



CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (THE BY-LAW)

Issued December 2019

Explanatory guide to the City of Cape Town: Municipal Planning Amendment By-law, 2019

1. Background

New planning legislation was adopted and implemented in Cape Town on 1 July 2015, inclusive of the City of Cape Town Municipal Planning By-law, 2015 (the by-law). The by-law also includes the City of Cape Town Development Management Scheme (DMS), which is the zoning scheme for the City. All land units within the City have a base zoning that determines how the land can be used, and how the land may be developed. Zoning provisions are indicated in the DMS.

The City has approved a number of amendments to the by-law as part of its annual review process and to give effect to the policies and strategies adopted by the City.

The latest set of amendments were adopted by Council on 31 October 2019.

Amendments were promulgated in **Provincial Gazette Extraordinary No 8185** on **6 December 2019**.
The effective date that the amendments will come into operation is **3 February 2020**

A summary of the main changes is now provided, where after each amendment will be presented in sequence in terms of the relevant **Section** numbers in the MPBL, noting that in the amendments to the Development Management Scheme reference is given to the relevant **Item** numbers.

The legal version of any amendment will be contained in the Provincial Gazette Extraordinary and not in this explanatory guide.

2. Summary of main changes

Third dwelling to be permitted as an additional use right on properties zoned Single Residential

A third dwelling use has been included as an additional use right in the Single Residential zonings.

An additional use right means that the property owner is allowed to add a third dwelling on the property providing it complies with the normal development rules of the property, as well as with specified conditions as set out in item 25B.

Reference changes have been made to bed and breakfast establishment, boarding house, flats, guest house, home occupation and house shop definitions.

Provisions to enable e-communication during development applications

The City can now use email as a means of corresponding with a person who has commented or objected to a development application. See section 111A.

Short-term letting from a house or flat

Allowance is made for short-term letting from a dwelling unit (i.e. a dwelling house or flat) by transient guests.

A definition of transient guest is provided.

Definition of dwelling unit is amended to include transient guests.

Regulation for boundary walls

Height and visual permeability of boundary walls are now regulated. See item 135B
Councils approved policy remains in force, in respect of the type of permitted materials for walls and fences. Details available on the Council website.

Definition of boundary wall and height has been amended.

A new definition for visual permeability has been included.

Revised method to calculate and determine height of buildings

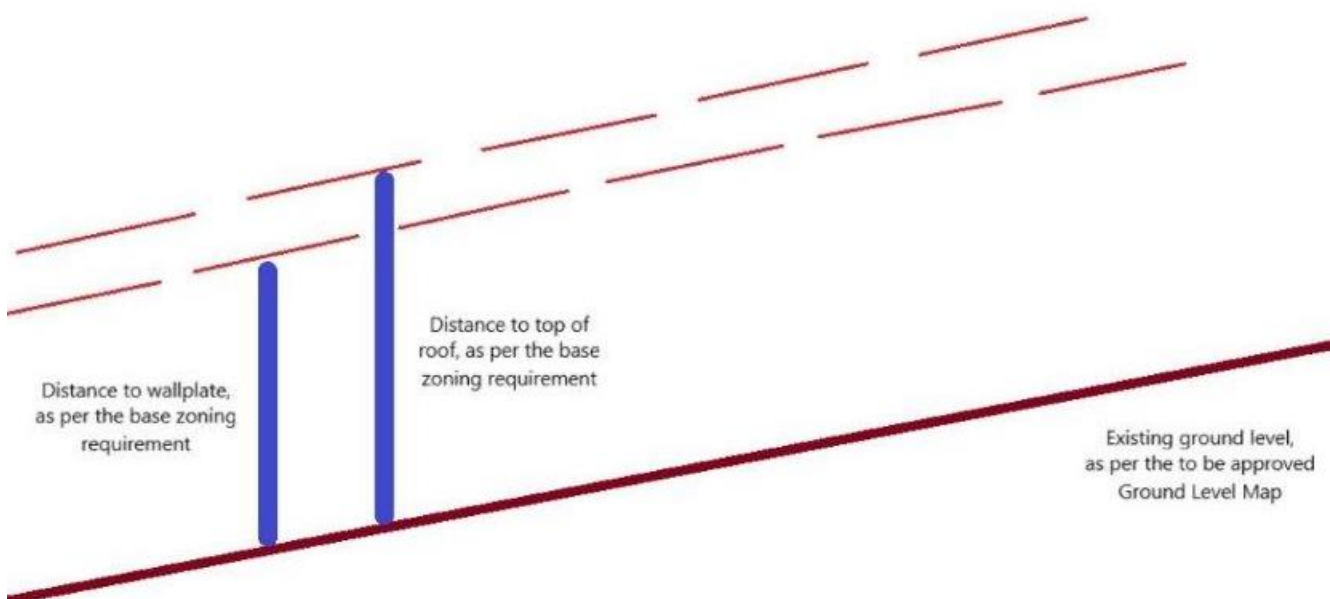
An additional method to determine the height of structures is applicable.

