

A critical analysis on the efficiency of property development approval processes in the City of Cape Town

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Abstract

The Western Cape Government Economic War Room has identified that land-use management in the City of Cape Town is inefficient. Coupled with the fact that there is a housing crisis within the City of Cape Town, it is imperative that such inefficiencies are addressed with urgency. Current development regulations in the City of Cape Town are said to be hindering the involvement of the private sector in the property development space and adding unnecessary delays to the property development sector in general. This paper will argue that a reason for this can be attributed to convoluted legislation linked to property development approval processes, that is being too rigidly interpreted and not administered efficiently. There is therefore a need to understand how the overall development application system is run, especially in relation to the land use and building plan application processes, to assist in identifying the inefficiencies affecting the property development space as a whole. This will allow pragmatic solutions to be formulated and expanded on, to better expound how a more efficient development environment can be created. A further important factor in better understanding the property development space, is comprehending the context within which it functions. Namely, the governance systems which affect it, the laws and regulations applicable to it, and the lack of emphasis on saving time throughout the application process.

The purpose of this paper is to show where the inefficiencies lie in the land use management and building development management application processes, and why such inefficiencies may be happening. This paper will also discuss and recommend further topics that should be studied in order to resolve the various issues named. The methodology used to achieve the aforementioned was a mixed method of data collection, which encompassed various interviews with experts working within the property and planning development fields, iterative communication with these professionals, and literature reviews. In sum, there is no one answer to the identified issues as there are many interconnected complexities that must be dealt with in order to address the inefficiencies effectively. What is clear however, is that the current implementation of administrative penalties by the City of Cape Town are causing major capacity issues within the Development Management department and Municipal Planning Tribunal, and which ultimately has a ripple effect on the system as a whole.

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List of Acronyms

AP – Administrative Penalty

BDM – Building Development Management

BNG – Breaking New Ground

CAHFA – Centre for Affordable Housing Finance in Africa

DAG – Development Action Group

DAMS – Development Application Management System

DMS – Development Management Scheme

EIA – Environmental Impact Assessment

IDP – Integrated Development Plan

LUM – Land Use Management

MPBL – Municipal Planning By-Law 2015

MSDF – Municipal Spatial Development Framework

MTSF – Medium Term Strategic Framework

NDP – National Development Plan

NPC – National Planning Committee

PDIA – Problem Driven Iterative Adaptation

SPLUMA – Spatial Planning and Land Use Management Act

Glossary

Term	Definition
Built Environment Professional [BEP-]	An interviewee working within the built environment profession in the Cape Town
Case Officer	The term used when a planning official has been assigned to a particular DAMS application
City of Cape Town	The local government institution that is in charge of governing Cape Town
City of Cape Town Official [CO-]	An interviewee who works within the City of Cape Town's Spatial Planning and Environment directorate
Commenting department	The various internal and external departments that are mandated to comment on a particular development application
Development Management department (DM department)	The department within the Spatial Planning and Environment directorate in the City of Cape Town, responsible for land-use management and building management
Former City of Cape Town Official [ExCO-]	An interviewee who previously worked within the City of Cape Town's Spatial Planning and environment directorate
Municipal Planning Tribunal (MPT)	A tribunal established by the City of Cape Town that receives, considers, and processes land use applications in a court-like manner
National Development Plan (NDP)	A long-term plan implemented by the South African government with the purpose of alleviating poverty, reducing inequality, and promoting growth through cooperative relationships across national, provincial, and local governments, the private sector, civil society, and labour
Planning Official	A City of Cape Town employee responsible for various tasks, including processing and assessing development applications, ensuring that an applicant is informed of the decision in the

	shortest time possible, monitoring the implementation of the project, enforcing all applicable laws, and providing developers, consultants, and members of the public, with general advice related to the DMS
Private Town Planner [Plan-]	An interviewee who works as a town planner in the private sector in Cape Town
Property Developer [PD-]	An interviewee who works as a private property developer in Cape Town
Property Development Approval Processes	The group term for Land use and Building development approvals
Spatial Planning and Environment directorate	The directorate responsible for spatial and development planning within the City of Cape Town Metropolitan area
Western Cape Government Economic War Room (the War Room)	The Western Cape government task team to deal with the South African economic crisis in general, and to alleviate the constraints and red tape stifling growth and development in the property and construction industries

Introduction

South Africa is in crisis: in the third quarter of 2022, the country faced an unemployment rate of 35.2%, forecast to be 36% by the end of the year (PWC, 2022); there is an estimated shortage of 3.7 million housing opportunities (CAHFA, 2022); and of all the countries where Gini-coefficient is measured, South Africa has been placed as the most unequal country in the world (The World Bank, 2022). These three major socio-economic challenges indicate that there are failures in the current developmental governance systems that require a sense of urgency to overcome. An example of a conscious effort to make improvements can be seen in the formation of the Western Cape Government Economic War Room (**War Room**), a government task team whose partial mandate is to address job losses and declining economic activity in the construction and property development industry in the City of Cape Town.

The 'War Room' has identified eight problems that are contributing to job losses and declining economic activity in the construction and property development industry in the City of Cape Town Metropolitan Area, as seen in Figure 1 below:

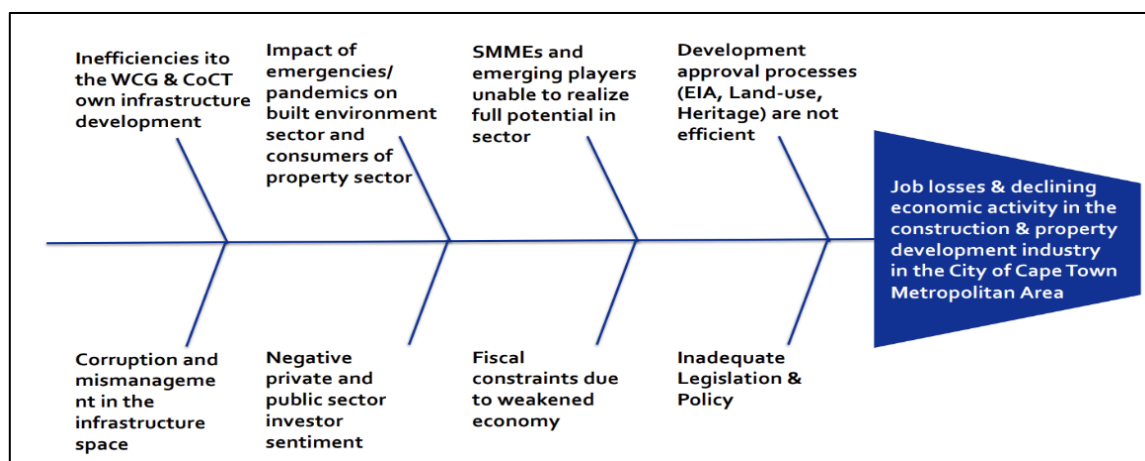


Figure 1: Western Cape Government Economic War Room- Problem Driven Iterative Adaptation Fishbone. Source: (Western Cape Government, 2021:20)

In addition to this, the 'Cape Town Property Development Process Model' (2020) conducted by the Urban Real Estate Research Unit (**URERU**) identified the problem of "the exceptionally long development timeframes (and resultant costs) for all stakeholders in the property development industry, including developers, consultants and government". The research done by URERU related strongly to the problem of "development approval processes (relating to Environmental Impact Assessment (**EIA**), land-use, and heritage) are not efficient" identified in the War Room's fishbone. URERU's development process model pinpointed the number of processes in the land-use and building plan application system, and how long such processes might take, but does not identify the reasons that might be causing the longer procedural time periods. In response to discussions with members of the War Room and with URERU, it was deemed a good opportunity to participate in research that could triangulate "where" inefficiencies of Land-use Management (**LUM**) and Building Development Management (**BDM**) applications are situated within the broader system, and show

“why” such inefficiencies are happening. As such, the research topic “a critical analysis on the efficiency of property development approval processes in the City of Cape Town” was chosen as an opportunity to provide research and data for the War Room, where the findings could potentially be used to make positive changes to the current approval system.

While the scope of this research focused on changes that alleviated job losses and declining economic activity in the construction and property industry, the problem of the housing crisis in Cape Town was also chosen as an important topic that could be addressed at the same level of research, as housing is a direct product of the construction and property industry, and so could be easily linked to the same arguments and findings. This idea came from an inspirational discussion with an employee working in the affordable housing department of a large South African bank. In the discussion it was said that regulatory requirements associated with statutory planning was a contributing factor to the slow supply of large-scale affordable housing projects in Cape Town. When exploring this idea further, it was found that according to the Cape Town Integrated Human Settlement Plan 2022, the projection for total additional housing demand by 2028 would be in a range of between 479 200 and 529 300 housing opportunities – requiring the addition of between 47 920 and 52 930 housing opportunities per annum. It was acknowledged in the Human Settlement Plan (City of Cape Town, 2022e: 25) that if the status quo is unchanged, these demands are unlikely to be met:

“The Human Settlements Strategy projected a shortfall in the development of housing opportunities of between 22 970 and 27 980 every year between 2018 and 2028, assuming the average annual rate of supply of dwellings and serviced sites, by both the private and public sectors, is unchanged”

This revealed the urgent need for research into solutions that might help speed up the development of housing in Cape Town, particularly in the affordable range. It was found that there was a research gap on the effects that regulatory constraints have on property development in Cape Town, and on the effects that regulations have on the private sector affordable housing supply. One study that was found in this research area was conducted by the Development Action Group (**DAG**) (2022), who made the argument that there has been a significant shift in the affordable housing space in Cape Town, with the rise of a successful micro-development industry in various informal settlements. However, the study argued that for continued success, the City of Cape Town should address the complexity of regulatory requirements needed for the legal construction of a property. It was argued that affordable-housing micro-developers in Cape Town want to comply with the required regulations but often avoid certain legislative requirements because the lengthy time periods associated with various approval processes would result in the development being unprofitable. This relates to the argument about affordability made by Grimes & Mitchell (2014:2):

“Dwelling prices are determined in the long run by the total costs of a development, where costs include regulatory costs, including costs of delay and uncertainty”.

Schou-Zibell & Madhur (2010) argue that enhancing the private sector is crucial for economic growth, but such enhancements require the creation of an attractive business environment which stems from government effectiveness in formulating and implementing civil and public policies and having commitment to such policies. In the 'assessment of regulatory constraints to urban infrastructure delivery' that was coordinated by the National Treasury, the costs of regulatory development requirements were analysed in the cities of eThekweni and Cape Town. The conclusion of the report was that "regulatory requirements certainly impose costs in terms of time and money on infrastructure delivery and land development" (SBC & PDG, 2016: 22). The report argued that some of the costs associated with the regulations were justified by the regulatory benefits that they were designed to achieve, but that in almost all the regulations that were reviewed, it was found that there is room for improvement, either in the revision of the applicable regulations, or the provision of support to ensure more reliable, consistent, and facilitative implementation by officials in all three spheres of government.

The observations taken from the above-mentioned sources on the effectiveness of the property development industry can be summarised as:

- The War Room has expressed the need to review the efficiency of development approval processes to prevent job losses and declining economic activity in the construction and property development industry.
- URERU's (2020) development process map has shown that the time periods of developments are lengthier than they should be in Cape Town, which is having negative cost effects on all stakeholders in the property development industry.
- DAG (2022) has expressed the need for fewer or more streamlined regulatory requirements for micro-developers to enable their businesses to continue running a profit, while increasing the supply of affordable housing in the process.
- SBC & PDG (2016) have expressed that regulatory requirements are adding time and cost pressures to infrastructure development, and that there is the need for more reliable, consistent, and facilitative implementation by government officials in all three spheres of government.

The common denominator among these four arguments is the importance of time. Adams & Tiesdell (2013) make the argument that the funding of most property development is undertaken using borrowed money, most commonly from commercial banks. This means that the money must be paid back, with interest, within a certain time-period. The consequence of any added time to what was initially expected for a property development project is encapsulated by McDonagh (2009:5):

"Time permits the power of compound interest to erode the developer's resources, and it allows the conditions of competition and consumer needs which were true when the project started to change significantly"

The importance of time in the property development industry is the core issue that this research seeks to address. However, this topic is examined from a development and statutory planning point of view, and there is thus a focus on the planning laws and implementation mechanisms used in the City. A particular focus was placed on analysing the department in charge of statutory planning in the City of Cape Town, which is the Development Management department (the **DM department**) within the Spatial Planning and Environment directorate. This department is mandated to guide land-use and building-plan applications through a complex, multi-department approval process that is guided by local, provincial and national legislative requirements. The aim of this paper is to provide an overview of how these land-use and building-plan applications (property development approvals) are processed in the City of Cape Town, while showing a critical analysis of where the inefficiencies and bottlenecks can be located and what the causes of such issues could be.

A preliminary look at the inefficiencies in the property development sector found a knowledge gap on the details, extent of delays, and uncertainty in the City of Cape Town's regulatory planning processes, and the subsequent effects possible delays are having on the affordability and delivery of property development. This research therefore aims to provide a visualization of the critical analysis of the LUM and BDM processes, showing the relevant actors involved and the various pressures potentially heeding effective administration and rapid approvals of developments.

To achieve this objective, two streams of analysis were used, the first being a contextual analysis of the broader development, planning, and governance issues that the micro-level problems fit into, and the second being a technical and logistical assessment of the LUM and BDM application processes. The contextual analysis and the technical and logistical assessment were undertaken through the use of compiled data from 20 interviews, iterative communication with professionals who were willing to share their knowledge of how the system functions, and relevant literature related to property development and planning. Initially, this methodology was meant to include assistance from the City of Cape Town, but an adapted methodology had to be used to account for lack of co-operation and communication, and which ultimately resulted in this minor dissertation not being able to pursue a case study driven methodology. Because the methodology had to be adapted, this minor dissertation could not prove each identified issue with substantial hard data.

To illustrate the above, this minor dissertation first discusses the background to the research question being posited. A literature review is then undertaken, which delves into literature discussing planning within Cape Town and South Africa, as well as theoretical work related to the field of development. The literature review is intended to support the arguments made by the interviewees. The next chapter explains the initial methodology that was chosen, and how this methodology had to be adapted to the various complications that arose. The results are then displayed in table format from which a contextual, and a technical & logistical analysis, was undertaken. Using these, an overview of the analyses is presented visually, and the conclusions derived therefrom are set out.

Chapter 1 - Research Background

1.1 Western Cape Initiative

In his State of the Province address in July 2019, Premier Alan Winde indicated that the Western Cape government was aiming to create an enabling environment for 'a job in every household' and that there was a strong focus on improving the "ease of doing business index" within the province. Linked to this, Alan Winde mentioned the importance of cutting red tape within the bureaucratic system, such as technical issues like visa regimes, tariffs, port fees, licencing requirements, and slow planning processes. An example of such action is from the premier himself, who used the 'State of the Province Address' to announce that he had established the War Room that had already set to work on some of the burning issues holding back the province's economic progress (Western Cape Government, 2019). "The Western Cape Economic War Room, in its pilot phase, is being funded by Harvard University and is made up of teams from the province, city and private sector, who are focused on unblocking growth inhibitors in the construction and property industry, informal light manufacturing sector, the Atlantis manufacturing hub, and in tech and Business Process Outputting" (Western Cape Government, 2019).

The Western Cape Property Development Forum (**WCPDF**) reiterated the problem of the slow planning processes in the province and are themselves also playing a role within the War Room. The WCPDF argues that fixed capital and property development are primary enablers that could allow the Western Cape Government to achieve the growth vision that is set out for the province, and that the main problems holding back progress are the constraints and red tape in the bureaucratic systems (WCPDF, 2022). This speaks to the argument of Schou-Zibell & Madhur (2010) that the role of government institutions is largely their attitude towards markets and freedoms, and the efficiency of their operations. The WCPDF argues that excessive red tape and bureaucracy, corruption, overregulation, lack of transparency and trustworthiness, dishonesty in dealing with public contracts, and the political dependence of the judicial system are all factors that contribute significant economic costs to the 'ease of doing business' and slow the process of economic development. This relates to another argument of Schou-Zibell & Madhur (2010) that the difference in productivity and investment among economies can be explained largely by differences in their respective business environments. They argue that a good business environment helps reduce the cost of doing business and can thus result in more predictable and higher returns on investment, enhancing national competitiveness, and underpinning rapid and sustained economic growth

1.2 Basis for Research

In the study of City and Regional Planning, there is a wide range of topics that could be covered in a master's minor dissertation. Planning as a profession is associated with various scientific, humanitarian, social sciences, and commerce fields related to subjects such as geography, environmental science, law, anthropology, geographical information systems, economics, sustainability, and various others (Barker, 2006). When provisional research was undertaken on what topic would be pursued for this minor dissertation, there were some key factors that were kept in mind: (1) what issues in South Africa need to be most urgently addressed; (2) what research could pragmatically be used to help to solve key planning issues; (3) what level of analysis can be successfully applied, given the limitations of the scope and timeframe of a minor dissertation.

With these three factors in mind, discussions with professionals in the field of planning were initiated to get a sense of their most pressing concerns. As these discussions progressed, a "lightbulb" moment occurred when discussing the 'affordable housing crisis' with the head of the affordable housing unit of a major South African bank. What became apparent in the discussion was that there are multiple factors contributing to the slow supply of affordable housing that our urban centres so desperately need, but that a significant negative factor contributing to this slow supply, was the delays associated with regulatory planning approvals. It was said that the major financial institutions are being subsidized by the national government to take on large affordable housing projects, but that the holding costs associated with acquiring development rights, securing bulk utilities, and meeting all regulatory requirements has resulted in many projects being unprofitable and riddled with overburdening hassles, even with the inclusion of subsidies and "prioritization" from the government. With this knowledge, further discussions with property developers, planners and public officials were steered towards the statutory environment in which they work. What became apparent from multiple discussions is that there is immense frustration in the property development world regarding inefficient approval processes. The words "red tape" repeatedly came up in these discussions, and a clear sense of frustration with the bureaucratic processes of regulatory approvals from all three spheres of government could be sensed in nearly every conversation.

In a discussion with Western Cape Provincial Treasury, it was noted that an "Economic War Room" had been established to address the "red tape" issues that were said to be hindering economic growth in the province. The WCPDF had initially proposed the idea of "an economic war room at government level to deal with the South African economic crisis and in particular, to alleviate the constraints and red tape that has been stifling growth and job creation in the property development and construction industries" (Western Cape Property Development Forum, 2022), 2022). After reaching out and engaging in discussions with the War Room, a clear motivation was found for the area of research that this minor dissertation would cover. It was decided that the objective of the master's minor dissertation would be to provide a work of literature

containing data that could contribute to the War Room efforts to increase affordable housing supply in Cape Town and enhance the creation of economic growth and jobs through promoting an environment where development projects can be more effectively undertaken. The War Room's methodology of solving the complex issue at hand was through a process developed by the University of Harvard called a Problem Driven Iterative Adaptation (**PDIA**), which is a step-by-step process that focuses on problems, not solutions (Western Cape Government , 2021)

At the stage where these discussions were taking place within the War Room, the 'fixed capital & property development team within the War Room had already brainstormed and laid out what was considered to be the foundational problems of the property development and fixed capital sector in Cape Town. Following this, the War Room had constructed a 'fishbone' that defined fundamental challenges being observed in the industry. This can be seen in Figure 2 below.

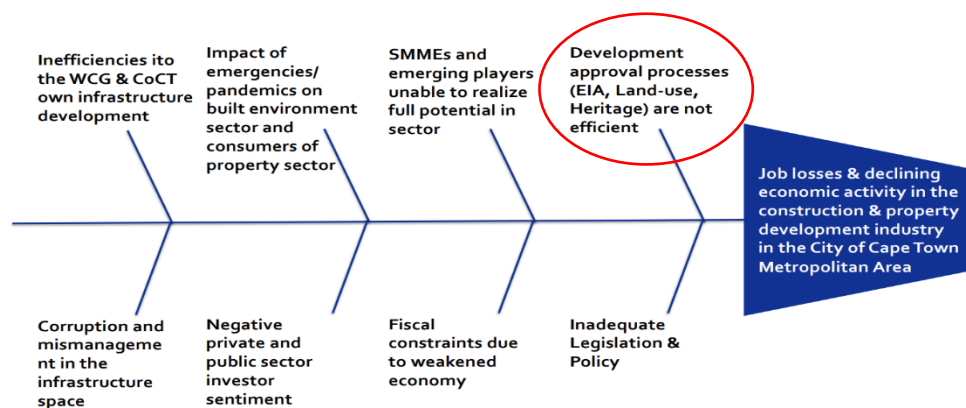


Figure 2: Chosen topic from the fishbone, [ADAPTED]. Source: (Western Cape Government, 2021:20)

Eight main issues were identified as the key contributors to job losses and declining economic activity in the construction and property development industry in Cape Town. Ideally, research that could involve all eight of these issues – a single broader analysis or separate parallel assessments - would be most useful in understanding the broader problem, but time constraints unfortunately limited this minor dissertation to only focus one of the eight main issues. It was decided that this research would focus on the perceived inefficiency of the development approval processes (EIA, land-use, and heritage). Again, due to the short and limiting nature of a minor dissertation, the topic of research was narrowed down even further to just the land-use component within these processes. This choice was also inspired by the work of URERU's 'Cape Town Development Process Model,' which identified the problem of "the exceptionally long development timeframes (and resultant costs) for all stakeholders in the property development industry, including developers, consultants and government" (URERU, 2020)

Land-use applications are dealt with by the Department of Development Management within the Spatial Planning and Environment Department of the City of

Cape Town. This meant that the research would be conducted with the intention of getting a greater knowledge of how the City's application process worked; attempting to identify areas where efficiency could be promoted; and express such efficiencies in a way that can be understood by executives and officials who may not have a full comprehension of the complications involved in the planning processes for developers. On top of this, a core objective would be to express the sense of urgency that is needed in addressing South Africa's economic woes and showing how academia can be pragmatically used to contribute positively to social change.

1.3 Inspiration from Asia

East Asia has alleviated the poverty of one billion people in the space of a generation (Mills, et al., 2020). Inspired by the example of Japan after the Second World War, the economies of Singapore, South Korea, Hong Kong, Taiwan, Malaysia and China - the 'Asian Tigers' - saw a drastic transformation which considerably reduced the number of people living under the poverty line and resulted in extensive gains to human development, varying from child mortality to education (Schou-Zibell & Madhur, 2010). While most East Asian nations followed a similar method of development, it is warned that South Africa cannot just copy and paste these development formulas to bring about economic prosperity. This is reiterated by the Department of Planning, Monitoring and Evaluation (2017) who noted that while the East Asian countries achieved impressive economic growth and improvements to human welfare through a model commonly termed "the developmental state", there is no prototype of this model, and each country must pursue a unique set of policies that are adapted to its own set of challenges. As Kobus van Der Wath says: "Don't try and imitate China, its [sic] success is not down to export to GDP ratios, or the extent of accumulation of foreign direct investment, or the statistics or infrastructure. It is about having sound policy, a good and continuously evolving plan to implement it, and discipline in doing so." (Mills, et al., 2020:170).

The main challenges faced by South Africa are unemployment, low economic growth, inequality, and a housing shortage. This paper focuses on the construction and property industry to combat these issues, as it has been identified by the Western Cape Government as an important industry for growth. Berhane (2012) argues that in many of the East Asian countries, development success was partly attributable to the proper identification of industries that could contribute extensively to economic development, and by identifying the problems that hamper that particular industry's growth, the government could add meaningful contributions to the effectiveness of such industries. This correlates with the South African context, where affordable housing and property investments are activities in which both the government and the private sector have an interest and thus, should be working together on to achieve greater success. Berhane (2012) argues that in developing countries, there is often a coordination problem and an absence of a network of businesses that can play a role in private investment. Berhane (2012) notes that in East Asia, the use of

coordination forums was used to identify the shared interests between the private sector and government, which is an example of a pragmatic approach by the public sector to understand how best to enhance the value created by the private sector. This pragmatic approach should be an inspiration to the public sector in South Africa, particularly to a government that is responsible for economic growth and development. If the construction and property industry is identified as an important means of growth, the private sector should be supported as much as possible and understanding how the public sector can provide the best support, communication and cooperation to the private sector becomes particularly important. This minor dissertation acts as an example of a direct effort to engage in empathetic communications with the important actors within the planning and property development sectors in Cape Town, in order to gain knowledge on how they feel the industry could be enhanced.

Chapter 2 - Literature Review

2.1. Contextual Review: South African and Cape Town Planning

2.1.1. Post-Democracy

When South Africa achieved democracy in 1994, the state experienced sweeping changes in the approach to governance and governmental institutions. The UN Habitat (2009) makes the argument that urban planning should be considered a significant management tool for addressing the unprecedented challenges that modern cities face, and this was true in the case of post-apartheid South Africa, which saw the construction of a strong, progressive Constitution, aided by forward-thinking legislative frameworks and policy approaches that focused on 'righting the wrongs' of apartheid (South African Cities Network, 2022). Duminy & Parnell (2020) highlight the three main imperatives for the new government: firstly, that the state was now committed to creating and augmenting high-level social and political objectives that would promote broad-based socio-economic rights in order to stimulate economic and racial integration, reduce inequality and poverty, and encourage sustainable development. The second main imperative was the need to implement ambitious public sector reform programmes which would overcome the inherently racialized and fragmented government structures, characterized as they were by top-down administrative and managerial approaches, an unequal distribution of human and financial resources, and a general disregard for public accountability principles. The third imperative was a commitment to decentralization – a response to the coercive and controlling nature of the previous government and a political ploy to create a multi-party interim government. The new state would be reorientated towards the improvement of service delivery and the advancement of rapid socio-economic development.

In the period after democracy, the strategic spatial planning in most South African cities had a focus on integration, compaction, and spatial transformation, with a strong focus on improving services, infrastructure, and promoting economic development in the former black townships, or "marginalized areas" (Harrison & Todes, 2020). Municipalities were expected to govern in the interests of their citizens, regulating space in ways that would raise revenue for the municipality, which would then be used to meet the citizens' needs (Zack & Silverman, 2007). Extensive resources and energy were devoted to capacity building, providing technical support, and refining regulatory and institutional systems for better intergovernmental delivery and planning (Duminy & Parnell, 2020). Berrisford (2016) argues that in the mid- to late 1990s, after the fall of apartheid, there was widespread confidence in the power of "plans", with particular confidence in integrated development plans (**IDP**). However, he notes that from 2000 to 2010, national and city government recognized that the

IDP-based planning system was failing to achieve the desired objectives, and that the initial confidence in “plans” was misplaced. A quote by Berrisford (2016:1) summarizes this failure, and speaks to the core argument in this minor dissertation about the importance of implementation:

“Simply having a plan, no matter how detailed, was no guarantee that planned outcomes would be achieved. The misplaced confidence in the capability of the plan per se to effect change gravely underestimated the scale and importance of private-sector investment in land development.”

2.1.2 The Current South African Planning System

The entire development planning, budgeting, implementation, and monitoring process in South Africa is highly complex and would require a larger scope to express the finer, technical details. This section aims to briefly summarize the main structure of planning in South Africa, showing the core legislative frameworks and planning mechanisms that are designed to achieve South Africa's developmental and spatial objectives.

At the base of the system lies the Constitution of the Republic of South Africa, 1996, which: “Sets out the rights of each individual citizen as well as local authorities' competencies, duties and responsibilities, including land use management and planning.” (City of Cape Town, 2022d:32). The overarching framework that is the driver of constitutional objectives at present is the National Development Plan, which was adopted in 2012, and sets out a long-term vision for the country. The core objectives of the NDP are:

1. creating jobs and livelihoods;
2. expanding infrastructure;
3. transitioning to a low-carbon economy;
4. transforming urban and rural spaces;
5. improving education and training;
6. providing quality healthcare;
7. building a capable state;
8. fighting corruption and enhancing accountability; and
9. transforming society and uniting the nation.

