

Konza National Data Centre & Smart City Facilities



Konza Complex (Office Block)



Horizontal Infrastructure through EPC-F

PEMITTING AND DEVELOPMENT CONTROL INTERNAL POLICY

2021

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FOREWORD

The Management of Konza Technopolis Development Authority recognizes the critical role of ethical service and professionalism in service delivery in addition to concerted efforts from staff to achieve the Authority's Vision, Mission and Mandate.

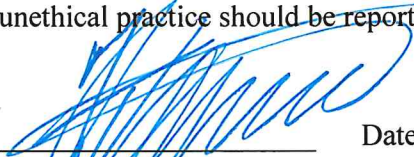
To promote transparency and accountability in the Authority, it is important to define the Authority's standards of practice to regulate behaviours, interactions, and actions of its members of staff. The Management recognizes unethical and unprofessional conducts as impediments to social and economic development which also undermines confidence in public institutions.

The KoTDA Public Complaints Policy outlines the standards for the Authority's management of customer feedback and public complaints. This will ensure that the Authority enhances sustainable development with integrity and without diminishing the Authority's reputation.

To inform the standards of practice stipulated in this Code, this document takes cognizance of the Authority's Vision, Mission, Values and Mandates. It also incorporates the statutory provisions of various acts namely, *The Public Participation Bill 2018*, *Public Procurement and Disposal Act 2015*, *The Public Officer Ethics Act 2003*, *The Civil Service Code of Regulations Revised 2006*, *The Public Service Commission Act Cap 185*, *The Anti-Corruption and Economic Crimes Act 2003* and other relevant regulations.

To create a physical environment that fosters corporate innovation for the furtherance of our goal of developing a smart city, it is important to have the free social environment.

I therefore call for a concerted effort from our staff, stakeholders, investors, development partners and the community to support the Authority through adherence to this Policy. Any incidence of unethical practice should be reported to the Authority.

 Date: 18/06/2021
Eng. John Tanui, MBS
CHIEF EXECUTIVE OFFICER

OUR IDENTITY

Vision

To be a leading global technology and innovation hub.

Mission

To develop a sustainable smart city and an innovation ecosystem, contributing to Kenya's knowledge-based economy.

Mandate

The mandate of KoTDA is to develop Konza Technopolis as a globally competitive smart city by creating an enabling environment through utilization of ICT for socio-economic development.

Strategic Objectives:

- Develop and manage a world-class smart city with a vibrant, safe and secure, healthy and sustainable ecosystem.
- Form partnerships with other actors in the National Innovation System, to recruit, attract, and develop high-end talent as well as create relevant, and smart innovative solutions and commercialize them.
- Mobilise adequate and sustainable funding to meet the Authority's mandate and changing needs of the business community and residents.
- Create a strong brand and image of Konza Technopolis that will attract, facilitate and retain investors.
- Ensure that the Authority has adequate institutional capacity to fulfil its mandate.



LIST OF ABBREVIATIONS

CM	Chief Manager
COK	Constitution of Kenya
EMCA	Environmental Management and Coordination Act
HR	Human Resource
KOTDA	Konza Technopolis Development Authority
KT	Konza Technopolis
LP&LUDP	Local Physical and Land Use Development Plan
MoLPP	Ministry of Lands and Physical Planning
PLUPA	Physical and Land Use Planning Act
PPD&C	Physical Planning Design and Compliance
WCMA	Wildlife Management and Conservation Act
BORAQS	Board of Registration of Architects and Quantity Surveyors of Kenya
EBK	Engineers Board of Kenya
NCA	National Construction Authority
PDRAP	Parcel Design Review and Approval Process
PAW	Parcel Allocation Worksheet
TDRC	Technical Design Review Committee



INTERPRETATION

"Applicant" means A Kenyan professional (Architect - building projects or Engineer - engineering projects) acting on behalf of the investor during design and construction supervision.

"Authority" means the Konza Technopolis Development Authority. **"Board"** means the board of directors of KoTDA

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters related to physical and land use planning.

"CEO" means the Chief Executive Officer of KoTDA

"Chief Manager" means Chief manager in charge of Physical Planning, Design and Compliance. **"Consultant"** Means a person registered as per the consulting specialty by the regulating Board of Registration in Kenya including BORAQS, EBK, NCA, NEMA etc.

"Contractor" means a construction entity registered/licensed by National Construction Authority of.

"Department" means the department in charge of Physical Planning, Design and Compliance

"development control" means the process of managing and regulating the carrying out of any works on land or making of any material change in the use of any land or structures and ensuring that operations on land conform to spatial development plans as well as policy guidelines, regulations and standards issued by the planning authority from time to time in order to achieve a purposeful utilization of land in the interest of the general welfare of the public;

"development" means carrying out any works on land or making any material change in the use of any structures on the land.

"KoTDA" means the Konza Technopolis Development Authority

"Local physical and land use development plan" means a plan for the area or part thereof of a city, municipality, town or urban center

"Master Plan" means Local Physical and Land Use plan or an action area plan

"Parcel" means a parcel of land, which, on its own, would be eligible for a building permit, or can be assembled or consolidated with other land to increase the development or redevelopment potential of the whole, and includes any parkland or part of any park and the term Parcels shall be construed accordingly.

"Planning Act" means Physical and Land Use Development Plan

"Registered planner" means a licensed practicing physical planner registered by the Physical Planners Registration Board (PPRB) under section 7 of the Physical Planners Registration Act, 1996.



Silicon Savannah

"Subdivision" means process used to subdivided land in Konza ensuring the resulting parcel configurations adhere to the master plan.

"Variation" means a process to allow deviation from the design guidelines, zoning guide requirements within KoTDA

"Vacation of street/Easement/right of way/ way leaves" means the processes used to vacate easements or rights of way dedicated or prescribed.