Height will no longer be measured from a base level as an imaginary plane, but rather from all points above the existing ground level. A specified height above existing ground level can be seen as a 'parallel' plane to the existing ground level.

All references to base level have been changed to existing ground level.

Definition for existing ground level has been amended.

Reference to vertical division have been removed from the by-law.



The by-law already provides for a number of alternative determinations for existing ground level. The City will now add to these alternatives by producing a ground level map that will apply to all land in the Municipality of Cape Town. This map will be the subject of further public participation.

The adopted map of ground levels for the City will become the benchmark for height determination of all buildings.

Minor freestanding and minor rooftop telecommunication infrastructure in certain zonings

Properties zoned as Community, Utilities; Transport, Public Open Space, and Agriculture, are now permitted to install a minor freestanding mast and minor rooftop mast as of right.

A minor rooftop structure is permitted with the approval of the City in properties zoned as Single Residential and General Residential

Definitions for the infrastructure are provided.

Transitional provisions for approved amendments to the by-law

The transitional clause confirms that amendments to the by-law cannot be applied retrospectively. This means that those applications that have been accepted for assessment by the City must be considered and finalized in terms of the provisions in the by-law as it was at the time the application was accepted.

See new subsection 142(9)

LAND USE	APPLICABILITY OF MPBL AMENDMENTS FROM 3 FEBRUARY 2020
An approval, where final notification has been issued, that has not been acted upon and is still within its validity period	NO
Application for extension of validity where section 74(a) acceptance has not been issued	YES
Applications still being processed, where section 74(a) acceptance has been issued prior to the effective date, and amended or supplementary applications are submitted after the effective date for the proposal submitted. (If a different proposal is submitted, then the amended MPBL will become applicable)	NO
Applications still being processed, where section 74(a) acceptance has not been issued prior to the effective date	YES

BUILDING PLANS	APPLICABILITY OF MPBL AMENDMENTS FROM 3 FEBRUARY 2020
Building plan approval already granted (regardless of whether works have commenced) and is still within its validity period	NO
Application for extension of validity of a building plan (unless plan is to act upon a land use approval that was finalised in of the MPBL as it existed prior to the amendments)	YES
Building plan application submitted in order to act upon a land use approval finalised in terms of the MPBL as it existed prior to the amendments	NO
A building plan (including minor deviations) submitted that was not the subject of a land use approval finalised in terms of the MPBL as it existed prior to the amendments	YES

Increase of validity period of some application types from 2 years to 5 years

The default validity period is now standardised to be 5 years for land use applications.
Extension of time of validity period is also 5 years for land use applications.
(the above does not apply to a temporary land use departure).
See amended section 38

Prescribed form for objections and appeals

Objections to an application, or an appeal against a decision made in terms of the by-law need to be submitted on a standardised form.

The intention of the standardised form is to ensure that the objection or appeal provides the City with the relevant and required information. A standard form will also ensure clarity and a better understanding of the formal requirements for an objection or appeal set out in the by-law.

These forms will be made available prior to the effective date and be available on the City Website and from District offices.

Departure from development rules in subzones

See Item9(2)

An application can now be made for a departure to alter the development rules relating to permitted floor space or height that does not exceed 10% of the maximum height or floor space of the existing subzone.

