer to the approved Council policy in this regard.

Development contributions

- That the owner / developer shall pay a Development Charge (DC) in accordance with the approved Development Charges Policy for Engineering Services for the City of Cape Town, prior to...
 - ... *the approval of any building plans or the transfer of any unit, whichever takes place first*
 - ... *the approval of a Certificate in terms of Section 137 of the Municipal Planning Bylaw*
 - ... *the erf or portion thereof being put to the approved use*
 - ... *rates clearance*
 - ... *within ... days of the approval of the land use*
 - ... *submitting an application for an occupancy certificate.*

The DC is estimated at R (incl VAT). The final amount will be determined at the time of payment.

The applicant must note that development charges will be subject to annual escalation commensurate to the Construction Price Adjustment Formula (CPAF) using the industry indices published by StatsSA for civil engineering services and that the amount payable will be the amount calculated at the time of payment. Any amendment of the Subdivision, SDP, Zoning Plan or building plan, resulting in an increase in the Floor Area, number of Erven/Units or number of students, may result in the recalculation of the Development Charges

- That the proposed land use be limited to the following:
 - Erven/flats/units/rooms/beds;
 - GLA/Floor area;
 - No of students/children

•

16.3 Particular conditions

As developments vary in size, purpose, and location, it is sometimes necessary to formulate conditions on a case-by-case basis. These can be as follows:

Road Reserves: Subdivisions, Setbacks, TR2 Zones, Servitudes

- That [a portion of] the property, as shown on the SDP and/or subdivision diagram [or: *subject to the Street Centreline Setback in terms of the Municipal Planning Bylaw*], be ceded to the City free of charge and registered with the Surveyor General as public road, prior to [building plan approval / transfer / S137]. *Where the transfer of land to the City for the widening or establishment of a road reserve is a land use condition, said land shall be gratuitously ceded, therefore the transfer, incl transfer costs, shall be at no cost to the City. Note that all SG Diagrams indicating the relevant subdivision/servitude shall be submitted for approval to the Road Infrastructure & Management District Manager prior to prior Section 137 Clearance.*

The subdivision may be exempted from MBPL approval in terms of Part 7 S 67. The vesting transfer documents (S31(4)(a)) certificate will be signed by the Manager: Property Holding duly authorised thereto in terms of Delegation 2(27) of Part 34 of the City of Cape Town's System of Delegations [as amended].

- That all buildings or structures on the land unit shall be set back m from the road reserve boundary / statutory road reserve / road scheme boundary [or 8,0 m from the centre line of the abutting public street in term of the street centreline setback provisions of the MPBL].

- That servitudes be registered in favour of the City as shown on the SDP and/or subdivision diagram *[or over all services outside road reserves. Servitudes must be a minimum of 3m wide or have a width equal to twice the depth of the service, whichever is greater, or must be dimension as otherwise specified by the City],* prior to transfer or Section 137 clearance. *[Where a subdivision requires a servitude over land not owned by the applicant, the applicant must provide a copy of a written agreement with the owner of the land over which the servitude will be registered.]*
- That all sidewalk/verge levels at the road reserve boundary remain unchanged or otherwise be amended to a level agreed to by the department Urban Mobility: Roads Infrastructure and Management. No floor levels that interface with the road reserve will be permitted to be lower than the road reserve boundary level.

Access / CWCs

- That any proposed accesses or carriageway crossings be implemented in accordance with the Standards and Guidelines for Roads & Stormwater (as amended) and to the satisfaction of the Department Urban Mobility: Roads Infrastructure Management.
- That no vehicle access control may be implemented at the carriageway crossings/access to the property without the written approval of the Department: Urban Mobility.
- That any proposed access control shall maintain a minimum queueing length/setback of ...m, measured from the edge of the road reserve, to avoid queueing into the public street. **[OR]** that a queueing analysis be carried out as per TMH16 for the proposed access on St, and the access gate be set back accordingly.]
- That all existing/obsolete vehicular accesses or carriageway crossings to the [consolidated] property be closed and reinstated to full kerb height prior to S137 Clearance or transfer of the property.
- That any proposed parking garage/area allow sufficient manoeuvrability for vehicles to enter onto ... Road in a forward motion. No reverse movements directly onto Road will be permitted.
- That all access gates and CWCs be at least 5.5m wide to accommodate two-way traffic.

- That a refuse room (or surface) must be provided on the property, located adjacent to a public street, and provide acceptable access to a refuse collection vehicle.
- That a sidewalk bumpout be constructed at the development access, to the satisfaction of the Department Urban Mobility: Roads Infrastructure and Management, prior to application being made for a certificate of first occupancy, to secure shoulder sight distance and deter any obstruction of the access.
- That the access point to the erf / development during construction shall be approved by the Department: Road Infrastructure & Management.

Parking

- That Erven ... and (specify) are notarially tied in order to ... (specify, e.g. to provide parking shortfall of Erf... on Erf..., etc.);
- That a refuse embayment be constructed on (specify road);
- That a minimum of ... parking bays be provided on site for exclusive use of the departure / consent;

Building Line Encroachments

- That no structural / load-bearing walls, other than the boundary wall, be constructed within 1.5m of the road reserve boundary. [Alternatively: That the top level of the foundation of any building/column/structure located on the property boundary [or within 1m from the street boundary], be at least 600mm deep and lower than the invert of any service/stormwater pipe/culvert located in the abutting verge.
- That the use of the proposed structure(s) encroaching the building line be limited to a [garage/carport, specify].
- That no ramp, required for vehicle driveway access, may encroach into the road reserve or adversely affect the levels or grades of the footway;

Retaining Walls / Lateral Support

- That all retaining/lateral support structures between erven and road reserves, be located outside the road reserve, including any

structural footings, subsoil drainage systems, fencing, ground anchors, or geo-fabric for the purpose of earth reinforcement.

- the road reserve or adversely affect the levels or grades of the footway;

Canopies / Colonnades / Projections

- [where existing colonnades of heritage significance must be retained] That the owner/developer submits a structural assessment, prepared by suitably qualified professionally registered engineer, and to the satisfaction of the City, for all structural elements of the canopy in the road reserve that must remain or are not practical to remove [to ensure the safety of the public making use of the public footway being oversailed by the historic structure].
- That the owner/developer implements any recommendations of the aforementioned structural report, at his cost, with respect to the repair, refurbishment or replacement of the structures in the road reserve.
- That canopies, colonnades or projections be self-supporting and be a minimum distance of 500mm behind the kerb face and be cantilevered as no load-bearing columns or supports will be permitted in the road reserve.
- That the maintenance of the approved canopy, projection or balcony remain the responsibility of the developer, his successor in title or the individual owners, or Body Corporate.
- The owner shall enter into an encroachment agreement with the City relating to the projection or overhang of portions of a building or structure from the owner's property onto or over the City's property.

Owner's Associations (Applicable Only To Private Roads/Services)

- That an owners' association be established in accordance with the provisions of section 61 of the City of Cape Town Municipal Planning By-law, prior of Section 137 clearance
- That all private roads shall vest in the owners' association, who shall take transfer simultaneously with the transfer or separate registration of the first deducted land portion in such phase.

- That the developer, his successor in title or the individual owners/Owners Association, shall be responsible for the maintenance of all internal roads and civil services.

Floodplain Management (applicable only to developments in floodplains)

- That the 1:50 and 1:100 year flood lines of the ...river be shown on all plans submitted. The flood lines are to be verified by a suitably qualified registered engineering professional. Where flood lines have not previously been determined, the Developer must procure the services of a suitably qualified registered engineering professional to undertake such determinations at his/her own cost. No new development which is not considered as appropriate within the floodplain in terms of the Floodplain and River Corridor Management Policy will be allowed under the 1:50 year flood line or the 1:100 year flood line, whichever is applicable.
- That the floor level of all buildings be at least 100 mm above the 1:100 year flood level. These levels must be indicated on all building plans submitted and must be certified by a Registered Professional Engineer;
- that the Owner/Developer register a Notarial Deed of Restraint against the title deed of the property as an acknowledgement that he/she is aware of the fact that the property is situated within an area that is prone to flooding by the River;
- that the Owner/Developer sign an indemnification to ensure that the City of Cape Town will not be held liable for any claims whatsoever which may arise as a result of possible flooding of the River;

Developments, where no increase in the existing development footprint is proposed or another overriding case for the development or activity exists, could be considered, where the development or activity is located outside the high hazard zone, subject to compliance with the following:

- that no development will be allowed below the 1:50 year flood lines unless a comprehensive study, carried out by a reputable professional engineering firm, shows, to the standards of the Directorate: Urban Mobility that the capacity of the river, the danger to other land owners and the safety of inhabitants will not be compromised by the development, and that any structure can withstand the forces and effects of flowing floodwaters, including scour of foundations, debris forces and buoyancy forces;

