

COMMENT ON THE DRAFT CITY OF CAPE TOWN MUNICIPAL PLANNING AMENDMENT BY-LAW 2026

SUBMISSION BY THE WESTERN CAPE PROPERTY DEVELOPMENT FORUM (WCPDF)

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Executive Summary

The Western Cape Property Development Forum (“WCPDF”) welcomes the opportunity to comment on the Draft City of Cape Town Municipal Planning Amendment By-law, 2026. The WCPDF supports the City of Cape Town’s (“City”) ongoing efforts to modernise the Municipal Planning By-law and recognises the importance of maintaining a planning system that is transparent, legally robust and responsive to changing circumstances.

The WCPDF nevertheless submits that several of the proposed amendments require further consideration before adoption.

This comment has been guided by research into international good planning principles, attached as Annexure A to this submission.

The WCPDF's principal concern is not with the objective of improving transparency or correcting administrative errors, but rather with ensuring that the mechanisms adopted are proportionate, legally certain and consistent with established constitutional and administrative law principles.

In particular, the WCPDF is concerned that several amendments resulting in the:

- duplication of existing statutory processes
- introduction of unnecessary administrative burden
- blurring of the long-established distinction between land-use regulation and building control
- increase in regulatory uncertainty
- creation of additional costs and delays for both applicants and the City, and
- possible undermining of investment certainty and housing deliver.

The WCPDF therefore recommends that the City reconsider these provisions following further consultation with municipal practitioners, professional bodies and industry stakeholders.

1. Purpose of Municipal Planning Regulation

Before commenting on the individual clauses, it is useful to distinguish between two fundamentally different municipal regulatory functions.

- Municipal planning legislation serves to determine whether development should occur.
- Building control legislation determines how that approved development is constructed.

These functions are complementary but legally distinct.

The Municipal Planning By-law, read together with SPLUMA, establishes development rights following extensive public participation, consideration of planning policy, environmental impacts, engineering services, neighbourhood character, transportation, heritage and the broader public interest.

By contrast, approval under the National Building Regulations and Building Standards Act is primarily concerned with determining whether proposed building works comply with technical standards and whether they are consistent with the development rights already granted.

The distinction is not merely procedural.

It is fundamental to the constitutional allocation of planning functions and has developed over decades of planning and building control legislation.

The WCPDF submits that amendments to the Municipal Planning By-law should preserve this distinction.

Where planning rights have already been determined through transparent public processes, subsequent technical approvals should not ordinarily become a second planning process.

2. Guiding Principles

The WCPDF submits that any amendments to the Municipal Planning By-law should be assessed against the following principles.

2.1 Constitutional Administrative Justice

Section 33 of the Constitution guarantees administrative action that is lawful, reasonable and procedurally fair.
Legislation should therefore promote certainty rather than unnecessary procedural complexity.

2.2 Proportionality

Administrative requirements should be proportionate to the public benefit they seek to achieve.

Where an existing statutory process already provides transparency and public participation, additional procedural requirements should only be introduced where a clear regulatory need has been demonstrated.

2.3 Regulatory Efficiency

South Africa continues to face significant challenges relating to economic growth, infrastructure delivery and housing supply.

Municipal planning systems should facilitate lawful development while maintaining appropriate public safeguards.

Regulatory reform should therefore seek to reduce unnecessary duplication rather than introduce additional administrative processes that provide limited public value.

2.4 Investment Certainty

The City of Cape Town has consistently positioned itself as South Africa's leading municipality for investment.

Investment confidence depends not only on sound decision-making but also on predictable, efficient and legally certain regulatory processes.

Planning reform should strengthen these objectives.

2.5 Evidence-Based Regulation

Good regulatory practice requires that new administrative obligations be supported by evidence demonstrating that the anticipated public benefits justify the associated administrative and economic costs.

Where amendments introduce significant additional obligations for applicants or municipal officials, the policy rationale should be clearly articulated.