PROJECT BACKGROUND

- 1.1. Konza Technopolis (**KT**) is envisioned to be a sustainable, world-class technology hub and a major economic driver for Kenya, with a vibrant mix of businesses, workers, residents, and urban amenities. KT will create high value jobs, boost the country's GDP by focusing on Research, Development and Entrepreneurship in the Science Technology and Innovation (**STI**) sector. This will position Kenya as a global center for innovation and Africa's technology hub.
- 1.2. Konza Technopolis aims to attract Research, Education and Commercial partners in Information Technology Enabled Services (**ITES**), Life Sciences and Engineering. Increased innovation will lead to an increase in patenting and increased quality will produce skilled workforce for industries. KT will attract investors and build programs aimed at commercializing the products of research. It will provide a good innovation ecosystem to educate new and existing technology entrepreneurs and for multinational companies entering Africa to consider setting up their offices or branches.
- 1.3. Konza Technopolis will be a 'smart city' with highly advanced overall infrastructure, sustainable developments, communication networks and market viability. KT will feature world-class civic and commercial architecture and it will be a Regional Innovation Hub; KT will also host a high quality Technology University, Smart Schools, Research Labs, Recreational Facilities (Sports Stadium, Film and Media Centre), Hospitality (Hotels and Convention Centers), Smart City Solutions (Smart Traffic, Smart Parking and Smart Governance) and world-class infrastructure.
- 1.4. Konza Technopolis is a Special Economic Zone declared under the Special Economic Zones Act of 2015. Special Economic Zones were established with the purpose of creating an enabling environment in the zones through:
 - a. Development of integrated infrastructure facilities.
 - b. Creation of incentives for economic and business activities.
 - c. Removal of impediments to economic or business activities that generate profits for enterprises.
- 1.5. Konza Technopolis requires a comprehensive policy on Permitting and Development control to provide a guiding framework for all developments to achieve its envisioned status of a smart and sustainable city.

INTRODUCTION

The Konza Technopolis Permitting and development control Policy provides a framework for undertaking development control functions within the Authority that must be followed by all KT stakeholders including all staff and investors. It also provides guidelines upon which the policy shall be administered and the correct procedures to be followed.

The Authority will keep the Permitting and development control Policy current and relevant. Therefore, from time to time it will be necessary to modify and amend appropriate sections of this policy or to add new procedures as may arise.

Particulars of the Permitting and Development Control policy

Implementing Unit	Physical Planning, Design and Compliance Department
Effective Date	March 2021
Review Date	July 2030
Policy Version/ Revision History	DRAFT 0
Scope of Policy Application	All KoTDA Stakeholders
Approval by the CEO:	
Approval by the Board of Directors:	

1. EXECUTIVE SUMMARY

1. This policy regulates Konza Technopolis permitting and development control processes in four phases in the following chronological order.
 - 1.1. Land Allocation phase,
 - 1.2. Parcel Design Review and Approval phase,
 - 1.3. Construction Compliance phase
 - 1.4. Post construction phase.
2. At the beginning of Land allocation phase, Permitting and development Control Documents including the Local Physical and Land Use Plan and/or Action Area Plan and the board's approved Parcel Allocation Work Sheets (PAWs) will be used.
3. 10% of the stand premium paid by the investor before signing the lease shall be used for permitting and development control activities.
4. Parcel Design review and approval commences within 18 months after an Investor has received a parcel or parcels at Konza Technopolis through a signed lease.
5. Parcel Design Review and Approval Process involves the following:
 - 5.1. Orientation meeting,
 - 5.2. Pre-Application Consultation,
 - 5.3. Site plan review,
 - 5.4. Construction Permitting.
6. Orientation meeting can be physical or online. The applicant is explained the whole process of Permitting and development control in accordance to this policy.
7. Pre application Consultation will involve application forms from the applicant to the department, review, and feedback to the applicant.
8. Site plan review will involve application forms from the applicant to the department, review, and feedback to the applicant for the following
 - 8.1. Site plan review application documents
 - 8.2. Variance request application forms
 - 8.2.1. Subdivision request – To divide the parcels
 - 8.2.2. Variance request – deviation from guidelines, zoning etc
 - 8.2.3. Vacation of street/Easement/right of way
9. Construction Permit will involve application forms from the applicant to the department, review, presentation to the board and feedback from the department with a condition for applications to NEMA and NCA in accordance to construction regulations in Kenya.

10. Construction compliance involves periodic checks on construction activities on conformance with approved designs and compliance to Konza Technopolis Construction Compliance codes on:
 - 10.1. Quality Assurance
 - 10.2. Traffic Management
 - 10.3. Environmental Management
 - 10.4. Health and safety
 - 10.5. Security Management
11. Occupation certification involving application documents to the department, review and feed back to the applicant.
12. Post construction phase involves Monitoring and Evaluation of Konza Technopolis developments for sustainability for two years after issuance of Occupation Certificate.

2. POLICY BACKGROUND

2.1 JUSTIFICATION

2.1 KT requires a comprehensive policy framework to guide permitting and development control process ranging from land disposition, design approvals, construction inspection, occupation certification and sustainability compliance after construction.

2.2 Absence of an appropriate permitting and development control regulations will result to development of an urban environment that does not correspond to the approved Local Physical and Land Use Plan and /or Action Area Plan and complications of responsibility when a noncompliance issue arises.

2.3 Permitting and development control Policy will provide the framework to guide developments in an optimal and sustainable manner within the Technopolis. The Policy will also ensure all developments adhere to the master plan.

2.4 There is an elaborate process of development control at KT elaborated in the Design Review and Approval (PDRAP) guidelines developed by MDP 2 for utilization by the Authority on this matter.

2.2 RATIONALE

1. This policy framework has been developed as per the provisions of existing national legal and policy framework on permitting and development control matters.
2. The KT PDRAP has informed the provisions of this policy.
3. Other legal and policy frameworks in which this Policy is anchored are listed below:

- i. **Kenya Vision 2030** which promotes planning for realization of high-quality urban livelihoods for Kenyans under the Infrastructure Services sector. The Vision outlines the need for planning of strategic national flagship projects in transport, water and sanitation, environment management, special cities such as Konza Technopolis amongst others
- ii. **The National Spatial Plan (2015-2045)** which aims at providing a spatial framework for the country to achieve economic efficiency, global competitiveness, balanced regional development, liveable and functional human settlements and environmental sustainability for high quality of life.
- iii. **National Land Policy (2009)** which espouses on land policy principles and guiding values. It sets out the goals and direction for the administration and management of land and measures and guidelines to be adopted to achieve optimal utilization and management of land.
- iv. **The National Land Use Policy (2017)** which provides legal, administrative, institutional, and technological frameworks for enhancing optimal Productivity, Efficiency, Equitability and Sustainability in the use of land and land related resources at national, county and community levels.
- v. Special Economic Zones Act, 2015; Land (Amendment) Act, 2016; National Land Commission Act, 2012; Legal Notice No. 23 of 2012 that established KOTDA and Integrated National Transport Policy, 2009.