- that, if approval for development below the 1:50 year flood lines is granted by the Directorate: Urban Mobility and the Developer chooses to develop, then he does so entirely at his own risk. The owner(s) must acknowledge the fact that the property is situated within a flood risk area, and indemnify and keep the Directorate: Urban Mobility or any officer thereof indemnified against all actions, proceedings, claims and demands, costs, damages and expenses, which may arise as a result of inaccuracies or errors in the information supplied on which the approval was based, or out of the flooding of the applicable major watercourse and/or its diversion channel. The aforementioned acknowledgement and indemnification is to be reflected in the Title Deed of the subject property, as well as the Title Deed of all newly created portions, by means of an endorsement or the registration of a Notarial Servitude.
- that no new dwellings and/or buildings be erected on the property, unless a) it is located on the higher lying portions of the property, above the 50-year flood line, with floor levels above the 100-year flood level where practically possible, and b) the building plan is endorsed to the effect that the property is situated within a flood risk area;
- that the Developer accept any additional responsibility with regard to the construction of any required flood protection measures to be implemented, including, but not limited to, the flood proofing of buildings, compensatory earthworks and flood evacuation plans if appropriate, and measures to mitigate potential ecological or geomorphologic impacts, irrespective of where these measures might be located (i.e. on public or private land). The Owner of the subject property / Home Owners Association shall accept any additional responsibility with regard to the future maintenance or operation of the said flood protection measures on private land and/or where these measures form part of private services. The Directorate: Urban Mobility will not be liable for any claims whatsoever from the Developer or the successor(s)-in-title, whether for loss, damages or otherwise, which may arise as a result of or on the lack of any required maintenance;
- that a servitude, protecting the floodplain and/or ecological buffer from alteration or obstruction on completion of the development, must be registered in favour of the Directorate: Urban Mobility, by the Developer, at his/her own cost. Where maintenance access is required, this is to be incorporated in the conditions of servitude;
- that the property be shaped in order to allow the free draining of surface stormwater runoff from the individual erven onto the existing roads adjacent to the development;

That all perimeter fencing below the 1:50 year flood line be visually permeable from ground level and not adversely affect the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse;

17 ELECTRICITY ASPECTS

New developments often require a new supply or an electricity upgrade. Any conditions in this regard should be reasonable in relation to the size and nature of the development as well as consistent with Electricity's requirements.

Refer to the approved Council policy in this regard.

Shared Network Charge

- The owner shall pay a financial contribution towards the provision of ... (specify element e.g. public open space, public roadway, municipal service, etc) in the amount of / calculated on the basis of (specify e.g. cost per additional erf, etc) in accordance with the set relevant policy. Such payment shall be made prior to ... (specify process or event eg prior to subdivision clearance, within x months of the date of approval of the rezoning application etc).

An electrical master plan needs to form part of the application under consideration. Early discussions between the applicant and the approving Electricity department will facilitate agreement on these matters.

It has been observed that in many instances, subdivision applications are submitted without including a comprehensive electrical master plan or clearly identified substation sites. This omission is no longer acceptable, as it undermines critical infrastructure planning, causes significant delays in the process, and prevents accurate determination of shared-network charges (SNC) due to the lack of detailed power requirements.

Departmental requirements from Electricity are attached as Annexure 7 and can be included in approvals for information.

18 HEALTH ASPECTS

Health requirements pertain to many aspects of a development, including noise, nuisance, the preparation of food, pollution and so on. However, it should be noted that many health requirements are imposed in terms of other legislation. These requirements should not be included as conditions, but the standard requirements of the City Health Directorate can be communicated to the applicant (see Annexure 6) and attached to an approval notice for information.

Noise can have a significant effect on an environment and the quality of life enjoyed by communities. Noise sensitive developments, such as residential developments, should ideally be separated from major sources of noise. If it is not possible to achieve such a separation of uses, in the consideration of, for example a home industry, it is important to

consider whether it is practical to control or reduce noise levels, or to mitigate the impact of noise through conditions.

Health

- In order to minimise noise pollution, site clearance, preparation and development may only occur between ... and ... (*specify hours*) on ... (*specify days*), except with the written permission of the ... (*specify Director*).
- The standard requirements of the ... (*specify Director*), attached hereto as Annexure 6 must be complied with.
- A noise management plan must be submitted for the approval of the ... (*specify Director*) prior to ... (*specify process e.g. building plan approval*). Such noise management plan is to include ... (*specify aspects to which particular attention is to be paid*).
- The ... (*specify Director*) reserves the right to call for the submission by and at the cost of the owner, of a noise impact assessment report, compiled and carried out by an accredited acoustic engineer or consultant. Subject to the outcome of the aforementioned report, the ... (*specify Director*) reserves the right to call for further restrictive requirements.

Health



Example of an unacceptable condition:

- No activities shall be carried out which constitute or are likely to constitute a source of public nuisance.

Nuisance is controlled by other legislation.

19 TELECOMMUNICATION INFRASTRUCTURE

The following can be considered as typical conditions to be inserted where an application for telecommunication infrastructure is considered for approval on an educational or other premises, where relevant and appropriate.

Telecommunication infrastructure

- That access to the telecommunication infrastructure and associated equipment must be strictly controlled at all times by means of a fence or wall with a locked door or gate and adequate warning signs in the three official languages must be displayed on the access door or gate.
- That the combined / weighted radiofrequency (RF) exposure emanating from the telecommunication infrastructure to humans may not exceed the public exposure guidelines as set by the International Commission on Non-ionizing Radiation Protection (ICNIRP).

- That the service provider / operator / lessee shall within 30 days after the telecommunication infrastructure has been erected and is operational submit to the Minister of Education, Western Cape Government (or other relevant Minister, should they require to be involved), written proof that the radiofrequency (RF) electromagnetic energy (EME) levels of the telecommunication infrastructure are lower than the ICNIRP guidelines. All measurements to be submitted as evidential proof must be done by an independent certified person or body.
- That the service provider / operator / lessee shall on the request of and within the time set by the Minister of Education, Western Cape Government (or other relevant Minister, should they require to be involved), submit proof that the radiofrequency (RF) electromagnetic energy (EME) levels of the telecommunication infrastructure are lower than the ICNIRP guidelines in case a complaint has been received or when the Minister of Education reasonably suspects that the RF EME emissions might be above the ICNIRP guidelines. All measurements to be submitted as evidential proof must be done by an independent certified person / body.
- That the service provider / operator / lessee are responsible for ongoing maintenance of the entire installation as well as all costs with respect to such maintenance or future decommissioning of the telecommunication infrastructure.
- That the service provider / operator / lessee shall remove all decommissioned infrastructure, and where the site has been disturbed, shall rehabilitate the site to its original state or a state acceptable to the authorised official in consultation with the Executive Director: Spatial Planning and Environment or his/her delegate.

20 GEOGRAPHICAL INFORMATION SYSTEMS (GIS)

The following can be considered as typical conditions to be inserted where an application for subdivision, consolidation and or rezoning is considered for approval:

Subdivision/Consolidation/Rezoning

- That the street naming and situation addresses for the [subdivided/consolidated portions – delete what is not applicable] shall generally be in accordance with the street naming and street numbering plan [Plan Reference] dated [Specify date].
- That the rezoning approval for this application shall be submitted to GIS within 30 days after final notification to enable the updating of zoning records
- That the signed and approved SG diagrams for the subdivision be sent to GIS & PVCCadastral.Queries@capetown.gov.za in order to update the cadastre and capture the zoning.

ANNEXURES

APPENDIX 1

GENERAL ADMINISTRATIVE REQUIREMENTS

In addition to the conditions of approval listed in Annexure A, the following further processes and standard administrative requirements are to be noted and complied with in full timeously and where applicable.

Further processes in the case of subdivision (or consolidation) approval

- 1 Generally, the further processes following subdivision / consolidation approval involve the following sequence of events:
 - Actual site surveying and preparation of a survey diagram or General Plan by the owner / applicant's appointed land surveyor
 - Submission to and approval by the Surveyor General (SG) of the diagram or General Plan
 - Once services infrastructure have been installed and all conditions of subdivision have been complied with, upon application, transfer clearance certification issued by City in terms of Section 137(3) of the City of Cape Town Municipal Planning By-law, 2015 (MPBL)
 - Once Section 137(3) transfer clearance issued, upon application, rates clearance certification issued by the Chief Financial Officer in terms of Section 118 of the Municipal Systems Act, No 32 of 2000
 - Supported by the above clearances, conveyancer application to the Registrar of Deeds for separate registration and/or transfer of newly subdivided portions
 - Upon individual registration, building plan approval, followed by construction, subsequent building completion certification by the City and eventual occupation
- 2 Kindly note, the subdivision approval in the accompanying decision letter will lapse unless separate registration of at least one land unit is effected in the Deed's office within 5 years of the date of the City's final notification letter of this approval (which letter will follow in due course), unless extension of the validity thereof has been granted in terms of Section 107 of the MPBL prior to such lapsing.
- 3 After final notification of this subdivision / consolidation approval, the SG will require preparation of a diagram or General Plan (illustrating any servitudes where applicable) of the newly created land unit(s) for its approval. Such diagram or General Plan is to be prepared by a land surveyor appointed by the owner /

applicant. The owner / applicant or its surveyor is required to liaise directly with the SG in this regard. Upon approval thereof, the SG will indicate by means of an endorsement the date and reference number of this subdivision / consolidation approval on the back of the diagram(s) of the newly created erven or on the front of the General Plan, whichever are applicable.