3. Clause 95A – Notice of Building Plan Approval

3.1 The City's Objective

The WCPDF acknowledges and supports the City's objective of promoting transparency, accountability and public confidence in municipal decision-making.

Transparency is a fundamental principle of good governance and is appropriately embedded throughout the municipal planning system. The WCPDF therefore does not oppose transparency as a policy objective.

However, our concern is whether the proposed mechanism achieves that objective in a manner that is necessary, proportionate and consistent with the legislative distinction between municipal planning and building control.

3.2 Existing Legislative Framework Already Provides Transparency

The South African planning system already provides extensive opportunities for public participation before development rights are created or materially amended.

Applications for rezoning, departures, consent uses, subdivisions and related land use approvals are publicly advertised.

Neighbouring owners and interested and affected parties are afforded an opportunity to lodge objections.

The municipality is required to consider these representations before exercising its planning discretion.

Once approved, the resulting development rights are reflected in the applicable zoning scheme and become publicly ascertainable.

Accordingly, the planning system already contains comprehensive mechanisms through which the public participates in determining the extent of development rights.

3.3 Building Plan Approval Serves a Fundamentally Different Purpose

The proposed amendment appears to assume that approval of a building plan constitutes a further planning decision.

Respectfully, this is not the case.

Once development rights have been lawfully established through the planning process, the subsequent approval of building plans under the National Building Regulations is generally concerned with determining whether the proposed building complies with:

- the approved planning rights
- applicable building regulations
- engineering requirements
- structural safety
- fire protection
- health requirements
- accessibility requirements, and
- other technical standards.

It is therefore predominantly a technical compliance exercise rather than a discretionary planning process.

Introducing additional public notification at this stage risks conflating two separate statutory functions.

The distinction between these functions has long formed part of South African planning law and should be preserved.

3.4 Duplication of Existing Processes

The proposed notification requirement effectively creates a second layer of public notification after development rights have already been determined.

Unless the approved building plans seek to exceed or vary existing planning rights, the additional notification does not create any meaningful opportunity for public participation. Rather, it duplicates processes already undertaken during the land use application.

The WCPDF submits that regulatory duplication should be avoided unless compelling evidence demonstrates that existing legislative mechanisms have proven inadequate.

No such evidence accompanies the draft amendments.

3.5 Administrative Burden

The practical implications of the proposed amendment deserve careful consideration.

Every additional statutory requirement imposes obligations upon:

- applicants
- professional teams
- municipal officials
- compliance officers
- building inspectors, and
- administrative support staff.

Collectively these additional requirements inevitably increase:

- approval costs
- processing times
- administrative workload
- opportunities for procedural disputes, and
- regulatory uncertainty.

These impacts occur notwithstanding that no additional planning discretion is being exercised.

The City has consistently identified improved turnaround times and administrative efficiency as strategic objectives.

The proposed amendment appears inconsistent with those objectives.

3.6 Economic Consequences

Although each additional procedural step may appear relatively modest in isolation, cumulative regulatory requirements materially affect development viability.

Longer approval periods increase:

- holding costs
- financing costs
- professional fees
- construction escalation
- infrastructure delays, and
- ultimately housing costs.

The cumulative economic effect extends beyond individual developments.

Slower approvals reduce investment confidence, delay employment creation and postpone the delivery of residential, commercial and industrial development that supports broader economic growth.

In the current South African economic environment, regulatory reform should seek to improve administrative efficiency wherever possible.

3.7 Proportionality

The Constitutional Court has consistently recognised that administrative procedures should bear an appropriate relationship to the legitimate governmental purpose they seek to achieve.

The WCPDF submits that mandatory notification of every approved building plan is unlikely to satisfy this proportionality test.

The incremental public benefit appears limited. The corresponding administrative burden is likely to be significant.

Less restrictive alternatives already exist.

3.8 Alternative Approach

If the City's concern relates to transparency regarding implementation of approved development rights, that objective could be achieved through considerably less burdensome measures.