3. OBJECTIVES, PHILOSOPHY, GUIDING PRINCIPLES AND ADMINISTRATION OF THIS POLICY

3.1 Objective of the Policy

The objective of this Policy is to provide a guiding framework for all developments within KT in order to achieve a balanced and integrated development for all aspects of urban life: physical, social and economic in a comprehensive manner. The specific objectives of this Policy are to:

- i. Establish institution framework for land allocation, design preparation, approval, review and compliance during construction/implementation
- ii. Describe the processes that all designs shall go through before construction commences at KT.
- iii. Describe the compliance requirements for all construction going at KT

3.2 Policy Philosophy

This Policy and its implementation shall be guided by the philosophy outlined below;

- i. Design and construction should be regulated to attain a coherent urban development.
- ii. Design and Construction compliance should be exercised equally to all stakeholders / projects at KT
- iii. KT is a smart, green and sustainable city.

3.3 Principles and norms of Permitting and development control

The guiding principles should direct the manner in which appropriate permitting and development control can be achieved. In this policy, Permitting and development control shall follow, the following principles and values:

- i. Promotion of sustainable permitting and development control process which integrates KT Local Physical and Land Use Plan and/or Action Area Plan goals to the designed and construction KT.
- ii. Compliance to Permitting and Development control shall be done in a manner that integrates economic, social and environmental needs of present and future generations;
- iii. Development control will Ensure ecological sustainability, biodiversity conservation and natural resources conservation and protection
- iv. Amicable conflict resolution and liaison on permitting and development control matters.
- v. Integrity and adherence to the rule of law.
- vi. Effective public participation.
- vii. Adoption of technology in permitting and development control.

3.4. Permitting and Development Control Organizational Structure

3.4.1 The Physical Planning, Design and Compliance Department

KOTDA Human Resource Manuals mandate the Physical Planning, Design and Compliance Department to carry out all permitting and development control matters. To

ensure that the Department has adequate capacity, the staff establishment shall be as per the KoTDA HR Manuals.

3.4.2. Technical Design Review Committee

There shall be established a Technical design review committee. The CEO will constitute an ad hoc Technical Design Review Committee which may be drawn internally from the technical departments in charge of physical and land use planning and construction operations and management at Konza Technopolis Development Authority and / or a technical team appointed by the CEO whose membership may be external to the Konza Authority. The Committee shall have at least one member who is registered and has a valid practicing license from each of the following professions.

- i. Physical Planner
- ii. Architect
- iii. Landscape Architect
- iv. Structural Engineer
- v. Civil Engineer
- vi. Mechanical Engineer
- vii. Electrical Engineer
- viii. ICT Engineer
- ix. Environmental Expert
- x. Green Certification Expert

3.4.3 Liability and indemnity of the Departments officers and the technical committee

Neither KoTDA nor any public officer in Permitting department shall be personally liable for any defective designs or any construction work appertaining thereto, performed by a consultant and or a contractor, notwithstanding that any design and or construction has been authenticated in accordance with the requirements and provisions of this Policy and boards/authorities of registration for consultants and contractors. Consultants and contractors will therefore be required to indemnify the said officers by signing indemnity forms which will be prepared and issued by the Konza Authority.

4 PERMITTING AND DEVELOPMENT CONTROL PHASES

KT permitting and development control regulations cover four areas as detailed below:

4.1 Land Allocation phase

During Land allocation, KT Local Physical and Land Use plan and / or action area plan shall be used with KoTDA boards approved Parcel Allocation Worksheets (PAWs).

The Local Physical and Land Use plan and / or action area plan and Parcel Allocation Worksheet shall be provided in accordance with the Konza Technopolis Physical and Land Use Planning policy.

4.2 Parcel Design and Approval phase

PDRAP commences within 18 months; or any other period that may be agreed in writing between the investor and the authority, after an Investor has received a parcel or parcels at Konza Technopolis through a signed lease.

Four Development Control activities are involved in the following chronological order during this phase.

4.2.1 Orientation meeting.

Orientation meeting will be carried out with the investor and the department either in a physical or online meeting. The applicant shall be explained the whole process of Permitting and development control in accordance with this policy. They will be advised to engage a suitable applicant required for the permitting and development control.

4.2.2 Pre-Application Consultation

1. During the orientation meeting, investor will be advised to fill and submit a pre application consultation documents online or submit one soft copy and or three hard copies to the the Authority using the appropriate applicant.
2. The authority shall formulate forms to be used by all applicants during pre-application consultation.
3. A Case Team consisting of a development Control Officer (Case Manager) and an investor facilitation officer will be assigned to the submitted documents from the department in charge of permitting and development control and the department in charge of Investor Facilitation, respectively.
4. An identification number will be allocated, to the applicant as a case, by the case Manager.
5. The CEO shall appoint an ad hoc technical Design Review Committee for the Case in accordance to the committees composition stipulated in this policy.
6. The Case Manager will take two working days to check completeness of the submitted documents. If the documents are not complete, the case manager will directly inform the applicant and await the complete documents to be resubmitted.

7. The case manager will communicate to the applicant receipt of a complete document within five working days and inform that a review shall be conducted.
8. The case manager will coordinate a review by the ad hoc Technical Design Review Committee which will prepare a review report within 10 working days.
9. The case manager will forward the technical review report to the applicant and organize a meeting with the applicant within two days after the report has been received by the applicant.
10. The Chief Manager will chair the meeting and ensure concurrence.
11. Following a successful pre application meeting, the Authority, will give a notification of Authorization to the applicant through the CEO to proceed to the Site Plan application.
12. In case the application was not successful, the applicant will be advised on the mitigation measures to revise (re-apply) the pre-application through the CEO.
13. Upon approval, a public notification will be made within Konza Technopolis in the authorities website and / or public notice boards within the Technopolis
14. The approval for pre application consultation stays valid for one year after which the applicant will be required to make a new application.