The method of achieving the objectives set out in this vision is through cooperative relationships across national, provincial, and local governments, private sector, civil society, and labour (**NDP**). The three spheres of government are mandated to work collaboratively to ensure alignment between their planning processes, budget allocations and their powers and functions (DPME, 2018). While long-term developmental objectives are laid out by the the NDP, the Medium Term Strategic Framework (**MTSF**) acts as the framework designed to focus all government efforts on a set of programmes (City of Cape Town, 2022e). The MTSF defines the strategic targets and objectives of government over a five-year period and acts as the frame of reference that outlines the government's main priorities within that time period (City

of Cape Town, 2022e). At a local level, municipalities are guided by an IDP and a Municipal Spatial Development Framework (**MSDF**). The IDP is the key tool for a municipality to address real issues in households and communities, in a strategic, developmental, and delivery-orientated way. IDP's inform all planning, management, budgeting, and decision-making of the local municipality. An MSDF is legislatively supported to translate the strategy and vision of its associated IDP into a desired spatial form for the municipality. Figure 3 below is a simplified diagram of how the mentioned frameworks and plans fit into the bigger system of national planning, budgeting, implementation, and monitoring.

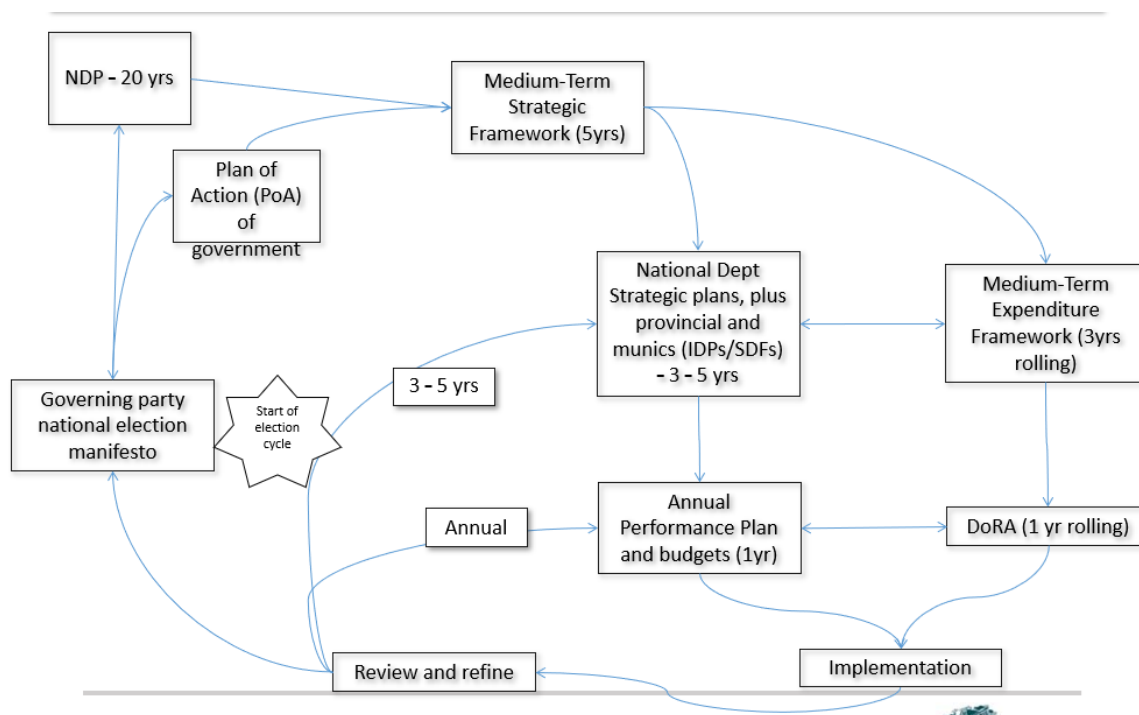


Figure 3: National system of planning, budgeting, implementation, and monitoring. Source: (Cullinan, 2022)

The implementation of planning is mostly initiated at the local level, through the IDPs and MSDFs. The formulation of a municipality's MSDF is guided by the Spatial Planning and Land Use Management Act (**SPLUMA**), which is meant to ensure that the system of spatial planning and LUM promotes economic and social inclusion through the four principles of spatial justice, namely spatial sustainability, efficiency, spatial resilience, and good administration (City of Cape Town, 2021). In SPLUMA it is stated that the Act has been created to "provide a framework for spatial planning and land use management in the Republic; to specify the relationship between the spatial planning and the land use management system and other kinds of planning; and to provide for the inclusive, developmental, equitable and efficient spatial planning at the different spheres of government".

It is said that the theoretical foundation of South African planning is based largely on the old British systems of planning, which may commonly be referred to as 'modernistic planning' (Forbes, et al., 2011). Modernist planning is associated with

urban control and the use of legislation to mould urban development into particular spatial forms, often laid out by a 'masterplan'. While planning in South Africa has largely moved away from traditional modernist planning, particularly with regard to decentralization, most municipalities in South Africa have adopted zoning schemes as a mechanism to achieve the spatial efficiencies and equality that are promoted by the NDP and SPLUMA. This means that the South African development planning system is based on the 'code approach' of development planning, detailed by Zack & Silverman (2007: 3). Zack & Silverman (2007) note that at the core of this approach is a master plan (zoning scheme) that strongly dictates how the land is used, controlling what buildings may be developed, and setting limitations on the shape and size of existing and new buildings. They argue that this is a procedural approach that is meant to be "efficient" as opposed to "effective" or "responsive" to individual cases. Zack & Silverman (2007) argue that the code approach is characterized by bureaucracy and requires high levels of administrative resources. There is little to no flexibility in this approach, and it is thus not adaptable to situations that do not meet the assumptions embedded in the particular code. Zack & Silverman (2007) make the argument that the code approach is an approach that does not promote fast-tracked development or is adaptable to circumstances that may be exceptional. The underlying assumption of the code approach is that the state has the power to enforce the code that it has created and has the capacity to regulate land use practices in accordance to the code's provisions.

2.1.3. Current Economic Situation in South Africa

Over the past decade, it has been difficult to find positivity in the prospects of the South African economy. The country has arguably been between a rock and hard place, without a clear way out in sight. Vast unemployment, extreme inequality, an energy crisis, crumbling infrastructure, a skills exodus, rampant corruption, a failing education system, poor municipal performances, and a lack of moral leadership, are just some of the main "rocks" causing the South African economy to perform so dismally (National Planning Commission, 2011). In wake of such problems, it is more necessary than ever that leaders, citizens, and groups come together and find out where the problems lie and how to fix them. The most concerning indicator of economic distress in South Africa is that by the end of the first quarter of 2022, South Africa had a real unemployment rate of 35,3% - one of the highest unemployment rates in the world (Trading Economics, 2022). The unemployment rate is forecast by PWC (2022) to rise to 36.8 % by the end of 2022, coupled with a real GDP growth rate of only 1.7%. Figure 3 below shows the bleak prospects of the South African economy, highlighting the need for urgent interventions.

Baseline	2020	2021	2022f	2023f
ZAR/USD	16.46	14.78	16.20	16.70
Consumer price inflation (%)	3.3	4.6	6.6	5.4
Repo rate (end-of-period)	3.50	3.75	6.75	7.00
Real GDP growth (%)	-6.4	4.9	1.8	1.6
Unemployment rate (%)	29.6	35.3	36.7	35.6
Probability weighted average	2020	2021	2022f	2023f
ZAR/USD	16.46	14.78	16.24	16.85
Consumer price inflation (%)	3.3	4.6	6.7	5.5
Repo rate (end-of-period)	3.50	3.75	6.78	7.15
Real GDP growth (%)	-6.4	4.9	1.7	1.5
Unemployment rate (%)	29.6	35.3	36.8	35.7

Figure 3: South Africa's economic forecast. Source: (PWC, 2022)

It is clear that the South African economy is failing to create jobs for the millions of people who seek employment, and that there is a direct relationship between joblessness and the high levels of poverty and inequality seen in the country (Western Cape Government, 2022). It has been argued that a large contributing factor to the poor performing economy in South Africa is the mismanagement and inefficient leadership at local government level. Because of the decentralized approach chosen by the African National Congress government, there is an emphasis for economic growth to be driven by municipalities and district municipalities within the local sphere of government (Rogerson, 1998). Over the years there has been very poor performance from these local governments, and in many cases, there are towns and cities that can barely provide the most basic municipal services, let alone generate employment. Nel & Rogerson (2016) argue that a fundamental problem at this local economic level has been related to corruption and poor governance. This speaks to the theme of the ability of South African institutions to implement policy. It is argued that successful developmental choices for the South African economy will stem from a meaningful collaboration between economic sectors and government, labour, business, universities, and research institutes (Western Cape Government, 2022). Schou-Zibell & Madhur (2010) argue that enhancing the private sector is crucial for economic growth, but such enhancements require the creation of an attractive business environment which stems from government effectiveness in formulating and implementing civil and public policies and having commitment to such policies.

2.1.4. South African and Cape Town Housing Crisis

South Africa

In addition to South Africa's economic problems, there is also an extensive housing shortage, particularly in the low-income bracket. After the introduction of the Reconstruction and Development Programme, the public sector has been involved in the construction and distribution of low-cost housing to citizens that were victim to spatial discrimination during the apartheid regime (Nel & Rogerson, 2016).

By law, every South African has the right to adequate housing, meaning that the government has the responsibility to address this.

“Section 26 of the South African Constitution guarantees all within the Republic the right of access to adequate housing, creating an obligation on government to take reasonable steps, within resource availability, towards progressive realisation of this right”

- City of Cape Town (2021:9)

In the one of the critical actions in the NDP is to be achieved by 2030 is to “densify cities, improve transport, locate jobs where people live, upgrade informal settlements, and fix housing market gaps” (NPC, 2011:24). However, without clear reforms as to how settlement upgrading and development is to be achieved by the public sector, there is doubt that such actions will be achieved by 2030. This doubt is backed by the statistic that in August 2022, South Africa was faced with a housing shortage of roughly 3.7 million units (Centre for Affordable Housing Finance in Africa, 2022). South Africa's population continues to grow, and the demand for housing, particularly affordable housing, is continuously increasing. It could be argued that the failure by government to build housing at an adequate rate could be alleviated by the enhancement of the private sector. According to the CAHFA (2022) the delivery of new affordable housing (valued between R300 000 and R600 000) is low from the private sector, while 94% of new housing stock that is valued below R300 000 is government subsidised. This statistic should raise questions about why this is the case in South Africa, and an argument put forward by the paper is that the public sector actors are not city builders, but private developers are. As such, the private sector needs to be incentivised to build affordable housing as the current system is clearly not yielding results. For the public sector to learn how private developers can be incentivised, a lesson can be taken from East Asia, who ensured cooperation and clear communication channels with prioritised industries. By communicating and empathizing with developers, details about the problems development projects face can be understood, and with proper understanding, adequate resources and efforts can be directed strategically.

Cape Town

According to the City of Cape Town (2021), in 2020, the number of households in Cape Town was approximately 1.44 million. Of these households, roughly 270 000 were living in informal dwellings. On the City's ‘housing needs register’, there were 344 084 applications that reflected ‘awaiting a housing opportunity’. The City of Cape Town (2022e:22) notes that:

- Approximately 12% of the poorest households in Cape Town (R3500 and below), are almost completely reliant on formal state subsidised housing for ownership, and reliant on social housing for rental opportunities.
- The highest proportion of households (33%) fall in the lower GAP market of R3501 – R10 000. These households earn too much to qualify for a fully subsidised house, but too little to purchase a formal house in the ‘traditional’ market.

- Approximately 10% of households in Cape Town earned between R10 000 and R15 000 and would be able to afford both social housing and some market rate rentals.

Taking new household growth and households currently living in informal dwellings into account, it is projected that by 2028, the range for total housing demand will be between 479 200 and 529 300 housing opportunities (City of Cape Town, 2022e). This equates to the requirement of between 47 920 and 52 930 housing opportunities per year for the next decade if demand is to be met. It is acknowledged in the City of Cape Town's Human Settlement Strategy that these requirements will not be met:

"The Human Settlements Strategy projected a shortfall in the development of housing opportunities of between 22 970 and 27 980 every year between 2018 and 2028, assuming the average annual rate of supply of dwellings and serviced sites, by both the private and public sectors, is unchanged"

- (City of Cape Town, 2022e: 25)

The statistics in Cape Town clearly show that the current housing supply system is failing substantially. This again asks questions about the effectiveness of current systems and plans. The housing crisis in both South Africa and Cape Town is a highly complex problem and has no "silver bullet" that will be a quick fix (McGaffin, 2018). However, it is common that literature regarding the lack of affordable housing delivery in South Africa often revolves around the argument of the lack of land availability and finances - which are undoubtedly contributing factors to the problem - but from conversations with developers in Cape Town, there was a strong sense that regulatory constraints and unpredictable delays are as much an issue as land availability and finance. What this research will put forward is that these statutory planning delays are not being properly acknowledged in South African planning and development literature, as well as in government strategies. This argument stems from discussions with financial institutions and commercial property developers, who tend to be the most prominent players in the housing scene.

2.1.5. Spatial Planning and the Environment

Spatial and development planning in the City of Cape Town is handled by the directorate of Spatial Planning and Environment. Within this directorate there are two departments – 'Urban Planning & Design' and 'Development Management'. Summaries of the mandates of these two departments are tabled below, taken from the City of Cape Town's official website (City of Cape Town, 2022d).

Table 1: City of Cape Town's spatial and development management mandates. Source: (City of Cape Town, 2022d)

Department	Mandate
Urban Planning and Design	<ul style="list-style-type: none"> - "Preparing a city-wide spatial development framework as part of the City's Integrated Development Plan (IDP)" - "Integrating and balancing the requirements of sectors such as – housing, transport, utilities and economic development" - "Provide built environment guidance through spatial planning and urban design frameworks, policies, guidelines, ongoing strategic advice and facilitation and monitoring"
Development Management	<ul style="list-style-type: none"> - <u>Land Use Management</u> "Ensuring that all land is used in accordance with what use is permitted by zoning rights and their accompanying restrictions." - <u>Building Development Management</u> "Ensuring that all buildings in the city comply with approved building plans which are guided by the National Building Regulations and Building Standards Act 103 of 1977"

The Urban Planning and Design department designs and encourages specific developments in certain areas of the City, while the DM department oversees all statutory planning, and they are thus critical players in the property development process. It stated by the (City of Cape Town, 2022g: 6) that development management and control is necessary because:

1. "it creates a measure of certainty by enabling landowners to know their property rights (*i.e.*, what is allowed);
2. "it helps determine the value of a property";
3. "it creates order and control in the interest of neighbouring property owners, giving them some comfort in knowing what type of building may be put up next door in the future, and what it may look like"; and
4. it allows the City and potentially affected parties to assess the desirability and likely impact of new development.

Each property within the boundaries of the City of Cape Town falls within a set of regulations that controls the development of that property. These regulations are set out in the Development Management Scheme (**DMS**), which is part of the Municipal Planning By-law 2015 (**MPBL** or **By-law**). The MPBL gives effect to the municipal planning function allocated to municipalities in terms of Part B of Schedule 4 of the Constitution. It is also linked to certain requirements set out in SPLUMA and the Western Cape Land Use Planning Act. The DMS zones every property in Cape Town in a particular category that has specific development rules that include both primary and consent uses. The DMS further lays down development restrictions and parameters called "development rules" for each type of property, which includes building sizes

and heights, building setback and lines, maximum coverage, where buildings may be located on a site, height restrictions, and bulk (City of Cape Town, 2022g). If a developer wants to build a development that falls outside of the land-use rights of the chosen property's zoning, they will have to put an application in to the City to adjust the land-use rights of that area. If a proposed land-use or building plan does not comply with the DMS, an additional application must be made to pay an 'administrative penalty'. According to the section 129 in the MPBL (2015:68): "A person who is in contravention of this By-Law, and who wishes to rectify the contravention in terms of section 130, may apply to the City for the determination of an administrative penalty if the City has not issued a demolition directive in respect of the land or building or part thereof concerned". The reason for including administrative penalties is not given in the MPBL, but it could be argued that it is a regulatory mechanism that discourages development outside of the spatially planned zones that the DMS and Spatial Development Plans allocate.

In Cape Town, there are eight districts that handle land use and building plan applications. These districts are Table Bay, Blaauwberg, Northern Suburbs, Tygerberg, Helderberg, Mitchells Plein/Khayelitsha, Cape Flats and Southern Suburbs. When a developer submits an application, the area where the project is located determines which district the application will be assessed by. Both land-use and building plans can only be submitted via the online e-Services and can be tracked using the City's Development Application Management System (**DAMS**). This online system allows for the submission, processing and tracking of land-use applications and building plans and is fully integrated with the City's SAP enterprise environment, linking to the City's Geographic Information System, the City's Central Property Repository, and with the City's Digital Financial System. The City of Cape Town has an award-winning planning portal on its official website which provides substantial information on the regulatory processes that the City is involved with and provides easy to use guidelines on how to submit an application in DAMS.

2.1.6 Cape Town Regulatory Environment

It was found that there is currently a knowledge gap on literature targeted at understanding the regulatory environment for property development in Cape Town. In general, it is difficult finding information on the value that regulations add to the property development sector, and conversely, the negative impacts that regulatory delays are having on private sector developments. A voice that is loud in this space is the DAG, who are engaging extensively with the City's executives to promote policy adaptations that will enhance the micro-development phenomenon in Cape Town. DAG (2022) have argued that:

"Cape Town's current regulatory regime (including land use, building and title deed regulations, institutional-administrative systems and bureaucratic practices) fosters informality and inhibits formal investment in small-scale rental housing. Our analysis highlights the enormous complexity, time and resources involved in getting regulatory approvals."

It is said by the National Treasury (2019) that regulation is disproportionately costlier for small and young firms and discourages informal firms from formalizing. The complexity of regulatory procedures at all levels of government — such as licensing and compliance with regulation — raises barriers to entry and inhibits the expansion of new and young firms. This ties in with the argument by DAG (2022) that small, informal micro-development businesses are often avoiding the regulatory requirements for buildings, as full compliance would make their projects unprofitable.

“An overly onerous regulatory environment can reduce the rate of entrepreneurial activity and business ownership” (Ardagna & Lusardi, 2010; Klapper et al., 2007; (National Treasury, 2019: 33).

In the ‘assessment of regulatory constraints to urban infrastructure delivery’ report, coordinated by the National Treasury in 2016 and that assessed the cost of regulatory development requirements in the cities of eThekweni and Cape Town, it was found that “regulatory requirements certainly impose costs in terms of time and money on infrastructure delivery and land development” (SBC & PDG, 2016: 22). The report argued that some of the costs associated with the regulations were justified by the regulatory benefits that they were designed to achieve, but that in almost all the regulations that were reviewed, it was found that there is room for improvement, either in the revision of the applicable regulations, or the provision of support to ensure more reliable, consistent, and facilitative implementation by officials in all three spheres of government. Since May 2018, there has been a conscious effort by the Cape Town private property sector to work with the government to reduce “the constraints and red tape that is stifling growth and job creation in the property development and construction industries”. (Western Cape Property Development Forum, 2022). This is a sign that there is a problem within the regulatory system that is having a negative impact on the efficiency of property development in Cape Town. An effort to bring light to this issue was conducted by the URERU, which developed the ‘Cape Town Property Development Process Model’, and which “Was created to assist in highlighting the exceptionally long development timeframes (and resultant costs) for all stakeholders in the property development industry, including developers, consultants and government, with the objective of identifying opportunities to reduce time and cost by consensus” (URERU, 2020).

2.2. Development Theory

2.2.1. Types of Development Planning

Silverman (2007: 3) notes that there are various development planning approaches that have been used by governments around the world - some that adhere strictly to a set of specific rules, while others focus more on development outcomes and the contextual impact of developments. They note that Taylor (1973) categorized four broad approaches to development planning. These approaches are:

1. The Code Approach

At the core of this approach is a master plan that strongly dictates how the land is used, controlling what buildings may be developed, and setting limitations on the shape and size of existing and new buildings. This is a procedural approach that is meant to be “efficient” as opposed to “effective” or responsive to individual cases. The Code Approach is characterized by bureaucracy and requires high levels of administrative resources. There is little to no flexibility in this approach and thus it is not adaptable to situations that do not meet the assumptions embedded in the particular code. This arguably makes it an approach that does not promote fast tracked development nor accommodating of circumstances that may be exceptional. The underlying assumption of the Code Approach is that the state has the power to enforce the code that it has created and has the capacity to regulate land use practices in accordance with the code's provisions.

2. The Merit Approach

This is an approach where land use and buildings are assessed according to the merit of the application, instead of undertaking an assessment against a particular development plan or code. Any building scheme could theoretically be approved so long as it meets the merit criteria of the decision-making administrators.

3. The Performance Approach

This approach involves quantitative and qualitative measures to formulate performance standards that are related to the impact that a development has on its surroundings. This means that development is not limited by what the developer may or may not do regarding land use or buildings, but rather by the impact such a development will have on the environment. For this approach to be successful, there needs to be a set of detailed performance standards that have embedded objectives and goals and that are conveyed with and accepted by local communities. It is arguably an approach that is best suited to area-based development.

4. The Free Market Approach

This approach allows for any development to take place as long as it adheres to the general laws associated with safety and health, as well as common law.

2.2.2. Importance of Planning

Healey (2017) argues that while planning projects may take many different forms and rely on various types of legislation, the primary focus of the practice is to deliberate collective attempts to improve the quality of places. The UN Habitat (2009) argues that the objective of sustainable urbanization is to enable productive, inclusive, and liveable cities, towns and villages. To achieve sustainable cities while still contributing to climate protection, planned changes are required to evolve the way in which settlements are spatially serviced and configured. Barker (2006) expressed that there

are several key benefits that a planning system provides. It gives local communities the opportunity for involvement in the vision of an area; adds certainty to businesses and individuals so that they know what developments are likely to take place in specific areas; it aids planning for the future; and protects historic investment from bad unneighbourly effects. Barker (2006) also argues that a planning framework can help tackle regeneration of run-down urban areas and can ensure that the important built and natural environment is enhanced and protected. A quote by Kelly, et al. (2007:5) reiterates this:

"Planning is of fundamental importance to the quality of people's lives. It shapes the places where people live; allows us to create vibrant, healthy sustainable communities; protects and enhances our natural and historic environment; ensures everyone has access to green space and unspoiled countryside; and supports the economic development which is vital to creating jobs and ensuring our continuing prosperity"

According to Napier & Berrisford (2013), in an idealised city, the citizens and the state work symbiotically in an effort to create better places for people to live and for businesses to generate profits. As such, Adams & Tiesdell (2010) make the argument that planners should not just be seen as regulators but rather as players within the property market. They suggest that planners should be equipped with the skills and knowledge to understand development economics to a level where they can have a sympathetic understanding of a property developer's calculations, but also have the confidence to challenge them where necessary. This is because planning is critical to providing confidence and clarity for investments by markets so that good development is able to be delivered (Adams, et al., 2016). Adams & Tiesdell (2010) argue that for planners to be effective market actors, they should have substantial knowledge of development economics so that they are able to negotiate financially on level terms with developers, which would be ineffective if economic knowledge was shallow. Adams & Tiesdell (2010) further argue that spatial planning can be considered as the "shaping and delivering of tomorrow's places", which requires an ability to have spatial integration and co-ordination of investment plans across the public sector, with emphasis on the search for spatial governance as much as spatial planning. Lombardi, et al., (2005) notes that the key to sustainable urban development is the linking of the technical requirements of property market valuation, analysis, and investment appraisal with the more substantial economic, social, and environmental issues and then understanding the connection of assessment and evaluation between the two forms.

2.2.3. Property Development

In most urban environments there is some degree of change that happens over time. This change, be it slow or rapid, is a result of a production process that is fundamental to the shaping of the built environment (Adams & Tiesdell, 2013). This production process is known as "Property Development", which is a production process that requires complex organizational systems to align the necessary inputs, at the correct time, in order to create a desirable finished product (Adams & Tiesdell, 2013). The

process of developing property is an intricate one that requires the combined knowledge and expertise from a multitude of professional fields (Altona, 2009). Property developers in the private sector can range from single person operations to trans-national corporations employing thousands of people (Wilkinson & Sayce, 2015). The nature of property development is complex and deals with technical processes with a pipeline, upstream, downstream, and transformative analogy within a market sector that requires extensive management expertise and entrepreneurial skill (Lombardi, et al., 2005).

Adams & Tiesdell (2013) argue that property developers are key players in the development process and that their activities are vitally important to the way urban spaces develop and evolve over time. It is argued that property development is a business of high-risk, often involving large sums of money tied up in the production process, providing a product that is relatively indivisible and illiquid (Wilkinson & Reed, 2008:). Lombardi, et al., (2005) argue that the property development process can be referred to as 'front-end loaded' with extensive expenditure on 'upstream' activities while often producing additional 'standing stock' on a 'speculative' basis which is driven by anticipation rather than a direct response to demand. This front-end loading of development (initiation, evaluation, and acquisition of materials) has the tendency to be riddled with legal, financial, and technical difficulties and is often abortive.

In the textbook "Property Development", Wilkinson & Reed (2008: 3) conceptualize the main stages of property development as:

1. Initiation

When a parcel of land or site is considered suitable for a more intensive or different use, or if there is demand for a particular use that then leads to the search for a suitable site.

2. Evaluation

The assessment of the financial viability of a project through market research and the financial appraisal of the proposal. This is where the developer gets advice from multiple professional inputs, but the risk of the decision ultimately lies with the developer.

3. Acquisition

Once the legal and ground investigations are complete to confirm whether the site is suitable for the development, finance is secured, and the site is purchased so that the development can be started.

4. Design and Costing

The design process is one that is continuous and runs parallel with the various other stages, getting more attention and detail as the development proposal increases in certainty. As the design of the development gets more detailed, the quantity surveyor can make comprehensive estimates of the cost of building which enables negotiations with building contractors to commence.

5. Permissions

This is the statutory stage where local planning authorities are engaged to authorize any change of land-use or building permissions that are regulated by a local planning scheme or legislation.

6. Commitment

Once all preliminary work has been undertaken and the developer is satisfied that the risk of the project is low enough for it to be successful, there is a commitment made to undertake the development. Before committing, the project is evaluated once more to add certainty that economic circumstances that determine the success of the project have not changed in the preparation stages. Once the developer feels that the factors for profit maximization are in place, contracts are signed to acquire all the necessary land, finance, and building contractors.

7. Implementation/Construction

The implementation commences at the point of commitment to a particular site on which the particular building/s at a particular cost and over a particular time are deemed to be in order. Most commonly, a project manager is employed to co-ordinate the design and building processes. The project is consistently monitored throughout its lifetime and amendments are made where necessary to ensure the best results.

8. Let/manage/dispose

The success of the development will depend on the ability to secure willing occupants at the rental or selling price that was estimated in the evaluation stages. The developer regains capital by either letting out the built structures or by outright selling them.

There are various methods of funding property development projects but the most common means of accessing funds for a large development is through a bank. Adams & Tiesdell (2013) note that the nature of banks is to concentrate on short-term development finance, and they are concerned primarily with the financial stability of property developers and the likelihood of profitability of a proposed development. Traditionally, banks need to be satisfied on four main grounds before lending to a property development. According to Adams & Tiesdell (2013) these four grounds are – (1) the track record and creditworthiness of the property developer, (2) a viability study that is favourable and a strong forecast of cash flow support by independent valuation, (3) a means of suitable assurances that the project can be refinanced or sold when completed, and (4) the provision of a guarantee or sufficient security for the loan. The nature of profit in property development projects is the return or the opportunity cost that the investors require to justify the risks involved in the investment activities and development organization (Botha, et al., 2014).