Examples include:

- enhanced digital access to approved zoning information
- improved online availability of approved site development plans
- electronic notification upon request
- improved access to approved planning decisions, and
- publication of building plan approval registers.

These mechanisms would materially improve transparency without creating additional statutory approval processes.

3.9 Recommendation

The WCPDF recommends that Clause 95A be reconsidered.

Should the City nevertheless consider additional notification desirable, the requirement should be confined to exceptional circumstances, including:

- building plans implementing recently approved land-use rights where notification has not previously occurred
- approvals materially departing from approved planning parameters, and
- categories of development specifically identified by Council following an evidence-based assessment of regulatory need.

General notification of all building plan approvals should not be introduced.

4. Clause 95B – Access to Approved Building Plans and Reasons

The proposed provisions regarding public access to approved building plans raise an important issue requiring the careful balancing of two legitimate public interests:

- the public interest in transparency and accountability, and
- the constitutional rights of property owners to privacy, security and protection of commercially sensitive information.

The WCPDF supports reasonable public access to planning information that enables interested persons to verify whether approved development is being implemented in accordance with lawful development rights.

However, this objective does not require unrestricted access to every component of an approved building plan.

The purpose of public access should be to enable verification of compliance with planning approvals and should not disclose information unrelated to planning regulation.

For this reason, the WCPDF considers it appropriate that members of the public should generally be able to inspect information such as:

- site development plans
- building footprints
- approved building lines
- bulk and coverage calculations
- building heights
- floor area schedules
- approved elevations
- zoning information

These documents directly relate to planning compliance and the exercise of development rights.

By contrast, unrestricted access to detailed internal floor layouts, structural information, security systems, services layouts and other internal design information serves little or no legitimate planning purpose and may prejudice the privacy, security and proprietary interests of property owners.

This distinction is consistent with the constitutional requirement that limitations on privacy be reasonable and proportionate.

The WCPDF further notes that access to municipal records is already governed by the Promotion of Access to Information Act, 2000, which provides an established statutory framework for balancing transparency with legitimate confidentiality interests.

The proposed amendment should therefore complement, rather than duplicate or inadvertently undermine, that legislative framework.

The WCPDF accordingly recommends that the by-law expressly distinguish between:

- information that is necessary to verify planning compliance and should ordinarily be available; and
- information that attracts legitimate privacy or security considerations and should remain subject to the safeguards contained in PAIA.

5. Sections 122GA–122GD – Rectification of Administrative Decisions

5.1 Introduction

The WCPDF acknowledges that public administration inevitably involves human error.

Administrative decisions may contain clerical mistakes, computational errors, transcription mistakes or other obvious inaccuracies that warrant correction.

The WCPDF therefore accepts, as a matter of principle, that legislation may appropriately provide mechanisms enabling municipalities to rectify limited categories of administrative error.

Our concern is not with the existence of rectification powers, but rather with the breadth of the proposed provisions and the extent to which they preserve the fundamental constitutional principles of legality, procedural fairness, legal certainty and finality of administrative decision-making.

Those principles underpin public confidence in government and are particularly important within the planning environment, where investment decisions frequently involve substantial capital commitments over many years.

5.2 Finality of Administrative Decisions

One of the fundamental principles of South African administrative law is that administrative decisions, once made by a duly authorised decision-maker, ordinarily have legal effect unless and until they are lawfully withdrawn or set aside.

This principle promotes certainty for:

- landowners
- neighbouring owners
- investors
- lenders
- municipalities, and
- the wider public.

The Constitutional Court confirmed in **MEC for Health, Eastern Cape v Kirland Investments (Pty) Ltd 2014 (3) SA 481 (CC)** that an unlawful administrative decision does not simply disappear because the administrator later concludes that it was incorrect.

Likewise, in **Oudekraal Estates (Pty) Ltd v City of Cape Town 2004 (6) SA 222 (SCA)**, the Supreme Court of Appeal confirmed that administrative decisions continue to exist in law until properly set aside.

These authorities promote an important public interest.

Government decisions must be reliable.