Minimum off street parking requirements

See item 138

Minimum parking requirements have been reduced for the following land use categories:

- Flats
- Boarding house & guest house
- Backpackers lodge
- Hotel
- Retirement home & orphanage
- Crèche
- Place of instruction
- Gymnasium & Health club
- Clinic, medical consulting rooms, veterinary practice
- Shops
- Supermarket
- Restaurant
- Motor showroom
- Industry

Minimum parking requirements have been increased for the following land use categories:

- Motor repair garage, service station
- Motor fitment centre

Minimum parking requirements have been added for the following

- Third dwelling
- Self-storage

3. Amendments to the by-law

CAPE TOWN MUNICIPAL PLANNING AMENDMENT BY-LAW, 2019

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate **deletions** from existing enactments.

_____ Words underlined with a solid line indicate **insertions** in existing enactments.

Words in italics are explanatory text.

Council approval is the date in which City approved the amendments.

Publication date is the date of publication of the MPBL,2019 amendments in the Provincial Gazette.

Effective date is the date from which the amendment become applicable.

Section 1 *Definitions either insertion or amended.*

Definition insertion.

“**certificate of registered title**’ has the meaning contemplated in the Deeds Registries Act No. 47 of 1937.”

Definition amended.

“**land unit**’ means a portion of land registered or capable of being registered in a deeds registry and may include[s] a portion of land to which a registered servitude right or registered lease relates;”

Definition amended to delete the exclusion of servitudes creating real or personal rights.

“**restrictive condition**’ means any condition registered against the title deed of land restricting the use, development or subdivision of land concerned **[, excluding servitudes creating real or personal rights];**”

Section 38 amended *to ensure consistency of lapsing provision timeframes in the By-law to be 5 years. This lapsing provision is applicable to decisions that have already been made prior to the effective date of the MPBL, 2019 amendments.*

“38(1) Unless otherwise specified in this By-Law, an approval granted or deemed to have been granted in terms of this By-Law to use or develop land lapses **[two] five** after the effective date of decision.

38(2) An applicant may apply in terms of and subject to the requirements of section 107 for an extension of the validity periods contemplated in subsection (1), save that an extension may not exceed **[two] five** years from the date that the original approval lapses.”

Section 42 amended and insertion *to change ‘deletion’ to ‘removal’ of restrictive condition for consistency; to refer to street name alterations to be as contemplated in terms of section 136 for clarity; to include as an application type section 55(4)(b) requests for building structures prior to a subdivision registration.*

“42(g) amendment, suspension or **[deletion] removal** of a restrictive condition;

42(q) alteration or amendment of a street name or number as contemplated in section 136

42(v) approval in terms of section 55(4)(b) of this By-Law.”

Section 49A insertion *to clarify when the City may grant or not grant an application in terms of the By-law for a use or development of land that would conflict with a restrictive condition or servitude.*

49A Application for the use or development of land that would conflict with a restrictive condition or a servitude

(1) The City may not grant an application in terms of this By-Law for the use or development of land that would conflict with a restrictive condition or a servitude which is a condition of approval imposed in terms of this By-Law, the Ordinance or the Townships Ordinance 33 of 1934.

(2) The City may grant an application contemplated in subsection (1) if it simultaneously grants applications to –

- (i) amend or remove such condition of approval; and
 - (ii) amend, suspend or remove such restrictive condition or servitude.
- (3) The City may grant an application in terms of this By-Law for the use or development of land that would conflict with a restrictive condition or a servitude which is not a condition of approval imposed in terms of this By-Law, the Ordinance or the Townships Ordinance 33 of 1934."

Section 54 amended to clarify that the City regards a 'certificate of registered title' in terms of the Deeds Registries Act to be subject to the same provisions and approval requirements from the City for transferring of a land unit. Certificate of registered title is now defined in the MPBL.

"54(1) No person may obtain transfer of a land unit or certificate of registered title of a land unit arising out of an approved subdivision or phase of a subdivision approved by the City unless –; and
 54(2) No person may obtain transfer of a land unit arising out an approved subdivision or certificate of registered title of a land unit, unless the City Manager has issued a transfer certificate contemplated in section 137."

Section 67 insertion and amendment to permit 3 additional scenarios where exemptions from the need for a subdivision or consolidation approval can be requested; and to clarify the situations where the exemptions do not apply with regard to the movement of engineering services.