Adams & Tiesdell (2013) make the argument that not all property developers are the same and that there are many who follow strategies and actions that differ from the populist mythology of property developers. Adams, et al. (2012:6) discuss four main implications for understanding the behaviour of property developers and the extent to which it is open to policy influence. They note that the first thing to understand is that developers are not policy-driven by nature. The prevalent development culture, site constraints, and the market, are likely to be equally or even more influential to the decision-making of property developers. Secondly, it is likely that property developers will see policy as a constraint as opposed to an enabling influence. Thirdly, Adams, et al. (2012) argue that the development industry is both a specialized and varied space, and as such there may not be a single "development culture", but rather a constantly changing spectrum of cultures as policy, markets and site constraints alter over time and space. Here they echo Coiacetto (2000:370) who called for planners to understand that different developers think differently and that there are variations from place-to-place. The last point is that at an individual level, one can portray developers as entrepreneurial influencers of urban change, who is relenting in the identification and pursuit of their own interests.

2.2.4. Governance in the Built Environment

Planning is a tool to solve development problems, but a strong capacity is needed for there to be effective planning results (Berrisford, 2011). It is a commonly accepted argument that governments have an essential role to play in the shaping of the built environment. However, Adams & Tiesdell (2013) argues that effective co-ordination between the many different actors involved in the built environment is critical to successful place making. South African Cities Network (2022:67) describes governance as: "both governing through bureaucratic systems and processes, and managing competing public and private interests and stakeholders, through political processes". Heywood's (2015:19) argument is that 'governance' differs from 'government' in that it refers to the various ways through which social life is co-ordinated – which differs from 'the formal and institutional processes which operate at the national level to maintain order and facilitate collective action through the executive, legislature and courts'. Governance can also be defined as "the traditions and institutions by which authority in a country is exercised, and includes the process by which governments are selected, monitored, and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them" (Schou-Zibell & Madhur, 2010:17).

The UN Habitat (2009) acknowledges that urban planning can and should be used to overcome fragmented governance in public decision-making and policy formation, since there is a spatial dimension attached to most national and local development policies and associated investment ideas. It is recommended that this is done through building vertical and horizontal relationships using territory and place as the linkage between planning and other policy sectors such as infrastructure provision. The UN

Habitat (2009) argues that in developed countries, the change of stance to 'government' and 'governance' is due to growing complexities related to globalization and the multilevel context modern economies are entrenched in. They argue that in developing countries the stance is associated with the idea that governance has been promoted with the democratization and decentralization that has been largely driven by multilateral institutions. Adams & Tiesdell (2013:107) summarize the three commonly recognized modes of governance. These are

1. Governance through hierarchies

The idea that power is concentrated at the top from which co-ordination at lower levels is pursued through authority. In public governance systems there are hierarchies that operate on the expectation that the lower levels of government will adhere to the laws, statutory regulations, and government circulars that are set at the top levels. This emphasises the importance of the role of the central government institutions to enable successful implementation through a top-down approach.

2. Governance through markets

With the rise of neo-liberalism came a change in the role of the state. The position of the state shifted from being the direct provider of collective goods and services to that of being a strategic enabler of alternative provisions through the voluntary and private sectors. This emphasizes a "hands-off" approach by government who acts as a private sector enabler rather than a provider.

3. Governance through networks

This form of governance was developed after the neo-liberal mandate of fragmenting public institutions proved to work poorly in enhancing urban quality or to provide sustainable forms of development. Governance through networks thus emerged as a collaborative approach to enable all relevant stakeholders across the private, voluntary, and public sectors, to work together to achieve common goals.

Adams & Tiesdell (2013) go on to make the point that because planning is primarily concerned with the distribution and redistribution of value, both in terms of financial and environmental, there is an inherent relationship with politics, making it prone to political calculation and controversy. But what Albrechts (2006) emphasises here is that through the complications of political interference, planning (especially strategic spatial planning) must relate to action and implementation. Albrechts (2006: 1162) stresses that there is the need to "find effective connections between political authorities and implementation actors (officers, individual citizens, community organizations, private corporations, developers, and public departments)". Adams & Tiesdell (2013) argue that to achieve this, spatial planning should have access and

the ability to deploy a set of mechanisms that are able to regulate, shape, and stimulate markets, while also building the capacity to do so.

The South African Cities Network (2022:74) speak about the question of what good urban governance is. In response to the question, they argue that 'good' urban governance is shaped and enabled by an appropriate set of devolved powers, responsibilities, functions, and (financial and human) resources, that are applied towards common goals that are locally defined and anchored in sustainable development and human rights. The South African Cities Network (2022) go on to say that good urban governance involves the inclusion of a broad range of other governance stakeholders steering their efforts, while getting guidance by the meaningful participation of residents. Lastly, what is said about good urban governance is that it respects the important interests in local government affairs of regional and national governments, and other rural and urbanized areas – cooperating with them through reciprocal structures geared towards the achievement of a broader set of societal goals.

2.2.5. “Red Tape”

The term 'Red Tape' is often deemed ambiguous and at times unhelpful. The Western Cape Government defines 'red tape' as “non-essential procedures, forms, licences, and regulations that add to the cost of dealing with government” or “anything obsolete, redundant, wasteful or confusing that diminishes the competitiveness of the province, which stands in the way of economic growth and job creation or wastes taxpayers' time and money” (Western Cape Government, 2022). In a 'red tape reduction' report coordinated by the GTZ and Mesopartner, it is argued that there are three main kinds of red tape (Wegmann & Cunningham, 2010):

1. Red tape created by rules and regulations that are developed for achieving specific policy objectives and are thus policy related.

Wegmann & Cunningham (2010) argue that while policies are mostly developed with good intentions, there is often a result of unintended consequences, or certain circumstances change, which leads to the ineffectiveness of the policy. Examples given are that a regulation might have made sense under a specific set of circumstances which then became irrelevant, or a rule, in its original concept, was not properly define and thus people found 'work-arounds', leading to the need for changes or additions to the rule. It is argued that this is what can lead to the rule becoming difficult to interpret or enforce in a consistent way. Wegmann & Cunningham (2010:9) summarizes this type of red tape in the quote:

“Red tape caused by policies, and implemented by rules, regulations and laws, may be due to their absence or partial to complete ineffectiveness. Inconsistent interpretation and difficulty in enforcement are symptoms of policy-related red tape.”

2. Red tape created by procedures and systems that are functioning in an ineffective and inefficient way due to administrative and management issues

Wegmann & Cunningham (2010) argue that red tape in administrative and management systems and procedures are typically caused by a variety of factors. These might include: a lack of formal procedures, poor design of procedures, poor management skills, little oversight of the performance of procedures, or staff simply not following procedures. There may also be problems such as poor IT systems, unnecessary steps, or complicated forms that add to the level of difficulty. Wegmann & Cunningham (2010:10) summarizes this type of red tape in the quote:

“Administrative and management procedures and systems create the routines that enable organisations to perform functions. Typical symptoms of red tape at this level are long delays and unclear roles and responsibilities.”

3. Red tape created when stakeholders from different sub-systems interact or exchange information

Wegmann & Cunningham (2010) argue that even if procedures and systems are carefully designed, they may become cumbersome if there is too little information available on how the procedure works, or if the staff behind the counters are unhelpful or unfriendly. Such interfaces that involve this communicative red tape are given as:

- human interfaces such as interpersonal communication between individuals, teams and organisations;
- the usage or consumption of private and public goods and services by consumers or people, such as refuse removal or telephone lines and
- technological interfaces that enable communication or automation such as websites, telephone systems, and other media.

Wegmann & Cunningham (2010:12) summarizes this type of red tape in the quote:

“The interfaces between units and organisations allow information and communication to flow. These interfaces can be physical, human or technological. Typical symptoms of red tape at the service interface are lack of information and transparency, and poor or inconsistent customer care.”

2.2.6. The Importance of Time

Garner (2008) argues that land development projects are typically evaluated in terms of an economic frame, by using different measures of merit that is based off discounted cash flows. He argues that because of this, the element of ‘time’ is critical to the determination of viability, since the discount applied to any project is fundamentally based on discount over time. Kessides (2004) reiterates this thinking by arguing that effective regulation is more than just building institutions and ensuring regulatory independence. He goes to argue that to create an attractive investment environment, there needs to be a focus by policy makers on regulation's substantive

content, which would include sector economics that lies at the foundation of investment plan feasibility.

Grimes & Mitchell (2014) argue that the price of a property development is ultimately determined by the total costs of development. They argue that these costs include land costs, construction, costs of council rules and regulations, opportunity costs, costs of delay and uncertainty, and financial costs with allowance for risk. It is expressed by Garner (2012) that the affordability of housing is impacted by the passage of time involved in the project. Developers generally included this time in the calculations of the holding costs of the project, costs that are eventually passed on to the price of the end-product and end-purchasers (Grimes & Mitchell, 2014). This is reiterated by Adams, et al., (2016), who argue that the framing of delays as an economic cost comes from the position that time factors as a major component in market decisions. Garner (2008:6) reiterates this:

“Housing affordability is impacted by the passage of time. This especially relates to the time taken by regulators to provide input and make decisions on projects once a financial commitment has been made by a project's proponent. This is more generally included in the calculation of holding costs by developers, a cost which is inevitably passed on to end-purchasers”

Garner (2012) argues that this is particularly relevant to the time taken by regulators to make decisions and provide input on projects once a developer has made a financial commitment. The cost, timing, and magnitude of a development can be directly affected by government macro-economic policy and strategies that are targeted at urban and regional regeneration of settlements (Lombardi, et al., 2005). In Australia, there have been various publications associating housing affordability issues with land-use regulation inefficiencies. Adams & Tiesdell (2013) analyse the economics relationship between planning and housing markets and while the observed studies used varying methodologies it was noted that the common theme was clearly that restrictive planning tends to reduce the size and number of homes built, leads to higher housing prices and higher residential densities.

2.2.7. Tragedy of the Anticommon

The 'tragedy of the commons' is the concept that if too many actors hold the right to use a particular resource and these actors lack the right to exclude others with the same right from using the resource, if each individual actor behaves rationally, they will maximize their use of the shared resource even if the end result is the overuse of the resource to the point of its destruction (Shackelford, 2009). The 'tragedy of the anticommons' is essentially the opposite of this. The tragedy of the anticommon is the idea that if too many actors have the right to exclude others from a resource, that resource will be underutilized. The tragedy of the anticommon relates to the property development world by Gebhardt (2017), who uses the theory as a possible explanation for the negative development and redevelopment scenarios seen in US cities. The argument is that, rather than the abundance of abandoned buildings, vacant lots and empty storefronts being solely as a result of market demand, a reason

for such issues could be linked to anticommon behaviour, where the participation of too many actors may hinder the successful reuse, redevelopment or revitalization of such properties (Gebhardt, 2017).

Anticommon property can be defined as “a property regime in which multiple owners hold effective rights of exclusion in a scarce resource” (Heller, 1998: 668) Such owners may exercise their exclusionary rights in such a way that a scarce resource is under-used. In an anticommon regime, a person who is assigned exclusionary rights may not have the capacity or the desire to pursue the monetary gains of a development (Sim, et al., 2002). A contextual example of this would be a situation where a development such as a theater is proposed near or within a neighbourhood. Theoretically, a development of such type should add monetary value to the surrounding area, but a situation may arise where homeowners, for a particular reason, will object to the development and use their rights to delay or even prevent the development from happening. Gebhardt (2017) talks about the dichotomy where government regulators and property owners both have direct rights to exclude, as opposed to investors, neighbours and users who may possess actual or *de facto* rights of exclusion. This results in situations where the need to strategically position and align all actors may result in high transaction costs and complex cooperation, which may prove to be too severe a barrier.

2.2.8. Improving Development Planning

The definition of regulatory planning refers to “The rights and conditions set out in the zoning plan, along with legal requirements pertaining to the process of allocating or changing land-use rights, buildings and space use” (UN Habitat, 2009:11). While policy and regulations are generally developed with good intentions, they can often create unintended consequences or become ineffective because particular circumstances change (Wegmann & Cunningham, 2010). Adams & Tiesdell, (2013) emphasize that when there is a lack of collective thought and action in urbanism, there tends to be an intensification of risks to development activity that can produce more disintegrated outcomes across both time and space. Adams & Tiesdell (2010) make the argument that planners should see themselves as “market actors”, as they have a direct involvement in framing and re-framing local land and property markets and are thus operational players in such markets. The call from Adams and Tiesdell (2010) is that local communities are likely to benefit from planners who seek to promote more, rather than less, efficient markets.

UN Habitat (2009) argues that a planning system should be configured in a way that pays attention to identifying the livelihood and investment opportunities that can be built on, as well being able to handle pressures that could lead to corruption and subversion in the planning institute. This means urban planning should be institutionally placed so that it can use responsive and collaborative processes to create livelihood and investment opportunities. This should be coupled with appropriate legislation and robust mechanisms that would be able to address and handle corruption at a local government level. Adams, et al., (2016:3) argue that for there to be proactive planning, there are three main things to be done:

1. Planners should talk more about how better economic, social, and environmental outcomes can be delivered through development that is well-planned, and less about planning processes and procedures.
2. Local and national government should consider the particular resources, expertise, and power that planning agencies and services require to ensure that better outcomes are delivered consistently.
3. In both policy and research, the value of planning needs to be analysed on the extent to which it delivers the economic, social, and environmental benefits it so demonstrably can, and what needs to be done to ensure these outcomes might be maximised in practice. In both policy and research, the value of planning needs to be analysed on the extent to which it delivers the economic, social and environmental benefits it so demonstrably can, and what needs to be done to ensure these outcomes might be maximised in practice.

McDonagh (2009) published a study in which the critical success factors in the New Zealand land development were conveyed. The core lesson from McDonagh's research was that development success is centred around profitability, timeframes, and budgets. This is linked to the idea that fundamentally, a city is built by property developers, not by government. Adams & Tiesdell (2010) notes that in most western countries, the majority of the built environment is financed and constructed by the private sector, which makes a spatial planner's ability to understand and influence development processes and property markets an important test of their effectiveness.

Adams, et al. (2016) identify three principal outcomes relating to statutory planning delays. The first is that planning decision-making that is slow can be seen as a hinderance to the ability of planners to respond to pressing societal concerns, which are largely related to promoting economic growth and the increased supply of housing. The second is that slow planning processes can be seen as a "brake on entrepreneurial activity" and is viewed as stopping industry responses to rapidly changing markets and opportunities. The third is that planning processes are often cast as a "labyrinth", which both private and public sectors struggle to navigate. As a result, there are delays and these delays are financially costly to both the businesses who are trying to negotiate through it and also the state who has to supply resources to police the system. Adams, et al., (2016) concludes here by saying that planning is largely characterized as slow and bureaucratic, but often the critiques tend to downplay the complexities of long-term democratic decision-making on a places' future that inevitably includes a myriad of stakeholders, interest groups and actors.

"Planners with access only to regulatory instruments must confine themselves to land-use regulation, and indeed may come to regard regulation as the essence of planning. A true test of whether spatial planning is really action orientated and significantly different from traditional land-use planning is whether it is bestowed with the necessary tools to shape and stimulate markets, rather than simply to regulate them".(Adams & Tiesdell, 2013)

Chapter 3 - Methodology

3.1. Methodology Journey

This minor dissertation was affected extensively by the need to change the methodology more than halfway through the allocated masters timeframe. Because a research partnership with the City of Cape Town was proposed months after the research proposal had been submitted, working with the City was not an idea that had guided the approach for how the methodology would be structured. However, when the opportunity arose to work with the City, it was undeniably an opportunity to work with people and data that was much closer and in line with what was trying to be achieved. It is explained in this section how the research topic came to be, how the methodology was initially conceptualized, how it adapted to working with the City, and then how cooperation with the City did not work, because of slow ethical clearance in the City's research processes. On top of this, an explanation is provided on how cooperation with private sector property developers also failed, and the entire structure of this research had to change less than two months before the deadline.

3.2. Conceptualization

The core objective of this research paper is to provide data to assist the Western Cape Economic Warm Room (WCEWR) to address inefficiencies in land-use applications in the City of Cape Town. How this research topic was arrived at was explained in the 'basis for research' earlier in this paper. Related to this topic is the work done by the URERU on mapping out the property development process in Cape Town. URERU's 'Cape Town Property Development Process Model' (2020) was created to "assist in highlighting the exceptionally long development timeframes (and resultant costs) for all stakeholders in the property development industry, including developers, consultants and government, with the objective of identifying opportunities to reduce time and cost be consensus". After further research and discussions with professionals in the field, it was found that there was a knowledge gap on the effects of regulatory inefficiencies and delays on Cape Town property development. This presented an opportunity for this minor dissertation to explore this gap, while at the same time, using academia to provide practical data to public sector decision-makers who potentially could make positive changes to the system. URERU's process model identified the extent of development timeframes by laying out the number and nature of processes that development approval applications must go through. This minor dissertation attempts to take this a step further and to triangulate "where" inefficiencies of LUM and BDM applications are situated, and show "why" such inefficiencies are happening. The core purpose of this is to help the City of Cape Town identify ways to reduce timeframes for private developers so that there can be an enhancement of

job creation, poverty alleviation, and housing production through effective construction.

The key philosophy of this research was a focus on pragmatism and empathy. The focus on pragmatism stemmed from a personal interest in the successes of the East Asian Tigers – countries in East Asia that have experienced incredible economic growth in the last half a century. The book 'The Asian Inspiration: Why and How Africa Should Emulate Asia' by Mills, et al. (2020) attributed a large part of these Asian countries' successes to their public sector's focus on pragmatically implementing policy and plans. This inspiration pushed the research in the direction of obtaining hard, 'on the ground' data, and an understanding of the process from the point of view of professionals who are involved in the systems day to day functions.

The focus on empathy in this research stemmed from two sources. Firstly, the War Room used the PDIA approach, designed by Harvard University, where reform is implemented by "feeling the way", and where a solution is developed "iteratively" by a changing set of agents and results in hybrid processes (Western Cape Government, 2021). The PDIA approach focuses on the problems instead of the solutions, linked to the theory of Aristotle's "First Principles" - the notion that when solving a problem, one must try to get to the very foundations of that problem. In simple terms, the idea is that one must "think like a scientist", breaking a situation down into its very basic principles (Mouzala, 2012). However, the nexus of planning, property development, and governance cannot simply be solved by scientific methodology, as it is a very human-orientated space, filled with complexities that are not just 'black or white'. Therefore, inspiration was taken from the theory of 'Design Thinking', which is a human-centric approach, focused on having a deeper understanding of an idea through observation rather than a set of structured methods (Jain, 2015). Design Thinking has become a popular approach to entrepreneurship, as it encourages the understanding of one's customers and market before creating a product or service (Dreier, et al., 2019). How this is related to the developmental processes in the City of Cape Town is that property developers and built environmental professionals can arguably be seen as 'customers' of the City's planning department; thus, for planning processes to be most effective, the City should have an empathetic understanding of what their "customers" most desire and need.

The initial conceptual methodology intended for this research was to use the "Cape Town Property Development Process Model" as a structural backbone from which real property development case studies in Cape Town would be connected to the developmental processes displayed in the model (Urban Real Estate Research Unit, 2020). The initial idea was to collect real project cases and to align their real timeframes with the various processes laid out in Figure 4 below. The use of cross-referencing real projects to the conceptual timeframes drawn in the model was considered to be an opportunity to provide 'on the ground data' that might show the first principles of where inefficiencies and bottlenecks could be found in the overall development process in Cape Town.

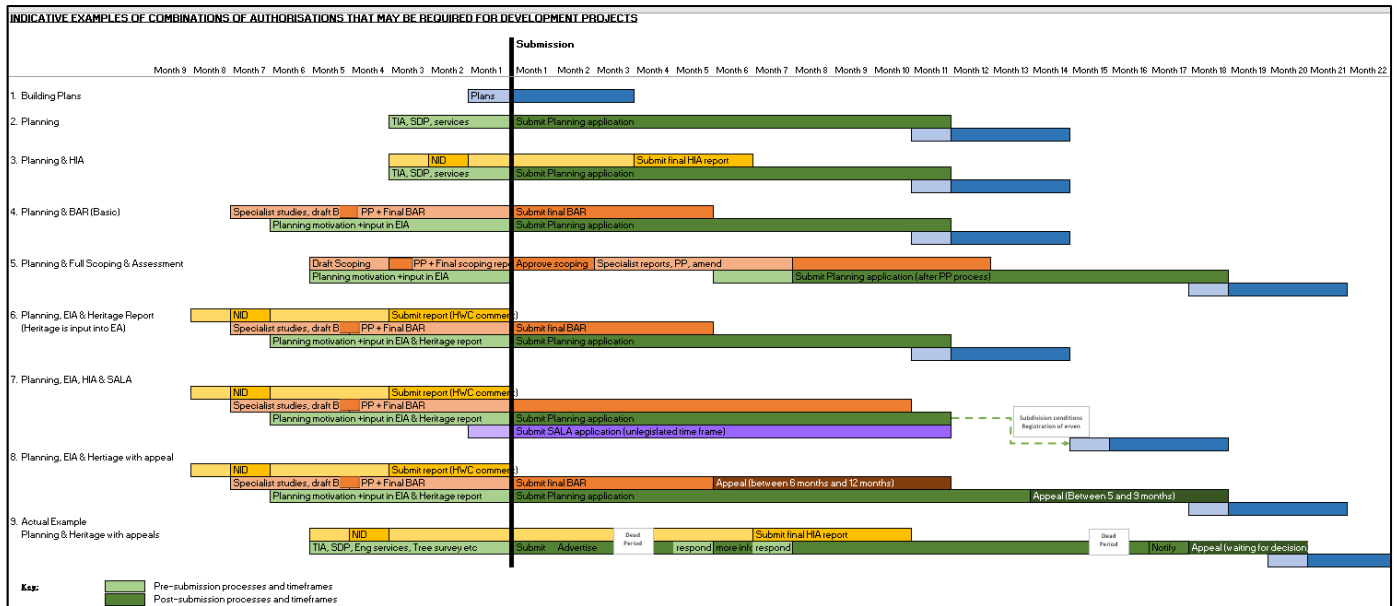


Figure 4: Urban Real Estate Research Unit's Cape Town development process overview. Source: (Urban Real Estate Research Unit, 2020)

However, as expressed in the basis for research, the interaction with the War Room led to a shift in the research area to focus on the narrower topic of land-use applications in Cape Town. After researching the mandate of the City of Cape Town's Spatial Planning and Environment Department, it was found that planning in Cape Town was divided into spatial planning - by the spatial planning department - and land-use and building development by the DM department. Within the DM department, both land-use applications and building plans are important statutory contributors to the property development processes in Cape Town, so it was decided to group both application processes into the term "property development approval processes". This led to the topic of this research, which is "the critical analysis on the efficiency of property development approvals in the City of Cape Town."

3.3. Initial Methodology

After the conceptualization of the topic that this research would cover, it was decided that the methodology would be heavily focused on obtaining real 'on the ground' case studies that could be used to pragmatically analyse the key inefficiencies and bottlenecks in the land-use and building plan applications. The use of case studies limits the ability to make generalized assumptions, but the attention to selected details of real, experienced situations would enhance the analysis and the clarity of reasoning behind certain observed decisions (Zucker, 2009). It was felt that case study methodology would provide the level of richness, depth of information and contextualization necessary to understand the topic, which has the nature of a thick description – involvement of human social action, not just physical behaviours (Denham & Onwuegbuzie, 2013). The City of Cape Town would act as the broad case study for an overall analysis to be conducted, while data would be collected for case

studies within the case study, as a means of generating an in-depth, multi-faceted understanding of the complex issue of the City of Cape Town property development applications (Crowe, et al., 2011). Private property developers in Cape Town would be contacted, interviewed, and asked for help with providing real case study data of projects. A template was created for the property developers and their team to fill in, with a combination of category options and open-ended answer spaces. The template was made up of two parts - the first asking questions about the nature of statutory delays, and the second asking about quantitative financial implications of such delays. The template was designed to collect data that could show the area of a delay, the extent of the delay, and how the cost of the delay could be quantified to show the financial effect it had on the project. The reason for this was because of the intention to use mixed methods in analysing the inefficiencies, combining elements of quantitative and qualitative research to produce an understanding of "where" and "why" the inefficiencies are present, as well as showing the level of severity. It was clearly stated in the template that the developer did not have to share any information deemed confidential, and the developer was given an option to choose the level that the data could be shared. The developer was also asked to fill in more than one template if they had more than one project that they were willing to share.

The analysis of these case studies would be tied together by the minor dissertation's narrative, which would be guided by literature and interviews with professions involved in the property development process (property developers, town planners, project managers and any other profession involved in the industry). The structure of the interviews would be based off techniques from the 'Empathy' phase of the Design Thinking methodology, which focuses on letting the interviewee speak 'from the heart'. The key principle in the empathetic interview is to listen more than to speak and enable a free-flowing conversation (Jain, 2015). In theory, if the interviewee speaks from the heart, they are likely to express their real thoughts and opinions of the matter, which can then be expanded on further in the discussion (Dreier, et al., 2019). From these opinions, a narrative could be constructed in the minor dissertation that could enhance the analysis by expressing any core themes that were of relevance to the problems being explored.

The method of choosing the appropriate people to interview would be done through a combination of intuition, current networks, and a networking snowball approach. As explained in the basis of research section, prior to the conceptualization of the minor dissertation topic, an effort was made to have discussion about the broad topic of improving development in Cape Town, which led to various networking opportunities such as conferences, seminars and private meetings. On top of the existing network, intuition would be used to identify people whose profession would involve interactions with Cape Town's property development processes. When successfully reaching out and having discussions with that person, they would be asked if they had any suggestions for other people to talk to. This method would make it easier to gain trust from the interviewees who were strangers, as they would feel

more comfortable knowing that someone they were familiar with had been through the same interview process. Because the main focus of the research would be orientated around the case studies, there was no clear plan of how many interviews would be sufficient, but a minimum of ten interviews would be conducted and a conscious effort would be made to speak to anyone of research value that would be willing to contribute.

It was also decided that interviews would not only be conducted with private sector professionals, but also with public sector officials from both the Western Cape Government and the City of Cape Town. The reason for this links back to the importance of empathy in this research, as it was deemed to be more useful and pragmatic to also understand the situation from the public sector side - as they might reveal points of interest that the private sector would be unaware of. It was through this approach that a network was made within the City of Cape Town's planning department, who then facilitated a meeting with the acting Executive Director. In the meeting, the research topic was discussed and there was an eagerness from the City officials to help where they could. In the meeting the proposed methodology was discussed, and a suggestion was made by the officials that access into the DAMS system should be given for research purposes. The time limitation of the minor dissertation (final hand in was 28th October 2022) was also discussed and it was decided that the planning department would assist in getting official ethics clearance through the City of Cape Town's Research Branch – Policy and Strategy Department (**P&S department**) (which is renowned to take lengthy periods of time), so that the research could get access to official data from the planning department.