Citizens and investors should be entitled to organise their affairs on the assumption that duly authorised administrative decisions will not subsequently be altered except through lawful processes.

5.3 Legislative Rectification Powers

The WCPDF accepts that legislation may expressly authorise municipalities to correct certain categories of administrative error.

However, any such powers should be interpreted narrowly.

It is our submission that statutory rectification provisions should generally be confined to matters such as:

- clerical errors
- typographical mistakes
- transcription errors
- mathematical calculations
- incorrect property descriptions
- accidental omissions
- other obvious administrative mistakes.

Rectification should not become an alternative mechanism for reconsidering the substantive merits of decisions that have already been lawfully made.

Once a planning discretion has been exercised, any subsequent alteration affecting substantive rights should ordinarily occur only through established legal processes.

5.4 Distinguishing Administrative Errors from Planning Judgments

This distinction is particularly important in municipal planning.

Many planning approvals involve complex exercises of discretion, including consideration of:

- planning policy
- engineering services
- environmental impacts
- transportation
- heritage
- urban design
- public objections
- the broader public interest.

Such decisions often require balancing competing policy considerations.

They cannot properly be characterised as "errors" merely because different conclusions might subsequently be reached.

The proposed provisions should therefore clearly distinguish between administrative mistakes capable of rectification, and changes that would alter the substance of the original planning decision.

Only the former should fall within any statutory rectification power.

5.5 Procedural Fairness

The WCPDF further submits that any statutory rectification process should expressly preserve procedural fairness.

Where a proposed correction may materially affect:

- development rights
- neighbouring owners
- third-party interests
- financial commitments, or
- legitimate expectations,

affected persons should receive adequate notice and a reasonable opportunity to make representations before any amendment is made.

These protections are consistent with:

- section 33 of the Constitution
- the Promotion of Administrative Justice Act
- long-established principles of natural justice.

5.6 Legitimate Expectations

Municipal planning approvals frequently give rise to significant commercial decisions.

Developers may:

- purchase land
- conclude finance agreements
- appoint consultants
- commence engineering design
- enter construction contracts
- dispose of property.

Similarly, neighbouring owners organise their own affairs based upon approved development rights.

The legal system therefore places considerable value upon certainty and finality.

The WCPDF submits that rectification powers should not undermine these legitimate expectations except where clearly authorised by law and where fairness requires such intervention.

5.7 Regulatory Certainty

The City has consistently promoted Cape Town as South Africa's leading investment destination.

An important component of that reputation is regulatory certainty.

The property industry accepts that planning decisions may occasionally require correction.

However, investors must also have confidence that once statutory approvals have been granted they will not be revisited except under clearly defined legal circumstances.

Broad or uncertain rectification powers may unintentionally weaken that confidence.

The WCPDF therefore encourages the City to draft these provisions as narrowly as possible.

5.8 Consent-Based Rectification

The draft By-law also introduces a process whereby decisions may be rectified with the agreement of affected parties.

While consensual resolution of disputes is generally desirable, administrative decision-making ultimately derives its authority from statute rather than private agreement.

Accordingly, consent between parties should not constitute sufficient authority to amend an administrative decision.

Any consensual rectification process should remain subject to:

- the empowering legislation
- constitutional legality
- procedural fairness
- transparency, and
- appropriate municipal oversight.

The statutory basis for any consensual amendment should therefore be clearly articulated to avoid future uncertainty.

5.9 Regulatory Impact Assessment

The WCPDF respectfully submits that the explanatory material accompanying the draft amendments does not demonstrate the practical necessity for these expanded rectification powers.

Before introducing mechanisms capable of altering final administrative decisions, consideration should be given to:

- the frequency with which such errors presently occur
- the categories of errors encountered
- existing legal remedies
- anticipated administrative savings
- potential litigation risks
- impacts on investment certainty.

Publication of this information would assist stakeholders in evaluating whether the proposed amendments are proportionate.

5.10 Recommendation

The WCPDF supports the principle that municipalities should possess appropriately limited powers to correct genuine administrative mistakes.