"67(1)(g) the registration of a servitude or lease for the provision or construction of –
 (vii) the granting of a right of way providing that it is located further than 30m from a common boundary to adjoining land, unless such adjoining land is owned by a beneficiary to the servitude or lease;
 (viii) provision of parking as contemplated in item 138; or
 (ix) a reservoir or dam more than 30m away from a common and street boundary."

"67(5)(b) when engineering services must be moved **[or provided]** as a result of a subdivision or consolidation;"

Section 71(1)(m)(x) deletion of the requirement that 'street furniture' must be indicated on a subdivision plan, as this is deemed to be not always necessary or is impractical in large scale developments.

Section 73(1)(c) amended to delete "or contains manifestly incorrect information" as this is already covered in the need to comply with Section 71.

"73(1)(c) the application does not comply with an information specification[,] or lacks necessary information required in terms of section 71 **[or contains manifestly incorrect information];** "

Section 74 amended to allow more efficient acknowledge receipt of an application.

"74 If the City accepts the application, the City Manager must –
 (a) acknowledge receipt of **[an]** the application **[either by means of a stamp on the submitted application on the day of receipt or in writing];**
 (b) within 7 days after acknowledgement of receipt of the application or such further period as may be agreed in writing either –
 (i) call for additional information or fees; or
 (ii) notify the applicant that the application is complete."

Section 79(5) deletion that allowed an exemption of an application from a public notification process under specific circumstances. As these specific circumstances could not be achieved in practice the reference has been deleted from the Bylaw.

Section 84(5)(b) amendment of grammar only.

Section 90 amended so that an objection in terms of the MPBL must be submitted on a prescribed form. This is intended to direct a potential objector to formulate a more meaningful input. This will also allow for greater consistency of submissions to assist decision making.

"90(5) A person who submits an objection, comment or representation must provide on the prescribed form –

- (a)
- (b)etc.”

Section 95 amended to give clarification of the intent relating to access to information regarding an application.

“95(3) A record file created by the City concerning **[the] an** application is available for inspection by the public during office hours at any stage during the processing of the application if not being used by the Department and copies are available to the public on payment of the fee prescribed by the City's Tariff, fees and charges book.”; and

95(4) After a decision has been taken, copies of the decision and conditions imposed are available to the public on payment of the fee prescribed by the City's Tariff, fees and charges book.”

Section 99 amended by rationalising and streamlining the process of how and when criteria must be taken into account when deciding on an application. No substance changes have been made. Minor departures from subzonings can now be made without the necessity to rezone which requires an amendment to section 99(d). As Section 99 is so important for decision making purposed the full section with amended wording is included below.

“99 Criteria for deciding application

(1) An application must be refused if the decision-maker is satisfied that it fails to comply with the following minimum threshold requirements –

[(a) the application must comply with the requirements of this By-Law;]

(b) the proposed **[land] use or development of land** must comply with or be consistent with the municipal spatial development framework, or if not, a deviation from the municipal spatial development framework must be permissible;

[(c) the proposed land use must be desirable as contemplated in subsection (3); and]

(d) (i) subject to subparagraph d(ii), in the case of an application for a departure to alter the development rules relating to permitted floor space or height, approval of the application would not have the effect of granting the property the development rules of the next subzone within a zone[.];

(ii) the approval of an application for a departure to alter the development rules relating to permitted floor space or height that does not exceed 10% of the maximum height or floor space of the existing subzone does not trigger the minimum threshold requirement.;

(2) If an application is not refused under subsection (1), when deciding whether or not to approve the application, the decision maker must consider all relevant considerations including, where relevant, the following –

- (a) any applicable spatial development framework;
- (b) relevant criteria contemplated in the development management scheme;
- (c) any applicable policy or strategy approved by the City to guide decision making, which includes the Social Development Strategy and the Economic Growth Strategy;
- (d) the **[extent of] desirability of the proposed [land] use or development of land** as contemplated in subsection (3);
- (e) impact on existing rights (other than the right to be protected against trade competition);
- (f) in an application for the consolidation of land unit –
 - (i) the scale and design of the development;
 - (ii) the impact of the building massing;
 - (iii) the impact on surrounding properties; and
- (g) other considerations prescribed in relevant national or provincial legislation, which includes the development principles as contained in section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act no. 16 of 2013);
- (h) whether the application complies with the requirements of this By-law.