Once the diagram(s) or a General Plan has been approved by the SG an electronic copy thereof must be e-mailed to the GIS technician for the district planning office where the approval was issued at the relevant address reflected below as well as the Cadastral unit at **PVCCadastral.Queries@capetown.gov.za**.

Proof of such e-mail transmission must accompany any transfer clearance pre-application LUM09 Subdivision Condition Compliance Control Sheet, to be signed by GIS or building plan submission to the Development Management Department, whichever may occur first.

District	e-mail address
Table Bay	DMGIS..tablebay@capetown.gov.za
Blaauwberg	DMGIS..blaauwberg@capetown.gov.za
Northern	DMGIS..northern@capetown.gov.za
Tygerberg	DMGIS..tygerberg@capetown.gov.za
Helderberg	DMGIS..east@capetown.gov.za
Mitchell's Plan / Khayelitsha	DMGIS..mitchellsplainkhayelitsha@capetown.gov.za
Cape Flats	DMGIS..capeflats@capetown.gov.za
Southern	DMGIS..southern@capetown.gov.za

- 4 Once the diagram(s) or a General Plan has been approved by the SG and all the conditions of subdivision have been met by the developer, application may be made by the owner (or his appointed conveyancing attorney) to the Director : Development Management at your nearest district planning office for transfer clearance certification in terms of Section 137 of the (MPBL). Such application must be accompanied by the following:

- Completed and signed application form
- Information sheet (partially completed)
- Draft Power of Attorney (where necessary)
- SG approved General Plan / diagram(s) (original)
- Copy of original approval letter (including conditions of approval and approved plan of subdivision)
- Application fee / payment receipt
- Completed and Signed LUM09 Subdivision Condition Compliance Control Sheets from all relevant Departments
- Proof of e-mail transmission of electronic copy of General Plan / diagram to the district Senior GIS technician
- Any other supporting evidence necessary to substantiate condition compliance

Where servitudes are to be created as part of the subdivision / consolidation or there is a requirement for a owners' association to be established of which new owners are required to be members, a copy of the draft power of attorney to pass registration / transfer must be submitted to the Director: Development Management as part of the above application.

- 5 Required to effect registration and/or transfer, a rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 may only be applied for to the Chief Financial Officer once the Director: Development Management has certified that all conditions of subdivision have been complied with to its satisfaction, as per the foregoing paragraphs. Such applications for rates clearance certificates must therefore be accompanied by the above subdivision clearance (condition compliance) certificate in terms of Section 137 of the (MPBL).
- 6 The Registrar of Deeds will not permit registration of individual portion(s) or servitude area(s) and/or transfer of such new land unit(s) unless the Chief Financial Officer has issued the above rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 in respect of such land unit(s).

Geographic Information System (GIS) data capturing standards

- 7 The General Plan / Diagram of the approved subdivision / consolidation in PDF format must include the following information:
 - property boundaries
 - co-ordinates
 - parent erf number(s)
 - newly allocated erf number(s)
 - extent of all erven
 - approved street name(s), including whether public or private
- 8 The following is to be noted in respect of all public roads and places resulting from the subdivision:
 - All newly created public roads (including road splays where relevant) and places to vest in the City in terms of Section 58(1) of the MPBL must be clearly defined, be provided with separate portion / erf numbers (and not indicated as remainders) and be indicated as such on the SG approved diagram or General Plan.
 - All such public roads and places are to be registered as individual portions and transferred to the City upon transfer of the first unit / erf in the subdivision or phase concerned, the cost of surveying, registration and transfer of which shall be borne by the applicant.
- 9 The above electronic data must be delivered (preferably by e-mail to the address supplied above) to the GIS technician in the district planning office where the subdivision / consolidation approval was issued in PDF format.

Building plan applications

- 10 Kindly note, building plan applications will not be accepted by the Development Management Department (Building Control office) if the above electronic data has not been submitted to the SG office and such office approved the new or amended diagrams. The City's cadastre layer is only updated after the SG office approved the diagram and provided it to the City.

- 11 Except where construction of buildings on unregistered land units for good reason are specifically provided for in the conditions of approval, it is to be noted that building plan applications will not be approved before:
- a Site Development Plan (SDP) if required, was approved,
 - all applicable conditions of approval have been complied with in full prior to subdivision clearance,
 - an electronic copy of the approved diagram or General Plan has been submitted to the GIS technician at the relevant district planning office and
 - the transfer attorney / owner has submitted proof that the subdivision concerned has been confirmed (in that the first erf / unit in the subdivision has been registered and/or transferred) and the relevant subject premises has been registered in the Deed's office.
- 12 Notwithstanding the above and upon proper motivation, application may be made in terms of Section 55(4)(b) of the MPBL to the Director: Development Management for the commencement of construction on unregistered subdivided portions prior to confirmation of a subdivision or registration of individual portions (e.g. development of show units), if the conditions of approval made specific allowance for this (but subject to submission of an approved SG diagram or General Plan in the case of show units).

General standard requirements

- 13 Your attention is drawn to Section 59 of the MPBL, which provides for a general servitude over property in respect of services arising from a subdivision and which requires that the person who at any time is the owner of any land unit resulting from such subdivision, without compensation
- allow any service relating to the approval of the subdivision to be conveyed across or installed on the land unit in the manner and position that the City or organs of state from time to time reasonably requires. The services include gas mains, electricity infrastructure, telephone cables, television cables, internet cables, other electronic infrastructure, main and other water pipes, sewers, stormwater pipes, ditches and channels, and surface installations such as mini-substations, meter kiosks and service pillars; and
 - allow access to the works and infrastructure contemplated above on the land unit at any reasonable time including for the purpose of constructing, altering, repairing, maintaining, removing or inspecting the works; and
 - receive such material or permit such excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless the owner elects to build retaining walls to the satisfaction of and within a period determined by the City.
- 14 Where the City of Cape Town is not the electricity service provider, it remains the duty of the developer / owner to timeously liaise directly with the relevant service provider for connection to the power grid.
- 15 Should it be required, provision and installation of telecommunication services to individual units is to be arranged timeously by the developer / owner with a relevant service provider at his/her own expense.

STANDARD REQUIREMENTS FOR THE SUBMISSION OF LANDSCAPE PLANS

Depending on the nature of the proposed development, a Landscape plan should include the following basic information:

- 1 Development or owner(s) name
- 2 Erf number(s), suburb and street address of subject property, as well as abutting erf numbers
- 3 Name, South African Council for Landscape Architectural Profession (SACLAP) registration number and contact information of landscape architect.
- 4 Site boundaries, area and dimensions, as well as any existing and proposed servitudes
- 5 Name and position of abutting street(s)
- 6 Existing and proposed contours at minimum 1m intervals
- 7 Existing and finished ground levels to be shown
- 8 Entrances and windows of the ground floor of the proposed development
- 9 Location of existing mature trees to be retained relocated and/or removed within the property, as well as any street trees. Trunk diameter, drip lines, height and botanical names of trees should also be indicated. Where trees are to be retained, existing and proposed ground levels around the routes should be indicated.
- 10 Location of proposed trees and vegetation, with their botanical names and sizes, and densities to which ground covers and shrubs will be planted – use of locally indigenous plant species are encouraged as these are more water wise and generally more cost effective in the long term with regard to maintenance
- 11 Tree staking diagram to be included
- 12 All landscaping on levels other than natural ground e.g. balconies and roof gardens
- 13 Existing and proposed structures and hard surfaces to be retained – specify surface material to be used (e.g paving, permeable paving to encourage stormwater infiltration, lawn etc.)
- 14 All landscaping features, including fences, walls, retaining walls, street furniture, lighting and play equipment (indicating detailed specifications
- 15 Vehicular and pedestrian circulation
- 16 Development on adjacent properties (e.g. buildings, landscaping etc.)
- 17 Irrigation and drainage in general landscaped areas and planters. Landscaping plans to show a metered connection and/or irrigation plan as well as detailed planting plans (if required).
- 18 Location of all underground and overhead services (both existing and proposed), e.g. water, electricity, telephone, stormwater, sewer etc.
- 19 Stormwater flow paths, detention and treatment facilities (indicated schematically)
- 20 Position and extent of any special site features, such as rocky outcrops, channels, fountains/natural springs, wetlands etc.
- 21 Any existing cultural, heritage or conservation resource or asset on site

Additional general requirements include the following:

- 22 Any alterations on a landscape plan must be made in ink, signed and dated
- 23 When requested, the estimated cost of/budget for the proposed landscaping works and a development programme must be attached as an annexure to the landscape plan

All Landscape Plans must be prepared by a professional that is registered with the South African Council for the Landscape Architectural Profession (SACLAP) in accordance with the South African Council for the Landscape Architectural Profession Act (Act 45 of 2000).

