



Richard Walton
Head: Land Use Management

T: 021 400 7579 F: 021 425 6495
E: Richard.walton@capetown.gov.za

05 December 2016

TO: ALL STAFF

STAFF CIRCULAR PBDM 016/2016: REQUEST FOR ORAL SUBMISSION TO MUNICIPAL PLANNING TRIBUNAL.

1. Background

In terms of the Land Use Planning Ordinance, No15 of 1985 no provision was made for oral submissions to the decision maker. The Municipal Planning By-Law now has provisions for oral submissions to the Municipal Planning Tribunal. The Municipal Planning By-Law makes no provision for oral submission to the appeal authority.

This Circular sets out the requirements and procedures for oral submissions to the Municipal Planning Tribunal.

2. Municipal Planning By-law, 2015 provision for oral submission to Municipal Planning Tribunal

Section 120 of the Municipal Planning By-Law, 2015 deals with the functioning of the Municipal Planning Tribunal - the following two subsections deal with oral submissions;

S120(10) No person, other than a municipal councillor, may make oral submissions at a meeting of the Municipal Planning Tribunal without the permission of the person presiding at the meeting.

S120(11) A person seeking permission contemplated in subsection (10) must submit the request to the Municipal Planning Tribunal in writing at least five days before the meeting in question, or closer to the meeting if good cause is shown, and must provide adequate reasons for the request.

3. Who can make a request?

Requests for oral submissions will initially be from an objector who wants to ensure that their objection is considered by the Municipal Planning Tribunal. Applicants will consider making a request when they look at the nature of objections submitted. Applicants may also request if;

- they are concerned that the case officers' recommendation is not in their favour,

- or they are concerned about possible conditions.

The most appropriate time to request oral submission is after the report to the Municipal Planning Tribunal has been prepared. The applicant can see what the recommendation is and if in support - the proposed conditions of approval. The objector can see how their concerns have been addressed in the report and view the recommendation.

A municipal councillor is not required to make a formal request for permission to make an oral submission as the councillor has the right to do so. A councillor must however give notice within the 5 day period, or shorter period if good cause is shown, to the Municipal Planning Tribunal secretariat that he/she wants to make an oral submission.

4. How to make a request

The opportunity to make an oral submission must be to the Municipal Planning Tribunal. The responsibility to inform parties of the opportunity and the process to do so lies with the department.

The standard notices for the media and for persons have been updated to include the following specific reference to the opportunity to make oral representation. These notices should be used with immediate effect. The standard notice to a person is attached to show example.

Request for oral submission:

Section 120(11) of the Municipal Planning By-Law, 2015 provides that a person may request the Municipal Planning Tribunal to make an oral submission. For such request to be considered it must comply with the following requirements:

Must be a written request emailed to the following address:

MPT.oralhearings@capetown.gov.za

Adequate reasons must be given for such request.

The request must be received at the above mentioned address at least 5 days before the Municipal Planning Tribunal meeting that the application(s) will be considered, or closer to the meeting if good cause is shown.

To determine if you would like to make such request, consult the [Council calendar for the 2017](#) scheduled Municipal Planning Tribunal dates. Municipal Planning Tribunal agendas are also available on this [site](#).

Important caveat:

Not all applications advertised will be decided upon by the Municipal Planning Tribunal. The oral submission reference is only required when you are advertising **Category 1** applications types (items 1.1.to 1.13) for Municipal Planning Tribunal decisions. If an error is made, case officers will have to respond to queries from the Municipal Planning Tribunal and requesters to resolve the matter.

[A generic email box](#) has been created by the Municipal Planning Tribunal committee secretariat for the management of oral submissions. Our department does not have access to the email box and we are not responsible for the management of oral submissions.

The [Municipal Planning Tribunal meeting dates, venues and agendas](#) are available on the [City Web](#).