The idea of getting permission into the DAMS system shifted the methodology and it was proposed to use the case studies that would be collected from private property developers as reference cases to observe and analyse within DAMS. This would allow a thorough analysis of real case studies, looking at the application processes from both a private and public perspective, and allowing for the triangulation of any inefficiencies or bottlenecks that may be present. This analysis of real case studies would then still be joined together by the narrative from interview and literature data, which would enhance the accuracy of the arguments being made and provide a better contextual understanding of what might be happening in the analysed system. The concept of this methodology is shown in Figure 5 below:

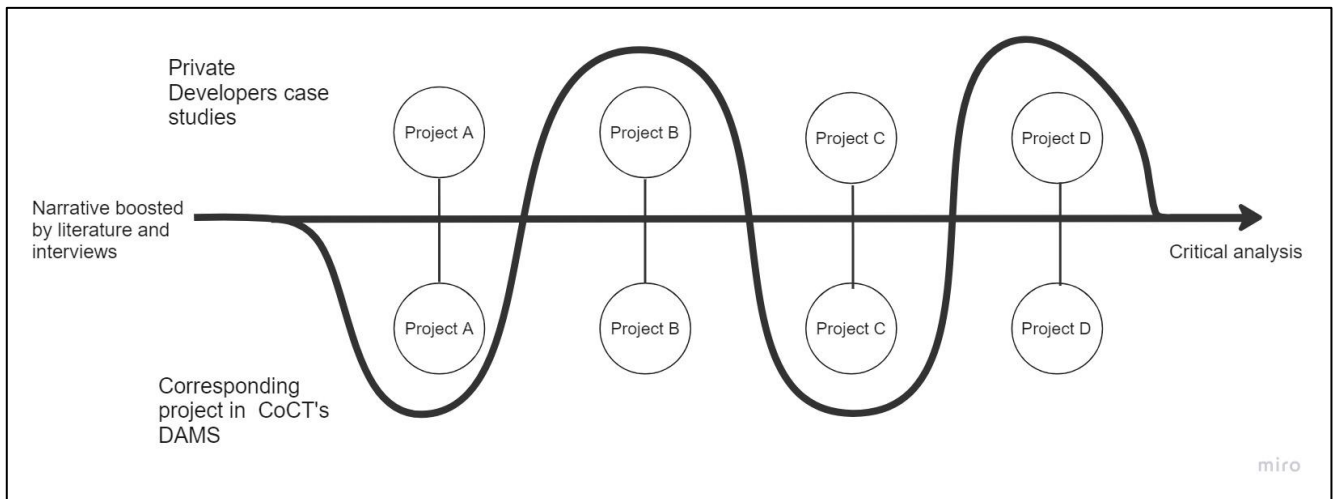


Figure 5: Initial methodology. Source: Author.

A City of Cape Town ethics application was completed, clearly stating the purpose of the research and what data was intended to be used. Acknowledgment of the application was received in an email from the CP&S department on the 1st of August 2022. In the wait for the application to be approved, interviews and the template collection would continue, as well as general analysis of relevant literature.

Because the minor dissertation research was orientated towards a specific localized problem identified by the War Room, there was an extensive literary knowledge gap. As such, the literature that would be reviewed, would largely relate to the generalized theory on property development hinderances. The book "Shaping Places" by Adams & Tiesdell (2013) had provided inspiration in the early stage of the research, to explore the importance of cohesion and understanding between the three fields of planning, property development, and governance. This however, often led the research in the direction of analysing the much broader perspective of planning in South Africa, which often had to be readjusted into a narrower target of Cape Town. The report by DAG (2022) was used as an anchor in the Cape Town context, and along with URERU's development mapping process, was a guide on what regulatory areas to focus on.

3.4. Adapted Methodology

In reality, the official ethics approval from the P&S department was not given within a workable timeframe. Several attempts were made by the networked official in the planning department to get the allocated research officer to speed up the application, but this did not yield any success. By the end of September 2022, it was said in a personal conversation that the executive director had signed the approval of the ethics application and that the official letter of approval would come through. By mid-October, no official approval was received, even after attempts of communication with the planning department.

A similar problem was experienced with the templates received from the private property developers. Out of six developers that agreed to provide information, only

one developer had provided data by the beginning of October. Of the two templates that were provided, not enough detail was given for the data to be used in the critical analysis. Several attempts were made with each developer to convey the limited timeframe that the research was prone to, but this did not yield any real success. By mid-September, the reality of not receiving any data from both property developers and/or the City of Cape Town, led to a back-up plan of adapting the methodology to data only from interviews and literature. A shift was made away from research orientated around case study data, to an analysis that could be made using the information from interviewees. The lack of cooperation both by the City and the private developers would also be used as a data point. What was observed by this lack of cooperation could add extra details to any arguments being made about the need for cooperation between the public and private sector, and whether the level of mistrust in the industry is at a such a high level that research on how to fix things is being ignored.

A total of 20 interviews were conducted. From the private sector- five private property developers, seven town planners, one project manager, one land surveyor and one consultant were interviewed. From the public sector – two Cape Town planning officials and three ex-Cape Town planning officials were interviewed. In the proposed methodology, the data from interviews was set to only play a supportive role to the argument, which would be mostly focused on quantitative data. As such, the interviews in June and July were held according to the initial 'design thinking' style of listening and empathizing, allowing the interviewees to speak their minds in order to get a 'true' reflection of how they felt. This yielded rich discussions that pointed to a variety of issues and frustrations within the system. However, because of the free-flowing nature of the discussions, the data was not structured in a way that could easily be analysed -as terminology often differed, and subject emphasis would vary from person to person. In the initial methodology, the unstructured nature of the interview data was not a problem, as the interviews were not going to be used as the backbone of the research. However, by the beginning of September, a rising concern was being felt about the proposed access to the City's data and the template data from private developers. As a result of these concerns, a backup measure was initiated that meant further interviews would be structured in a way that the data could be analysed as core data, if the original quantitative data was not available.

The chosen backup methodology was to still provide a critical analysis on the efficiency of the property development approval process in Cape Town, but instead of focusing on real case study data that could be quantified, the analysis would be produced through two information streams. This is represented in Figure 6 below. The first would be the contextual analysis, creating contextual themes from the arguments being made in the interviews that could be linked to reviewed literature and which were deemed important contributors to inefficiencies in the system. From the eleven interviews that had already been completed before the shift in methodology, several key themes had been picked up in the conversations that were then used as key indicators to guide further interviews. The remaining interviews were still held in an

empathetic manner but were now being guided in a more structured way by the broad indicators that have been mentioned, and which also linked to reviewed literature. Examples of the initial themes that were picked up in the first eleven interviews were communication issues; a mismatch between what politicians & executives were wanting to achieve and what was actually being done 'on the ground'; institutional culture; capacity issues; incorrect statistics being provided by the DM department about meeting statutory timeframes; inconsistent interpretations by officials; inefficiencies with the rotations among the various departments in both building and land-use plans; and City officials not understanding the importance of time in the property development industry. It was found that these indicators aligned with literature that was being reviewed.

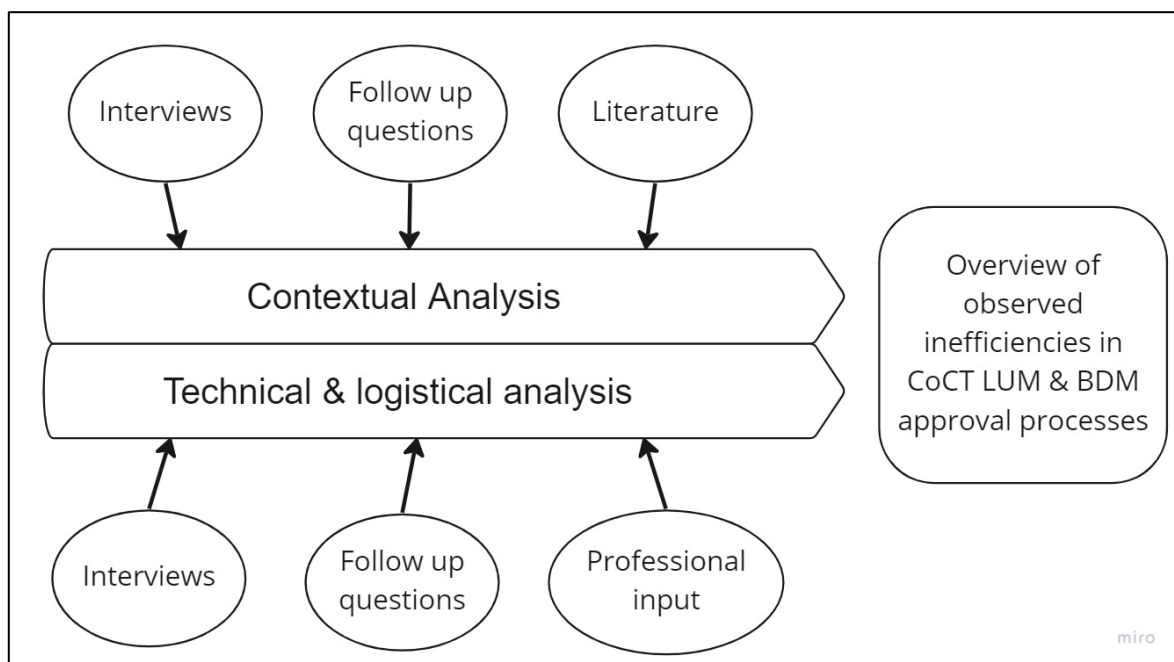


Figure 6: Adapted methodology. Source: Author

The interviews after the shift in methodology involved questions that related to some or all of these themes, as well as questions on any further frustrations or inefficiencies the interviewee felt in the system. This was because interviews were now being used to triangulate specific inefficiencies that were being repeatedly brought up in previous discussions, to clarify the analytical strength that each issue would have. More emphasis was put on getting interviews with private town planners, as it had become clear that they would generally have a better understanding of the LUM application processes, as opposed to private property developers. Attempts were also made to have more discussions with City officials in the DM department, but only one other interview was had in this category, as other efforts were blocked by the ethical clearance delays. As information was being gathered through these interviews, certain indicators were deemed more important, and new indicators would be added if a point of interest was relevant to the overall picture that was being envisioned. It was found that the indicators produced from the first 11 interviews were

often repeatedly brought up or agreed with in the latter interviews, which showed strength in what was being found.

An example of a point of interest that became an important indicator was brought up by [Plan-3], who mentioned the problems being caused by “administrative penalties” in the application system and pointed to the capacity problems that it was causing both for the case officers in the DM department and for the MPT meetings. This became an immediate point of interest, and all further interviewees were then asked about their opinions on admin penalties, and previous interviewees were asked follow-up questions about them through email correspondence. Reiterative communications were kept with several of the interviewees, and because relationships had been formed through a common objective (improving Cape Town’s approval processes) it was found that many of the interviewees were willing to help where they could.

After the shift in methodology, it was also emphasized that an advanced technical and logistical understanding of the land-use and building plan application process would be gained, with the idea of laying out the steps of the land-use and building plan processes and then providing a critical analysis using the data from the interviews. This would then be used to construct a diagram that could visualize the workflows of the actors involved in the approval processes, while using the critical analyses to show where the inefficiencies lie within the system. Using documents given by [Plan-2] and [Plan-B] and from the City of Cape Town’s planning portal, a step-by-step process guide was created for land-use applications that could be used to show the path an application takes from start to finish. This was inspired by the “Building Plan Submission & Approval” diagram created by DAG (2022: 20) which visualized the regulatory steps that building plans must go through in the City of Cape Town’s system. It was decided, for the sake of saving time, that the diagram from DAG (2022) (Figure 12) would be used in this paper as the method of showing how the building plan processes worked, and an image of the diagram was sent to various interviewees for opinions on the accuracy of the diagram and whether they had any comments on frustrations or inefficiencies that aligned with certain steps in the diagram. It was found that all the inquired interviewees agreed that the diagram was accurate, and so it was confirmed that it would be used in the technical and logical analysis section of the paper. [Plan-2], [Plan-4] and [BEP-2] were particularly helpful in providing guidance and input on how Cape Town’s LUM application process worked, and the step-by-step process layout was revised by all three professionals before being finalized in the research.

The number of interviews stopped at twenty because of the limited time that was available. Ideally, more interviews would have been conducted in order to provide an even clearer and data driven analysis of the system, but it was felt after twenty interviews that enough of the indicators had been repeatedly agreed upon as relevant issues, and the analysis could then be focused on. All points of interest were grouped into key indicators and tabled in an excel document. At first the indicators were tallied, and a table was made that showed the indicators in the order of most

occurring at the top, to least occurring at the bottom. But after further thought, it was decided that the method of structuring the latter 9 interviewees according to the key indicators found in the first 11, meant that using the number of times certain indicators occurred as a representation of the importance of the indicators would give a skewed reflection of the results. The key themes that the contextual analysis would be built around were then decided to be based off important literature that was related to indicators that the interviewees felt were of importance. The three broad themes of "solution-problems mismatch"; "the importance of implementation in achieving a vision" and "an enabling environment" were chosen as the narrative channels that the key points of interests could be discussed and portrayed in, as a structured argument. These three themes were chosen according to a combination of observing the results from interviewees, observing which areas were emphasised the most, and which broader channels would be best used to encapsulate as many of the points of interest as possible, while still linking to the literature that provided the key theoretical backgrounds.

In relation to this, a technical and logistical analysis was done on the "administrative penalties", "land-use applications" and "Building Plan Applications". The focus on administrative penalties was a result of the prominence of administrative penalty applications being expressed in various interviews and how this correlated to various other issues that other interviewees had also brought up. Once the contextual, technical, and logistical analysis was complete, a diagram was constructed that could visually represent the connections of the various actors that had been brought up, and their relationships with the processes that were being analysed. This diagram was the overview of the system, essentially showing the hypothesis of the entire problem, and identifying areas that could be researched further if the larger hypothesis is to be proven.

Chapter 4 – Results

Overall, 20 interviews were conducted in this research. All interviewees, except for one, wanted to remain anonymous, due to the nature of this research. It was explained in the Methodology about the nature of these interviews and how the structure of the discussions changed throughout the period of the research. The tables below are a summary of the key points of interest that were observed in the official interviews. While the wording of each interviewee differed quite extensively, if a point of interest was observed in relation to a key indicator that had already been noted, it would be grouped into that associated indicator.

Table 2: Interview results

Interviewee	Profession and XP	Key Indicators	Date of interview
BEP-1	Private Sector Project Manager	<ul style="list-style-type: none"> - Greater communication needed from City officials - Administrative capacity issues - Poor quality applications from private sector - Mismatch between current legislation and development needs - Inaccurate statistics from DM department 	June 2022
PD-1	Private Sector Property Developer	<ul style="list-style-type: none"> - Unable to access pre-application meetings - Greater communication needed from City officials - Department rotation issues for BDM - Negative effect of holding costs - Monitoring issues - MPT tribunal delays - Unpredictable approval timelines 	June 2022
PD-2	Private Sector Property Developer	<ul style="list-style-type: none"> - Disconnect between the plan and implementation - Mismatch between current legislation and development needs - Unpredictable approval timelines - Negative effect of holding costs - Greater communication needed from City officials - Department rotation issues for BDM and LUM 	June 2022
Plan-1	Private Sector Town Planner (16 years)	<ul style="list-style-type: none"> - Department rotation issues for BDM and LUM - Unpredictable approval timelines - Inaccurate statistics from DM department - Disconnect between the plan and implementation - Poor quality applications from private sector 	July 2022

Interviewee	Profession and XP	Key Indicators	Date of interview
CO-1	City of Cape Town Planning Department Official (36 years)	<ul style="list-style-type: none"> - The need for an enabling environment - Institutional culture - Mismatch between current legislation and development needs - City officials not understanding the value of time - Administrative capacity issues 	July 2022
ExCO-1	Ex-City of Cape Town Planning Department Official (7 years in the City)	<ul style="list-style-type: none"> - Disconnect between the planning and economics - Institutional culture - Mismatch between current legislation and development needs 	July 2022
PD-3	Private Sector Property Developer (24 years)	<ul style="list-style-type: none"> - The need for an enabling environment - Red tape - The role of local government - Department rotation issues for BDM and LUM - Mismatch between current legislation and development needs - Institutional culture - Importance of leadership - Lack of engagement with private sector in when drafting legislation. 	July 2022
ExCO- 2	Ex-City of Cape Town Planning Department Official (35 years)	<ul style="list-style-type: none"> - Mismatch between current legislation and development needs - Administrative capacity issues - Disconnect between City, Province and National legislation - Red tape - Department rotation issues for BDM and LUM 	August 2022
Plan-2	Private Sector Town Planner Name: Nigel Burls (requested) (38 years)	<ul style="list-style-type: none"> - Mismatch between current legislation and development needs - Department rotation issues for BDM and LUM - Administrative capacity issues - Monitoring issues - Disconnect between City, Province and National legislation - City officials not understanding the value of time - Inaccurate statistics from DM department - Officials manipulating DAMS system 	August 2022

Interviewee	Profession and XP	Key Indicators	Date of interview
PD-4	Private Sector Property Developer (45 years)	<ul style="list-style-type: none"> - City officials not understanding the value of time - Negative effect of holding costs - Institutional culture 	August 2022
BEP-2	Private Sector Consultant	<ul style="list-style-type: none"> - Institutional culture - Greater communication needed from City officials - Disconnect between planning and economics - Disconnect between the plan and implementation - Importance of housing development 	August 2022
Point where methodology was shifted			
Plan- 3	Private Sector Town Planner (25 years)	<ul style="list-style-type: none"> - Officials manipulating DAMS system - Administrative capacity issues - Department rotation issues for BDM and LUM - Mismatch between current legislation and development needs - Unpredictable approval timelines - City officials not understanding the value of time - Administrative penalties - MPT tribunal delays 	September 2022
Plan- 4	Private Sector Town Planner (30 years)	<ul style="list-style-type: none"> - Administrative capacity issues - Department rotation issues for BDM and LUM - Administrative penalties - MPT tribunal delays - City officials not understanding the value of time - Unpredictable approval timelines - Importance of leadership - Negative effect of holding costs 	September 2022

<i>Interviewee</i>	<i>Profession and XP</i>	<i>Key Indicators</i>	<i>Date of interview</i>
BEP-3	Private Sector Land Surveyor (42 years)	<ul style="list-style-type: none"> - Importance of leadership - Monitoring issues - Inaccurate statistics from DM department - Officials manipulating DAMS system - Administrative penalties - MPT tribunal delays - Department rotation issues for BDM and LUM - Unpredictable approval timelines - Greater communication needed from City officials - The need for an enabling environment - City officials not understanding the value of time 	September 2022
Plan-5	Private Sector Town Planner (12 years)	<ul style="list-style-type: none"> - City officials not understanding the value of time - Department rotation issues for BDM and LUM - Administrative penalties - Monitoring issues - Unpredictable approval timelines - The need for an enabling environment 	September 2022
PD-5	Private Sector Property Developer (9 years)	<ul style="list-style-type: none"> - Disconnect between the plan and implementation - City officials not understanding the value of time - Institutional culture - Inaccurate statistics from DM department - Officials manipulating DAMS system - Negative effect of holding costs - Mismatch between current legislation and development needs - Disconnect between planning and economics 	September 2022
Plan-6	Private Sector Town Planner	<ul style="list-style-type: none"> - Institutional culture - City officials not understanding the value of time - Department rotation issues for BDM and LUM - Mismatch between current legislation and development needs - Inaccurate statistics from DM department - Officials manipulating DAMS system - Institutional culture 	September 2022

Interviewee	Profession and XP	Key Indicators	Date of interview
CO-2	City of Cape Town Planning Department Official (35 years)	<ul style="list-style-type: none"> - The need for an enabling environment - City officials not understanding the value of time - Greater communication needed from City officials - Mismatch between current legislation and development needs - Administrative capacity issues - Administrative penalties 	September 2022
Plan-7	Private Sector Town Planner (26 years)	<ul style="list-style-type: none"> - Department rotation issues for BDM and LUM - Administrative capacity issues - Officials manipulating DAMS system - City officials not understanding the value of time - Administrative penalties - MPT tribunal delays - Greater communication needed from City officials 	September 2022
Plan-8	Private Sector Town Planner (28 Years)	<ul style="list-style-type: none"> - Mismatch between current legislation and development needs - Lack of engagement with private sector when drafting legislation. - Disconnect between planning and economics - Greater communication needed from City officials - Institutional culture - Disconnect between the plan and implementation - Administrative capacity issues - Unable to access pre-application meetings - Department rotation issues for BDM and LUM - Administrative penalties - MPT tribunal delays 	September 2022

Table 3: Summary of key indicators and number occurrences

Summary of key indicators and number of times occurring	
Mismatch between current legislation and development needs	13
Department rotation issues for BDM and LUM	12
City officials not understanding the value of time	11
Administrative capacity issues	10
Institutional culture	9
Inaccurate statistics from DM department	7
MPT tribunal delays	7
Unpredictable approval timelines	7
Administrative penalties	7
Negative effect of holding costs	6
Officials manipulating DAMS system	6
Monitoring issues	5
Disconnect between the plan and implementation	5
The need for an enabling environment	5
Disconnect between planning and economics	4
Poor quality applications from private sector	3
Unable to access pre-application meetings	3
Importance of leadership	3
Lack of engagement with private sector in when drafting legislation.	3
Red tape	2
Disconnect between City, Province and National legislation	2
Department rotation issues for BDM	1

Due to the nature of the methodology, the number of times a key indicator occurred was not deemed to be a quantifiable data point, because the latter half of the interviews were conducted in a more structured, focalised manner compared to the first. It must be acknowledged that the results from these interviews are biased towards the private sector by their very nature, considering only two City officials were interviewed due to the restraints of the ethical clearances and a lack of response by officials when attempts were made to reach out. However, the key indicators give an idea of how the analysis would be conducted and the three points of “mismatch between current legislation and development needs”, “disconnect between the plan and implementation” and “the need for an enabling environment” were chosen as the three focal channels through which the other indicators could be discussed. These three broad themes were also strongly linked to the literature that was reviewed, particularly from Adams and Tiesdell (2013), and (2011) and Berrisford (2016).

Chapter 5 – Contextual Analysis

5.1. Analysis Preface

It must be noted that because of the nature of the methodology used in this research, the data that was collected was not ideally structured to definitively prove the broad arguments being made in this paper. The contextual analysis in this section is a compilation of what has been said by interviewees, in the literature, and answers to follow-up questions. The narrative was constructed using the three main themes mentioned in the results. The themes were deemed to be the best channels through which a fluid explanation of the multitude of issues could be discussed. The quotes that were chosen in the following analysis were chosen because of their relevance to the narrative themes, and largely if they linked to the pieces of literature that form the core parts of the study. There were often situations where multiple quotes could be used to express a certain point of interest, but because of the unstructured manner of the majority of interviews, often a quote will allude to or agree with a certain topic, but the wording does not fit into the flow of the narrative. Certain interviewees gave a more 'critical' response than others, which may give off a sense of a critical attitudes towards the City. However, these outlets of frustrations are a product of the empathetic methodology of the conducted interviews which aimed at picking out the most natural feelings of the interviewees. This level of expressed frustration is a finding in and of itself and adds to the notion of how inefficient the current system seems to be.

As expressed in the methodology, an attempt was made to interview professionals working within the City, alongside the private sector interviews. Overall, only two City officials were interviewed, and attempts to establish more connections in the City was quelled by ethical clearance issues and a lack of response. The ex-City officials that were interviewed were not chosen because of what their attitude might be towards their previous employer, but because they were suggested by other interviewees through the network snowball approach. This is the same for all of the interviewees, who were chosen because of their professions and experience, and because they form part of the industry. The analysis that is compiled in this section is designed to provide a greater depth of understanding of the broader, contextual activities and phenomena that the technical and logistical processes fall within. This is an attempt to avoid a siloed approach when constructing a critical analysis on where inefficiencies lie, and why such inefficiencies might be happening in the LUM and BDM approval processes.

5.2. Solutions-Problems Mismatch

It is estimated that in South Africa there is a shortage of approximately 3.7 million houses, particularly in the affordable price bracket (Centre for Affordable Housing Finance in Africa, 2022). In Cape Town it is projected that by 2028, the range for total housing demand will be between 479 200 and 529 300 housing opportunities (City of Cape Town, 2022e). This equates to the requirement of between 47 920 and 52 930 housing opportunities per year, for the next half a decade. It is acknowledged in the City of Cape Town's Human Settlement Strategy (2021: 22) that these requirements will not be met:

“The Human Settlements Strategy projected a shortfall in the development of housing opportunities of between 22 970 and 27 980 every year between 2018 and 2028, assuming the average annual rate of supply of dwellings and serviced sites, by both the private and public sectors, is unchanged”

These statistics highlight a failure by both the public and private sector to produce adequate housing in Cape Town. This failure by the current system has been acknowledged, and so there is a need to critically analyse where the problems lie and what needs to change. When discussing this with the interviewees, it was found that there are many contributing factors why the development of the supply of housing is so slow, but a key recurrent theme was that the current legislative and planning system used in Cape Town originates from developed countries and is not designed for the needs of rapid growth in a developing country like South Africa. This was summed up in a quote by [ExCO-1]:

“Because of low-income migration, Cape Town's population is growing faster than its formal planning system can absorb. The formal planning system that we have is a copy of what was developed in the UK and Germany a hundred years ago, where incremental growth was assumed. Our formal planning process cannot accommodate the rate of growth that we have seen. More than half of urban development in Cape Town is now happening outside of the formal planning process, which basically means that the formal planning process is failing.”

There appears to be a mismatch between what the bureaucratic system is designed for and what it can practically achieve in terms of Cape Town's demand. According to the City of Cape Town (2022f:24), the DMS is aimed at:

- “controlling the way in which Cape Town grows and develops, while protecting our natural and built environment at the same time”;
- “creating stability and certainty in the property market by laying down clear rights and obligations for all properties, thereby creating property value”;
- “promoting a well-balanced mix of land uses that support one another and are managed in an orderly and coordinated manner, and finding solutions where land uses seem to clash”;

- “determining and controlling the shape of Cape Town and the relationship between different land uses so that the city is a pleasant and well-functioning place to live and work”;
- “coordinating development so that it promotes order, public health and safety, such as not allowing development in fire and flood-prone areas or close to industries that may be dangerous to human health, and directing development towards the areas where it will be most beneficial to the residents of Cape Town”;
- “balancing private property rights with public interests”;
- “promoting development that is integrated (where everything works well for everyone) and sustainable (where everything works well now and into the future); and
- “improving the quality of the built environment.”

What is noticeable about these aims is that they do not say anything about promoting rapid growth, only that it promotes a well-balanced mix of growth and development that is integrated and sustainable. The DMS used in Cape Town is an example of the ‘Code Approach’ to developmental planning, detailed by Zack & Silverman (2007). The Code Approach is characterized by bureaucracy and requires high levels of administrative resources. There is little to no flexibility in this approach, and it is thus not adaptable to situations that do not meet the assumptions embedded in the particular code. Zack & Silverman (2007) expressed a concern that the Code Approach is not designed to promote fast-tracked development or circumstances that may be exceptional. This is related to a quote by [Plan-2]:

“Within a Cape Town context, there is no doubt that our approval processes can be better. The inefficiencies are brought about by two things. First, we have first world legislation and first world planning legislation, and we do not even begin to have the skills to manage that legislation properly and to implement it. We have world class legislation that doesn’t talk to each other. You’ve got heritage legislation, there’s environmental legislation, and planning legislation. To get those three to pull in the same direction at the same time is nearly impossible. – [Plan-2]

[Plan-B] argued that the current planning system in Cape Town is run in a way that demands excellence and legislative accuracy above rapid development. [Plan-B] emphasised that they have commonly experienced a lack of pragmatic flexibility by officials who deal with applications. [Plan-8] also spoke about how some case officers refuse to accept applications that deviate in even a minor way from what is legislatively required and will rather send the application back to the applicant for more information, instead of finding a reason to move the application on to the next phase. [Plan-8] argues that this lack of flexibility is a major hinderance to development in Cape Town and is an inhibitor of economic growth.