(3) The following considerations are relevant to the assessment **[under subsection (1)(c) of whether, and]** under subsection (2)(d) of the desirability of [extent to which,] the proposed [land] use or development of land [would be desirable] –

- (a) socio-economic impact;
- (b) ...
- (c) ...

- (d) compatibility with surrounding uses;
- (e) impact on the external engineering services;
- (f) impact on safety, health and wellbeing of the surrounding community;
- (g) impact on heritage;
- (h) impact on the biophysical environment;
- (i) traffic impacts, parking, access and other transport related considerations; and
- (j) whether the imposition of conditions can mitigate an adverse impact of the proposed **[land]** use or development of land.

(4) An application in respect of an existing use or construction work which has commenced in contravention of this By-Law must be dealt with in terms of section 130.

(5) No decision required to be made in terms of this By-Law may be delayed pending the creation of a policy to guide decision-making on the matter. "

Section 105(4) deletion *that allowed an application to be submitted to the City to suspend the operation of a decision pending the outcome of an administrative review before a competent court.*

Section 108 amended *so that an appeal in terms of the MPBL must be submitted on a prescribed form. This is intended to direct a potential appellant to formulate a more meaningful input. This will also allow for greater consistency of submissions to assist decision making.*

"108(1) A person contemplated in subsection (2) and an applicant contemplated in section 103 may appeal to the appeal authority by giving written notice of the appeal and grounds of appeal and by completing and signing the prescribed form."

Section 109 amended *to clarify the intent of the specific subsections and in which situation a person can provide comments on an appeal.*

"109(2) No later than 14 days after an appeal is lodged, the City Manager must give notice of the appeal to, and invite comment on the appeal in writing within 21 days from –

- (a) the applicant if the applicant is not the appellant; **[and]** or;
- (b) any person who submitted an objection to, comment on or representation about the application if the applicant is the appellant. "

Section 111A insertion *to provide additional options to the method of serving notifications.*

111A Further notifications

If a person submits an objection, comment or representation to an application advertised in terms of this By-law by email, the City will deem the use of email to be consent to being notified by email at that email address as provided for in section 111(3)."

Section 120 amended *to allow the City to determine that the Municipal Planning Tribunal can have panels to consider applications without necessarily be bound geographically or by a category of application type.*

"120(3) The Municipal Council may determine that the Municipal Planning Tribunal **[must]** constitute itself to comprise one or more panels to determine applications, **with each panel designated to determine an application relating to land in a particular geographic area of the city and/or a particular type or category of application**."

Section 130 amended *to allow the City to prescribe certain contraventions for which administrative penalties contemplated in this section would not be required. Such prescriptions will be subject to a further public participation process.*

"130(5) The City may prescribe a category of contraventions of this By-law to which the provisions of section 130(2) and (3) do not apply."

Section 137 amended *to clarify that a certificate of registered title is also subject to these requirements of this section.*

"137(1) A transferor intending to effect the first registration of transfer of a land unit or to obtain a certificate of registered title which arises out of an approved subdivision within the geographic area of the City must provide the City Manager with proof to the satisfaction of the City Manager that all the further requirements contemplated in section 54(1) have been met."

Section 140 insertion provides for exemptions from the Bylaw that can only be applicable in the circumstances provided for in section 60(1) of LUPA.

"140(2) Subject to section 60(1) of the Land Use Planning Act, the City may in writing exempt a person, group of persons or an area of land within the area of jurisdiction of the City from the application of a provision or the whole of this By-Law for a specified period and the exemption may be subject to a condition stated in the exemption, and the City may withdraw or amend the exemption at any time.

140(3) The City must publish an exemption on its website.".

Section 142 insertion to clarify general transitional arrangements whenever an amendment By-law is introduced. If an application has been accepted by the City in terms of section 74(a) prior to the amendments coming into operation, then that application will be finalised in terms of the MPBL that existed at the time of acceptance. Proposals with applications submitted after the amendments come into operation will be subject to the new MPBL.

Applicants may withdraw applications currently being processed at any time and, if necessary, submit new applications in terms of the amended MPBL should they consider it to be more favourable to their proposed development.