STANDARD REQUIREMENTS FOR DEVELOPING OPEN SPACE

The following standard requirements apply to the development of an open space:

- 1 Open spaces shall be cleared of an invasive alien vegetation.
- 2 Sound horticultural and 'water-wise' principles are to be used as a basic for all specifications.
- 3 All specifications are to be approved by the representative of the Director: City Parks.
- 4 All trees are also to comply with requirements set out in the City's Tree Policy.
- 5 The developer will be responsible for the establishment of all landscaping requirements as set out above for a period of not less than twelve consecutive calendar months commencing on the date of practical completion as agreed and signed by the representative of the Director : City Parks.
- 6 All cost incurred for the above are to be for the account of the owner / developer, including the cost of electricity and water connection. The City will pay the water account from the date of connection on the public spaces only.
- 7 That, should it be required of the developer to pay compensation due to the shortfall in the provision of the required open space area, the amount determined by the relevant departments will have to be utilised as improvements, over and above these set out above. These improvements will be at the discretion of the Director: Community Services and Facilities, as well as the location thereof.
- 8 Notwithstanding the fact that water restrictions have been implemented, this will not absolve the owner / developer from his responsibilities pertaining to implement the approved Landscape Plan. Developers are advised to make timeous application for exemption from these restrictions.
- 9 Where stormwater retention ponds are required to form part of open / recreational space development:
 - Such ponds will generally be developed on the same basis as per standard public open spaces, but will require co-ordination across affected directorates.
 - The embankments must be graded to the satisfaction of the Director: City Parks so that they are accessible by tractor for maintenance purposes.
 - The floor of the pond is to be designed with a grassed swale so that during low flow periods the floor is able to drain easily.
 - Landscaping plans to include all fences, walk ways, retaining walls, paving, street furniture, lighting and play equipment.

STANDARD REQUIREMENTS FOR CONSTRUCTION OR ALTERATION OF TRANSPORT, ROADS AND STORMWATER INFRASTRUCTURE

INTRODUCTION

- 1 The following requirements pertain to the design and construction or alteration of transport, roads and stormwater infrastructure by private developers where the infrastructure ownership vests in the City. These standard requirements should be read in conjunction with any project specific conditions pertaining to the proposed development.

DEFINITIONS

- 2 Terms used hereunder have the following meaning:

“Council” and “City” shall mean the City of Cape Town.

“Development” shall mean any man-made change to property, including but not limited to construction or upgrading of buildings or other structures, filling, paving, municipal services etc, or the associated preparation of land.

“Developer” shall mean the owner of the property on which the development takes place or his authorised representative.

“Director” shall mean the relevant Director the Department : Urban Mobility.

“Registered engineering professional” shall mean an Engineering Professional registered with the Engineering Council of South Africa in terms of the Engineering Professionals Act 46 of 2000, with competence in the relevant field.

LEGAL, POLICY AND GUIDELINE FRAMEWORK

- 3 The following national guidelines have relevance:
 - Guidelines for Human Settlement and Design (Red book)
 - The South African Road Traffic Signs Manual
 - Applicable UTG and TRH Series Design Guidelines
 - South African Road Safety Manual
 - Department of Transport: Pedestrian and Bicycle Facility Guidelines

- 4 The following provincial guidelines have relevance:
- Provincial Administration of the Western Cape: Road Access Guidelines (as amended)
- 5 The following City of Cape Town guidelines have relevance:
- City of Cape Town Standards and Guidelines for Roads and Stormwater (as amended)
 - CMA Specification for Traffic Signals, 2000-07-20 (as amended)
 - Planning and Design Guidelines for Stormwater Management in New Developments, Version 1.0, July 2002, City of Cape Town
 - Stormwater Management on Slopes adjacent to Natural Areas, Version 1, November 2003
 - Floodplain Management Guidelines, Version 1.0, September 2003, City of Cape Town
- 6 The developer is responsible for ensuring compliance with applicable legislation and policies including City of Cape Town by-laws and policies. Certain activities may be subject to permit approvals by national, provincial and municipal government departments.

HEALTH AND SAFETY

- 7 The developer's attention is drawn to the Construction Regulations 2003 (which pertain to the Occupational Health and Safety Act, Act 85 of 1993) that place certain responsibilities on the developer as the client.

STANDARD REQUIREMENTS

8 Engineering Design and Specifications:

The following requirements in respect of design and specifications apply:

8.1 Submission of Engineering Drawings:

Where any public works or work in the public road reserve is proposed, detailed engineering drawings, prepared by a Registered Civil Engineering Professional, shall be submitted for approval prior to building plan approval and prior to commencement of any works in the road reserve. No construction work may commence before the approval of the detail design by the Director is given in writing and the relevant wayleaves and permits-to-work have been issued by the City.

8.2 **Preliminary Design Submission :**

A preliminary design, to an acceptable scale, of the proposed roads and stormwater infrastructure should be submitted to the Director for comment prior to the submission of the detail design. This is to allow for the setting of further requirements, specifications and conditions related to Transport, Roads and Stormwater infrastructure, which must be considered in the detail design. Attention must be given to existing, planned and potential development in the vicinity of the development. It must be stated up front if a development will be implemented in phases.

8.3 **Design requirements and standards:**

- 8.3.1 The preliminary and detail designs must be in accordance with the City's requirements and standards. Any proposed deviation from the requirements and standards must be submitted together with a motivation report to the Director for consideration.
- 8.3.2 Any engineering drawings submitted to the Director for review or approval must be signed by a Registered Engineering Professional. Approval of the design by the Director in no way absolves the developer from any responsibility and/or liability in respect of the design.
- 8.3.3 The detail design of any proposed public infrastructure must be approved prior to building plan approval.
- 8.3.4 The Director may require the developer to design and construct road and stormwater infrastructure to service existing or future surrounding development by agreement.
- 8.3.5 The difference in quantity between the pre and post development stormwater runoff must be attenuated on site where specifically required. Should the proposed stormwater discharge into the public stormwater system be materially in excess of pre-development flows, the Developer will be required to verify the capacity of the receiving system and implement any upgrades deemed necessary by the Director.
- 8.3.6 The standard of workmanship and the materials used shall be in accordance with SABS 1200 or the COTO Standard Specifications for Road and Bridge Works for South African Road Authorities. The City may however, specify amendments to the aforementioned standard specifications.

9 Construction, Supervision and Testing:

The following requirements in respect of construction, supervision and testing apply:

9.1 Notice :

The Director must be informed in writing not less than 5 working days before construction is to commence.

9.2 Construction Monitoring :

An adequate level of construction monitoring, as determined by the guideline for engineering services, conducted by a Registered Engineering Professional, must be maintained for the full duration of the works. In this regard, a proposal for the level of site supervision, as well as the proposed engineering staff, must be submitted to the Director for approval before construction work commences. The proposal shall include the name (or names where a team is required) of the individuals proposed, their CV's and the time that they will devote to on-site supervision on the project. Failure to adhere to the approved proposal may result in the rejection of public works and jeopardise clearance for separate registration of the properties. The Registered Engineering Professional may have no direct financial interest in the development, other than payment of standard professional fees for the work performed.

9.3 Quality Control:

The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards. All test result will be recorded and made available to the City upon completion and close-out.

10 Traffic accommodation:

Traffic accommodation plans are to be submitted by the Registered Engineering Professional to the Traffic Manager for comment and the Director for approval before construction work or any other activity commences in the road reserve. The Developer and his contractors must be in possession of a permit to carry out any construction-related activity in the road reserve, incl hoarding, deliver, lane closures or road closures. All the necessary precautions to ensure the safety of all road-users must be taken while work affecting existing roads is in progress. All signs, barricades etc., must be displayed in accordance with Chapter 13 of the latest edition of the South African Road Traffic Signs Manual. Traffic flow is to be maintained at all times. Access to properties must be maintained at all times.

11 Condition and maintenance of existing infrastructure:

11.1 Condition Inspection of Existing Infrastructure

The condition of all roads adjacent to the site of the works as well as the condition of the stormwater and sewer systems immediately downstream of the works must be inspected by the Registered Engineering Professional together with an authorised representative of the Director prior to the commencement of any site works. The severity or extent of any damage, silt or blockages existing at this stage must be noted by both parties and any further damage, silting or blockages must be rectified at the developer's expense.

Should no communication be received prior to the commencement of the site works, it will be assumed it that all infrastructure was in a good clean condition and any damage, silt accumulation and/or blockages found during construction and on handover will be deemed to have been caused by the developer and must be reinstated at the developer's expense.

Subsequent to handover of any new transport, roads and stormwater infrastructure to the City, the developer will remain liable for any damage caused to the infrastructure by the ongoing activities of his contractors.

11.2 Maintenance of Affected Roads and Drainage Systems

Stormwater systems affected by the works shall be kept functional at all times and windblown sand removed from transport and roads infrastructure on a regular basis.

11.3 Safety, Maintenance and Operation of Construction Sites during Construction Breaks

When the construction period includes a break of more than 7 days (e.g. end of year shutdown) or when requested by the Director for shorter periods (e.g. long weekends or for special events), the developer must leave behind and maintain the roads and stormwater infrastructure and road reserve affected by the works in a safe and neat condition during those periods (e.g. all excavations in the road reserve must be properly reinstated prior to shutdown, all building material removed, traffic accommodation and signage maintained, and any windblown sand must be removed on a regular basis).

12 Existing services

12.1 Identification and Verification of Existing Services

The onus is upon the developer to ascertain the positions of any existing services on site. The developer must apply for the necessary wayleaves and/or permits from all service authorities including the Director before any excavation or construction commences.