4.2.3 Site plan review

1. Site plan review will involve application forms from the applicant to the department, review, and feedback to the applicant for the following:

Site plan application

1. The investor has 12; or any other period that should be agreed in writing between the investor and the authority, after approval of pre application consultation report to submit documents for site plan application.
2. The authority shall formulate forms to be used by all applicants during site plan application.
3. The site plan application will be submitted online or in one soft copy and three hard copies of the plans to the authority.
4. The Case Manager will take two working days to check completeness of the submitted documents. If the documents are not complete, the case manager will directly inform the applicant and await the complete documents to be resubmitted.
5. The case manager will communicate to the applicant receipt of complete document within five working days and inform that a review shall be conducted.

6. The case manager will coordinate a review by the ad hoc technical Design Review committee which will prepare a technical review report within fifteen (15) working days of receipt of site plan application documents.
7. The case manager will forward the decision of the technical review to the applicant and inform them the requirement of any variation application, if necessary, which should be approved before issuance of a construction permit.
8. The case manager will organize a meeting with the applicant if any party requests for the same within two (2) working days after the report has been sent to the applicant. The Chief Manager will chair the site application meeting.
9. Applicable meetings to build consensus on the review report shall be concluded within fifteen days from the date that the report was forwarded to the applicant.
10. Following a successful site plan review the Chief Executive Officer shall give a notification of Authorization to the applicant to proceed to the construction permit application
11. In case the meeting and or review report was not successful, the applicant will be advised on the mitigation measures to revise (re-apply) within 60 working days the site plan application which will be shared with the applicant through the Chief Executive Officer.
12. The maximum number of re-applications to be done are 3 (three) The Case manager shall ensure approval is secured within the allowed re-applications.
13. When approved, a public notification will be made within the Konza Technopolis in the authority's website and or / public notice boards within the Technopolis
14. The approval for site plan application shall be valid for one year.

Variance application

If considered as a requirement during pre application consultation and or site plan application, a variance application will be made using standard forms to be provided to the applicant by the authority as below:

- **Subdivision application.** If this variance is required, the variation request application will be done online or a submission consisting of one soft copy and three hard copies
1. The Case Manager will take two working days to check completeness of the submitted documents. If the documents are not complete, the case manager will directly inform the applicant and await a complete set of documents to be resubmitted.
 2. The case manager will communicate to the applicant receipt of complete document within five working days and inform that a review shall be conducted.

3. The case manager will coordinate a review by the ad oc technical design review committee which will prepare a review report within fifteen (15) working days of receipt of the application document.
4. If the review report indicate that the request is not admissible, the CEO will forward a rejection notification to the applicant..
5. The case manager will organize a meeting with the applicant if any party requests for the same within two working days after the report has been sent to the applicant. The Chief Manager will chair the meeting.
6. Applicable meetings to build consensus on the review report shall be concluded within fifteen days from the date that the report was forwarded to the applicant.
7. If the review report indicate that the Subdivision request is admissible, the request will be submitted to the board for approval through the Chief Executive Officer.
8. The Board Resolution shall be communicated to the applicant through the CEO and shall be final.
9. The approval for subdivision shall be valid for one year.



Variation application If this variance is required, the variation request application will be done online or a submission documents consisting of one soft copy and three hard copies.

1. The Case Manager will take two working days to check completeness of the submitted documents. If the documents are not complete, the case manager will directly inform the applicant and put aside the application until the complete documents are resubmitted.
2. The case manager will communicate to the applicant receipt of complete document within five working days and inform that a review shall be conducted.
3. The case manager will coordinate a review by the ad oc technical design review committee which will prepare a review report within fifteen (15) working days of receipt of the application document.
4. If the review report indicate that the request is not admissible, the Chief Executive Officer. will forward a rejection notification to the applicant.
5. The case manager will organize a meeting with the applicant if any party requests for the same within two days after the report has been sent to the applicant. The Chief Manager will chair the meeting and ensure concurrence.
6. Applicable meetings to build consensus on the review report shall be concluded within fifteen days from the date that the report was forwarded to the applicant.

7. If the review report indicate that the variation request is admissible, the variation request will be submitted to the board for approval by the CEO.
8. The Board Resolution shall be communicated to the applicant through the CEO and shall be final.
9. The Variation approval stays Valid for One Year.



Vacation of street/Easement/right of way/ way leaves application. If this variance is required, the variation request application will be done online or a submission consisting of one soft copy and three hard copies.

1. The Case Manager will take two working days to check completeness of the submitted documents.
2. If the documents are not complete, the case manager will directly inform the applicant and await the complete application until to be resubmitted.
3. The case manager will communicate to the applicant receipt of complete document within five working days and inform that a review shall be conducted.
4. The case manager will coordinate a review by the ad hoc committee which will prepare a review report within fifteen (15) working days of receipt of the application document.
5. If the review report indicate that the request is not admissible, the CEO will forward the rejection notification to the applicant.
6. The case manager will organize a meeting with the applicant if any party requests for the same within two days after the report has been sent to the applicant. The Chief Manager will chair the meeting and ensure concurrence.
7. Applicable meetings to build consensus on the review report shall be concluded within fifteen working days from the date that the report was forwarded to the applicant.
8. If the review report indicate that the variation request is admissible, the request will be submitted to the board through the CEO for approval.
9. The Board Resolution shall be communicated to the applicant through the CEO and shall be final.
10. The Vacation/easement/right of way/way leave stays valid for one year.

4.2.4 Construction Permitting

1. Construction permit application shall be submitted within eighteen (18) months after approval of site plan application or any other period agreed by the investor and the authority in writing.