Building plans submitted in accordance with a plan that was the subject of a successful development application accepted in terms of section 74(a) will be considered to be zoning scheme compliant in respect of that building plan application. Should, however, amended building plans be submitted then the amended DMS will become applicable. Note that building plans that were not submitted to act upon a land use approval, either after the amendment effective date or those building plans submitted but still awaiting approval on the date that the amendments come into operation, will require to be compliant with the amended DMS.

"142(9) Notwithstanding any amendment to this By-Law which may come into effect, an application that has already been accepted by the City in terms of section 74(a) before the date that the amendments become effective, will be processed and considered in terms of the legislation as it existed at the time of acceptance."

AMENDMENT OF SCHEDULE 3: DEVELOPMENT MANAGEMENT SCHEME

Item 1 Definitions

Definitions deleted as new determination of height is introduced in these amendments.

'average ground level'

'base level'

Definitions amended to incorporate a third dwelling now permitted as an additional use in the SR1 & 2 zonings. Operation is not limited to the owner of the property.

"'bed and breakfast establishment' means a dwelling house, **[or]** second dwelling or third dwelling in which the **[owner]** occupant of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; provided that:

- (a) the dominant use of the dwelling unit**[house]** concerned remain for the living accommodation of a single family; and
- (b) the property complies with the requirements contained in this development management scheme for a bed and breakfast establishment;"

“**boarding house**’ means a building where lodging is provided, and may incorporate cooking, dining and communal facilities for the use of lodgers, together with such outbuildings as are normally used therewith; and includes a building in which rooms are rented for residential purposes, youth hostel, backpackers’ lodge, guest house, home for the aged, handicapped or orphaned and residential club; but does not include a hotel, dwelling house, second dwelling, third dwelling or group house;”

Definition amended to incorporate wording to be in line with the new boundary wall height and public visual interface included in a new General Provision 136B.

“**boundary wall**’ means any wall[,] or fence [or enclosing structure] erected on or next to a cadastral **[property boundary]** line [and] with any other structure[, **including security devices, such as spikes, barbed wire, razor wire or electric fences,**] affixed to **[or on]** the top of a boundary wall, which serves as a division between properties;”

Definition amended so that a Braai room is now considered to be part of any dwelling unit on the land unit rather than limited to the main dwelling.

“**braai room**’ means a room which is part of a dwelling unit [the main dwelling] or outbuilding[s] and is used primarily for entertainment purposes and where food and drinks may be prepared, but excludes a kitchen;”

Definition insertion for purposes of a new contour map that will be produced by the City that will be the primary source of determining existing ground level for the purposed of height calculation.

“**City of Cape Town Ground Level Map**’ means a map approved in terms of the development management scheme, indicating the existing ground level based on floating point raster’s and a contour dataset from LiDAR information available to the City; “

Definition amended so that the domestic staff quarter is no longer limited to staff employed in the main house, however the approval of the City is required for more than one staff quarter on any one land unit.

“**domestic staff quarters**’ means an outbuilding which has a floor space of not more than 50 m², including sanitary and cooking facilities, and used for the accommodation of domestic staff employed at the dwelling unit **[house]** concerned; provided that:

- (a) no more than one domestic staff quarters is allowed on a land unit without the approval of the City; and
- (b) the domestic staff quarters may only have its own individual section within a sectional title scheme if it is legally tied to the dwelling unit concerned;”

Definition amended to incorporate transient guests (see new definition) who may use a dwelling unit.

“**dwelling unit**’ means a self-contained, interleading group of rooms, with not more than one kitchen, used for the living accommodation and housing of one family or a maximum of 5 transient guests, together with such outbuildings as are ordinarily used therewith, but does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel;”

Definition amended to include specific reference to a ground level map that will be the preferred method of determination of existing ground level.