12.2 Unknown services

Should any additional unidentified services be exposed during the course of construction the developer shall immediately notify the relevant authority concerned for further instruction.

13 Maintenance period for new infrastructure

13.1 Maintenance period for roadworks, bridgeworks drainage and landscaping

The developer shall remain liable and be held responsible for all project related defects in respect of road and stormwater infrastructure for a period of twelve months from the issue of an acceptable Certificate of Compliance (or a certificate of completion or similar certification as dictated by the applicable form of construction contract). The establishment period applicable to soft landscaping is twenty four months.

13.2 Bank Guarantees

The City may require the developer to provide a bank guarantee, equal to a percentage of the value of the completed road and stormwater infrastructure. The guarantee shall be to the satisfaction of the Director and valid for a twelve-month maintenance period, which shall commence from the date of approval of the Certificate of Compliance/Completion.

Similar to the above, the City may require a bank guarantee equal to 20% of the value of the soft landscaping (including slope stabilization) or an amount agreed upon by the Director, valid for a twenty-four month establishment period.

14 Latent defects

Notwithstanding the 12-month maintenance period, the developer will be held responsible for the repair and consequences of any latent defects that manifest later.

15 Servitudes

Where approval has been granted for infrastructure (underground or overland), that will vest in the City, to cross private property, the developer must ensure that this infrastructure is protected by a registered servitude in favour of the City. The cost of such registration, survey etc. will be for the developer's account. It should however be noted that every effort should be made to avoid the need for servitudes.

16 Close-Out Requirements

A subdivision (or phase of a phased subdivision) will not be cleared for separate registration until such time as all relevant internal, link and external works have been completed to the approved standards and specifications and certified by the Registered Engineering Professional.

16.1 Certificates of compliance/completion (or similar certifications i.t.o. the applicable form of construction contract)

A certificate stating that all work has been carried out in accordance with City specifications and requirements, signed by the Registered Engineering Professional, together with the "as-built" drawings, must be submitted upon completion of the project.

16.2 Quality Control Records

All pipeline and material testing and the certificate must confirm/verify that the test results meet or exceed the requirements of the specifications. A copy of the relevant test results must be attached to the as-built submission. If, in the opinion of the Director, the certificate is not supported by adequate test results, the City will require additional tests to be carried out by the Registered Engineering Professional at the cost of the developer.

16.3 As-built Drawings

"As built" plans in the electronic format specified by the relevant District, together with one set of paper prints, for all infrastructure, shall be submitted together with the Certificate of Compliance.

The "as built" plans must accurately record any variation made to the approved design by the Registered Engineering Professional as well as any deviation from the design by the contractor during the course of construction.

STANDARD REQUIREMENTS FOR SOLID WASTE INFRASTRUCTURE

Minimum requirements for vehicle access and waste collection

- 1 Access shall be provided in such a way that collection vehicles can complete the waste collection beats with a continuous forward movement.
- 2 The City's departmental or contracted waste collection teams will not enter private property. Therefore, the removal of solid waste is effected from the kerbside of a public street. Provision of communal waste / recycling storage areas / rooms will therefore have to be provided on private property immediate adjacent to the nearest public road.
- 3 Access shall be provided with a minimum travelable surface of 5m width.
- 4 Minimum corner radii shall be 5m.
- 5 Maximum depth of cul-de-sac shall be the lesser of 20m or 3 erven. Where this requirement is exceeded, it will be necessary to construct a minimum turning circle, as below or, alternatively – a turning shunt as per the attached drawing. With respect to the latter, on-street parking is to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards, as a single parked vehicle can render these latter circles and shunts useless.
- 6 Minimum turning circle radius shall be 11m to the centre line of the vehicle.
- 7 Road foundation shall be designed to carry a single axle load of 8 200kg.
- 8 Further to 2 above, waste / recycling storage areas / rooms are to be provided for all premises other than single residential erven, the size of which will be determined in accordance with minimum requirements as specified by the Solid Waste Collection Branch.

Standards and guidelines for waste / recycling storage areas / rooms

- 9 Provision of communal waste / recycling storage area / rooms must be provided next to the nearest public road for servicing cluster / estate developments as the City's departmental or contracted waste collection teams will not enter private property.
- 10 A single, centralised waste / recycling area / room are required for each completed development. The only exception is the case of a single residential dwelling, where a waste storage area is not required.

11 Size

- 11.1 The Waste/Recycling storage area/room shall be large enough to store all refuse produced on the premises, including all material intended for recycling.
- 11.2 The size of the waste / recycling storage area / room depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse.
- 11.3 Where the premises might be utilised by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be. Room for future expansion is also desirable.
- 11.4 Waste storage area / rooms should be designed to cater for wheeled containers. The dimensions of these containers are:
 - Industrial 1 375mm by 1 080mm
 - Commercial / domestic 585mm wide x 730mm deep x 1 100mm high
- 11.5 With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living in the premises, is to be provided to allow for a "once a week" collection frequency.
- 11.6 Should designers be in any doubt regarding a suitable size for the Waste/Recycling storage area/room, advice should be sought from the Solid Waste Collection Branch.

Building specifications for waste rooms

- 12 The floor shall be concrete, screeded to a smooth surface and rounded to a height of 75mm around the perimeter. The floor shall be graded and drained to a floor trap (See: Water Supply and Drainage).
- 13 The waste / recycling storage area / room shall be roofed to prevent any rainwater from entering. The walls shall be constructed of brick, concrete or similar and painted with light colour high gloss enamel, or alternatively, tiled with tiles of a light colour. The height of the room to the ceiling shall be not less than 2.2m.
- 14 The waste / recycling storage area / room shall be adequately ventilated by means of fixed glass louvers. The room shall be provided with a solid hardwood, lockable door which shall be fitted with an efficient self-closing device, and shall have the lower 150mm protected by sheet metal on the outside. The door and louvers shall be separated at least 3m from any door or window of a habitable room. Adequate artificial lighting is required in the storage area.
- 15 A tap with minimum 12mm diameter standard hose connection shall be provided in the waste / recycling storage area / room for washing containers and cleaning spillage. The floor should be drained towards a 100mm floor trap linked to a drainage pipe discharging to a sewer gully outside the building. A grease trap / gully is required in terms of the Water Services directorate.
- 16 The City's departmental or contracted waste collection teams will not enter private property. Therefore, the removal of solid waste is effected from the kerbside of a public street. Provision of communal waste / recycling storage areas / rooms will therefore have to be provided on private property immediate adjacent to the nearest public road.

STANDARD HEALTH REQUIREMENTS

Noise

- 1 Compliance with the Noise Control Regulations P.N. 200/2013 as promulgated under the Environment Conservation Act, 1989 (Act 73 of 1989) by not creating a disturbing noise and/or noise nuisance and/or exceeding the `50dBA limit for machinery in residential areas`.
- 2 A Noise Management Plan must be submitted for approval to the designated person for Noise control administration: City Health which must comply with the requirements set out in the Noise Regulations promulgated under the Environmental Conservation Act (Act 73 of 1989) and is to include recommendations for the satisfactory management of noise levels and impacts generated for the proposed use. The above directorate reserves the right to call for the submission of a Noise Impact Assessment Report, carried out and completed by an accredited acoustic engineer or consultant. Such assessment will be to the cost of the applicant and is to be based on an acceptable series of readings to the satisfaction of the designated person for Noise control administration: City Health. In addition, subject to the outcome of the aforementioned report the right is reserved to call for further restrictive requirements, such as limiting the hours of operation should it be deemed necessary.
- 3 Any noise producing plant or equipment must be adequately muffled so as not to create a disturbing noise; a noise nuisance or exceeding the 50dBA limit for machinery in residential areas.

Business license

- 4 Should the premises be used for a category of business which is required to be licensed in terms of the Business Act, No 71 of 1991 i.e. sale and supply of meals, health and entertainment, etc, then application must be made for the relevant business license. Should food be prepared or handled, then application must also be made for a Certificate of Acceptability for food premises in terms of Regulation R962 dated 23/11/2012 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972. These requirements come into effect once the City has approved the land use application.

Tobacco smoking

- 5 The premises must be made to comply with the requirements of the Tobacco Products Control Act, 1993 (Act No 83 of 1993) and Notice Relating to Smoking of Tobacco Products in public places, Regulation No R975 dated 29 September 2000. In this regard, guidelines for the design of designated smoking areas and

requirements for artificial ventilation that serves smoking areas, can be obtained from the City's local Environmental Health Practitioner.

Partial care facilities

- 6 Applications for approval to operate a childcare facility must be made to the Executive Director: City Health in terms of the City of Cape Town Environmental Health By-law No 13333, Part 4: Trades: Section 31: Childcare facilities. Applicants need to comply with conditions stipulated in the City's Early Childhood Development Policy of May 2013. Recommendation must be made to the Area land use planner with regard to the recommended number of children that can be accommodated i.t.o. these requirements. The use of premises for the purpose of a partial care facility is subject to the approval of the Area land use planner and must comply with any conditions or requirements that may be stipulated by them. Any alterations or additions carried out or expense incurred by the applicant on the premises before the town planning aspect has been finalised, is done so at the risk of the applicant.
- 7 Application must be made to the Regional Director: Provincial Government: Western Cape, Department of Social Services Branch to register the facility in terms of Child Care Act. In this regard, the applicant is also required to obtain a Health Clearance Certificate from the Executive Director: City Health before registration of the facility is recommended.
- 8 Should meals be prepared for the children, application must be made for a Certificate of Acceptability in terms of Regulation R962 dated 23/11/2012 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act 1972 (Act 54 of 1972).