“Striving for excellence in a third world economy is not very useful...Because you would rather create the 40 jobs on the 72% correct application rather than delaying the 40 jobs to get to 100%, which will take another four years to get to. We have an economic imperative to get people employed, not just stand around waiting for a building plan or rezoning application to be approved.” – [Plan-8]

A real example of this was expressed by [PD-3] who spoke about a major real estate investment trust (REIT) in Cape Town that was unable to get a building plan for a security fence approved for an investment worth over R2 billion. With a forecast unemployment rate of 36% by the end of 2022, an investment of R2 billion should be seen as a significant economic contribution and should be enhanced and guided as much as possible. It appears that the current system does not follow this argument and is largely still guided by complex legislative requirements and inflexibility. To highlight this complexity and the overburdening requirement of Cape Town's DMS and MPBL, an example from [Plan-6] is used:

“In the revised scheme it says ‘buildings and structures’ require building plans. If you've got a wendy house, or a jungle gym, maybe a braai boma depending on if it's small - these all have to have building plans submitted. But the process for them to be submitted isn't different from normal building plans. In the old days they used to have minor works plans. They seem to have stopped that.”

What [Plan-6] highlights is that not only is every property in Cape Town required to have a building plan for any structure on the premises, but that the application for that building plan – a wendy house, for example – will be addressed in a MPT council meeting in the same process as a multi-million-rand development. This means that there are applications of minor significance that are potentially taking the same amount of time as a normal application in the MPT meetings, which could result in applications of significance not getting onto the MPT agenda and having to wait until the next MPT meeting cycle, which only happens once a month. This issue of delays at the MPT decision stage was brought up by multiple interviewees, some complaining of delays of up to five months. This begs the question of whether this current system is best suited for rapid development. It was shown in the literature review that a key component of housing affordability is the time it takes to complete the project. If the City is trying to encourage housing, particularly affordable housing, it should review processes that are adding unnecessary delays to projects, because every month of delay that can be saved could result in a positive economic impact.

Type/description of work	Approval required?	Comments	SACAP registration required?
Swimming pool	Yes		No
Wendy house	Yes		No
Garden/tool shed	Yes	If larger than 3 m ²	No
Building or altering boundary/garden walls	Yes		No
Braai without a chimney	No		No
Braai room	Yes		Yes
Change of use of an existing building	Yes	Even where you will not be doing any physical work/construction	Yes
Enclosing porches/balconies/stoeps or conservatories	Yes		Yes
Extending your house	Yes		Yes
Garage/servant's quarters	Yes		Yes
Converting your loft	Yes		Yes
Internally altering your house or shop/office	Yes		No
Installing/automating vehicular gate	No	Unless the gate will be located partly on the pavement/Council land	No
Installing replacement windows to your house or shop/office	No	As long as: - the existing frames are not load-bearing; - window openings are not enlarged; and - openings required for a fire escape are not removed.	No
New shop front	Yes		No
Minor repairs to your house/shop	No	Including replacing roofing sheets/tiles with substitutes of a similar type, repointing brickwork, or replacing floorboards	No

Type/description of work	Approval required?	Comments	SACAP registration required?
Major repairs to your house/shop	Yes	Including removing or rebuilding a substantial part of a wall, underpinning a building, or reroofing with a different type of material, such as thatching, heavier tiles, etc.	Yes
Converting your house into flats	Yes	Even where you do not foresee any construction work	No
Converting part of your shop/office into a flat/residential accommodation	Yes		No
Installing fittings/appliances in your house or shop/office	No	Installing/altering the position of a bath/toilet, unless work involves new or extended drainage or plumbing	No
	Yes	Installing/altering the position of an appliance used to heat gas, solid fuel or oil	No
Carport	Yes		No
Entirely (or partially) demolishing a building	Yes		No
Putting up any temporary structure	Yes		No
Putting up hoardings at large construction sites	Yes		No
Putting up advertisement sign structures, such as billboards	Yes		No

Figure 7: List of works requiring building plans. Extract from the City of Cape Town's Building Plan Preparation and Submission guideline (2022):6

Adams & Tiesdell (2013) argue that spatial planning should be about place-making, not plan-making. This speaks to the need to find a balance between developmental excellence and speed. [PD-2] used the example of the frustrations felt during a Breaking New Ground (BNG) project (related to affordable housing) that was held up for years because of the “first world solutions being used for a third world problem”. Cape Town has the third world problem of a lack of housing and a BNG project is a key form of development in the City, as it directly contributes to helping the affordable housing crisis and it provides employment opportunities in the construction process. Yet [PD-2] expressed how rules that were being applied to their development applications felt overburdening and unnecessary for a project that would add huge value to the City.

“We’re having a first world solution to a third world problem.” – [PD-2]

According to the City of Cape Town (2022e) the highest proportion of households in Cape Town (33%) fall in the lower GAP market of R3501 – R10 000 a month. These households earn too much to qualify for a fully subsidised house, but too little to purchase a formal house in the 'traditional' market. This means that demand for affordable housing is particularly high in Cape Town and suggests that there is a need for urgent interventions to meet this demand. The argument made in this minor dissertation is that the City's planning department should incorporate and enhance the private sector to develop affordable housing as much possible.

“What we seem to have at the moment is an over the top bureaucratic system, very onerous, and an almost non-existent management system. So, it's like making up for the lack of management on the ground, you built up these more and more complicated systems, which I think in the end is just promoting a huge amount of illegal building work. - [Plan-6]

In Cape Town, there has been a noticeable increase in the number of micro-developers in township spaces, which has resulted in a rapid increase in the supply of well-built affordable housing. However, what is attributed to the success of these developments is not the efficiency of the current planning system, but rather that many of these micro-developers are avoiding the proper regulatory requirements in order to speed up construction and reduce extra costs that would no longer make the projects financially viable. This was expressed by [PD-3]:

“Micro-developers are saying that the market is there...people's willingness to pay is there, and people are prioritizing housing over other luxuries. Micro-developers will build houses with or without government. They are telling me that they would prefer building stock that is government compliant or policy compliant. But as we stand right now, the red tape is just too much, just too costly, and it takes just too long. So they will build in any case without going through the legislative processes.”

A quantitative analysis on these added regulatory expenditures was conducted by DAG (2022), showing the stark difference between a non-compliant and compliant development, as seen in Figure 8 below.

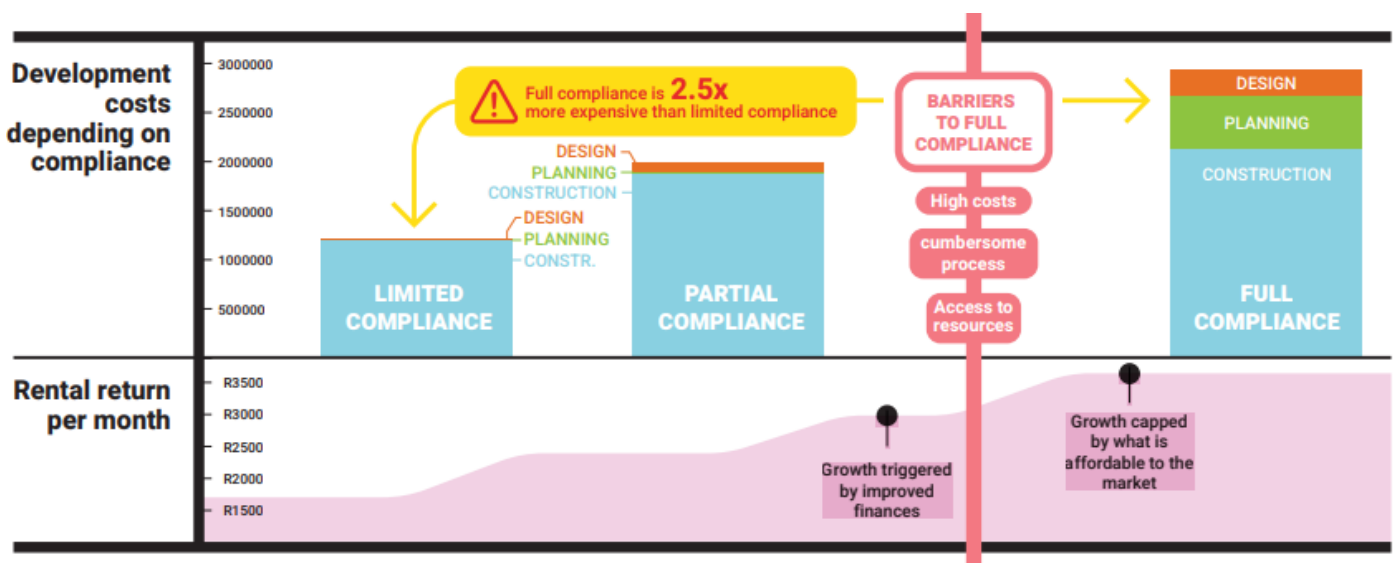


Figure 8: Development costs depending on compliance. Source: DAG 2022: 45

DAG (2022) makes the argument that the current regulatory regime in Cape Town (including land-use, building and title deed regulations, institutional-administrative systems and bureaucratic practice) is contributing to informality and does not promote formal investment in small-scale rental housing. DAG (2022) notes that there is an agreement by experts and practitioners that a more enabling and supportive governance approach is required. One suggestion of making a more enabling environment in this space is for there to be a regulatory focus on just the basic components of building compliance (structural, health, and fire), and to promote rapid development by cutting out or being flexible about regulations that are outside of the basic safety requirements (DAG, 2022). This is reiterated by [Plan-2] who argues that the Cape Town local authority is too 'hands on' in the building plan processes and are adding extra steps to development that are unnecessary.

"The reality is...building plans in the local authority should only be approved by three departments in my opinion. They should be approved by land-use – your building plan must conform to land-use approvals, have you got the rights to build the building? Then, in my opinion the only people who should approve a plan in the local authority from a technical perspective are health and fire. These are important because if a building poses health or fire risks, it affects the people next to that building. Beyond that, the local authority should simply tick a box that says a technical plan in terms of mechanical, structural, etc...has been submitted. Because the owner of the building has a professional team who are required to sign forms for all of those technical approvals. So local authority, they have no right in my opinion to do anything other than say that the form has been signed and that's it."

This problem speaks to the concept of the 'tragedy of the anticommons' which Gebhardt (2017), uses as a possible explanation for the negative development and redevelopment scenarios seen in US cities. Gebhardt (2017) argues that if too many actors have a say in the rights and regulations of property development, it may cause hinderances to the success of development projects and could cause them to fail. What is being said about micro-developers being unable to build profitable affordable housing if they comply with all the necessary regulations is a strong indicator that there is a mismatch between the processes the current regulatory regime uses to achieve growth and what is needed on the ground.

"Because of our processes, and the expense of our processes, people are not coming to us any longer. So we're becoming irrelevant. Our "wonderful" rules and regulations are in fact preventing the City from providing a service to people who really need it." [CO-1]

This relates to the argument made by Todes (2011) who speaks about the need to shift planning thought in South Africa, beyond "Utopian Planning". Todes (2011) emphasizes the complexities that are associated with city building and the need for planning to be a process that heavily involves communication with the contributing

actors, as opposed to relying on plans on paper. This further relates to this important quote by Berrisford (2016:1):

“When planning is effective, when it engages effectively with the land-development market, when it includes citizens in decision-making, and when it guides the investment of public funds towards desired outcomes, it contributes directly to the vision set out in the National Development Plan. On the other hand, when planning is driven primarily by statutory-compliance requirements, and when it is purely aimed at controlling and restricting private-sector and citizen behaviour, it undermines the transformation process and imposes high costs on both the public and private sectors.”

In summary, this section highlights:

- the observed mismatch between the current legislation and planning systems with the development needs of Cape Town;
- the City of Cape Town's DMS is argued to be overly complex and requires building plans for minor structures;
- the need to find a balance between “excellence” and “speed”;
- the opportunity for the private sector micro-developers to increase the affordable housing in Cape Town, but with help from the City of Cape Town through streamlining regulatory processes; and
- the possible tragedy of the anticommons in the City of Cape Town development application process.

5.3. The Importance of Implementation in Achieving a Vision

Duminy & Parnell (2020:115) hypothesize that: “South Africa's incapacity to overcome problems of ‘silos’ and to drive meaningful urban spatial transformation is in significant part due to a lack of visionary city leadership, and a lack of political will to make tough system-changing decisions”. From the conducted interviews it was discovered that this is not necessarily the case in the Cape Town context. It appears that top politicians and executives in the City and planning department are making a conscious effort to enhance development in Cape Town and to make the planning systems more efficient. It was shown earlier in this paper how the Premier of the Western Cape has made his intentions clear on promoting rapid development in the property sector. However, in reality, it seems that what is being said at the top, is not being filtered down the hierarchy to places at the bottom where the on-the-ground work is done.

“In terms of the executive political level there can be no doubt that change is taking place. The fact that the Mayor and the Deputy Mayor know the budget from heart and that major pressure is being exerted to change the business-as-usual approach is clear. The reality is however that there still appears to be a major divide between political

and administrative executive that needs to be bridged in months to come.” – [PD-3]

This speaks to a problem in Cape Town, not of political and executive leadership, but rather the ability of a vision to be implemented at an administrative level. This is also reiterated by [BEP-2] who stated:

“Over the years there have been many times, and various mayors have said that we’re going to have a fast-tracked channel; we’re going to speed things up; we’re going to rationalize approval processes; but very few of them have had lasting impacts.”

The mode of governance in the City of Cape Town is arguably a combination of what Adams & Tiesdell (2013) terms ‘governance through hierarchies’ and ‘governance through networks’. The City is hierarchical because it has overarching leadership – the mayor who pushes a political agenda, and then the agenda is executed through a series of levels starting from the City Manager to the executive director, and then going all the way down to junior professional officers. The City is also ‘networked’, as it encompasses the synchronizing of a wide range of departments, agencies, and other actors in achieving its mandated objectives. What Adams & Tiesdell (2013) argue is that in a hierarchical version of public governance, the hierarchies operate on the expectation that the lower levels of government will adhere to the laws, statutory regulations and government circulars that are set at the top levels. What appears to be a problem in the City of Cape Town’s developmental departments is that the leadership is not paying enough attention to ‘getting it right’ at the lower levels of the hierarchy in order to achieve what is being set at the top. This issue is highlighted by [PD-2]:

“When you set out your vision and lay out all the things you want to do in a process, unless the people within the process are committed to it, there’s a problem. If this is the case you have the people lower in the hierarchy executing the work that have no interest in the vision. The real problem that I have seen is a lack of commitment from the people within the value chain. You can have the Mayor, Deputy Mayor and the executive heads all preaching their KPI’s and important goals, but if the vision isn’t carried out down the institutional hierarchy, there is a problem. There is a complete disjuncture between the political heads of the City and the executioners of duty and work within the City”

[CO-1] argued that there is a big push by politicians and top executives to improve the ease of doing business in the City, and a push to expedite applications of important developments. [CO-1] mentioned that the City’s DM department speaks about promoting an enabling environment, but in reality, [CO-1] feels that most officials in the planning department don’t understand what an enabling environment is.

“There is a big disconnect between the political expectation and political statements on ease of doing business and expediting applications and the Administration. It would appear that the Administration is obsessed with unnecessary detail, lacks proactive action, prefers a tick box approach as opposed to bold but responsible decision making, innovation is not promoted- rather everyone should act in the same manner. There is a lack of leadership embracing change. It is obsessed with an internal focus rather than an external focus driven by an urgency to make a positive impact.” – [CO-1].

The above speaks to the issues of implementation in the context of development, and as stated by the ex-South Korean president, Park Chung Hee: “five percent is policy, and the remaining 95 percent should be focused on implementation” (Han, 2014: 96). This reflects the broad philosophy in many of the successful East Asian countries that have been an inspiration to this research. The method of East Asian economic success cannot be copied and pasted into the South African context, but as Kobus van Der Wath says: “Don’t try and imitate China, its success is not down to export to GDP ratios, or the extent of accumulation of foreign direct investment, or the statistics or infrastructure. It is about having sound policy, a good and continuously evolving plan to implement it, and discipline in doing so.” (Mills, et al., 2020:170). This appears to be relevant to the Cape Town situation, where interviewees have referred to the inability of ‘on-the ground’ action to take place, and a tendency of some officials to stick to legislative and plan requirements even if there is pragmatic reasoning to be flexible.

“Right at the top you hear it all the time – that the City is in a partnership with developers, and they should be. But when it actually reaches the ground, the people that do the work, they really don’t bother.” - [BEP-3]

Albrechts (2006) emphasises that through the complications of political interference, planning (especially strategic spatial planning) must relate to action and implementation. Albrechts (2006: 1162) stresses that in planning, there is the need to “find effective connections between political authorities and implementation actors (officers, individual citizens, community organizations, private corporations, developers, and public departments)”. In the case of Cape Town, and the problem of implementing a vision, this emphasizes the need for a connection to be found between the political authorities and the public officers who are tasked with doing the groundwork. [Plan-6] argued that this task is a particularly tricky one to succeed in because of the nature of bureaucracy. [Plan-6] made the argument that bureaucratic officials have high job security, thus will likely stay in a public sector position for a lengthy period, as opposed to a politician who will have a quickfire four- or five-year period in which their career often depends on swift and radical actions. [Plan-6] argues that in Cape Town, the politicians and executives are trying to promote efficient application processing, but it is a difficult task motivating an official who knows that they won’t get fired if they keep up with the minimum requirements.

“Official don’t get fired for saying no, but will if they say yes to the wrong thing” – [Plan-6]

A theory that [Plan-6] brought up was that of 'Parkinsons Law', the concept that "work expands to fill the time available. "The most trifling task can occupy the whole day if we have the whole day to spare" (Parkinson, 1960: 2). It appears that this is also a relevant issue in the Cape Town context, as it was brought up several times that in parts of the City there does not seem to be a sense of urgency to get approvals processed quickly so that development can get off the ground in a shorter amount of time.

There is a lack of administrative control in the offices, there's no doubt about it. There's just no urgency. I don't think there is proper monitoring of work and workflows." - [BEP-3].

"Essentially what happens is plans get left on a desk and picked up at the last minute, then one comment is identified and returned. The clock is reset." – [BEP-1]

But how does an institution counter this natural phenomenon? A response to this question was brought up by [CO-1], who spoke about the need for public sector officials to understand that they are adding value in their job. [CO-1] expressed how in their experience as a leader in the City's planning department, they would apply a 'service charter' that the employees in the department would commit to. This service charter was meant to emphasize that case officers are more than just bureaucratic officials and that if they can apply their minds to decisions in applications, that it will help bring value to the community. A similar concept was emphasized by [CO-2] who spoke about a culture in their department of 'how can I add value to my community'. [CO-2] mentioned that it is vital for City officials that are involved in application processing to understand the value of time in the industry, and that there are much greater effects down the value chain if their actions or inactions cause delays. [CO-2] expressed an example they came across:

"It's not about us meeting the stats. Yes that's a measurement tool, but if a case officer understands that their senior is not standing there with a whip because they didn't meet their numbers, it's because they're not serving the greater community. There must be stories to make people understand that. For example, on the building control side, a building plan has been approved and they've built. But do the building inspectors understand that when they see a developer that has a lot of money, it does not mean that they have money, they just have access to money. I've had a building inspector say to me – we don't have to hurry with the occupancy certificate, he's got enough money...What they don't understand is that if we cause his business to fail, the developer is not the one that will go to bed hungry, it's the person that the developer used as plumber, a bricky, a plasterer, as a painter that's going to be out of a job and going to bed hungry."

This speaks to the idea that there is an observed misunderstanding of the value of time in the property industry by certain City officials, which is arguably hindering the efforts made by top executives to speed up certain processes.

“Delays faced by developers compound further down the value chain and onto the other stakeholders. The reality is that the person who suffers the most at the end is the person further down at the bottom of the chain. The construction companies pay the price of the financial issues caused by delays and workers at construction companies will be the ones to lose their jobs first” – [PD-4]

“There is 100% a disconnect between time and the planner and the acknowledgment of how that affects property development, and that is something that could be so easily corrected but isn't. They just need to be trained to understand that time is money. I get it that civil servants by nature do not derive economic benefit from the private sector in a direct way, we are essentially their clients. But whether we wait or not, in the grand scheme of things, it does not affect them and they don't care that much. They don't understand that another month has a big effect on our lives. There really is no connection between the time value of money and them, and how they play a role in it.” [PD-5]

In summary, this section highlights:

- there is strong development agenda's coming from leadership within the City, but implementation mechanism appears to be weak and disconnected;
- governance by hierarchies requires the lower hierarchies to follow the instructions from the top;
- the complications of creating efficient bureaucracy; and
- the observed misunderstanding of the value of time in the property development sector by City officials.

5.4. An “Enabling Environment”

A challenge identified by the Integrated Urban Development Framework 2016 is that it is common in the South African public sector for there to be an ‘inadequate focus on creating enabling environments for innovation and economic growth’ (COGTA , 2016). It is stated in COGTA (2016: 84) that:

“South African entrepreneurs face particular hurdles in doing business because of varying regulatory and efficiency levels within local municipalities and in relation to other public agencies. Typical obstacles for both large and small businesses include excessive red tape, lack of adequate and reliable economic infrastructure, low service standards, deficient urban management and poor spatial quality.”

Adams & Tiesdell, (2013) emphasize that when there is a lack of collective thought and action in urbanism, there tends to be an intensification of risks to development

activity that can produce more disintegrated outcomes across both time and space. As expressed in the previous section, there is arguably a problem within the City's developmental departments in adhering to a collective vision for what the property development application process should achieve.

Through a critical lens, it could be said that in the City of Cape Town there are officials that are exceptionally good at understanding regulatory policy and frameworks but might not be as versed in understanding what a functioning, high quality environment is." – [CO-1]

Adams & Tiesdell (2010) make the argument that planners should not just be seen as regulators, but rather as players within the property market. They suggest that planners should be equipped with the skills and knowledge to understand development economics to a level where they can have a sympathetic understanding of property developer's calculations, but also having the confidence to challenge them where necessary. This asks the question of whether officials in the City who are involved in application processes, have an adequate understanding of the property development process and what effects their role has in it. The literature review in this paper purposefully went into detail on how a conventional property development process works, giving details on each 'phase' to provide the readers a brief understanding of the complexities that are involved in such projects. Lombardi, et al., (2005) notes that the property development process can be referred to as 'front-end loaded', with extensive expenditure on 'upstream' activities while often producing additional 'standing stock' on a 'speculative' basis which is driven by anticipation rather than a direct response to demand.

To put this into context, a large-scale development may take up to six or seven years to complete. The developer will borrow large sums of money and invest that money in the project to create a building – which is not a liquid asset (*i.e.*, can't be easily moved or broken down into smaller parts). This asset is forecasted (speculated) in the early stages of development to be worth a certain amount when the project is complete (six or seven years in this example). The way that the developer makes their money back is by selling or renting the assets they have built, but this money is only recuperated when the buildings are complete, and the certificate of occupancy is received. This means that the longer a project is delayed, the longer it takes for the developer to make their money back, money that is also used to pay back the large loans that were used to build the assets. Lombardi, et al. (2005) argues that the front-end loading characteristic of development (initiation, evaluation, and acquisition of materials) has the tendency to be riddled with legal, financial, and technical difficulties and is often associated with abortive actions. The financial difficulty of this front-end loading is encapsulated in a quote from McDonagh (2009:5):

"Time permits the power of compound interest to erode the developer's resources, and it allows the conditions of competition and consumer needs which were true when the project started, to change significantly"

The importance of time is expressed by Garner (2011), who argues that the economic evaluation of land development projects are typically obtained using different measures of value based on discounted cash flows- which means that the element of time is a critical determinant of financial viability, due to the formulative nature of discount over time on a project. Garner (2011) presents the logic that since time is critical in the property development process, if a project takes longer to finish, then the costs of that project will increase. This relates to what Grimes & Mitchell (2014:2) say about affordability:

“Dwelling prices are determined in the long run by the total costs of a development, where costs include regulatory costs, including costs of delay and uncertainty”.

This was expressed in a real Cape Town scenario by [PD-1]:

When we do our project feasibilities, the QS always costs the project at the current day and then they add a line item for escalation and there is escalation pre-construction and escalation during construction, and on these projects, that building costs escalates by a couple of hundred thousand rands a month. So if we delay by 6 months, you're often talking about over R1 million added to the budget. But we have a council approved plan for the pre-sales and we can't change the price of those, so the margins get finer and finer for the buildings that still need to be sold and leads to higher prices eventually. – [PD-1]

In the interview with [PD-5], it was asked whether their property development company has experienced significant additional costs to their projects from holding costs in Cape Town, and their response was:

“Yes, major holding costs, for years. Sometimes you will hold because of a rezoning or a departure application. Even when trying to get on to an MPT agenda, oh it didn't get onto the agenda this month, there goes another month. And then it takes time to get a reply. Absolutely, holding costs are massive.”

What Adams & Tiesdell (2010) refer to when they talk about planners as market actors, is that planners should understand that regulatory policies and plans can have a direct effect on the holding costs of a project. Garner (2011) explains holding costs as the portion of time when a project is held up. In the 'basis of research' it mentioned that the holding costs associated with regulatory approvals were argued to be a major factor in the slow supply of affordable housing in South Africa and Cape town by the large financial institutions. A real case of this in Cape Town was mentioned by [PD-2], who spoke about a BNG project (related to affordable housing) which faced significant delays that added to the losses that were already expected from the project:

“We always accepted that we were going to make losses in the project. It was going to be a project that was going to be a loss for us,

but the City is not making any effort to assist us with our loss. They're not saying 'guys lets minimize your losses, thank you very much for providing 1000 houses a year for BNG housing'. No ways, after seven years we can't even get a storm water plan approval. " – [PD-2]

Linked to this, there is also arguably a misunderstanding of the value of predictability in the property industry, which is linked to the time value of money that has been expressed. While the streamlining of regulatory processes is helpful to development, it was argued by [Plan-1] that there's also a particular importance on predictability in the property development environment. [Plan-1] argued that legislative requirements can be accounted for in the project's feasibility study, and it is the unpredictability of the administration timeframes that has a more damaging effect. When administrative processes are unpredictably slow, it results in unexpected delays that might not be financially accounted for. As the interviewees explain states:

"My understanding is that obviously the issue is the fact that it takes long, but the bigger issue is that fact that 'how much longer' is very difficult to say. I think developers can build in the length of time it takes into their feasibility as long as they have a certain degree of certainty of what that length of time will be. But if they're expecting say nine months for a planning approval and it grows to 15 months it's a major issue. It's that unpredictability that I think is the biggest concern." [Plan-1]

"One of the big cost issues is the uncertainty of time periods. Just make up your mind... is it 30 days, 45 days or 60 days. It may be too long in our opinions but whatever they decide it is, they should stick to that. If you as a developer know that you're going to get your rights in eleven months' time, in 6 months' time, or 3 months' time, it doesn't matter, but at least you know that you can budget for it. You know exactly what your holding costs are and what the cost of this application will be. But it rarely happens that you can get a definitive timeframe for an application. The holding costs on a R10 million loan is a lot of money. No developer has that cash, well no developer uses their own cash - there are a number of stakeholders, and it has a knock-on effect. It affects interest in the market...they don't trust the local area and so they go spend their money in another part of South Africa because there is more confidence in the system elsewhere." [BEP-3]

"We were having this discussion where we were talking about how we don't know whether an application is going to take four months to get approved or whether it is going to be 18 months." [PD-1]

The above speaks to what Albrechts (2006) emphasises – namely that planning must relate to action and implementation and that planners need to "find effective connections between political authorities and implementation actors (officers, individual citizens, community organizations, private corporations, developers, and public departments)". Adams & Tiesdell (2013) argue that in order to achieve this,

spatial planning should have access to and the ability to deploy a set of mechanisms that are able to regulate, shape, and stimulate markets, while also building the capacity to do so. This links to the absence of suitable economic understanding in the City of Cape Town's planning mechanisms, which Rabe, et al. (2015), associate the poor returns from place-based economic policy, to casual assumptions and prevailing spatial norms that influence deployment across South African cities. They argue that place-based policy should instead be guided by a systemic and relational evaluation of local economic potential, supported by data-driven planning tools. [Plan-8] agreed that the City's MPBL has regulatory elements that are not in tune with property economics, as well as the interpretations of certain regulations by some officials being developmentally hindering because of the lack of economic understanding. [Plan-8] quotes:

"There is a misunderstanding of the actual inherent value of property in the City. The planning official should not be the one who says: 'I think a seven-story building here isn't cool, you should rather go for three'. If property economics was that simple, we wouldn't have a problem, but as you know, it is very complicated. There is a reason developers go for seven story micro-unit apartments, it's a financial reason."