2. The Case Manager will take two working days to check completeness of the submitted documents. If the documents are not complete, the case manager will directly inform the applicant and await the complete documents to be resubmitted.
3. The case manager will communicate to the applicant receipt of complete document within five working days and inform that a review shall be conducted.
4. The case manager will coordinate a review by the ad hoc technical design review committee which will prepare a review report within fifteen (15) working days
5. If the review report by the committee indicate that the request is not admissible, the CEO will forward a rejection notification to the applicant.
6. If the review report indicate that the construction permit is admissible, the permit is submitted to the board for approval by the CEO.
7. Upon approval by the board, the CEO will issue the approval notification to the applicant with the following conditions but not limited to:
 - a. All Drawings must be Submitted in A1 OR A0 blueprint (perfect bound as a booklet) of four (4) copies for Authorities stamping and a soft copy (CAD format), including the following:
 - i. Architectural
 - ii. Landscape
 - iii. Structural Engineering
 - iv. Civil Engineering
 - v. Mechanical Engineering
 - vi. Electrical Engineering
 - vii. ICT Engineering
 - b. Obtaining the Completion/Occupation certificate,
 - c. Compliance with KoTDA standards and guidelines as stipulated in the Physical and Land Use Planning policy
 - d. Obtaining approvals from NEMA and NCA before commencement of construction activities.
8. The construction permit approval will also include the required monthly Construction compliance reporting as stipulated in this policy.
9. A public notification will be issued within Konza Technopolis
10. In case the application was not successful, the applicant will be advised on the mitigation measures to revise (re-apply) the construction permit by the CEO.
11. The approval for construction permit shall be valid for one year from the date of approval.

4.3 Construction compliance

1. Construction Compliance will commence when the investor starts construction activities within one year upon approval and notification of construction permit approval.
2. It will involve activities of planning, design and compliance department on construction inspection, commissioning, and issuance of Occupancy Certificate.
3. This involves periodic checks on construction activities and their compliance with approved designs.
4. There shall be at least five (5) Construction Compliance Reports submitted by every 10th of the subsequent month.
5. The construction compliance reporting will comprise of:

5.2. Transport management

5.3. Environmental management

6. Failure to comply with the above requirements will attract closure of the construction sites (until compliance proof is provided)
7. Fines/penalties which will be valued at 0.1% of the total cost of the project for high risk non-compliances will be levied (List and categories attached in Annex Construction Compliance Directive Guide)

4.4 Post Construction Phase:

Post construction phase involves Certificate of occupancy, Monitoring and Evaluation, hard file storage and sustainability certification process and reporting.

The Certificate of occupancy will involve an external inspection of technical team appointed by the CEO and or from the public of works building inspectorate. They give advice on the go ahead for occupation certificate.

5.0 PERMITTING AND DEVELOPMENT CONTROL POLICY REVIEW

5.1 This Policy will be reviewed after every three (3) years to consider emerging issues, new national policies and legislations, lessons learnt and developments in the governance dynamics of the Technopolis' social-economic development. In extremis, the policy may be reviewed to deal with exceptional circumstances arising within a period shorter than three (3) years.



5.2 In case anyone is aggrieved by a permitting and development control decision, the CEO may appoint an ad hoc committee from various Departments on a case by case basis. He/she (CEO) may also incorporate various professionals from outside the Authority depending on the nature of the matter to be resolved. The Committee shall hear and determine the case with a report to the CEO for adoption.

6. EFFECTIVE DATE

This policy shall come into effect on the date following the board's approval



7.0 ANNEXES

- 7.1. Consolidation Pre application consultation application and review material
- 7.2. Pre application consultation application form
- 7.3. Consolidated site plan review application and review material
- 7.4. Site plan review application form
- 7.5. Site plan application forms
- 7.6. Site plan review map requirements
- 7.7. Site plan approval/denial/conditional letter
- 7.8. Minor subdivision application forms
- 7.9. Minor subdivision review map requirements
- 7.10. Minor subdivision review model approval /denial/conditional – letter
- 7.11. Variance request application form
- 7.12. Variance Map Requirements
- 7.13. Variance review model approval /denial/conditional – letter
- 7.14. Vacation of Easement or right of way application forms
- 7.15. Vacation of Easement or right of way review map requirements
- 7.16. Vacation of Easement or right of way review model approval /denial/conditional – letter
- 7.17. Construction permit application forms
- 7.18. Construction permit review map requirements
- 7.19. Construction permit approval/denial/conditional letter
- 7.20. Professional indemnity forms.
- 7.21. Construction Compliance reporting templates for quality assurance, environmental management, biodiversity, security and health and safety.
- 7.22. Construction compliance default notification forms.
- 7.23. Occupation certificate letter
- 7.24. Construction Compliance Directive Guide



PROCEDURAL GUIDE: Pre-Application Consultation

Forms and Submissions

The Checklist Sheet below is provided for your convenience and should be submitted on top of your packet.

ANNEX 7.1 : Consolidated Pre-Application Consultation Application and Review Materials		
Check	Item	Comments
<input type="checkbox"/>	Contact Information – the name, address, phone number & e-mail for the project contact	
<input type="checkbox"/>	Address/location of the parcel proposed for development	
<input type="checkbox"/>	General Statement: How the project meets the intent of the Konza Technopolis Master Plan and all design documents adopted to-date.	
<input type="checkbox"/>	Explanation of how the Applicant sees the project fitting in to the context of Konza Technopolis considering existing or projected development around the parcel, and identification of existing and proposed context development at several scales. The context analysis is one of the most important elements of this stage application to confirm that the Applicant understands their project in the overall Konza urban design. See sample Typical Konza Parcel Development Guidelines, Figure 8.	
<input type="checkbox"/>	Explanation of the type of use proposed for the parcel	
<input type="checkbox"/>	Anticipated number of people that will live, work and visit the project	
<input type="checkbox"/>	Anticipated size and placement of the structure(s) on the proposed parcel, showing 2-dimensional and 3-dimensional building envelope or Floor Area Ratio	
<input type="checkbox"/>	Conceptual images of the architectural style of the building(s) that will be proposed	
<input type="checkbox"/>	Anticipated locations and methods of access to the parcel for personal and commercial motor vehicles (including public transport), pedestrians, and cyclists	
<input type="checkbox"/>	Access and parking concept (number of parking spaces projected)	
<input type="checkbox"/>	Narrative, tabular or mapped descriptions of design features that address pedestrian, private car, and mass transportation to/from the parcel, parking requirements, stormwater conveyance and discharge, food production and procurement, infrastructure demand (water, power), solid waste handling, and resident and transient populations	
<input type="checkbox"/>	Preliminary information and discussion of Sustainability Planning: construction materials use and waste information	
<input type="checkbox"/>	Proposed Sustainability Certification rating system and certification level the project is planning to achieve	
<input type="checkbox"/>	Any specific utility demand or other needs unique to the project that KTC needs to be able to provide in order for your proposed project to be successful	