Accommodation establishments

- 9 All accommodation establishments must comply with the requirements as stipulated in the City's Environmental Health By-Law, No 13333, Part 4: Trades, Section 28, Accommodation establishments.

Cell mast and related infrastructure

- 10 If a habitable structure is within the 50m zone at the same height and in front of the antennas, this being typical panel antennas, at an approximate 60 degree angle, or any other type of installation e.g. omni-directional antennas, or if the proposed TMI elicits concern, numerical simulations of predicted RF EME levels must be submitted to City Health's Senior Mechanical Engineer for verification and assessment, prior to approval of the site. This Department may request further information or verification from the applicant, which may include numerical simulations of predicted RF EME levels done by an independent certified institution. These readings must be submitted with reference to compliance with the latest public exposure limits, i.e. what percentage it is of the ICNIRP guidelines.
- 11 Once a site is operational, the City may request a test report to be carried out by an independent certified institution providing the results of measurements showing the actual RF EME levels from that site, with necessary detail as determined at that time. The cost of carrying out such tests shall be borne by the applicant.

- 12 The base station infrastructure (or any future combination of such infrastructures) shall not at any time cause the public to be exposed to RF levels that exceed the ICNIRP public exposure guideline.
- 13 The applicant must take the appropriate steps, to the satisfaction of the City, to ensure:
 - 13.1 The public exclusion zone is determined by a qualified person and forwarded to the City prior to the erection of the infrastructure. Such exclusion zone must thereafter be adequately sign posted with the appropriate health warning signs in accordance with international best practice.
 - 13.2 Access control measures must be implemented to ensure that unauthorised persons do not gain access to the public exclusion zone.
- 14 In the event of such measurements showing that the ICNIRP public exposure guidelines are being exceeded, the City reserves the right to withdraw the land use and building plan approval and cause the cellular telecommunication infrastructure to be decommissioned at the cost of the applicant.
- 15 The Executive Director: City Health is of the opinion that if future scientific evidence supports a link between electromagnetic field radiation and health, the permission for the erection of the base station must be reviewed, which could result in the decommissioning of a station.

Fuel burning appliance

- 16 Should any fuel burning appliance be installed, altered, replaced or extended, application must be made in terms of the City's Air Quality Management By-law 2010, as amended.

Premises that generate medical waste

- 17 Any generator / transporter / disposer / treater of health care risk waste must be registered with the Western Cape Department of Environmental Affairs and Development Planning (DEADP) in terms of section 6(2)(n) of the Western Cape Health Care Waste Management Act, 2007 (Act 7 of 2007), read with the Western Cape Health Care Waste Management Regulations, 2013, PN 73/2013.
- 18 In terms of section 12(c) of the Western Cape Health Care Waste Management Act, 2007 (Act 7 of 2007), any generator / transporter / disposer / treater of health care risk waste must be audited by City Health for the purpose of obtaining a Health Clearance Certificate, which will confirm the compliance with the conditions regulated in both the Western Cape Health Care Waste Management Act and the accompanied regulations.

Dust control

- 19 Adequate measures must be taken to control the emissions of dust into the atmosphere in terms of the City's Air Quality Management By-law 2010, as amended, and the National Dust Control Regulations, No R827 of 1 November 2013.
- 20 The landscaping contractor must take all the necessary precautions, so as not to use manure / compost which is flyblown, and may give rise to offensive odours and cause a health nuisance.

Radiology

- 21 Any facility dealing with radioactive material must be registered with the South African Radiation Commission.

Animal keeping

- 22 Should the applicant wish to keep animals or poultry, application must be made for the relevant permit in terms of Chapter 5 of the City's Animal Keeping By-law, 2010.
- 23 The City reserves the right to restrict the number and kinds of poultry or animals at any stage should it be deemed necessary.

School

- 24 The proposed school must be registered with the Western Cape Department of Education.

Drainage

- 25 Should no waterborne reticulation system be available to an area, structures that may be constructed must be serviced by an on-site drainage disposal system of the type approved by the City, which must be designed and constructed in accordance with the City's specifications. Detailed drainage plans must be submitted in this regard.

Industrial service units

- 26 Prior to the sale of any industrial unit, the approval of the Executive Director: City Health must be obtained for the type of activity proposed. Such applications must detail usage, activity, hours of operation, work procedures, materials, equipment to be used and types and volumes of waste generated and the control of smoke, emissions, odours, noise and vibration. This requirement is applicable to all successors-in-title to any portion of land in this development. Each tenant is to sign a declaration that they agree to adhere to the restrictions imposed by the Director: City Health.
- 27 All the proposed industrial service units must comply with the Industrial Effluent By-law in that no industrial effluent generated on the premises is allowed to discharge into the stormwater system and the necessary measures must be taken to safely dispose of any industrial effluent generated. In this regard, the services of an accredited waste removal contractor must be obtained should the effluent not be able to be discharged into the City's sewer reticulation system.
- 28 All proposed industrial service units that may utilise spray booths, should comply with the following requirements:
- 28.1 Exhaust ventilation system serving the spray booth must be fitted with control equipment to prevent over spray from accumulating in the duct and discharging to the outside. Such control equipment must be fitted before the exhaust fan.
- 28.2 The exhaust ducting from the spray booth must extend at least 1 m above the roof and must not be fitted with any caps or weather cowls. The terminal velocity of the

air measured at the apex of the ducting must not be less than 9 m per second. Details of the control equipment must be submitted.

- 29 The proposed industrial service units that generate dust and fumes must supply details of how the generation of dust and fumes will be limited. The methods used to limit these pollutants must be approved by the Director: City Health.
- 30 A Pollution Management Plan must be submitted to the Director: City Health prior to the approval of the proposed development.

Tattooing and body piercing establishments

- 31 Tattooing and body piercing establishments must comply with the requirements as stipulated in the City's Environmental Health By-law, No 13333, Part 4, Trades, Section 30: Tattooing and Body Piercing of Humans.

Hairdressers and barbers

- 32 Hairdressers and barbers premises must comply with the requirements as stipulated in the City's Environmental Health By-law, No 13333, Part 4, Trades, Section 9: Hairdressers and Barbers.

Funeral undertakers

- 33 Funeral undertakers (where corpses are prepared or stored) must apply for a certificate of competence from the Executive Director: City Health i.t.o. the Regulations Relating to the Management of Human Remains, R 363 of 22 May 2013.

Offensive trades / listed activities

- 34 Before any listed activity is commenced in terms of the NEM:AQA or any other listing notice promulgated in terms of a SEMA or NEMA, the necessary environmental authorisations must be obtained prior to such commencement, from the competent authority.

Milking sheds

- 35 Any proposed milking shed must comply with the Regulations Relating to Hygiene Requirements for Milking Sheds, Transport of Milk and related matters, No R961 dated 23 November 2012. Applications for a certificate of acceptability must be made to the Executive Director: City Health.

Kennels or catteries

- 36 All proposed kennels or catteries must comply with the requirements as stipulated in the City's By-law on Keeping of Animals and Poultry, No 13333, Part 2, Section 16.

Homes for the aged

- 37 Application must be made to the Western Cape Department of Social Development for registration of premises where aged persons will be cared for. Should meals be provided, application must be made for a Certificate of Acceptability in terms of Regulation 962 dated 23 November 2012, promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972).

General

- 38 An integrated waste management approach must be used that is based on waste minimization and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill site, licensed in terms of Section 20 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
- 39 Any hazardous waste originating from any site either during the demolition of an existing building or unearthed during site clearing operations, or during the construction process, are to be handled, transported and disposed of at an approved hazardous waste site in a manner acceptable to Council and in compliance with the requirements of any other law i.e. Asbestos.

STANDARD ELECTRICITY GENERATION AND DISTRIBUTION REQUIREMENTS

Building Plan Applications

Cost Responsibility

All alterations or deviations to electricity services necessitated by the subdivision proposal, or requested by the applicant, shall be executed at the applicant's expense.

Relocation of Services

Electricity infrastructure located on the property that interferes with the subdivision shall be relocated. The applicant must apply to the Electricity Generation and Distribution Department for approval and coordination.

Protection of Non-Relocatable Services

Where infrastructure cannot be relocated, the applicant shall submit an undertaking from a conveyancing attorney to register a servitude protecting the services. This must be accompanied by acceptable Surveyor General diagrams. The servitude shall include the Department's standard conditions for underground and overhead electricity services.

Overhead clearance

A minimum clearance of 3 m to any overhead mains conductors shall be maintained at all times.