“**existing ground level**’ means the level of the land surface on a land unit as depicted on the City of Cape Town Ground Level Map. If this map has not been approved or is not applicable to a specific land unit(s), as determined by the City, then the following will apply to determine the level of the land surface on a land unit:

- (a) in its unmodified state, before any building had been erected or alterations in levels had been made thereon; or
- (b) **[as]** established from a plan indicating the contours of the land lodged with and accepted by an official agency such as the municipality or a government department, which depicts the existing level of the ground at or before the commencement date; or
- (c) in a state which has been graded, with the City’s approval, for the purpose of development; or
- (d) as determined by the City, if in its opinion it is not possible to ascertain the existing level of the ground due to irregularities or disturbances of the land; and

the City may require the owner or applicant to commission a registered surveyor to measure levels of the ground or interpolate levels, which shall be tied to the National Control Network, or where this is not possible, to provide at least two durable reference marks suitably located, in order to

provide the City with sufficient information so that it can determine the most appropriate existing ground level for the purpose of administrating this development management scheme;"

Definition amended to obviate conflict due to a third dwelling now being permitted as an additional use in the SR1 & 2 zonings.

"'flats' means a building containing three or more dwelling units, together with such outbuildings as are ordinarily associated therewith but excludes a dwelling house, second dwelling and third dwelling [**; provided further that in those zonings where flats are permissible, a building with less than three dwelling units shall also be permissible in a building approved for flats or purposes other than for flats];"**

Definition amended to clarify passageway exclusions in floor space calculations that are applicable in certain zonings.

"'floor space' in relation to any building means the area of a floor which is covered by a slab, roof or projection; provided that:

- (a) any basement or part of a basement not intended as habitable space shall be excluded;
- (aA) any area which is reserved solely for parking or loading of vehicles shall be excluded;
- (b) external entrance steps and landings, any canopy, any stoep and any area required for external fire escapes shall be excluded;
- (bA) portions of passages, access ways and fire escapes [not wider than] up to 1,5m in width in a building on a land unit with a zoning other than Single Residential Zoning 1 and 2, Community Zoning 1 and 2, Agricultural Zoning and Rural Zoning, provided that they connect directly from the fire escape, vertical circulation to the entrance doors or both, shall be excluded;
- (c) a projection including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1 m beyond the exterior wall or similar support, shall be excluded;
- (d) any uncovered internal courtyard, lightwell or other uncovered shaft which has an area in excess of 10 m² shall be excluded;
- (e) any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access, and which is permanently open to the elements on at least the front or long side, shall be excluded;
- (f) any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 m in width, shall be excluded;
- (g) subject to paragraph (h) below, any stairs, stairwells and atriums that are covered by a roof shall be included;
- (h) in the case of multi-level buildings, any stairwells, liftwells, lightwells or other wells, and any atrium, shall only be counted once;

and provided further that floor space shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one level, the total floor space shall be the sum of the floor space of all the levels, including that of basements;"

Definition amended to remove obsolete reference to average ground level.

"'ground level': see [**'average ground level' and**] 'existing ground level'";

Definition amended to incorporate a third dwelling now permitted as an additional use in the SR1 & 2 zonings. Also, the number of rooms becomes a primary criterion in defining a guest house.

"'guest house' means a dwelling house, [or] second dwelling or third dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the [**restrictions**] allowable number of rooms of a bed and breakfast establishment, and may include business meetings or training sessions by and for guests on the property;"

Definition amended to be applicable to a boundary wall which now has development rules incorporated into the DMS. Also to improve width of lift shaft to accommodate stretcher lift dimensions.

"'height' of a building or boundary wall means a vertical dimension from a specified level to another specified level, as set out in the development rules of a zoning, measured in metres; provided that the following shall not be counted for the purpose of height control –

- (a) chimneys (maximum horizontal dimension of 1,5m),
- (b) flues (maximum horizontal dimension of 1m),

- (c) lift shafts (maximum horizontal dimension of **[2,5] 3m** and maximum vertical dimension of 2m per lift shaft),
- (d) masts, and
- (e) antennas **[shall not be counted for the purpose of height control];**"

Definition insertion for new land use category incorporated into the new Scheduled Public Transport Accessibility Overlay Zoning (SPTAO).

"high intensity residential land unit" means a land unit, with a base zoning of either Single Residential Zoning 1 or Single Residential Zoning 2, where more intensive land uses than those provided for in the base zoning are promoted, as demarcated on a scheduled public transport accessibility map approved by the City from time to time;"

Definition amended to clarify that home child care is not limited to a dwelling house.