Consolidated Pre-application Checklist



PRE-APPLICATION FORM AND CHECKLIST

The Pre-Application Review is a very important step in the Development Process. It is designed for efficiency to catch any issues early on, to save time and money for the applicant and KotDA. In order to schedule a Pre-Application Consultation, the Pre-Application Review Form must be completed and submitted to Customer Care at the One-Stop-Shop. This may be done in-person or on-line. Required information is listed below. You may submit additional information beyond what is required below. Be advised that if your concept is not approved, Konza Technopolis is not responsible for any expenses incurred to you in developing these application materials, including advisory, documents and drawings. You are subject to all development controls, zoning, development and sustainability guidelines, procedures and permitting regulations and expenses as they are legally binding at the time of application.

Please fill out this application electronically by filling in this form. Please feel free to insert as many lines as needed. This application, along with narrative materials, plans and maps are to be submitted electronically on line (through website, email, FTP or other means agreed with Customer Care officer) or in person by CD/flash drive, WITH two sets of hardcopy of all materials/maps.

PRE-APPLICATION REVIEW (Consolidated), TO BE COMPLETED BY STAFF

==:J Attended orientation to regulatory framework for Konza on:

==:J Payment Received By: _____ Payment Form/ Receipt _____

==:J Pre-Application Review

D Date _____

D Scheduled by _____

I Accepted/Denied & date _____

Case No. _____

Time _____

Case Mngr. _____

BEFORE YOU START THE PRE-APPLICATION

D1 Have you thoroughly reviewed the following development control material prior to starting your application? Getting Started on the Konza Development and Construction Permitting Review Process, Konza Development Control Process (Chapter 6.5.1); Commercial, Mixed- Use and Residential Design Guidelines and Phase One Individual Parcel Specific Design Guidelines, Street and Mobility Guidelines, University Design Guidelines, Design Guidelines at Parks and Open Space, Social Services Design Guidelines, Construction Worker Housing Design Guidelines, Sustainability Framework, and Konza Business Licensing Regulations. By checking this box, you are certifying that you have read all these documents and you will abide by them.

Have you attended the required on line or in person orientation to the regulatory framework for Konza prior to completing this application form? Please see the One Stop Shop for information on scheduling this training on line or in person. (All base maps and graphic material that you might need for your application will be provided to you during your Orientation program in electronic format, CAD, PDF, and JPG.) By checking this box, you are certifying that you have completed the orientation, on this date. _____

☐ 2



APPLICANT CONTACT INFORMATION

3	CONTACT INFORMATION (DEVELOPER)	
	Name	
	Company	
	Address	
	Phone	
	Email	
	Kenyan/International Professional Certifications and Licenses held:	

4 ADDITIONAL CONTACT INFORMATION, IF KNOWN (DESIGN TEAM)

Name _____

Address _____

Phone _____

Email _____

Kenyan/International Professional Certifications and Licenses held: _____

5	ADDITIONAL CONTACT INFORMATION, IF KNOWN (DESIGN TEAM)	
	Name	
	Address	
	Phone	
	Email	
	Kenyan/International Professional Certifications and Licenses held:	

PROJECT VISION/BRIEF

6 Please describe the overall concept for this project and how it will fit with and support the achievement of the Konza Vision. Please highlight how its site planning, landscape and architectural design will conform to the urban design vision, and how its function will leverage innovation in Konza and subsequent economic growth for Kenya.

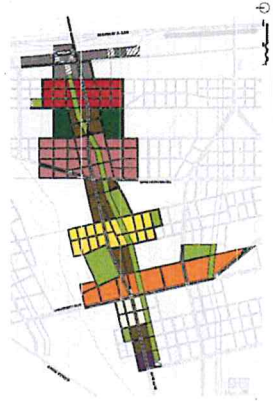
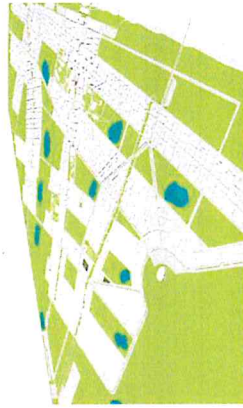
PARCEL INFORMATION

The purpose of this section is to locate your site within the overall assemblage of the urban system. Especially in the early days of Konza's development, it will be challenging but important to grasp the future vision of Konza and to see where your project will find itself in the future.

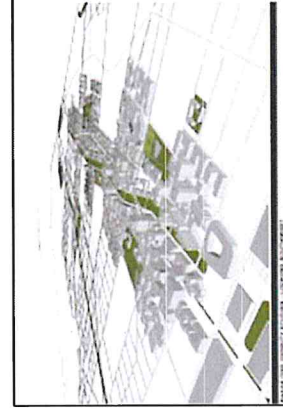
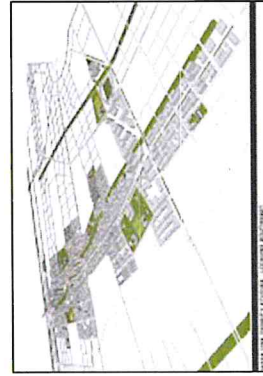
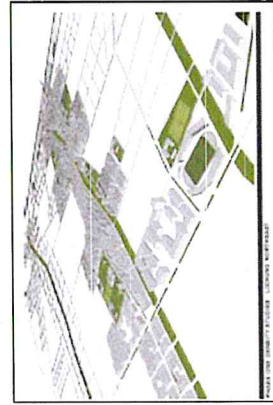
- ☐ **7 Parcel Address/Location.** If an address has not been assigned, provide the parcel identification number or GPS coordinates. If you do not have a specific parcel in mind, please elaborate on your general development interest in the following question. NB: If you have multiple parcels, please prepare a separate application for each parcel.