Metering Accommodation

All metering equipment shall be installed in a location that is directly accessible from a public road—specifically, on the erf boundary adjacent to the road reserve and at street level. This installation must comply with the specifications and standards set by the Electricity Generation and Distribution Department. Metering requirements shall be resolved in consultation with the Department prior to the commencement of construction.

Substation Sites

Depending on the development's power requirements, outdoor electrical substation sites shall be provided. The required dimensions will vary based on capacity needs (e.g., 80 × 80 m, 20 × 14 m, or 6 × 4 m). Substation sites shall be clearly identified on the approved subdivision plan and must meet the following criteria:

- Be directly accessible from a public road, located on the erf boundary adjacent to the road reserve, and at street level.

- Not be traversed by any other services.
- Be appropriately subdivided and zoned as public open space (Utility use) in the Surveyor General-approved plan prior to submission for subdivision approval.
- Be registered and transferred to the City free of charge upon confirmation of the subdivision or phased portion thereof, prior to the issuing of Section 137 clearance.

Where substations are required to be located within buildings due to site constraints, the dimensions shall be determined in consultation with the Electricity Generation and Distribution Department. In such cases, a servitude shall be registered in favour of the City, as subdivision of the internal substation will not be possible.

Substation requirements must be resolved in consultation with the Electricity Generation and Distribution Department prior to approval of building plans.

Wayleaves

Where electrical infrastructure exists on or near the property, a wayleave shall be obtained from the Electricity Generation and Distribution Department prior to the commencement of any excavation work. Developers must contact the Wayleave Management Centre at wayleaves@capetown.gov.za to initiate the application process.

Embedded Generation (EG) Installation

If standby or Embedded Generation (EG) systems are to be installed, the applicant shall submit a separate application to the Electricity Generation and Distribution Department. This application must be approved prior to the commencement of any installation work.

Shared-Network Charge and Connection Fee Requirement for Additional Dwellings

For applications involving second or third dwellings, the applicant shall request a quote from the Electricity Generation and Distribution Department for the applicable Shared-Network Charge and connection fee. If an upgrade to the electrical supply is required to accommodate additional meters, the quoted fees must be paid prior to implementation.

Compliance with Land Use Management (LUM) Conditions

Approval of building plans is subject to prior compliance with all applicable Land Use Management (LUM) conditions associated with the relevant case number. No building plan shall be approved until confirmation of compliance has been received.

Contact for Electricity Generation and Distribution Department Enquiries

All enquiries regarding comments or requirements from the Electricity Generation and Distribution Department shall be directed to the designated SCP team member at the provided email address or telephone number.

Subdivisions/Consolidations/ Departures

Section 137 Clearance

Cost Responsibility

All alterations or deviations to electricity services necessitated by the subdivision proposal, or requested by the applicant, shall be executed at the applicant's expense.

Separate Supplies

Each erf within the subdivision shall be served by a separate service connection cable, rated to supply the authorised capacity. The cable must be routed clear of private property, typically within the public road reserve.

Application for Connection Fee and Shared-Network Costs

Upon formal application, the Electricity Generation and Distribution Department shall determine the applicable connection fee, shared-network costs, and any technical conditions related to the integration of the proposed subdivision's internal electrical reticulation with the City's existing infrastructure. Individual service connections to each erf within the subdivision shall be provided by the Directorate upon formal application by the respective property owner.

Shared-Network Charge and Connection Fee

Prior to clearance of the subdivision, the applicant shall pay the applicable shared-network charge and connection fee to provide a separate connection to the property boundary, as per the tariffs approved by Council. Individual connections will be provided upon formal application by the relevant property owner.

Metering Accommodation

Metering infrastructure shall be provided as follows:

- Full-title properties served by public roads: Each property shall be individually metered by the City, with infrastructure installed in the public road reserve.
- Full-title properties served by private roads: These shall be treated as sectional-title properties.
- Sectional-title properties:
 - All metering equipment shall be accommodated in a single location directly accessible from public road, i.e. on the erf boundary adjacent to the road reserve and at street level, subject to departmental requirements.
 - Separate connection cables from the meter location directly to each unit shall be provided by the developer.
 - Units shall be individually metered by the City. A separate meter shall be required as a general supply to shared services.

- Only where the complex is of such a size that the above arrangement is not physically possible, and distributed metering points within the complex are required from a technical design point of view, shall a bulk metering system be installed.
- For bulk-metered developments that include a section of low cost housing, the low cost housing component should be situated close enough to the bulk metering location that these units can be individually metered by the City.

Metering Consultation

Metering requirements shall be resolved in consultation with the Electricity Services Department prior to the commencement of construction.

Overhead Line Adjustments

Where existing overhead lines cross newly subdivided portions of an erf, any necessary alterations or deviations shall be carried out at the applicant's cost. Application must be made to the Electricity Generation and Distribution Department.

Relocation of Services

Electricity infrastructure located on the property that interferes with the subdivision shall be relocated. The applicant must apply to the Electricity Generation and Distribution Department for approval and coordination.

Where infrastructure cannot be relocated, the applicant shall submit an undertaking from a conveyancing attorney to register a servitude protecting the services. This must be accompanied by acceptable Surveyor General diagrams. The servitude shall include the Department's standard conditions for underground and overhead electricity services.

Consolidated Supplies

For consolidated erven, all points of supply shall be merged into a single supply connection.

Right-of-Way Servitude

Any proposed right-of-way servitude shall be registered as a "services servitude" in favour of the City. The servitude must include the Electricity Generation and Distribution Department's standard conditions and be reflected in the title deed.

Road Reserve Installation

The electrical reticulation network shall be installed within the road reserve. The sidewalk width must be sufficient to accommodate the required infrastructure, especially where high-voltage cables are involved.

Private Road Infrastructure

Electricity distribution and street lighting infrastructure located in private roads shall remain the responsibility of the homeowners' association and will not be taken over by the City.

Duct Installation

The applicant shall install all required pipe ducts across roads and access ways for electricity cables, at their own cost and in an approved manner. Each duct crossing shall be permanently marked on the kerb edge.

Bulk Supply Provision

Where individual metering is impractical, a single bulk supply may be provided to full-title developments served by private roads. The metering location must allow unrestricted, 24-hour vehicular access from a public road. The homeowners' association shall be responsible for the bulk electricity account, sub-metering, revenue collection, and maintenance of the internal reticulation network.

Infrastructure Handover and Security

Upon completion of the internal electricity distribution infrastructure, the applicant shall formally hand over the system to the Department. Until 80% of the erven are occupied, the applicant remains responsible for securing the infrastructure and covering the cost of repairs due to vandalism or theft. Release from this responsibility requires formal application.

Wayleaves

Where electrical infrastructure exists on or near the property, a wayleave shall be obtained from the Electricity Generation and Distribution Department prior to the commencement of any excavation work. Developers must contact the Wayleave Management Centre at wayleaves@capetown.gov.za to initiate the application process.

Overhead Clearance

A minimum clearance of 3 metres shall be maintained at all times between any structure and overhead mains conductors. This requirement ensures compliance with safety standards and must be considered during site planning and construction.

Energy Efficiency and Conservation

Property owners shall incorporate measures to improve energy efficiency within the development to reduce overall electricity consumption. All developments must comply with any conservation or rationing programme introduced or implemented by any sphere of government or relevant regulatory authority.

For installations with a new or upgraded authorised capacity exceeding 100 kVA, the development shall meet the applicable energy efficiency standards as prescribed by the Electricity Generation and Distribution Department or relevant regulatory body.

Substation Site Requirements

Where required based on the development's power demand, outdoor electrical substation sites shall be provided. The size of each site shall correspond to the capacity requirements and may range from approximately **6 × 4 m** to **80 × 80 m**. Substation sites shall be clearly identified on the approved subdivision plan and must meet the following criteria:

1. Be directly accessible from a public road—located on the erf boundary adjacent to the road reserve and at street level.
2. Not be traversed by any other services.
3. Be appropriately subdivided and zoned as **public open space (Utility use)** in the Surveyor General-approved plan prior to submission for subdivision approval.
4. Be registered and transferred to the City **free of charge** upon confirmation of the subdivision or phased portion thereof, prior to the issuing of Section 137 clearance.

Where substations are required to be located within buildings due to site constraints, the dimensions shall be determined in consultation with the Electricity Generation and Distribution Department. In such cases, a **servitude** shall be registered in favour of the City, as subdivision of the internal substation will not be possible.

All substation requirements shall be resolved in consultation with the Electricity Generation and Distribution Department **prior to the approval of building plans**.

Electrical Master Plan, Substation Site and Internal Reticulation

All subdivision applications shall include a comprehensive electrical master plan and clearly identified substation site(s). This plan must detail the total electrical capacity requirements and the proposed network configuration, and must be approved by the Electricity

Generation and Distribution Department. These elements are essential for accurate infrastructure planning, timely processing, and determination of shared-network charges based on projected power requirements.

Applications submitted without an approved electrical master plan and designated substation sites will not be accepted. Failure to include these components may result in delays, inefficiencies, and the need for a separate subdivision application to rectify the omission.

The applicant shall be responsible for the design, installation, and cost of the internal electrical reticulation and street lighting networks serving the subdivision. To fulfil this requirement, the applicant shall appoint a consulting electrical engineering practitioner registered with ECSA to design and supervise the installation of these networks in accordance with the City of Cape Town's standards and specifications.