However, the WCPDF recommends that the proposed provisions be amended to:

1. clearly define the categories of rectifiable error
2. distinguish administrative mistakes from substantive planning judgments
3. preserve procedural fairness
4. protect legitimate expectations
5. reinforce legal certainty
6. expressly confirm consistency with constitutional administrative-law principles
7. ensure that substantive reconsideration of planning decisions continues to occur only through legally recognised review or appeal mechanisms

6. Good Regulation and Municipal Competitiveness

6.1 Regulation Should Facilitate Development, Not Regulate It Twice

Municipal planning exists to achieve a careful balance between protecting the public interest and enabling sustainable development.

Few would dispute that the City of Cape Town has developed one of the most sophisticated planning systems in South Africa.

The challenge facing the City is therefore no longer whether regulation is necessary, but whether additional regulation materially improves planning outcomes.

The WCPDF respectfully submits that regulatory reform should be assessed against a simple question: **Does the proposed amendment improve planning outcomes sufficiently to justify the additional cost, delay and administrative burden that it introduces?**

Where the answer is uncertain, restraint should ordinarily prevail.

Good regulation is not measured by the number of procedural requirements imposed upon applicants.

Rather, it is measured by the extent to which legitimate public objectives are achieved with the minimum necessary administrative intervention.

6.2 The Cost of Administrative Complexity

Every additional statutory requirement carries consequences. Although each individual obligation may appear modest, their cumulative impact is substantial.

Additional procedures inevitably result in:

- longer processing periods
- increased professional costs
- increased municipal workloads
- greater opportunity for procedural error
- increased legal disputes
- delayed housing delivery
- higher construction costs
- increased financing costs, and
- reduced investment certainty.

These impacts ultimately affect every resident of Cape Town through higher property costs, slower economic growth and reduced infrastructure investment.

Administrative efficiency should therefore be regarded as an important public interest.

6.3 Municipal Capacity

Like municipalities throughout South Africa, the City continues to operate under increasing administrative pressure.

Planning departments are expected simultaneously to:

- facilitate economic growth
- deliver housing
- process increasingly complex applications
- improve turnaround times
- strengthen compliance
- enhance public participation
- operate within constrained financial resources, and
- generate new revenue through the production of new rateable property

Against this background, legislative reform should focus upon reducing unnecessary administrative activity wherever possible.

Additional procedural requirements should only be introduced where their public benefit has been clearly demonstrated.

6.4 Evidence-Based Regulation

The WCPDF respectfully submits that modern regulatory practice increasingly recognises the value of evidence-based law-making.

Across many jurisdictions, significant regulatory amendments are accompanied by some form of regulatory impact assessment evaluating:

- the problem being addressed
- alternative regulatory options
- implementation costs
- administrative implications
- anticipated public benefits, and
- unintended consequences.

Such assessments promote better policy outcomes by ensuring that regulation remains proportionate to the objectives it seeks to achieve.

The Forum respectfully encourages the City to adopt this approach for future substantive amendments to the Municipal Planning By-law.

6.5 Supporting Cape Town's Economic Strategy

Cape Town has consistently positioned itself as South Africa's leading metropolitan economy.

The City's strategic objectives include:

- attracting investment
- increasing employment
- accelerating housing delivery
- improving infrastructure investment, and
- improving ease of doing business.

These objectives depend upon a planning system that is not only transparent and accountable, but also predictable, efficient and legally certain.

Well-designed planning legislation contributes directly to these objectives. Conversely, unnecessary procedural complexity may unintentionally undermine them.

The WCPDF therefore encourages the City to ensure that future legislative reform continues to support Cape Town's broader economic development strategy.

7. Summary of Recommendations

The WCPDF respectfully recommends that the City:

7.1 Clause 95A

- 7.1.1 Retain public participation at the land use planning stage, not at building plan approval stage.
- 7.1.2 Do not introduce routine notification of compliant building plan approvals.
- 7.1.3 Consider less burdensome transparency mechanisms, including enhanced digital access to planning information.