- ☐ **8 Vicinity Maps.** Please locate your parcel on the provided 2 aerial drawings (or one of the other density studies shown on the second line below from section 4.2.8 of the Design Guidelines) and the land use map. Please explain your site's location in the overall scheme of Konza and explain its proposed land use as shown in the land use map. *(All base maps and graphic material that you might need for your application will be provided to you during your Orientation program in electronic format, CAD, PDF, and JPG.)*

REQUIRED VICINITY MAPS



OPTIONAL VICINITY BASE MAPS





CONTEXT ANALYSIS

Konza is unique as a new community and its urban design will reflect its world class form and sustainable design. In order to achieve this vision, it is crucial that each new structure fit into the overall assemblage of urban design by seamlessly reflecting the surrounding urban fabric. Unlike many African cities where structures are "inward facing", each structure at Konza will open its arms to tie into the public realm and circulation to create a vibrant, animated urban life. The following analyses are meant to ensure maximum integration into Konza's urban landscape. They will be further developed in the next application stage, Site Plan Review.

☐ 9 What are the developments or usages adjacent to your project on all sides? You may describe this in the provided table or show it on a base map.

North:

South:

East:

West:

- ☐ 10 Please prepare a simple sketch context analysis, with sketch notes, in 3 ways as follows. This is intended to show how the *design of your building will be informed by the site and context, not just adopted from another location.*

A). Please graphically locate your site on the following maps, (shown in thumbnail size below, and available in your base map folder) and explain what the mapped information means for your project design. For more information, please consult Section 4.2 of the Commercial, Mixed Use and Residential Design Guidelines.

1. Floor Area Ratio

2. Building Height

3. Transect Zones

4. Community Centers

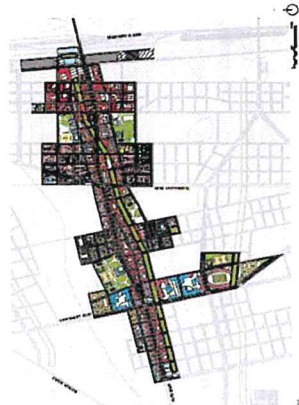
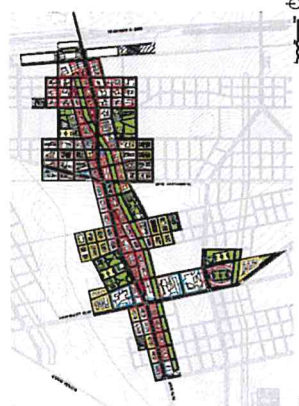
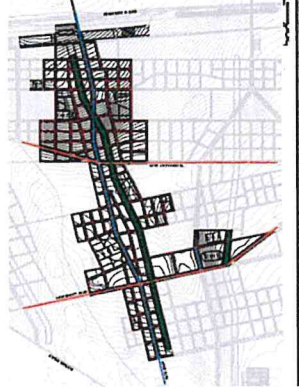
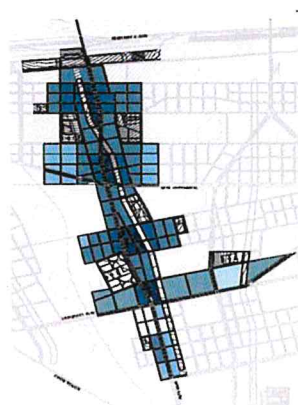
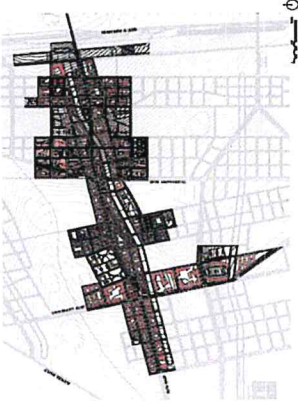
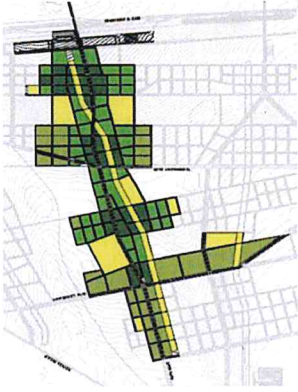
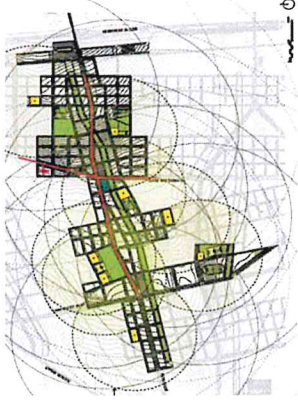
5. Ground Floor Land Use. Please also identify closest parking structure(s)

6. Activated Zones

7. Street Hierarchy

8. Bicycle Routes

9. Transit (public) Routes





☐

b) Context Analysis. On the Phase One plan base map, within a bubble radius of 500km around your site, please show a composite diagram of key/relevant contextual design drivers or constraints drawn from the above diagrams and any other factors (as suggested below) that will inform the design of your building.

- Parcel

boundary/location
- Surrounding buildings (please show massing models shown as completed, under construction, or planned in the official Konza Master Plan massing model)

Existing and planned vehicular, public, pedestrian and cycling transport circulation (based on the Konza Master Plan)

Existing and planned surrounding urban public realm, with special attention to the location of "streetscapes", pedestrian streets and plazas.

On street parking and parking structures that are available for users of your project (please distinguish between planned and built, and note number of spaces available for your project).

Existing and planned public facilities, parks, schools, health centers, with special attention to the closest community center

Existing and planned industrial, mechanical and logistics functions

Other relevant factors that will drive your site and building planning.

☐

c) Site Analysis. At 1:200 scale, including at least all 8 blocks surrounding your site: Please map a composite diagram of immediately surrounding Key/Relevant Urban Design Factors, both existing and planned:

- Building massing forms surrounding the site (to inform your building's urban design reference),

Circulation patterns, location of surrounding buildings' entrances, block vehicular access, and service functions (to inform your building's access design)

Key streetscape activities (to inform your building's interface with the streetscape, including public transit stops.

Public realm, greenway and park locations to inform your building's reference to them.

Other immediately surrounding factors that will drive your site and building planning.

Insert d) Urban Design Factors



YOUR DEVELOPMENT PROGRAM AND PLAN

- ☐ **11 USERS.** Please describe the users of your project, including different categories and estimated numbers in each category. Describe how each user group will access at the site (automobile, public transit, walking, biking) and from within or outside Konza.