Upon completion, the internal electrical reticulation and street lighting networks shall be formally handed over to the Department for ongoing operation and maintenance.

Small-Scale Embedded Generation (SSEG) Enablement

To promote energy resilience and long-term sustainability, the applicant shall ensure that the development is technologically future-proofed to accommodate the installation, commissioning, and maintenance of small-scale embedded generation (SSEG) systems. This includes the necessary infrastructure, design considerations, and access provisions to support future SSEG integration.

Revision of Subdivision Conditions

In accordance with applicable land use legislation, subdivision conditions may only be amended through a formal application for amendment. No changes to approved conditions shall be accepted or processed outside of this statutory procedure.

Phased Electrical Clearance

Electrical subdivision clearance may be granted for a specific phase of a development, provided that all applicable conditions for that phase have been fully complied with. Each phase will be assessed independently to ensure compliance prior to issuing clearance.

Lease Agreements

Unrestricted 24-Hour Access

The lessee shall ensure unrestricted 24-hour vehicular and personnel access to the leased area for the purpose of accessing, operating, and maintaining municipal electricity services.

Temporary Deck Structures

If a deck is proposed within the lease area:

It must be of a temporary nature and not anchored into the ground.

Ground levels must remain unchanged, and existing underground services must remain accessible at all times.

In the event that the deck obstructs planned municipal work, the lessee shall remove the deck within two days of receiving notice, at their own expense.

Failure to comply may result in forcible removal by the City or its contractors, with no liability for direct or consequential damages.

This requirement also applies to unplanned or emergency work.

Prohibited Structures Over Services (Lease Renewal Objection)

The erection of permanent or enclosed structures over existing electrical services is strictly prohibited. Any such structure is considered a violation of the lease agreement and may contravene the Occupational Health and Safety Act.

To rectify such a violation, the lessee shall either:

Remove the offending structure, or

Apply for and fund the deviation of the affected electrical cables outside the lease area, subject to approval.

For assistance, the lessee must contact their local District Office representative.

Thoroughfares

Any alterations to electricity services required due to the proposal or requested by the applicant must be carried out at the applicant's cost.

The thoroughfare may be enclosed on both sides.

Gate erection must comply with the City's specifications and be conducted under direct supervision of the Electricity Department staff.

The applicant must contact the relevant District Manager before starting any such work.

Boundary Wall/Fence Restriction

The applicant may not remove any boundary wall or fence that is common to the leased area.

Excavation Permit

No excavation may take place without a valid wayleave and works permit.

The applicant must contact the Drawing Office at least two weeks prior to starting any excavation work.

Servitudes

The standard overhead/underground servitude conditions for protecting electrical services must be applied to the entire lease area.

Maintenance Responsibility

The lessee is responsible for the ongoing maintenance and good order of the land.

Lease Suspension

The lease may be suspended at any time if the applicant fails to comply with any of the conditions.

Reinstatement

Upon lease termination, the lessee must reinstate the entire leased area to a condition acceptable to the Electricity Department, at their own expense.

No Subdivision of Thoroughfare

The thoroughfare may not be divided among abutting property owners.

Public Lighting

The applicant must contact the Public Lighting Department to obtain their specific conditions regarding the existing lighting installation.

General Rights and Access

The City of Cape Town must be permitted to:

Construct, erect, lay, inspect, maintain, repair, alter, relay, and remove electrical infrastructure (e.g., poles, stays, cables, wires, equipment).

Bring machinery onto the property and carry out excavations as needed.

Unrestricted 24-hour vehicular and personnel access must be maintained for City employees, contractors, or representatives to access and maintain electricity services.

Proximity and Safety Restrictions

No buildings, containers, or structures may be erected within 3 meters of any electrical services.

Excavation or filling within the leased area requires:

Prior written consent from the Director: Electricity Generation and Distribution via the wayleave approval process.

Supervision by a representative from the Electricity Department for any excavation within 3 meters of electrical services.

Notification to the Department two weeks before work begins.

No stakes, pegs, or pins may be driven into the ground within 1 meter of any part of the electricity services.

No plant or material may be stored within 1 meter of any part of the electricity services.

No mechanical plant may be used:

- Within 3 meters of medium voltage cables.
- Within 5 meters of high voltage cables.

No buildings, containers, or structures may be erected within 3 meters of any electrical services.

Excavation or filling within the leased area requires:

Prior written consent from the Director: Electricity Generation and Distribution via the wayleave approval process.

Supervision by a representative from the Electricity Department for any excavation within 3 meters of electrical services.

Notification to the Department two weeks before work begins.

Land Use and Maintenance

The leased area must remain open and may not be enclosed without written permission from the Electricity Generation and Distribution Department.

Boundary walls or fences common to the leased area must not be removed.

The lessee is responsible for maintaining the land in good order at all times.

The lease may be suspended if any of the conditions are violated.

Upon lease termination, the lessee must reinstate the leased area to a condition acceptable to the Electricity Department, at their own expense.

Purchase / Disposal of City Land

Deviation

Existing electricity services must be deviated clear of the land at the applicant's expense. The cost of deviation will be determined upon formal application to the Electricity Department.

Substation Transfer

The existing substation site must be:

Registered on the Surveyor General Plan for the subdivision, transferred and rezoned to the City free of all charges. 24-hour vehicular access from a public road must be maintained to the substation site.

Hoarding / scaffolding

The Local District Manager must be contacted prior to the commencement of any work. No pegs or stakes may be driven into the hoarding or scaffolding area in the vicinity of underground cables.

Existing Electrical Infrastructure

Existing electrical infrastructure must be excluded from the hoarding or scaffolding area, and unrestricted access to the equipment must be maintained at all times.

Scaffolding

A minimum clearance of 3 meters from overhead mains conductors must be maintained at all times. Hoarding must be supported using moveable barrels, concrete blocks, or other methods that do not involve excavation of the ground. If the Electricity Department requires access to the electricity services at any time, access must be provided and, if necessary, the hoarding or scaffolding must be removed at the applicant's expense. The applicant is liable for the cost of repairing any damage caused to the existing electricity services in the area. If any excavation is planned near the cable route, the applicant must contact the Drawing and Record Centre Office at least two weeks prior to commencement of work.

Joint Use of Poles

There is no objection to the joint use of the poles as detailed in the attached drawings (drawing reference number), provided that all work complies with the provisions of the Code of Practice for the Joint Use of Structures for Power and Telecommunication Lines (NRS 043), the Occupational Health and Safety Act No. 85 of 1993, and the guidelines for overhead power lines under South African conditions (NRS 041).

The applicant or operator shall comply fully with the Electricity Department's requirements regarding any underground services proposed as part of the work. No excavation shall take place on site until all requirements of the Occupational Health and Safety Act No. 85 of 1993 and the City of Cape Town Electricity Supply By-Law have been met. Any contravention of these regulations is a punishable offence.

All additional stays required to ensure the stability of overhead poles, considering the added mechanical and wind loading from conductors, shall be installed simultaneously and in coordination with the Local District Office.

Any additional poles or structures required by the applicant or operator shall maintain a minimum clearance of 0.9 meters from the Department's overhead conductors for voltages up to 24 kV.

This approval is conditional upon a formal agreement being entered into between the applicant or operator and the City of Cape Town. This agreement shall be based on the provisions of NRS 043 and shall define the specific requirements for joint use of structures between the parties.

Electrical infrastructure may exist on or near the property. A wayleave shall be obtained from the Electricity Generation and Distribution Department before any excavation work commences. For this purpose, the applicant shall contact the Drawing and Record Centre Office.

No construction shall commence on site without possession of a valid works permit. The applicant shall contact the Local Construction Office prior to starting work.

Zoning Consent (to allow for commercial use)

The owner shall ensure that the erf is electrically serviced for commercial use following rezoning approval. Continued use of the existing domestic supply shall be subject to the following requirements:

The owner shall apply for a tariff conversion to the applicable commercial tariff. An electrical Shared-network Charge (SNC) for the difference between domestic and commercial usage shall be payable. A formal application for the tariff conversion and SNC shall be submitted and paid for timeously, prior to the granting of rezoning approval by the Electricity Department. The SNC shall be payable prior to the transfer of properties, approval of building plans, or within 30 days of the approval of the land use where no transfer or building plan submission occurs.

The owner shall be responsible for all costs associated with increasing the electrical supply to the erf and for any changes to the existing network resulting from the rezoning application, should such changes be required.

If an increase in supply to the erf is necessary, the owner shall submit a formal application timeously. The connection fee, SNC, and applicable conditions shall be determined upon receipt of this application.

Early Childhood Development

The owner shall apply for a tariff conversion to the applicable commercial tariff. An electrical Shared-network Charge (SNC) for the difference between domestic and commercial usage may be payable. A formal application for the tariff conversion and SNC shall be submitted and paid for timeously, prior to the granting of rezoning approval by the Electricity Department. The SNC shall be payable prior to the transfer of properties, approval of building plans, or within 30 days of the approval of the land use where no transfer or building plan submission occurs.