A real case study that portrays the disconnect between planning objectives and development needs was given in an interview with [BEP-2]. The interviewee spoke of a social housing project in Cape Town that they were hired to take part in, situated in a development corridor that is clearly stated in the City of Cape Town's 2018 MSDP to be a priority for spatial strategies of the City. Theoretically, a high-density social housing development is exactly what the City of Cape Town wants to promote in this area. However, [BEP-2] noted that because of an abrupt change in the regulatory requirements, and the rigid policing of the new requirements, the project was immediately shut down. The specific requirement in this case was the gazetting of parking concession zones, where the parking bay requirements went from 0 to 1.5 parking bays per unit. This meant that the proposed social housing project would need a two-story basement parking, which was completely unfeasible for a project that had such fine cost and profit margins to begin with. While the project was stopped dead in its tracks, the plans were kept in the pipeline in case of a change in the law. For the funder to still commit funds to the future project, a building plan was needed to be authorized. As a result, a "straw man" building plan was submitted that included two stories of parking, but of which was only submitted to get through the approval processes and to keep the project alive. This case study is a strong example of planning that focuses on policy as opposed to implementation. If the City of Cape Town is forecast to fall short of between 22 970 and 27 980 housing opportunities per year for the next decade, it could be argued that planning should be focused on the development of housing above all other spatial strategies. In this case, questions should be asked why the City of Cape Town's planning department were not engaging with property developers about the effects that a parking concession might have on project feasibilities?

“What we've always recommended is that there is more engagement between the two parties. This would lead to an understanding on both sides and would create better clarity on the applications that are being submitted. Communication is one of the fundamental pitfalls we are facing.” – [BEP-1]

What has been observed is that there does not seem to be a culture within the City's planning department to work pragmatically with the private sector, rather of one just sticking to the rulebooks:

It would appear that City processes are discouraging staff to work with the private sector but also working and liaising with communities. It is creating a massive level of distrust and planning is suffering from a credibility perspective. –[CO-1]

This links back to what was said in the 'inspiration from Asia' section where Berhane (2012) notes that in East Asia, the use of coordination forums was used to identify the shared interests between the private sector and government, which is an example of a pragmatic approach by the public sector to understand how best to enhance the value created by the private sector. This pragmatic approach should be an inspiration to the public sector in South Africa, particularly to a government that is responsible for economic growth and development. If the construction and property industry is identified as an important means of growth, it could be argued that the private sector should be supported as much as possible and understanding how the public sector can provide the best support, communication and cooperation to the private sector becomes particularly important. This has been reiterated by DAG (2022) who are asking the public sector to engage with developers and learn how to 'make it easier' for these developers to build affordable housing.

Related to the institutional culture of the City of Cape Town is the idea that there are very strict protocols in place to make sure public servants adhere to the rules they have been confined to, in an attempt to curb corruption. The UN Habitat (2009) argues that a planning system should be configured in a way that pays attention to identifying the livelihood and investment opportunities that can be built on, as well as being able to handle pressures that could lead to corruption and subversion in the planning institute. It was noted by several interviewees that there is a strong focus on curbing corruption in the City's overall administration, but this focus also causes a rigidity to be present in the administrative handling of applications in some parts of the DM department. [BEP-1] spoke about the presence of a very strict enforcement of compliance in the City. [BEP-1] argued that this drive to be legislatively compliant to reduce corruption is actually having counterintuitive effects to the rapid development objectives of the City:

“In such a large bureaucracy there is the need for a system that you can manage corruption effectively, etc....But the result is that it doesn't allow people to think laterally. They need to work on a tickbox system, have certain gates that they have to get through, and if you, as an official, are found to have made a mistake, they come at you

with a legal aspect individually because they want to be able to point blame. But what this is doing is restricting effectiveness and efficiency of the municipal systems.

There are pockets of excellence and people must be rewarded for this, but we all know risk-takers are penalized and not encouraged to make decisions – [PD-2]

Adam and Tiesdell (2013) argue that within the realm of planning - successful outcomes are more important than the processes, thus spatial planning should be about place making, not plan making. What appears to be an issue in the DM department and the City as a whole, is that too much emphasis is being put on handling corruption, and because of this, the processes do not allow planners to think laterally and be pragmatic about development decisions, and instead they must stick to exactly what the policy and plans convey. Adam & Tiesdell (2013:121) describe the problem with a situation like this:

“Planners with access only to regulatory instruments must confine themselves to land-use regulation, and indeed may come to regard regulation as the essence of planning. A true test of whether spatial planning is really action orientated and significantly different from traditional land-use planning is whether it is bestowed with the necessary tools to shape and stimulate markets, rather than simply to regulate them”.

This could arguably be connected to what was said in the first section about the City of Cape Town using a planning system that is not designed for the rapid development that is needed. The focus on bureaucratic order is a characteristic of the Code Approach used in Cape Town, and while it might work well in developed countries that have highly resourced administrations, it does not seem to be the case in Cape Town. This speaks to a possible issue in the DM department and corresponding departments, where the administrative processes are overly rigid in response to the focus of disciplinary consequences associated with actions that are deemed “out of line” or “out of the book”.

“It takes a very different mentality to get growth, the mentality of ‘no, stay in those lines’ is not a growth mentality and that is the culture of the council. They are making sure you do not go over that building line, making sure you don’t go over your bulk. They are so busy checking that everything complies, and they tick all those boxes, but that is not a growth mentality. You actually need to take away regulation to promote a growth mentality.” [PD-1]

“Although there are individuals who truly go out of their way to assist the development process, the culture in the City remains one of compliance and work to rule. “ – [PD-3]

This again relates to the quote by Berrisford (2016:1):

“When planning is effective, when it engages effectively with the land-development market, when it includes citizens in decision-making, and when it guides the investment of public funds towards desired outcomes, it contributes directly to the vision set out in the National Development Plan. On the other hand, when planning is driven primarily by statutory-compliance requirements, and when it is purely aimed at controlling and restricting private-sector and citizen behaviour, it undermines the transformation process and imposes high costs on both the public and private sectors.”

In summary, this section highlights:

- the idea that planners should be seen as players within the property market;
- details on the effect of time in the property development industry;
- the negative effects of holding costs on Cape Town property development projects;
- the observation that there is a high level of uncertainty associated with approval timeframes in the City;
- the disconnect between planning and economics in Cape Town;
- the need for communication with the private sector when creating new regulations and policies; and
- the observed institutional culture of strict adherence to legislative protocols in response to anti-corruption efforts.

Chapter 6 – Technical & Logistical Analysis

6.1. Analysis Preface

This chapter forms the second part of the critical analysis on property development approval processes in Cape Town. The terms technical and logistical are used to indicate that this section attempts to dive into the technicalities of what the current LUM and BDM systems are, using data from interviews to cross-reference and identify where certain inefficiencies lie and why such inefficiencies might be happening. The contextual analyses in the previous section gave a broader picture of the various moving parts in the City of Cape Town's property development industry; this technical and logistical analysis goes deeper in the actual workings of the system to understand the effect that these broader issues might be having on the micro-level processes. This section comprises of an analysis on administrative penalties, LUM and BDM processes, and providing a critical analysis on each. This sections analyses faced the constraints of not getting ethical clearance from the City- which would have allowed for a more thorough cross-referencing with officials who are working in the actual system. However, most of the interviewees that have contributed to the data in the section are private town planners or private property developers who have decades of experience and have a good understanding of how the system works.

6.2. Administrative Penalties – more harm than good?

Concern about administration penalties' (**APs**) in the City's development application process was first raised by [Plan-3] while discussing the capacity issues in the DM department. From the tone of [Plan-3]'s voice and the context it was explained in, it was noticeable that APs were a topic of interest for the study.

“Admin penalties are a contentious issue at the moment, because it adds an enormous amount of workload to the system, for both the MPT, because it has to go to the MPT, and to the LUMs workload. It never used to be so big, but the By-Law made it a big thing.” – [Plan-3]

In the discussion [Plan-3] made the argument that AP applications are contributing to bottlenecks in the application process by adding overburdening workloads to both the MPT and LUM officers. This was then reiterated by [Plan-4], who explained APs:

“Cape Town is the only authority that has admin penalties. If you have a land-use transgression or say you have built across a building line, before they will process the departure application you must first apply for an administrative penalty, which is a separate case, and they will process that first, and it will go to tribunal. Every single one, even a creche that has four people instead of three, or a building line that has been transgressed 20 years ago. They cannot process it until it's been assessed for administrative penalty and then they will determine if you

are a serious offender or a lightweight offender and then they will set a fine”.

This issue of APs and how they could be slowing the system became an immediate point of interest for the research and sparked further investigations into the nature of APs and what other professionals felt about them. APs are defined in the MPBL (2015:66), Section 129 (1) as:

“A person who is in contravention of this By-Law, and who wishes to rectify the contravention in terms of section 130, may apply to the City for the determination of an administrative penalty if the City has not issued a demolition directive (in terms of subsection 128) in respect of the land or building or part thereof concerned.”

Section 129 (8) sets out the factors that determine the APs:

When determining an appropriate administrative penalty, the Municipal Planning Tribunal (MPT) must consider at least the following factors –

- (a) the nature, duration, gravity and extent of the contravention;*
- (b) the conduct of the person involved in the contravention;*
- (c) whether the unlawful conduct was stopped; and*
- (d) whether a person involved in the contravention has previously contravened this By-Law or a previous planning law.*

The purpose of APs is not clearly stated on the City of Cape Town's planning website or in the MPBL, but it appears that the logic of the process is to discourage land-use and the erection of buildings that don't comply with the regulations laid out in DMS and MPBL. It could be argued that in theory, APs are an implementation method for spatial planning in Cape Town - a tool used to achieve the spatial visions of the MSDF.

“I believe that there is a case for Admin Penalties, where unscrupulous developers flout the rules and develop without approval. That is however the minority, while most cases are ordinary residents that have e.g., a departure for a car port setback or a boundary wall height or where a home childcare facility exceeds 6 children. These do not only take up an inordinate amount of time for applicants and case officers (who have to write a full MPT for each case), but also takes up the bulk of the MPT agenda.” [Plan-4]

What is argued in this paper is that APs are causing unnecessary pressure on the entire development application system by over-capacitating planning officials and blocking up MPT meetings. This argument is supported by comments from numerous interviewees, who were asked for their opinion on the current APs system:

“The way admin penalties hold back planning approvals because they go through the same gate (i.e. MPT) is a disaster. A total disaster, because it requires the stretched planning resources in the planning office to spend time writing AP reports instead of getting to the

applications that make a tangible difference to the construction and economy of the City. Either APs need to be scrapped all together, or a dedicated Tribunal, separate to MPT, needs to be established with new staffing to exclusively write APs” – [Plan-8]

“The two applications is a frustration. The initial land-use application, say for example it’s a subdivision or rezoning, it cannot be finalized until the admin penalty has been dealt with and paid. And if you actually look on the MPT calendar on the City’s website, you’ll see that many of these meetings are taken up by administrative penalties, and they have to go to the MPT to get an outcome or a decision made. So it’s a very lengthy process, it really extends the process”. [Plan-3]

“I do not support APs, very few APs are the result of enforcement, it is rather resulting from property owners wishing to regularize or wishing to make an application that infringements are dictated and resulting in an AP. Also processing of APs are taking up so much time that very little productive time is spent on processing applications that will productively add to the development of the City. There are alternative enforcement systems should the City wishes to pursue it”. [CO-1]

“I believe that the City should seriously consider the financial benefit of admin penalties in terms of the time spent processing the applications, and the staff salaries, in comparison to the delays in development opportunities, and the total annual amount of the fines which are being paid”. – [Plan-5]

“APs delay the process, because, even though the same case officer processes both applications, the City does not processes the two applications concurrently, but consecutively. They require two separate departmental reports, that have to be signed off at two different points in time and tabled at two different MPT meetings. Depending on the case officer’s workload, this can easily add 4 months to the LUM process”. [BEO-3]

The argument is that APs are causing two main problems. The first is that they are adding extensive pressure to the workload of development management officers, who often are often mandated to work on land-use applications, pre-application meetings, and building plan applications on top of administrating APs applications. The City of Cape Town drives a requirement of meeting statutory approval timeframes for both land-use (4-7 months) and building plan (6 weeks) approvals – which has been said to be adding intense pressure to planning officials, who, in response to this pressure, are naturally finding ways to manipulate the DAMS system to “pause the clock”, so that they can handle their workloads(an issue explored further in the next LUM section).

“In addition to the normal cases they have been assigned, they have to scrutinize building plans to check for departures, then they have to have pre-application meetings, and then some of them have to attend the MPT meeting which is once a month.” – [Plan-4]

The second problem caused by APs is that they are being assessed by the same MPT process as the applications from projects of significance. This means that MPT agendas are being overloaded with APs applications, causing normal applications to be placed on the waiting list and delayed by up to several months, because MPT meetings only happen once a month. [Plan-7] explained a situation that they had experienced where their project was delayed because their LUM report was not able to get onto the MPT agenda for five consecutive months, resulting in a 5-month delay. Appendix 1 shows evidence of the extent that MPT agendas are comprised of APs. In June 2022, the MPT council meeting comprised of 51 administrative penalties out of the 70 items on the agenda - which equates to 71% of the MPT's time being spent on APs (as seen in Appendix 1). To emphasize the financial implications of such an issue, a theoretical scenario is posited using information from [PD-1], based on a delay experienced by them personally. In an extreme theoretical case - whilst the MPT is busy discussing the extent of the administrative penalty for a wendy house, a prepared application for a large-scale development is placed on the MPT waiting list, and the application is only addressed over a month later. The result is an additional R100 000 added to the large-scale development's projected costs for each month's delay. Evidently, something as minute as erecting a wendy house could result in a scenario where a developer is suffering inordinate costs due to the inefficient way APs are dealt with. Linking this to what Grimes & Mitchell (2014:2) say about affordability: “Dwelling prices are determined in the long run by the total costs of a development, where costs include regulatory costs, including costs of delay and uncertainty”, an argument can be made that the additional R100 000 on the project would now cause the price of the finished project to increase, negatively affecting the affordability of the property – as result of a wendy house.

The attention to smaller details such as pools and wendy houses by high-ranking council members (*i.e.*, MPT) speaks to the City of Cape Town planning for “excellence”. However, it must be questioned why such minor applications are being processed by highly experience professionals in an MPT meeting, in place of developments that could be contributing to economic growth and housing supply. There also seems to be a misunderstanding of how much pressure the processing of APs is having on the administrative capacity of the DM department, pressure that has been argued to be a cause for other connected inefficiencies in the entire application system.

6.3. Land use management

6.3.1. Current system

In order to provide a critical analysis of where inefficiencies lie within the LUM system, there must first be an understanding of how the process works. In the City of Cape

Town, the DM department ensures that all land is used in accordance with what is permitted by zoning rights and their accompanying restrictions. This is guided by legislation such as the DMS and the MPBL (City of Cape Town, 2022a). It is stated by the City of Cape Town (2022d:5) that LUM is needed to:

- “ensure that planning and development takes place in an orderly and structured way”;
- “make the economy grow and create employment opportunities”;
- “create a safe, healthy and sustainable built environment”;
- “find the right balance between meeting communities’ needs and protecting our natural and built heritage environment”; and
- “work wisely with our available land, which is becoming an increasingly scarce resource, and carefully plan and manage its development”.

The City of Cape Town's LUM has an important function of guiding various decision-makers on their developmental decisions, and ensuring that all development decisions across the city are fair, effective and consistent, in a manner of predictability (City of Cape Town, 2022f). For a landowner’s application to be successful, it needs to comply with the relevant policy associated with the development. According to the City of Cape Town (2022d: 22), decision-making within the LUM system must meet the following requirements:

- “decisions can only be made if the correct application procedure has been followed (as prescribed by law).”;
- “the decision-maker must have the power to take the decision and must consider all relevant aspects of the application, along with any policies, guidelines or directives, before deciding.”;
- “interested and affected parties may be given the opportunity to have their say on a planned development before a decision is made.”;
- “if the requirements are not met, the decision could be appealed or taken on review.”;
- “the decision itself must be recorded properly, along with the reasons for it.”;
- “the applicant (and any objectors) must receive written notice of the decision (and of their right to appeal against the decision) within the time prescribed in the Planning By-law.”; and
- “any party that is dissatisfied with the decision must have the opportunity to lodge an appeal against it within the period prescribed in the Planning By-law.”

To understand how the current LUM application system works in the City of Cape Town, a process diagram was created. This diagram, Figure 9 below, is an adaptation of documents shared by [Plan-8] and [Plan-2], as well as information from the City’s ‘Developmental Management Information Guidelines: Land Use Management’ (City of Cape Town, 2022f). The diagram is a simplified visualization of the journey a land use application takes to get approved. The process has been divided into five phases: pre-application, administrative, consideration, decision, and appeal. These phases are sequential, and the entire process is administrated through the electronic DAMS.

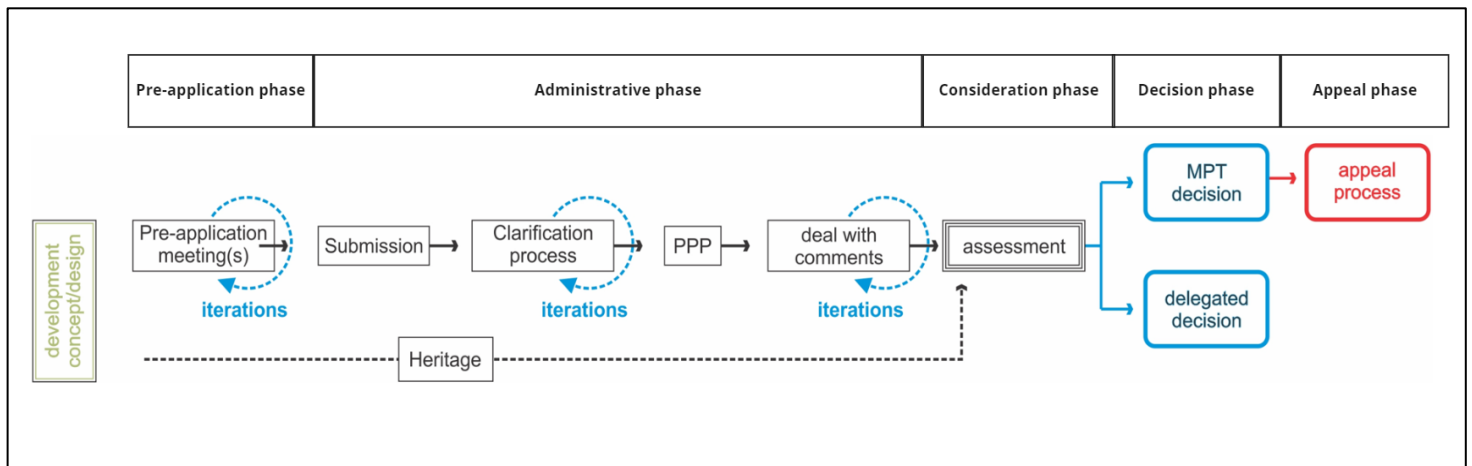


Figure 9: City of Cape Town Land Use Application process adapted from [Plan-2] and [Plan-8]

Within each phase there are various tasks and milestones that the application needs to pass. With the help of [Plan-2], [Plan-4], and [Plan-8] a step-by-step explanation of each phase has been compiled. The information below is a generic/idealised insight into what the official application process is meant to be. However, it has been suggested that in many cases, the application does not follow the steps and timelines that they are meant to. This notion will be covered further in the critical analysis of the process. The lack of ethical clearance hindered communications with the DM department to get the perspective of the public sector.

1. Pre-Application Phase

- a) Compilation of land use application by applicant
- b) Request for pre-submission consultation with the City's DM department (Note: not all applications require a pre-application consultation. Only more complex /potentially controversial applications, e.g., rezoning to high-impact zones or subdivision of large sites or outside the urban edge- See Appendix 2). Applicants can however also request a pre-application consultation, even if the application does not trigger one.)
- c) [If necessary or if requested] Pre-application with the DM department administration official. Application is assessed and the DM department official advises on technical completeness of application. Minutes are taken by the applicant and circulated to the official to check/agree.
- d) Applicant resolves comments from the DM department official and proceeds to submit, with pre-application minutes included.
- e) [If pre-application is not required or requested] Applicant proceeds to submit.

2. Administrative Phase

- a) Application is formally submitted online through DAMS, a Case ID is generated, and application fees are invoiced. Application fee is paid by the property owner/developer.

- b) Application is allocated to a case officer by the section head within the associated district. Ideally, this case officer is the same official who attended the pre-application consultation. Case officer sends acknowledgment of application within 7 days of submission.
- c) Allocated case officer assesses application, undertakes a 5-day pre-circulation to the City branches, and within 7 days after pre-circulation, requests for more information if application is deemed incomplete.
- d) If application deemed incomplete, the applicant is notified by means of a 'request for additional information' letter. The applicant then adjusts the application according to the case officers' comments. This process is reiterative until the case officer deems application complete.
- e) Additional fees may be invoiced for complexity fees (e.g., if a TIA, HIA or EIA is undertaken) and for advertising.
- f) Once application is deemed complete, it is circulated through the internal departments and external commenting authorities that are legislatively mandated to comment, with simultaneous public participation (if required). Depending on the size and nature of the development, up to 27 different departments/units are involved in commenting on the application. The Customer Interface Section coordinates the circulation of the application between the commenting departments/units. The details of these departments/units are displayed in the Appendix 3. This process (2f) is iterative, and the application is sent back to the applicant if a department/unit deems the application to be lacking.
- g) Application is advertised through newspapers, letters to neighbours, and site notices for a comment period of 30 days (some districts allow 40 days). This process is often run simultaneously with (2f) but may run sequentially after application is deemed complete by all commenting departments.
- h) Comments are received from public participation and internal branches in the space of four weeks, with external authorities given 60 days to comment
- i) Applicant responds to public comments/objections and adjusts application where necessary. The process is reiterative if the applicant attempts to resolve a public objection through negotiation with the objector. Otherwise, objections are either dealt with through application adjustment or dismissed by means of argument. Should a proposal be revised in response to comments, it does not have to be re-advertised if it is deemed a 'scaled-down proposal', or if the impacts are similar, but if there is a substantial change in the layout or nature of the proposal, with new impacts created elsewhere, it may have to be re-advertised.

3. Consideration Phase

- a) Customer Interface Section compiles all comments from associated departments/units and public participation, with the responses from the applicant.

- b) Case officer writes report on application and submits report to section head and district manager for sign off.
- c) Once signed off, the report is sent to either the MPT for a decision, if application was subject to objections, or it is decided under delegated authority by the DM department if application was unopposed.
- d) An application may not proceed to decision phase if it has also required the determination of an administrative penalty and if such penalty has not been determined by the MPT and paid.

4. Decision Phase

- a) Report is assessed by MPT (if the application is opposed by the public or it is a removal of restrictions application or it is not policy/SDF compliant) or a designated official (if delegated report).
- b) Applicant and/or objectors may request an interview with the MPT to articulate their points. If granted, objectors speak first, and applicant responds.
- c) Applicant receives notice of MPT or designated authority's decision. If MPT seeks clarification on issues, the recommendation report goes back to administrative phase. If application is approved or refused at MPT, application moves on to the appeal phase.

5. Appeal Phase

- a) Decision letter is sent to all objectors and applicant once meeting minutes are issued, or to applicant only if it was a delegated decision.
- b) Application enters 3-week appeal period for any appeals to be lodged.
- c) If no appeals are lodged, the process is complete and a Final Notification, together with conditions of approval, is issued.
- d) If an appeal is lodged by objectors, 21 days are given to the applicant to respond to the appeals. If an appeal is lodged by the applicant (against refusal or against conditions), the appeal is sent to objectors for comment on the appeal.
- e) Appeal recommendation report is submitted to the Planning Appeals Advisory Panel (PAAP), which passes a recommendation to the appeal authority – the Executive Mayor.
- f) An appeal ruling is made by appeal authority. A Final Notification is then issued by the DM department and sent to the applicant and appellants (if applicable).
- g) If appeal decision is not in the appellant's favour, it can only be taken on legal review through the High Court, or, in the case of an applicant losing an appeal, a new application may be submitted. The City will however

refuse to accept a new application if, in the City's opinion, it is materially similar to the one that was refused within the previous six months.

6.3.2. Critical Analysis

This section poses a critical analysis of the efficiency of the current land-use management system in the City of Cape Town. The analysis stems from comments and points of interest brought up by interviewees whose professions involve working with the system on a regular basis. In all 20 interviews it was acknowledged or alluded to that the current system is not efficient or that there is space for much greater efficiency in the way LUM applications are processed. While broader, and more systemic reasons for these inefficiencies were discussed in the previous section, the critical analysis in this section aims at examining the technical, practical, and logistical issues that professionals have brought up as frustrations. It must be noted that it was acknowledged by various interviewees that the inefficiencies that have been observed do not apply to all officials or departments in the process and that in each district, the delays and frustrations are of varied scale.

"So much depends on the district you are dealing with. We've had very complicated applications dealt with by one district that have run very smoothly, with very few issues; And other applications in districts where it was problematic. I get the sense that a lot has to do with the personalities and the individuals that are dealing with them". - [Plan-1]

It was picked up that there were mixed feelings about the DAMS system that the City uses, with some interviewees expressing that it is a useful tool, while others spoke about frustrations and faults with the electronic system, particularly the ability of officials to hide away from human interactions, officials manipulating the system to buy time, and the lack of adequate monitoring of application timeframes.

"The current DAMS system enables parallel circulation and is considered a highly effective system to manage caseloads if effectively managed. Please note the system is not at fault, the results are dependent on the degree to which it is managed and staff behavior." [CO-1]

"The DAMS system is supposed to make everything easier, and it does in a sense. But I feel that it has taken a lot of the human interaction aspect out of the process, and it allows people to hide behind an electronic system. So what used to be resolved in a meeting, or a quick conversation or email thread now becomes a month-long process about something that could be resolved in a day." [Plan-1]

A critical analysis has been constructed on each of the phases presented in Figure 10 below. It was found that the most severe inefficiencies lay within the administrative phase, with minimal observed inefficiencies in the pre-application, consideration, and appeal phases.