7.2 Clause 95B

- 7.2.1 Distinguish between planning compliance information and information attracting legitimate privacy or security concerns.
- 7.2.2 Ensure consistency with the Promotion of Access to Information Act.

7.3 Sections 122GA–122GD

- 7.3.1 Clearly define the categories of administrative error capable of rectification.
- 7.3.2 Preserve procedural fairness.
- 7.3.3 Protect legal certainty and legitimate expectations.
- 7.3.4 Ensure consistency with constitutional administrative-law principles.
- 7.3.5 Avoid using rectification powers to revisit substantive planning judgments.

7.4 General

- 7.4.1 Consider publishing the policy rationale and practical justification for substantive amendments.
- 7.4.2 Consider undertaking Regulatory Impact Assessments for future significant amendments.
- 7.4.3 Continue engaging industry and professional bodies before finalising amendments with significant operational implications.

8. Conclusion

The Western Cape Property Development Forum appreciates the opportunity to comment on the Draft Municipal Planning Amendment By-law, 2026.

The WCPDF supports the City's commitment to maintaining a planning system that is transparent, accountable and responsive to the needs of a growing metropolitan economy. We likewise support legislative reform where it demonstrably enhances the effectiveness of municipal planning.

Our concern is that certain proposed amendments, while well intentioned, may introduce additional procedural complexity without delivering commensurate public benefit. In several instances, the amendments appear to duplicate existing statutory processes, increase administrative burden and create uncertainty in areas where the law has traditionally sought to promote finality and predictability.

The WCPDF respectfully submits that future amendments should continue to reflect the constitutional principles of legality, procedural fairness, proportionality and legal certainty, while also recognising the important contribution that efficient planning systems make to economic growth, infrastructure delivery and housing supply.

The WCPDF remains committed to working constructively with the City in refining the Municipal Planning By-law and would welcome the opportunity to participate in any further technical workshops or stakeholder engagement processes that may assist in achieving these shared objectives.

Appendix A

International Good Planning Principles Guiding Comment

Introduction

Although planning systems differ significantly between jurisdictions, there is remarkable consistency in the principles adopted by high-performing planning authorities internationally.

Whether examining planning systems in the United Kingdom, Australia, New Zealand, Singapore, Canada or leading European jurisdictions, common themes emerge regarding how planning legislation should balance the public interest with efficient development approval processes.

These principles are reflected in guidance published by organisations such as the OECD, the World Bank, UN-Habitat and numerous national planning institutes.

The WCPDF respectfully submits that these internationally-recognised principles provide a useful framework against which the proposed amendments may be assessed.

Principle 1

Planning and Building Control Should Perform Distinct Functions

One of the defining characteristics of mature planning systems is the clear distinction between:

- planning approval, and
- building regulation.

Planning authorities determine whether proposed development is appropriate having regard to matters such as:

- land use
- environmental impact
- transportation
- urban design
- neighbourhood character
- infrastructure capacity, and
- public participation.

Building control authorities thereafter determine whether the approved development complies with applicable technical construction standards.

This distinction promotes certainty by ensuring that planning issues are considered once, through transparent statutory processes, rather than repeatedly throughout subsequent implementation.

The WCPDF submits that maintaining this distinction remains fundamental to an efficient planning system.

Principle 2

Public Participation Should Occur at the Planning Stage

International practice consistently recognises that meaningful public participation should occur before development rights are established.

This enables communities to influence decisions regarding:

- land use
- density
- scale
- environmental impacts, and
- neighbourhood compatibility.

Once these matters have been determined through lawful planning processes, subsequent technical approvals generally focus on implementation rather than reopening planning debates.

This approach balances democratic participation with administrative certainty.

Principle 3

Regulation Should Be Proportionate

Modern regulatory practice increasingly applies the principle of proportionality.

Administrative obligations should correspond to the significance of the public interest being protected. Where existing statutory processes already achieve a particular objective, additional regulation should only be introduced where clear evidence demonstrates that existing mechanisms are inadequate.