5. Case officers responsibilities

Case officers will still need to manage requests that have already been made and those that may still be made without the benefit of the correct procedure having been given. In addition case officers from LUMS and CI are expected to explain the process to any person making an enquiry about a possible oral submission.

Case officers responsibilities:

- a. **Receipt of interview requests in the future:** A person receiving such letter should be making the request to the [Municipal Planning Tribunal](#) and no longer including such request as part of a response to the departmental letter. This will take some time to roll out and it is likely that for a short period you will still receive some requests from persons who have not been informed of the required process. The case officer must not ignore or discard these requests, but will need to reply to the requester to advise that if they want an oral hearing that the following procedure must be made. You can send an email if available. Include the text above for **Request for oral submission** in your reply. You do not need to be concerned about interview issues after you have corresponded with the relevant person.
- b. **Current requests for interview on case:** Existing applications that already have persons requesting an interview need to be dealt with in the same manner. You need to write to them, acknowledge their request and advise that they need to follow the process in **Request for oral submission**. It is important that you do this as soon as possible. Do not leave it until the report has been completed and sent to the Municipal Planning Tribunal, only to then tell the person about the interview process. The case officer must attend to this as soon as they become aware of the request which **at the latest** should be when they start preparing their report for the Municipal Planning Tribunal.
- c. **Ad Hoc requests in the future:** For current and future applications, a case officer may receive an 'ad hoc' request for an interview. Follow the same procedure to advise the person on how to make such a request.
- d. Reports to the Municipal Planning Tribunal have a box to check if there is an interview. This box is to be completed by the Municipal Planning Tribunal secretariat.

District Managers are to ensure that all staff members under their control are aware of this Staff Circular and ensure that its requirements are complied with.

Should you have any further enquiries with regard to the content of this circular, kindly consult your Section Head or contact [Richard Walton](#) (021 400 7579) for further information.

Thank you for your cooperation

Cheryl Walters
Director: Planning & Building Development Management

The [Municipal Planning Tribunal meeting dates, venues and agendas](#) are available on the [City Web](#).

5. Case officers responsibilities

Case officers will still need to manage requests that have already been made and those that may still be made without the benefit of the correct procedure having been given. In addition case officers from LUMS and CI are expected to explain the process to any person making an enquiry about a possible oral submission.

Case officers responsibilities:

- a. **Receipt of interview requests in the future:** A person receiving such letter should be making the request to the [Municipal Planning Tribunal](#) and no longer including such request as part of a response to the departmental letter. This will take some time to roll out and it is likely that for a short period you will still receive some requests from persons who have not been informed of the required process. The case officer must not ignore or discard these requests, but will need to reply to the requester to advise that if they want an oral hearing that the following procedure must be made. You can send an email if available. Include the text above for **Request for oral submission** in your reply. You do not need to be concerned about interview issues after you have corresponded with the relevant person.
- b. **Current requests for interview on case:** Existing applications that already have persons requesting an interview need to be dealt with in the same manner. You need to write to them, acknowledge their request and advise that they need to follow the process in **Request for oral submission**. It is important that you do this as soon as possible. Do not leave it until the report has been completed and sent to the Municipal Planning Tribunal, only to then tell the person about the interview process. The case officer must attend to this as soon as they become aware of the request which **at the latest** should be when they start preparing their report for the Municipal Planning Tribunal.
- c. **Ad Hoc requests in the future:** For current and future applications, a case officer may receive an 'ad hoc' request for an interview. Follow the same procedure to advise the person on how to make such a request.
- d. Reports to the Municipal Planning Tribunal have a box to check if there is an interview. This box is to be completed by the Municipal Planning Tribunal secretariat.

District Mangers are to ensure that all staff members under their control are aware of this Staff Circular and ensure that its requirements are complied with.

Should you have any further enquiries with regard to the content of this circular, kindly consult your Section Head or contact [Richard Walton](#) (021 400 7579) for further information.

Thank you for your cooperation



6.12.2016.

Cheryl Walters
Director: Planning & Building Development Management