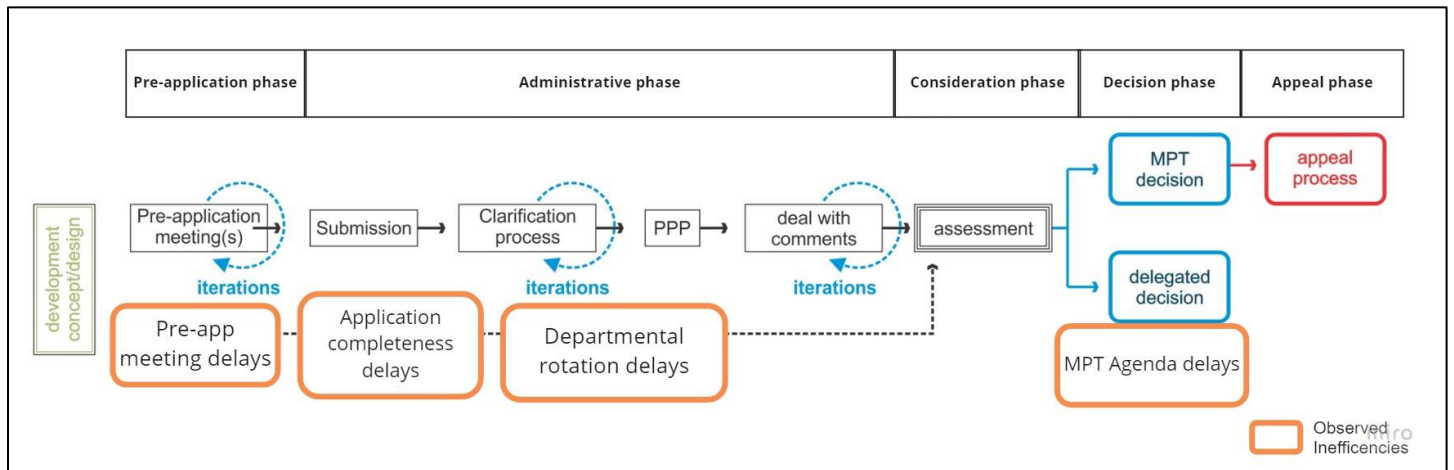


Figure 10: Locations and types of delays in LUM process. Source: [Adapted] [Plan-2] and [Plan-8]

1. Pre-Application Phase

Regarding the pre-application phase of the land use application process, few inefficiencies were brought up by interviewees. The biggest issue detected was the problem of capacity and the ability of the DM department officials to find the time for a pre-application meeting. While not every application is legislatively required to hold a pre-application meeting, it is an option given to any applicant who feels it is necessary. It was found that there was an agreement that having a pre-application meeting would likely result in an application going through the system more effectively and is thus a mechanism that makes the entire process more efficient. The main problem in the pre-application phase is associated with workload management of the DM department officials, which is argued to be pressurized by extensive admin penalty applications that have been shown to clog up the system.

“Admin Penalties add an enormous amount of workload to the system. I don't know what the percentage is, but a high percentage of a case officer's workload is processing APs. This affects their ability to attend pre-approval meetings.” – [Plan-3]

2. Administrative Phase

Within the administrative phase, two main concerns were found to be a common occurrence in the interviews. The first is associated with delays before the application is deemed complete and the second is linked to the rotations of the application between the various council departments that need to add comments and approvals.

Application completeness

When the application transitions into the 'administrative' phase, the application officially enters DAMS. From here, the application is supposed to be allocated to a case officer by the section head within the associated district. Ideally, this case officer is the same official who attended the pre-application consultation. The case officer is then meant to send a letter of acknowledgment of the application according to section 137 of the MPBL. The time length varies, but it is said that in most districts the letter of acknowledgment should normally be sent to the application within 7 days of

submission. After this, the allocated case officer assesses the application, undertakes a 5-day pre-circulation to the City branches, and within 7 days of pre-circulation, requests for more information if the application is deemed incomplete. If the application is deemed incomplete, the applicant is notified by means of a 'request for additional information' letter. The applicant then adjusts the application according to the case officer's comments and this process is repeated until the case officer deems the application complete. From information given by interviewees, it appears that it is common for these initial steps not to run according to the set method. [Plan-3] was the first interviewee to bring attention to the occurrence of the 'request for additional information' being used to 'stop the clock' in the early stages of the application. What is noted to be a common occurrence is that when an application is submitted, the applicant often does not receive any form of acknowledgement, which according to Section 74 in the MBPL is the starting point for the 14 days allocated to request additional information. In essence, the case officer is able to delay sending the official 'request for additional information letter' and therefore extend the prescribed 14-day time period.

"In my experience, I barely ever receive acknowledgement from a case officer when I make a submission. This means that the initial seven days does not start. It also means that the seven days assigned for asking for additional information is not clear, and I usually wait three or four months before receiving a request for more information. It starts slipping from day one. – [Plan-4]

(Note: [Plan-4] mentions 7 days assigned to requesting additional information, but the MPBL was amended in 2017 to 14 days. However, the concept remains the same, regardless of the number of days.)

When discussing this point further with interviewees after [Plan-3], it was found that every town planner that was interviewed agreed that this was a common occurrence and was likely as a result of officials being under pressure to meet the statutory approval timeframes, thus using the RFAI mechanism to stop the clock in DAMS. The stopping of the clock at this stage gives the case officer additional time to collect the relevant comments and information that would make the application complete.

It's almost as if they are covering themselves because the status of the case will change within seven days to 'additional information requested' within seven days of accepting the application. The City has seven days from acceptance of the application to call for additional information. So what happens is that they change the status of the case within seven days but then the additional information letter which they generate is only uploaded onto the case, sometimes a month later. – [Plan-5]

"On DAMS, the timelines only start once the application is deemed 'complete'. If officials request additional info, they can stop the clock and place the onus back on the applicant. In my experience, it can easily take 3 months before receipt of an application is acknowledged. Then additional info is requested, which adds at least

1 month. In all my years, 26 years of experience, and especially in recent years- I have not had a single application that was ever accepted without a request calling for more information. And I'm a perfectionist, I make sure everything is in there. They will always find something to ask additional information for." – [Plan-4]

"In the last four years, you make an application, and as the application is made they send you a case number and you go onto their portal and it tells you 'waiting for additional information' " – [BEP-3]

After identifying the extent of this issue, a question came to mind. Why are case officers feeling the need to pause the clock so early in the application process? A point made by [Plan-7] is arguably a good response to such a question:

"For me the majority of the officials are doing their job and they are efficient, but the system allows them to play for a bit of time and because they don't have capacity, so they would take that opportunity."

This relates to what [Plan-3] and [Plan-4] argued about the DM department being understaffed and overloaded with work:

Because of being so short staffed, the first gut reaction to any application is to find something that you can call for additional information for. You can stop the clock and you can call additional information. If the clock runs, it looks bad for the annual assessments [Plan-4]

Evidently, there is an issue of capacity within the DM department, linking to what was said in the admin penalty section about the extent of work that many case officers are burdened with. Related to why case officers feel the need to pause the clock to buy time, it was commonly acknowledged by interviewees that the statutory timeframes that LUM applications are required to be approved by, are not being met in reality. The DM department is driven to 'approve' LUM applications within the industry standard timeframes of 4-7 months according to the National Building Regulations Act 103 of 1977, and there are arguments that the Council's Key Performance Indicators are driven by LUM applications being approved within these timeframes. The argument is that the statistics being presented to the top executives are timeframes that have only been measured according to when the application was 'deemed complete', thus the delays that have been discussed, will not fall within the timeframes that are being measured.

"If you submit an application and it's missing something, you get a letter of refusal. The word refuse means that you've considered the pro's and con's of a manner and you've either decided to support it or refuse it. I think if you get into the detail of how council is reporting on it's KPI's and it's milestones there seems to be a bit of 'finekkering' going on there, so that they delay the start time of applications, because if your start date is much later then when it really did start,

then it appears as if the approval timing process look better. So they should be giving a letter 'application is incomplete' rather than a letter of refusal." [Plan-6]

"As long as officials can "reset" the clock on their own accord there can be no credibility in the stats being published by the City. This has been said on various occasions" – [PD-3]

"Whenever we in the development fraternity engage with the top executives, we are told that the timelines *are* met and that the problem is simply our poor/incomplete applications. That is based on the (flawed) data from the DAMS system." [Plan-4]

This points to a drive by council executives to pressure case officers into approving applications quickly, but because of the capacity issues, case officers are putting the 'clock' on pause so that they can do their job within the "required timeframe". But this is ultimately causing delays in the LUM application process.

Department rotations

When the LUM application is deemed complete, it enters the departmental rotation period, where comments and approvals are needed from all relevant departments - both internal (City) and external (provincial or national). The number and nature of departments depends on the type of development, which can be found out through a pre-approval meeting with the DM department. When the application starts the departmental rotation period, it has been said by more than half of the interviewees that the process is inefficient and prone to irrational delays. One problem that was highlighted is that the recirculation protocols within DAMS leads to applications being circulated to departments multiple times if their initial comment deemed the application to be misaligned with legislation.

"There's this back and forth that happens, especially if it's a big, complicated project. The departments comment and the comments get sent to the applicant to respond and then the response gets circulated to the departments and then the departments have more comments and then they go back to the applicant, so there is this cycle that sometimes feels that it never comes to an end." – [Plan-1]

"It is so much easier for a local authority to say no and send you back into another loop because they have the ability to do so and therefore frustrate the process." [Plan-2]

"The unnecessarily long delaying process in the DAMS system itself is the departmental comment period. Not the 30-day period itself but once there's changes to whatever is coming out of that 30-day period. The applicant now has 21 days to respond, they want updates to traffic impact assessment (TIA) for example. We will then send it back and it will get circulated again to that transport department for 14 days. On day 13 it comes back, and they say that they're still not happy with the

TIA, and that there is something else that they will need additionally, so it gets sent back to me. I then send it back to the traffic engineer, he updates the report and now it's two weeks later and it gets recirculated for two weeks to the transport department. Until they're happy with that TIA it can go back and forth many times and no one is really monitoring how to resolve that." – [Plan-7]

Another problem that was raised within the departmental rotation period was that there can be occurrences of internal departments not finding common ground between each other. As a result, the application falls into a circulatory spiral, where it keeps revolving between departments who are disagreeing with each other and who are unable to find a solution internally. Instead, the applicant is made to solve the problem, but through the rotational process of DAMS instead of with the department directly.

"Sometimes there's conflicting positions between council departments. Stormwater management might want stormwater retention ponds in a place where urban design or heritage department refuse to countenance them. And then, instead of the council departments resolving their differing positions between themselves, they tend to get polarized and the applicants have to resolve the differences between council policy, which is obviously very difficult" – [Plan-6]

In principle, the LUM department rotational process is efficient. There are, however, a few departments that invoke waiting on EIA and WUL decisions before they will make comment on applications. This is not a correct approach at all, as departments can only comment in terms of their mandates, which are derived from the policies they enforce. This is also the realm where the "activist official" comes into play, where one (minor) department takes the view that each development proposal must be 100% perfect, when 65% is equally as good for the city, for far more pragmatic reasons: the survival of households that do not enjoy protected employment in public service. – [Plan-8]

These issues within the department rotation phase speaks to various issues that have been addressed in earlier sections, namely: the tragedy of the anticommons (the question of whether there are too many actors commenting and resulting in slowing down the development of property); Cape Town legislation being too precise and complex for rapid development; cultural attitude (growth enabling versus growth inhibiting, and the attitude of box ticking/ sticking rigidly to legislative requirements); and understanding the importance of time and what effects added time has on a development.

3. Consideration Phase

In the consideration phase of the land use application process, it was found that there were minimal inefficiencies that were brought up by interviewees. The one issue that was brought up by both [BEP-3] and [Plan-4] was that it can take a lengthy period of

time for the case officer to write their report. An occurrence of this manner of delay would arguably be linked to the capacity issue within the department that has been alluded to throughout the technical and logistical analysis.

“After this stage, it’s a matter of compiling all the different departmental comments into a document and for the case officer to write a summarized condition of approval. For this to take three months is ludicrous” [BEP-3]

“Based on workload, MPT reports are prepared by the case officers, which takes 2 to 3 months.” [Plan-4]

4. Decision Phase

The delays and inefficiencies in the decision phase are linked to the issue of APs, as has been discussed. What seems to be the fundamental problem in this phase is that a high volume of the MPT’s agenda is taken up by APs, thus resulting in applications of significance being delayed due to the incapacity of the monthly MPT meeting to address such application.

“It will be promised that your application will be put on the next tribunal, and then that tribunal comes and they say no it will be on the next tribunal, and it goes on. Once the case officer has everything to finalize their reports, up to the point where it gets served to the tribunal, that can be anything from a month and a half, up to five months. That just does not make sense to anyone in terms of how that is monitored.” [Plan-7]

5. Appeal Phase

From the interviews, very few issues about the appeal phase were brought up. It was mentioned by [PD-1] that the appeal process can be very lengthy, often adding up to 6 months to their projects, but this was not a common occurrence that came up in other interviews. As such, it was decided that because of the limited timeframe of the minor dissertation the appeal process would not be analysed in depth, and therefore no critical analysis is presented about the appeal phase in this paper. However, it is suggested that further research should be undertaken to determine the efficiency of the appeal process, as it is a contentious subject in the Cape Town development industry.

6.4. Building Plans

6.4.1. Current System

The City of Cape Town’s DM department is also tasked with ensuring that all buildings in the City comply with approved building plans that are guided by the National Building Regulations and Building Standards Act 103 of 1977 (City of Cape Town, 2022a). This is to ensure a healthy and safe built environment. According to the City

of Cape Town's 2017 IDP (City of Cape Town, 2017), a certain percentage of building plans have to be processed by the DM department within a dedicated time period, seen in Figure 11 below.

FIVE-YEAR CORPORATE SCORECARD 2017/18 TO 2021/22								
SFA	Objective	Key performance indicator	Baseline'	Annual targets				
			2015/16	2017/18	2018/19	2019/20	2020/21	2021/22
	1.1 Positioning Cape Town as a forward-looking, globally competitive city	1.A Percentage of building plans approved within 60 days	94,1%	90%	92%	94%	95%	96%
		1.B Average number of days to issue rates clearance certificate	New	10	9	8	7	6
		1.C Number of outstanding valid applications for commercial electricity services, expressed as a percentage of commercial customers	New	0,2%	0,2%	0,2%	0,2%	0,2%

Figure 11: Extract from IDP. Source: (City of Cape Town, 2017)

The timeframes are given in the planning portal (City of Cape Town, 2022c) as:

Building plans for an area smaller than 500 square metres	30 days, if the building plan complies with all requirements.
Building plans for an area larger than 500 square metres	60 days, if the building plan complies with all requirements.
Building plan work that triggers a land use application, or any other application in terms of applicable law as referred to in Section 7 or the National Building Regulations Act, e.g., where a departure from the land use requirements is necessary, or a heritage authorisation is triggered.	The building plan will be referred back to the applicant and will need to be resubmitted once the land use application has been approved or necessary authorisation has been obtained.

The processes that the BDM applications follow have been laid out by DAG (2022:20), which is the BDM equivalent to step-by-step process laid out in the LUM section. The accuracy of Figure 12 below was cross referenced with various interviewees, who all responded that it accurately depicts how they deemed the system to work. The lack of ethical clearance hindered communications with the DM department in order to get the perspective of the public sector.

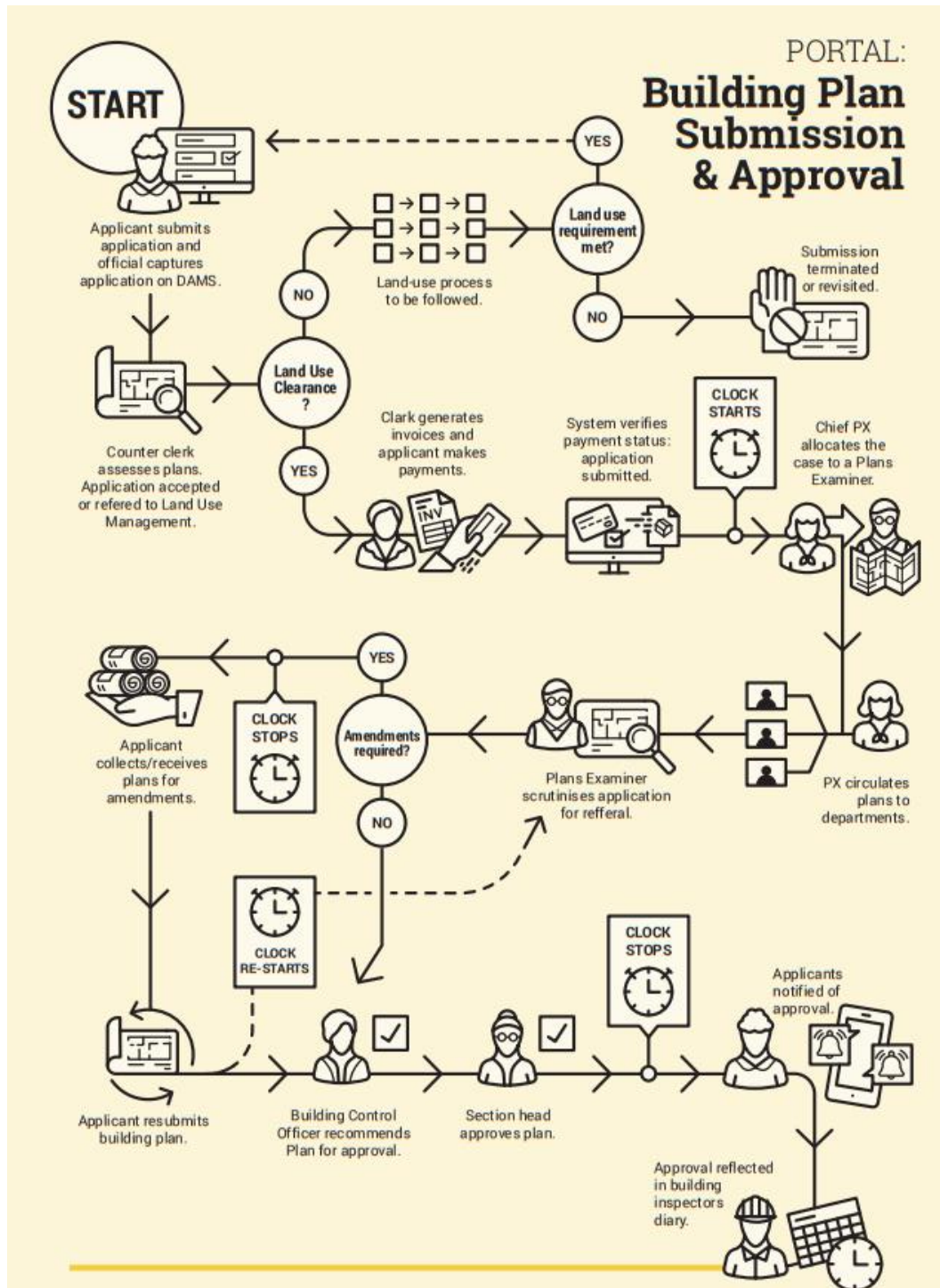


Figure 12: Building Plan Submission and Approval processes in the City of Cape Town. Source DAG (2022:20)

6.4.2. Critical Analysis

In the interviews it was found that there were not as many technical issues observed compared to the LUM process. However, this is likely due to the nature of the interviewees which consisted of majority town planners, and who traditionally handle LUM application more than BDM. As a reflection, the inclusion of architects as interviewees would have likely presented greater details on the BDM process. However, from the interviews that were conducted it was found that the BDM process was prone to similar issues to those of the LUM applications. The main observation was the problem of the departmental commenting, Complaints about the same issues in the LUM departmental processes were seen to be present in the BDM. A reason for this could be linked to the overlapping of departments, for example, the City of Cape Town Transport Impact Assessment & Development Control department is involved in both LUM and BDM applications. This means that the issues that were discussed in LUM regarding the culture of rigid legislative interpretations, internal departmental conflicts, and the manipulation of DAMS to enable statistics to show adjusted approval timeframes will also likely be applicable to BDM. [PD-1] gave an example of the circulation problems within the BDM departmental, commenting and emphasizing that they get the feeling that the culture within the approval system is one of box-ticking, thus when certain comments are left out, the application can't move on without that comment.

“On this scheme we were working on got stuck more on BDM rather than LUM. What we found is that you have a case officer who is supposed to collect all the comments and put them on a sheet and then you deal with those comments and then the plan should pretty much be approved. But it seems like one department didn't submit their comments, so we dealt with all the other comments but then got stuck at that department. I think the problem is that if the case officer is to collectively get all the responses from all the departments and collate them, and if you ticked every single one of those items on the list, it should be a couple of weeks before you have full planning approval, and that planning approval process could shorten from 13 months that it took us to probably 4 months in LUM, and one or two months for BDM. But just because of the process and because that one department didn't comment, the entire process took much longer than it should have. The systems are there, but they need to be more geared to a quicker planning approval process.” [PD-1]

[PD-4] also expressed their frustrations with the iterations within the process. After the interview was conducted with [PD-4], an email containing Figure 12 was sent to [PD-4], asking for an opinion on the accuracy of the steps and whether they had any frustrations that could be located in a particular stage. In response [PD-4] said:

“At the amendment stage, it is important to note that delay periods differ from circulation stage to plans examiner scrutiny. As indicated on the diagram, the plans examiner would scrutinize the building plans for compliance with SANS-10400 as well as City By-Laws after the

circulation stage and generate an amendment letter for both should there be any amendments to the application. Should the amendment letter address amendments of the building plan, the plans examiner would generally refer the building application to the Building Control Officer within the day of submission of the amended building plan. Should the amendment letter address comments from the circulation stage, the application would be recirculated for a full cycle through all circulation departments, as it would with a new application, once the amendments have been made. Therefore, what we have experienced is that the circulation stage could delay a building plan to a period of a full circulation cycle should amendments occur. In addition to circulation stage amendments, we have experienced on multiple occasions where application circulation scrutiny periods have lapsed which means that for one or more circulation departments, the application has not been scrutinized within the allocated time period. This results in the application being recirculated for a full circulation cycle, delaying the application significantly longer than the estimated approval period. After the second lapse, our application has generally been referred to the Building Control Officer."

The problem of inconsistent departmental interpretations was also brought up by [Plan-8], who spoke of an example involving township micro-developers- where two identically zoned and sized building plans were submitted in two separate districts.

"I was asked to have conversations with planning officials in both districts to facilitate the clearance of the plans from a zoning point of view. The plans were on the threshold of permitted zoning rights, so there was a significant need to interpret the zoning scheme provisions more liberally. To this end, district X was very open to explore how the plans could be deemed to be zoning compliant (and they were passed without any further need for town planning costs by the developer) whereas in district Y we hit an interpretation wall. To such an extent that the district manager was in support, but his section head was (quite vocally) not. The risk was therefore too great for the DM department, and we were told to submit a planning application and that it would require public participation. Both those two actions escalated the cost and time and therefore the developer abandoned the proposal." [Plan-2]

Chapter 7 – Analysis Overview

To piece the various contextual, technical, and logistical issues together, a diagram was constructed that could visualize the relationships between the multiple actors and processes that have been discussed and analysed.

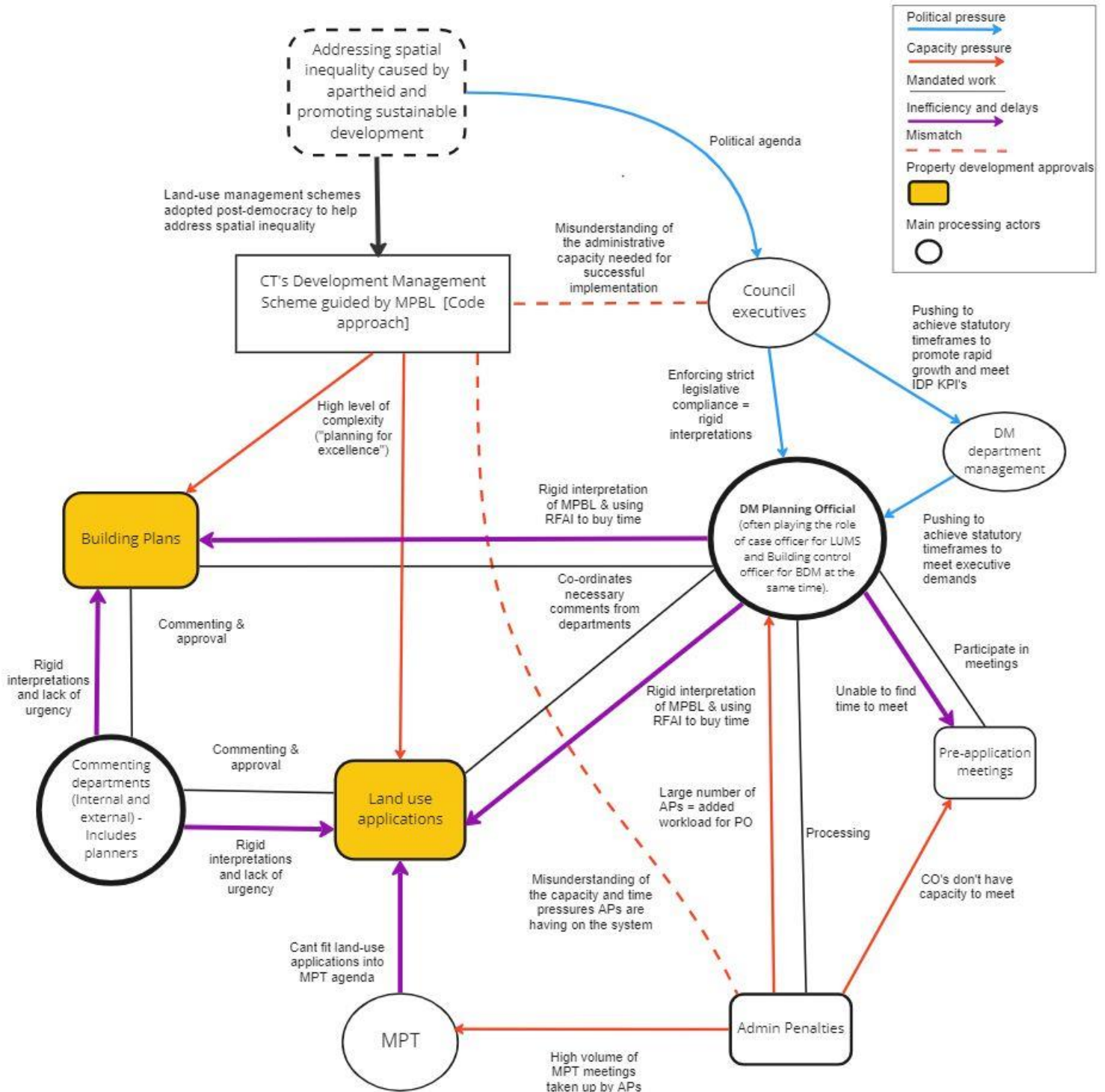


Figure 13: Overview of the critical analysis of LUM and BDM application processes in the City of Cape Town. Source: Author.

This research has aimed to provide a visualization of the critical analysis of the LUM and BDM processes, showing the relevant actors involved and the various pressures potentially heeding effective administration and rapid approvals of developments. What is presented in Figure 13 is a compilation of the observed inefficiencies that have been outlined in the conducted interviews. The diagram is an assumption of “where” inefficiencies lie within the LUM and BDM application system, and “why” such inefficiencies are happening. Because of the nature of the data collection in this research has aimed to provide a visualization of the critical analysis of the LUM and BDM processes, showing the relevant actors involved and the various pressures potentially heeding effective administration and rapid approvals of developments. research, this overall assumption could not be definitively proven. However, through compelling arguments and observations made by interviewees, which have also been linked to relevant literature, figure 13 aims to provide a roadmap for future research on the efficiency of property development approvals in Cape Town.

Because LUM and BDM approval processes are conducted within a complex, multi-stakeholder system, the claimed inefficiencies have been connected to the broader, contextual environment that was examined in the contextual analysis. Because of the time limitations this research has faced, and the adaptations to the methodology that were caused by cooperation issues, the inefficiencies shown in Figure 14 have not all been proven by hard data. However, the aim of this diagram is to show the areas where future research can be conducted to get a better understanding of how to solve the apparent inefficiencies. Having a ‘bigger picture’ view of the problem is a means of understanding that a small problem in one area of the system may be linked to a much larger problem. The fundamental theme of this analysis is that the issues are highly complex and connected to a variety of factors. It has been found that the best way to understand the system is to look at the two main actors that handle LUM and BDM applications. The first of these actors is the DM department planning officials, who are mandated to process LUM applications, apply admin penalties, attend pre-application meetings and, for some, help with building plan applications. What has been observed is that the implementation of admin penalties is adding immense pressure to the capacity of the planning officials in the DM department.