User	Estimated Number	Percentage of Whole	Access	Rough Time of Arrival/Departure	% from Within or Outside site	
					Within	Outside
Residents						
Employees/Management						
Employees/Staff						
Maintenance Staff						
Students						
Faculty/Research						
Etc.						
Total	Total	Total			Total	Total

- ☐ **12 BUILDING PROGRAM.** What is your proposed use for the parcel? What is the estimated size of your building(s) (in gross SM)? Please indicate type of use and estimated percent of building program allocated to each use. How does it compare to the recommended uses for the parcel as noted on the Parcel Guidelines and Land Use Matrix.

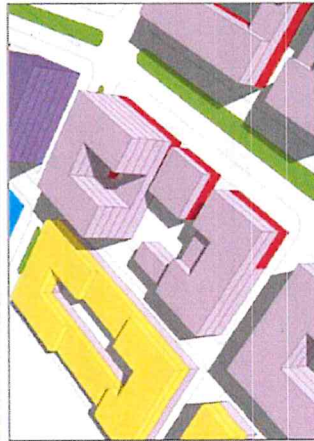
Total Gross Floor Area (GFA) of Building	Size (square meters)	Percentage of Whole	As recommended in Parcel Guidelines
Commercial Office			
Commercial Retail			
Research or University			
Hospitality			
Community Facility			
School or Health Facility			
Residential			
Industrial			
Other			
Sum/Check			

- 15** **CONCEPT PLAN. Using the Konza "COMMERCIAL, MIXED-USE AND RESIDENTIAL GUIDELINES INCLUDING APPENDIX A PHASE ONE INDIVIDUAL PARCEL SPECIFIC DESIGN GUIDELINES" as a reference/starting point, please prepare a conceptual drawing of your proposed building(s) on the site (to scale and at a minimum of 1:200). Please include at least two drawings, as follows. These are meant to be for discussion purposes, so it can be a rough hand drawn sketch if neat and to scale, and to avoid incurring extra expense, it should not be designed further than sketch level. In addition, it would be best to impose your plans on top of one of the maps in the context analysis number 10 (above), in order to allow ease of reference to driving factors. The more clearly you communicate your intent and your building's conformance with existing guidelines, the easier it will be to move to the next stage.**

- 1) Building footprint anticipated for your site, with ground floor use color coded.
- 2) sketch massing model/building envelopes, birdseye, or other 3D sketches/sections that will help explain your vision.

~~~Please be sure to clearly label all works/improvements shown on the conceptual drawing. The conceptual drawing should be prepared at a scale appropriate to allow the applicant to clearly convey the concept for the project.

~~~~~Please provide sketch notes (hand printed are acceptable) related to footprint size, percentage of lot coverage, number of floors, and building height, as shown in tabular form above.



- 16** CONCEPT IMAGES (updated if needed from application submitted at parcel disposition phase): illustrating the architectural style of the buildings proposed for the project. You may use examples of architectural styles from online or similar buildings. Konza Technopolis is not liable for any architectural expenses incurred that may conflict with permissible usage on site.

DEVELOPMENT DATA

- 17** What is the ZONING AND TRANSECT CATEGORY for the concerned parcel as noted in the Development Guidelines and zoning map?



Konza Parcel Design Submissions Review and Approval Process

18

1

ACCESS

- 13



- ☐ **14 What is your Parking Strategy?** Using reference materials on parking (such as Streetscape and Mobility Guidelines Chapter 3.6, for example), please estimate the number of parking spaces your development will require an estimate which proportion will use Konza parking structures, onsite underground parking, on site surface parking, street parking.

- ☐ **19 SPECIAL NEEDS.** Does your proposed use have any specific utility demand or other needs unique to your project that Konza needs to be able to provide in order for your proposed project to be successful? If so, describe here. (Do not include standard utility demand such as water, power, sanitary sewer, drainage, standard internet, for example).

SUSTAINABILITY

- ☐ **20** To ensure overall sustainability of Konza, sustainability certification is required for most project types. What sustainability certification rating system/level do you plan to use? (Reference Chapter 6: Project Components, Appendix A Sustainability Framework, Sustainability Development Guidelines for information about project certification. Also refer to **Figure 9 Sustainability Guidelines and Certification Requirements by Project Type** in this Section for a list of certification requirements for each project type).

- ☐ **21** As part of the Konza Sustainability Management program, the following materials and/or others shall be tracked by mass or volume for each project. Please check the applicable boxes below that you expect to use in your project. Case managers will explain which materials are recommended from a sustainability perspective.

| | |
|--------------------------|--|
| <input type="checkbox"/> | Concrete (mix volumes with cement content) |
| <input type="checkbox"/> | Aggregates (crushed and river) |
| <input type="checkbox"/> | Rebar (reinforcing steel) |
| <input type="checkbox"/> | Structured Steem (beams, flanges, embeds) |
| <input type="checkbox"/> | Pipe (plumbing, storm drain, fire) |
| <input type="checkbox"/> | Roofing (membranes, plastic, asphalt, rubber, other) |
| <input type="checkbox"/> | Timber (wood planks, sheets) |



| | |
|--------------------------|--|
| <input type="checkbox"/> | Tarmac paving |
| <input type="checkbox"/> | Fuel (total construction fuel consumed onsite by generators and other equipment) |
| <input type="checkbox"/> | Construction waste |

CONCLUSIONS

☐ **22** In reference to the above matrix AND all development control documents noted above, how does your project conform to the spirit of these documents? Where does your project vary from these documents? For variances, please describe below and show sketches for clarification (i.e. Show the maximum building envelope allowed and show how your building conforms or non-conforms).

a. GENERAL CONFORMANCE to the spirit of the project and the design guidelines. How does your project represent the "Konza Vision?"

b. VARIANCES (Previously agreed and potential). Please note site and building variances agreed at the Parcel Disposition/Lease Contract stage. Please note potential variances that you might apply for at the Site Plan Review stage. (The application forms for variances are separate from this form and are required at the Site Plan Review stage).

☐ **23** Are there any questions you would like the case manager to make sure the One-Stop-Shop answers as part of the Pre-Application Review meeting? If so, list below.