Proportionate regulation improves compliance while reducing unnecessary administrative costs for both government and applicants.

Principle 4

Administrative Efficiency Is a Public Interest

Planning systems exist to protect the public interest. Administrative efficiency forms part of that public interest.

Efficient planning systems contribute directly to:

- housing delivery
- employment creation
- infrastructure investment
- economic competitiveness, and
- municipal revenue generation.

Conversely, unnecessary procedural duplication imposes costs upon society without necessarily improving planning outcomes.

Many jurisdictions now recognise planning efficiency as an explicit policy objective alongside transparency and environmental protection.

Principle 5

Legal Certainty Encourages Investment

Stable planning systems promote investment by enabling individuals and organisations to make long-term decisions with confidence.

Once statutory approvals have been granted, affected parties should ordinarily be entitled to rely upon those approvals.

International planning practice therefore places considerable emphasis upon:

- certainty
- predictability
- transparency, and
- consistency.

Mechanisms allowing completed administrative decisions to be revisited are generally carefully defined and confined to limited circumstances.

Principle 6

Transparency Should Be Achieved Through Information Rather Than Procedure

Leading planning authorities increasingly improve transparency through digital access to information rather than by creating additional statutory approval processes.

Examples include:

- online planning registers
- searchable planning decisions
- electronic access to approved plans
- digital zoning maps
- application tracking systems, and
- public planning portals.

Technology enables greater transparency while avoiding unnecessary procedural complexity.

The WCPDF submits that continued digital transformation provides a more effective means of improving public access to planning information than introducing additional procedural requirements.

Principle 7

Regulatory Reform Should Be Evidence-Based

International best practice increasingly supports evidence-based regulation.

Before introducing significant legislative amendments, governments commonly evaluate:

- the problem being addressed
- alternative regulatory approaches
- implementation costs
- expected public benefits, and
- potential unintended consequences.

Such assessments assist legislators in ensuring that regulation remains proportionate and effective.

The WCPDF respectfully encourages the City to continue strengthening evidence-based approaches when considering future substantive amendments to the Municipal Planning By-law.

Principle 8

Planning Systems Should Support Broader Economic Objectives

Well-designed planning systems contribute directly to national and municipal development objectives.

International experience consistently demonstrates that planning legislation influences:

- investment confidence
- housing affordability
- infrastructure delivery
- employment, and
- urban competitiveness.

Planning legislation should therefore seek to facilitate sustainable development while maintaining appropriate public safeguards.

Administrative efficiency and sound governance should be regarded as complementary rather than competing objectives.

Principle 9

Continuous Collaboration Produces Better Regulation

Successful planning systems are characterised by ongoing engagement between government and stakeholders.

This includes constructive consultation with:

- professional institutes
- municipalities
- developers
- environmental organisations
- community groups, and
- academic institutions.

Collaborative policy development ultimately strengthens public confidence in planning legislation and improves legislative quality by identifying unintended consequences before implementation.

SUMMARY TABLE/ ...

SUMMARY TABLE

International Principle	International Practice	Relevance to the Draft By-law
Separation of planning and building control	Planning determines land-use rights; building control verifies technical compliance.	Supports limiting additional procedural requirements at the building plan stage.
Public participation	Participation occurs before development rights are granted.	Suggests avoiding duplicate notification after building plan approval.
Proportionality	Regulation should correspond to demonstrated public need.	Supports reconsideration of broad notification and rectification provisions.
Legal certainty	Final administrative decisions should be reliable and predictable.	Supports narrowly defining rectification powers.
Digital transparency	Information is increasingly provided through online registers and portals.	Provides an alternative to creating new statutory notification obligations.
Evidence-based regulation	Significant regulatory changes are supported by impact assessments.	Encourages publication of the policy rationale and expected benefits of the amendments.
Collaboration	Ongoing engagement between government and stakeholders improves regulatory quality.	Supports continued consultation before finalising the amendments.