Admin penalties are derived from the MPBL and are intended to be a mechanism of implementation for the development management scheme. It has been claimed that admin penalties are significantly increasing the DM department planners' workloads, which is affecting their ability to find time for pre-application meetings and is causing them to manipulate the DAMS system to buy time while processing LUM and BDM applications. It is argued that planning officials are doing this using ‘requests for additional information’, which is a mechanism in the DAMS system to put the application on pause while the applicant must provide additional information for the application to be deemed complete. It has been argued that the time from when an application is tracked by the DM department is only started once an application is deemed ‘complete’. Arguably, by starting ‘the clock’ at this point, the official statistics of the timeframes of the LUM and BDM applications being approved are essentially incorrect and appear to be much shorter than what is happening in reality. This argument is supported by various interviewees who have all agreed that their applications will often take longer than the timeframes propose.

The push for planners to meet the required timeframes is seen to be coming from management in the DM departments, who in turn are being pushed to meet KPI requirements given to them by the IDP and council executives. On top of this, it has been argued that DM department planning officials are being strictly managed to adhere to the exact legislative protocols that are required of them, reducing the ability of planners to think laterally, and creating a 'rigid' interpretational culture when dealing with applications.

There seems to be a misunderstanding by council executives that the current system that is being used for development - the DMS - is an example of the Code Approach which is analysed by Zack and Silverman (2007) to be inflexible, and with a need for strong bureaucratic administrative capacity and high levels of resources. It has been argued in this paper that the City of Cape Town currently does not have the capacity nor the resources to run the system efficiently, and as a result, there are delays in BDM and LUM application processes because of the high complexity and regulatory requirements that are needed within the current system that seems to lack the sufficient resources. This links to the argument made in the contextual analysis - where Cape Town is argued to have a legislative and planning system that is mismatched to the development needs of the City. The leadership in the City of Cape Town is argued to be using the DMS to implement sustainable growth in Cape Town, but this sustainable growth can be seen as "planning for excellence" at a time where rapid development is more urgent, and excellence should arguably be coming second to the supply of basic needs such as employment and housing.

An example of this "planning for excellence" is related to the concept of APs, which are a means of restricting property development that departs from the spatial visions laid out by the DMS and MSDP. This need to confine development according to the extensive rules and regulations laid out by the MPBL is arguably creating extensive inefficiencies in the entire system. The two areas of inefficiency that this paper argued to be directly linked to APs, are the capacity of planning officials, and the capacity of MPT meetings. It has been noted that the planning officials' workload is largely made up of the processing of APs, penalties that are a result of any minor variations from the extensive regulations laid out in the MPBL and DMS. The overburdening caused by APs is arguably putting immense pressure on planning officials, who are already being pressurized to process LUM and BDM applications within narrow statutory timeframes. Consequently, the LUM and BDM processes are being delayed. The other problem linked to APs, is that they are being processed in the same channel as the MPT meetings. It has been shown that a large portion of MPT meetings are taken up by APs. An example was shown where 71% of the June 2022 MPT agenda was made up by APs. While these MPT meetings are overly populated by APs, normal property development projects are being delayed by up to five months for final confirmation by the MPT. Consequently, large developments that could be contributing to the economy are put on hold whilst smaller projects, are given preference. Further, delays at the MPT meeting stage also create additional holding costs for property developers, potentially leading to job losses further down the value chain, and which ultimately has a negative effect on affordability – all of which are linked to arguments made by Garner (2008).

The second main actor involved in LUM and BDM applications is the officials in the internal and external departments whose function is to approve and comment on the validity and compliance of the applications. These departments must share their input on the application according to the requirements of development legislation, varying from national to provincial to local. Examples of these departments can be seen in Appendix 3. Data from the conducted interviews suggests that the interpretations of the legal frameworks at each level are too often overly rigid and uncompromising. It has been said that commenting from the departments can be inconsistent, but, ironically, adheres closely to the legal requirements even if there is the opportunity for leeway that might help save time for an application. For developers, any time saved for them by officials can be key to the viability of a property development project. It has been said that there is often the feeling that there is a lack of urgency from these officials, along with an inefficient rotational system in DAMS, which is causing major delays to both LUM and BDM applications.

Chapter 8 – Conclusion

The War Room has identified that land-use applications are inefficient in Cape Town. Related to this, URERU's 'Cape Town Property Development Process Model' has shown the potential for property developments to take exceptionally long when rigidly following all regulatory requirements associated with property development in Cape Town. In their model, URERU have shown the extent of these timeframes by laying out the number and nature of processes that development approval applications must go through. This minor dissertation has furthered this research and has attempted to triangulate "where" inefficiencies of LUM and BDM applications are situated, and to show "why" such inefficiencies are happening. This was done through a combination of contextual, technical, and logistical analyses using data from interviews, reiterative communications with professionals in the industry, and relevant literature. After conducting a critical analysis of the efficiency of property development approval processes in the City of Cape Town, it has been observed that inefficiencies lie within a complex, interconnected system pressurized by multiple factors ranging from overarching legislative mismatches to the capacity of administrators. Because of the constraints on this research caused by limited time and hurried adaptations to the methodology, each identified area of inefficiency has not been proven by definitive, data-based evidence, but the analysis above lays the groundwork for possible future research.

This paper argues that the result of the high level of regulatory detail required by the current DMS – a system arguably overburdening for the needs of a developing country – is that many APs are submitted by the private sector in order to comply with the law. However, the AP applications are adding significant and unnecessary pressure to the workloads of DM department planning officials. It is argued that there are planning officials who are being pressurized to meet certain statutory timeframes (4-7 months for LUM applications and 30 to 60 days for BDM applications), which results in pressure on planners to find ways to 'buy time' to complete their given tasks timeously. This speaks to the concern that the City of Cape Town's DM department may not have the administrative resources to run the current regulatory application system effectively. The current development legislation and planning system used in Cape Town is possibly too convoluted and rigid for the rapid development needs of a city that might benefit from a more flexible system. The Cape Town DMS, an example of the 'Code Approach' (Zack & Silverman (2007) would be most effective if run by an administration with extensive resources and coordination. This paper queries whether the City of Cape Town has those administrative resources, and whether there is sufficient coordination between the various actors involved in LUM and BDM applications.

Another argument put forward in this paper is that top executives and leaders in the City speak about the need for rapid development in Cape Town, but in reality, there is an underlying, misplaced confidence in the ability of legislation and policy to achieve these goals. This paper has compiled arguments and observations made by professionals in the industry that show that there is insufficient focus on the practical implementation of rapid development mechanisms such as enhancing and utilizing

the private sector. At a time when the Cape Town government is publicly concerned about the slow development of housing, the interviews undertaken suggest that there is a sense among private professionals that the current legislation and institutional culture within the City's development community does not sufficiently assist the inclusion of the private property development sector to help with the economic and social transformation efforts that are needed in Cape Town and South Africa as a whole. This failure directly relates to Berrisford's (2016:1) argument:

"When planning is effective, when it engages effectively with the land-development market, when it includes citizens in decision-making, and when it guides the investment of public funds towards desired outcomes, it contributes directly to the vision set out in the National Development Plan. On the other hand, when planning is driven primarily by statutory-compliance requirements, and when it is purely aimed at controlling and restricting private-sector and citizen behavior, it undermines the transformation process and imposes high costs on both the public and private sectors."

Chapter 9 – Recommendations

1. Administrative Penalties

The most substantial recommendation that comes out of this paper is the need to review the current APs process urgently and thoroughly. While the intention behind using APs as an implementation mechanism has its merits, the consequences of the high quantities of APs applications that are flooding the LUM application system and the MPT meeting agendas are too high for it to be a justifiable mechanism within the City planning approval process. Firstly, the need for having a separate application for departures should be reviewed, and secondly the APs applications should not be processed by the same MPT that processes normal applications.

Several recommendations were made by interviewees in this regard:

- “I think the realistic solution would be to have a separate department that deals with administrative penalties entirely, or have something where certain planners focused on that, as opposed to all planners focusing on everything. “ [Plan-2]
- For minor transgressions, or where applicants have inherited a historical contravention from a previous owner, there should be discretion given to senior staff to waive an admin penalty altogether or process it in-house as a condition of approval, instead of drafting two reports and tabling an application twice at MPT. [Plan-4]
- “I believe that the City should seriously consider the financial benefit of admin penalties in terms of the time spent processing the applications, and the staff salaries, in comparison to the delays in development opportunities, and the total annual amount of the fines which are being paid”. – [Plan-5]
- “Either APs need to be scrapped all together, or a dedicated Tribunal, separate to MPT, needs to be established with new staffing to exclusively write APs” [Plan-8]

2. Further Research

The nature of this minor dissertation has been to provide an overview of the current LUM and BDM application system, showing “where” inefficiencies may lie and “why” such inefficiencies may be happening. There are key issues that have been identified that have not been definitively proven, thus requiring further research. The areas in need of further research have been shown to be:

- the mismatch between the current MPBL and DMS, and the development needs of Cape Town;

- the ways in which implementation of regulatory processes linked to development can be made more efficient so that what is being said by top officials can be realistically achieved;
- a greater understanding of what an enabling development environment is in Cape Town;
- the effect of administrative penalties on property development in Cape Town;
- a quantitative analysis on the effects MPT agenda delays have on the costs of property development projects; and
- the inefficiencies in the rotations of LUM and BDM applications between various internal and external commenting departments.

3. Research Co-operation

The final recommendation posited by this minor dissertation relates to the City of Cape Town and the need for better co-operation from its P&S department regarding co-operative research. As mentioned in the methodology section, due to a lack of response from the P&S department, which oversees ethics clearance to use city data and resources, the hard data needed to quantify the arguments proposed herein could not be obtained. This was despite the best efforts by the DM department, who continuously followed up with the P&S department regarding the ethics clearance. This lack of urgency by the City of Cape Town speaks to many of the arguments raised within this minor dissertation, one of which being the lack of urgency and pragmatism within the system.

Appendix

Appendix 1

Source: https://www.capetown.gov.za/work_and_business/meet-the-city/city-council/meeting-calendar/mpt-meeting-

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ISALATHISI SE-AJENDA
AGENDA INDEKSBLAD
21 June 2022

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MPTSW 35/6/2022	WARD 62: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 716 BISHOPSCOURT, 23 EXETER AVENUE CASE ID: 70566459 P ABSOLON / P HOFFA	1407 - 1424	
MPTSW 36/6/2022	WARD 62: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 11568 CONSTANTIA, 157 CONSTANTIA MAIN ROAD CASE ID: 70557819 K MCGILTON / P HOFFA	1425 - 1627	
MPTSW 37/6/2022	WARD 73: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERVEN 807 & 845 BERGVLIET, FIRGROVE WAY, BERGVLIET HIGH SCHOOL CASE ID: 70565979 K MCGILTON / P HOFFA	1628 - 1651	
MPTSW 38/6/2022	WARD 71: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 6278 CONSTANTIA, 13 FOREST GLADE, TOKAI ROAD, TOKAI CASE ID: 70584037 P ABSOLON / P HOFFA	1652 - 1660	
MPTSW 39/6/2022	WARD 71: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 6286 CONSTANTIA, 17 FOREST GLADE, TOKAI ROAD, TOKAI CASE ID: 70597955 P ABSOLON / P HOFFA	1661 - 1672	
MPTSW 40/6/2022	WARD 71: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 6388 CONSTANTIA, 86 FOREST GLADE, TOKAI ROAD, TOKAI CASE ID: 70591132 P ABSOLON / P HOFFA	1673 - 1681	

MPTSW 41/6/2022	WARD 64: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 16851 FISH HOEK, 34 PEAK ROAD CASE ID: 70574917 P EVARD / P HOFFA	1682 - 1705	
MPTSW 42/6/2022	WARD 63: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 68664 CAPE TOWN AT WYNBERG, 19 GOSPORT ROAD CASE ID: 70558242 P EVARD / P HOFFA	1706 - 1725	
MPTSW 43/6/2022	WARD 64: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 90120 CAPE TOWN AT KALK BAY, 236 MAIN ROAD CASE ID: 70590818 P EVARD / P HOFFA	1726 - 1741	
MPTSW 44/6/2022	WARD 72: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 129581 CAPE TOWN AT RETREAT, 23 FOURTH AVENUE CASE ID: 70524150 P ABSOLON / P HOFFA	1742 - 1750	
MPTSW 45/6/2022	WARD 68: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 130719 CAPE TOWN AT RETREAT, 10 SHELL ROAD, STEENBERG CASE ID: 70590911 P ABSOLON / P HOFFA	1751 - 1767	
MPTSW 46/6/2022	WARD 68: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 136141 CAPE TOWN AT RETREAT, 74 BOTMA STREET, STEENBERG CASE ID: 70577272 P ABSOLON / P HOFFA	1768 - 1778	
MPTSW 47/6/2022	WARD 72: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 170711 CAPE TOWN AT RETREAT, 28 ASHVILLE CRESCENT CASE ID: 70593765 P ABSOLON / P HOFFA	1779 - 1788	

MPTSW 48/6/2022	WARD 59: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 56305 CAPE TOWN AT CLAREMONT, 10 PHYLLIS ROAD CASE ID: 70584066 F CURRIE / P HOFFA	1789 - 1814	
MPTSW 49/6/2022	WARD 73: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 241 MEADOWRIDGE, 122 LADIES MILE SERVICE ROAD CASE ID: 70531723 JOY SAN GIORGIO / P HOFFA	1815 - 1857	
MPTSW 50/6/2022	WARD 61: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 427 SCARBOROUGH, 32 GEMSBOK STREET CASE ID: 70581024 M SOLOMONS / P HOFFA	1858 - 1883	
MPTSW 51/6/2022	WARD 74: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): REMAINDER ERF 2865 HOUT BAY, 12 VAN OUDTSHOORN STREET CASE ID: 70592367 J SOLOMONS / P HOFFA	1884 - 1897	
MPTSW 52/6/2022	WARD 71: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 3956 CONSTANTIA, 4 LISMORE AVENUE, TOKAI CASE ID: 70572265 JOY SAN GIORGIO / P HOFFA	1898 - 1914	
MPTSW 53/6/2022	WARD 64: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 9227 FISH HOEK, 45 NELSON ROAD CASE ID: 70563610 L HILL / P HOFFA	1915 - 1926	
MPTSW 54/6/2022	WARD 71: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 11741 CONSTANTIA, 16 OWL CLOSE, WESTLAKE CASE ID: 70583763 JOY SAN GIORGIO / P HOFFA	1927 - 1940	

MPTSW 55/6/2022	WARD 72: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 113946 CAPE TOWN, 10 SOUTHEY STREET, SOUTHFIELD CASE ID: 70588336 M SOLOMONS / P HOFFA	1941 - 1954	
MPTSW 56/6/2022	WARD 64: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 15381 FISH HOEK, 18 RECREATION ROAD CASE ID: 70524767 J SOLOMONS / P HOFFA	1955 - 1965	
MPTSW 57/6/2022	WARD 58: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 45318 CAPE TOWN, 5 WOODLANDS ROAD, RONDEBOSCH CASE ID: 70591546 M SOLOMONS / P HOFFA	1966 - 1980	
MPTSW 58/6/2022	WARD 59: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 46782 CAPE TOWN, 17 EDNAM ROAD, RONDEBOSCH CASE ID: 70597763 M SOLOMONS / P HOFFA	1981 - 1994	
MPTSW 59/6/2022	WARD 59: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): REMAINDER ERF 63801 CAPE TOWN, 270 MAIN ROAD, KENILWORTH CASE ID: 70524980 J DIDO / P HOFFA	1995 - 2035	
MPTSW 60/6/2022	WARD 59: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): REMAINDER ERF 63826 CAPE TOWN, 278 MAIN ROAD, KENILWORTH CASE ID: 70560969 J SOLOMONS / P HOFFA	2036 - 2049	
MPTSW 61/6/2022	WARD 72: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 76323 CAPE TOWN, 1 DIRKIE UYS STREET, SOUTHFIELD CASE ID: 70580119 JOY SAN GIORGIO / P HOFFA	2050 - 2064	

MPTSW 62/6/2022	WARD 63: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015: ERF 91969 CAPE TOWN AT WYNBERG, 4 KENT ROAD CASE ID: 70585428 JOY SAN GIORGIO / P HOFFA	2065 - 2083	
MPTSW 63/6/2022	WARD 62: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 91994 CAPE TOWN AT WYNBERG, 26 SILVERLEA ROAD CASE ID: 70576427 F CURRIE / P HOFFA	2084 - 2163	
MPTSW 64/6/2022	WARD 63: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 150036 CAPE TOWN AT WYNBERG, 124 SUSSEX ROAD CASE ID: 70570487 J DIDO / P HOFFA	2164 - 2180	
MPTSW 65/6/2022	WARD 68: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 150391 CAPE TOWN AT RETREAT, 2 MURITZ WAY, STEENBERG CASE ID: 70601619 M SOLOMONS / P HOFFA	2181 - 2193	
MPTSW 66/6/2022	WARD 64: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 162904 CAPE TOWN AT MUIZENBERG, 10 MARGATE ROAD CASE ID: 70527791 F CURRIE / P HOFFA	2194 - 2235	
MPTSW 67/6/2022	WARD 64: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 163979 CAPE TOWN AT KALK BAY, 1 DALEBROOK ROAD CASE ID: 70558274 JOY SAN GIORGIO / P HOFFA	2236 - 2250	
MPTSW 68/6/2022	WARD 71: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERVEN 83245 & 83246 CAPE TOWN AT RETREAT, 41 & 43 LAKE ROAD, STEENBERG CASE ID: 70538304 JOY SAN GIORGIO / P HOFFA	2251 - 2268	

MPTSW 69/6/2022	WARD 61: APPLICATION FOR AN PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 585 SCARBOROUGH, 35 EGRET STREET CASE ID: 70586841 Y JAFTA / P HOFFA	2269 - 2281	
MPTSW 70/6/2022	WARD 73: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 418 BERGVLIET, 11 SILLERY ROAD CASE ID: 70572874 Y JAFTA / P HOFFA	2282 - 2298	
MPTSW 71/6/2022	WARD 63: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 73275 CAPE TOWN AT PLUMSTEAD, 116 MILFORD ROAD CASE ID: 70593787 Y JAFTA / P HOFFA	2299 - 2314	
MPTSW 72/6/2022	WARD 59: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 178973 CAPE TOWN AT CLAREMONT, 3D PHYLLIS ROAD CASE ID: 70570313 M SLAMAT / P HOFFA	2315 - 2341	
MPTSW 73/6/2022	WARD 59: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 178974 CAPE TOWN AT CLAREMONT, 3E PHYLLIS ROAD CASE ID: 70571008 M SLAMAT / P HOFFA	2342 - 2364	
MPTSW 74/6/2022	WARD 59: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 178975 CAPE TOWN AT CLAREMONT, 3A PHYLLIS ROAD CASE ID: 70576043 M SLAMAT / P HOFFA	2365 - 2387	
MPTSW 75/6/2022	WARD 59: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 178975 CAPE TOWN AT CLAREMONT, 3A PHYLLIS ROAD CASE ID: 70576043 M SLAMAT / P HOFFA	2388 - 2410	

Appendix 2***Development that requires pre-approval meetings***

- *Rezoning of land currently zoned Open Space (OS 1 – 3); Agricultural (AG) and Rural (RU)*
- *Rezoning from any zone to or from General Residential (GR 4 – 6); General Business (GB 4 – 7) Mixed-Use (MU3); General Industry (GI 2); Risk Industry (RI)*
- *Amendment, suspension or deletion of a restrictive condition*
- *Any development outside the approved urban edge*
- *Proposal not complying with the Municipal Spatial Development Framework, relevant District Plan, Structure Plan listed in Schedule 1 and 2 of the Municipal Planning By-Law, 2015 or any valid 4 (6) or 4 (10) structure plan approved in terms of the Land Use Planning Ordinance, 1985*
- *Rezoning, subdivision or site development plan application involving the development of an area exceeding 1 hectare (area refers to the physical development area, not the size of the erf)*
- *Where a site development plan application is required for commercial developments exceeding a floor area of 1000m² or industrial developments exceeding a floor area of 5000m².*

Source: Int-M

Appendix 3

Details of the departments that are potentially involved in land use management 2e (circulation of application through departments)

Internal Departments:

1. Metropolitan Spatial Planning & Growth Management (City)
2. District Planning & Mechanisms (City)
3. Urban Planning & Design (City)
4. Environmental Management (City)
5. Heritage Management (City)
6. Transport Impact Assessment & Development Control (City)
7. Road Infrastructure & Management (City)
8. Water & Sanitation (City)
9. Catchment, stormwater & river management (City)
10. Solid Waste (City)
11. Energy & Climate Change (City)
12. Fire & Rescue (City)
13. Community Services & Health (City)
14. Environmental Health (City)
15. Geographical Information Systems (City)
16. Property Management (City)

External Authorities

17. Department of Environmental Affairs and Development Planning (WCG)
18. Provincial Regulatory Entity (department of transport and public works, WCG)
19. Department of Agriculture (WCG)
20. Department of Education (WCG)
21. Department of Health (WCG)
22. Department of Agriculture, Forestry and Fisheries (National)
23. ESKOM (National)
24. PRASA (National)
25. SANRAL (National)
26. TRANSNET (National)

Source: [Plan-1, Plan-2, Plan4, Plan-8]



Department of Environmental Affairs and Development Planning
Gerhard Gerber
Head of Department
Gerhard.Gerber@westerncape.gov.za | Tel: 021 483 2787

Reference: 3/3/3/5/2/W4

**School of Architecture, Planning and Geomatics
University of Cape Town
Cape Town
7700**

Attention: Simon Webster

(Email: siwebster248@gmail.com)

PERMISSION TO CONDUCT RESEARCH: A CRITICAL ANALYSIS ON THE EFFICIENCY OF PROPERTY DEVELOPMENT APPROVAL PROCESSES IN THE CITY OF CAPE TOWN METROPOLITAN

On behalf of the Western Cape Department of Environmental Affairs and Development Planning, I herewith confirm the Department's awareness of the research proposed by you as a Master's student at the University of Cape Town School of Architecture, Planning and Geomatics.

As confirmed in your letter dated 8 June 2022, your proposed research study is entitled: "A critical analysis on the efficiency of property development approval processes in the City of Cape Town Metropolitan".

We are aware that you intend to conduct your research by obtaining certain data. All data should be requested from Helena Jacobs, Director: Development Planning Intelligence Management and Research Helena.Jacobs@westerncape.gov.za . We agree that any data that will be provided to you should be strictly used for academic purposes and no reference will be made to the information of private companies and representatives involved.

We are also aware that you intend to conduct interviews with Mr Kobus Munro and I. You are requested to first forward your interview questions through to Mr Kobus Munro

Kobus.Munro@westerncape.gov.za and I Gerhard.Gerber@westerncape.gov.za before any interviews can be arranged.

As the Head of Department, I grant you permission to obtain data that is available and to conduct the interviews with Mr Kobus Munro and I to enable you to conduct your research.

Yours Sincerely

Gerhard Gerber Digitally signed by Gerhard Gerber
Date: 2022.08.18 19:10:02 +02'00'

GERHARD GERBER
HEAD OF DEPARTMENT
DATE: 18 August 2022

PLAGIARISM DECLARATION

1. I know that plagiarism is wrong. Plagiarism is to use another's work and pretend that it is one's own.
2. I have used the Harvard convention for citation and referencing. Each contribution to, and quotation in, this report from the work(s) of other people has been attributed, and has been cited and referenced.
3. This thesis is my own work.
4. I have not allowed, and will not allow, anyone to copy my work with the intention of passing it off as his or her own work.

Name: Simon Webster

Signature: _____

Date: ____28 October 2022_____

University Of Cape Town

Application for Approval of Ethics in Research (EIR) Projects
Faculty of Engineering and the Built Environment, University of Cape Town

ETHICS APPLICATION FORM

Please Note:

Any person planning to undertake research in the Faculty of Engineering and the Built Environment (EBE) at the University of Cape Town is required to complete this form **before** collecting or analysing data. The objective of submitting this application prior to embarking on research is to ensure that the highest ethical standards in research, conducted under the auspices of the EBE Faculty, are met. Please ensure that you have read, and understood the **EBE Ethics in Research Handbook** (available from the UCT EBE, Research Ethics website) prior to completing this application form: <http://www.ebe.uct.ac.za/ebe/research/ethics1>

APPLICANT'S DETAILS		
Name of principal researcher, student or external applicant		Simon Webster
Department		City Planning
Preferred email address of applicant:		Siwebster248@gmail.com
If Student	Your Degree: e.g., MSc, PhD, etc.	Masters of City and Regional Planning
	Credit Value of Research: e.g., 60/120/180/360 etc.	120
	Name of Supervisor (if supervised):	Assoc Prof Matthew Gebhardt
If this is a research contract, indicate the source of funding/sponsorship		
Project Title		A critical analysis on the efficiency of property development approval processes in the City of Cape Town Metropolitan.

I hereby undertake to carry out my research in such a way that:

- there is no apparent legal objection to the nature or the method of research; and
- the research will not compromise staff or students or the other responsibilities of the University;
- the stated objective will be achieved, and the findings will have a high degree of validity;
- limitations and alternative interpretations will be considered;
- the findings could be subject to peer review and publicly available; and
- I will comply with the conventions of copyright and avoid any practice that would constitute plagiarism.

APPLICATION BY	Full name	Signature	Date
Principal Researcher/ Student/External applicant	Simon Webster		6 June 2022
SUPPORTED BY	Full name	Signature	Date
Supervisor (where applicable)	Matthew Gebhardt		14 June 2022
APPROVED BY	Full name	Signature	Date
HOD (or delegated nominee) Final authority for all applicants who have answered NO to all questions in Section 1; and for all Undergraduate research (Including Honours).			
Chair: Faculty EIR Committee For applicants other than undergraduate students who have answered YES to any of the questions in Section 1.	Prof. H. von Blottnitz		2 August 2022

Ethics form used for interviews in this research.

The below example is from Nigels Burls, the one interviewee who did not mind the lack of anonymity. All other ethics forms are stored on a password protected Onedrive, accessible only to the Interviewee and Supervisor.



SCHOOL OF ARCHITECTURE, PLANNING AND GEOMATICS

University of Cape Town
Private Bag x3, Rondebosch 7701
Centlives Building
Email: Janine.Meyer@uct.ac.za Tel: 27 21 6502359

UNIVERSITY OF CAPE TOWN

June 2022

STATEMENT TO BE READ OUT TO AN INTERVIEWEE BY A STUDENT ABOUT TO UNDERTAKE AN INTERVIEW FOR THE PURPOSES OF A MASTERS DISSERTATION

MY NAME IS Simon Webster AND I AM STUDYING CITY AND REGIONAL PLANNING AT THE UNIVERSITY OF CAPE TOWN.

I AM DOING RESEARCH ON The efficiency of property development approval processes in the City of Cape Town

AS PART OF MY MASTERS DISSERTATION I WOULD LIKE TO ASK YOU SOME QUESTIONS TO HELP ME WITH MY RESEARCH.

I CAN PROMISE THAT I WILL NOT RECORD YOUR NAME OR ADDRESS, AND YOUR PERSONAL DETAILS WILL NOT IN ANY WAY BE REVEALED IN MY DISSERTATION OR ANY PUBLICATION I PRODUCE.

THE QUESTIONS I ASK ARE ONLY FOR RESEARCH AND THEY CANNOT DIRECTLY BENEFIT YOU OR YOUR COMMUNITY.

IF YOU WANT TO END THE INTERVIEW AT ANY POINT YOU ARE FREE TO DO SO.

MY SUPERVISOR IS Matthew Gebhardt AND HIS CONTACT DETAILS ARE: mfg@pdx.edu or +1 5033811450

Signature and designation ([interviewee](#))

Signature of student

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