"home child care" means the use of portion of a dwelling **[house] unit** or outbuilding**[s]** by the occupant to provide day care, after school care or instruction for a limited number of infants or children;"

Definition amended to incorporate a third dwelling now being permitted as an additional use in the SR1 & 2 zonings.

"home occupation" means the practicing of an occupation or the conducting of an enterprise from a land unit, dwelling house, second dwelling, third dwelling, dwelling unit or outbuilding by one or more occupants who reside on the property and includes the sale of alcoholic beverages via internet or any other electronic means provided no alcoholic beverage is stored, received or dispatched from the property;"

Definition amended to incorporate a third dwelling now being permitted as an additional use in the SR1 & 2 zonings.

"house shop" means the conducting of a retail trade from either a dwelling house, second dwelling, third dwelling or outbuilding by one or more occupants who shall reside on the property;"

Definition insertion for new land use category incorporated into the new Scheduled Public Transport Accessibility Overlay Zoning (SPTAO).

"low intensity residential land unit" means a land unit, other than a high intensity residential land unit, with a base zoning of either Single Residential Zoning 1 or Single Residential Zoning 2, where more intensive land uses than those provided for in the base zoning are promoted, as demarcated on a scheduled public transport accessibility map approved by the City from time to time;"

Definition insertion for new land use category.

"minor freestanding base telecommunication station" means a freestanding support structure on land or anchored to land and used to accommodate telecommunication infrastructure and may be attached to street lamps, traffic lights, road directional signage, camera poles and flag poles or similar support structure; provided that –

- (a) it may not exceed 12m in height measured from existing ground level or road surface or pavement as the case may be or a diameter of 300mm for the post or support structure to which the antenna is to be attached;
- (b) a screened container for antennas which must be part of the post or support structure may not exceed a vertical dimension of 2m, or diameter of 500mm; and
- (c) an equipment container may not exceed 1m x 1m x 1m cube above existing ground level;"

Definition insertion for new land use category.

"minor rooftop base telecommunication station" means a concealed support structure integrated with the roof, side or any other part of a building and used to accommodate telecommunication infrastructure, which does not exceed a vertical dimension of 1,5m above the top of the roof;"

Definition amended to remove obsolete reference to average ground level.

"natural ground level": see **['average ground level' or] 'existing ground level';**"

Definition amended to simplify and improve clarity.

"outbuilding" means a structure, whether attached or separate from another structure on a land unit, ordinarily used in connection with the lawfully permitted uses on a land unit**[from the main building, which is normally ancillary and subservient to the main building on a land unit, and includes a building**

which is designed to be used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in the connection with the main building; as well as domestic staff quarters in the case of a dwelling house, but does not include a second dwelling];”

Definition amended to improve clarity on practical accessibility to a parking bay.

“**parking bay**’ means an area measuring not less than 5 m by 2,5 m for perpendicular or angled parking and 6 m by 2,5 m for parallel parking, which is clearly identified **[and]**, demarcated and accessible for the parking of one motor vehicle and may be provided in the form of a garage or carport, **and which is accessible for easy and safe vehicle movement];”**

Definition amended to improve and provide clarity.

“**pergola**’ means any unroofed horizontal or approximately horizontal grille or latticed framework and associated vertical support structure, to provide shade or structure to support vegetation growth **[such that the area in the horizontal projection of the solid portions thereof does not exceed 25% of the total area thereof];”**

Definitions amended to differentiate from the new toll road land use.

“**public road**’ means any highway, thoroughfare, lane, footpath, sidewalk, alley, passage, bridge or any other place of a similar nature or any portion thereof, other than a toll road, serving as a public right of way, whether for vehicles or pedestrians, established or proclaimed in terms of the former Municipal Ordinance, 1974 (Ordinance 20 of 1974) or any equivalent current municipal by-law and/or national legislation and includes a public street;”

“**public street**’ means any land indicated on an approved general plan, diagram or map, other than a toll road, as having been set aside as a public right of way, whether for vehicles or pedestrians or public or urban squares, of which the ownership is registered in favour of or vests in the municipality in terms of this By-Law or any other law;”

Definition insertion to cater for new use relating to recreational vehicles.

“**recreational vehicles and watercraft**’ means any mobile vehicle, such as a caravan, mobile home, trailer and any water-borne vehicle, such as a ship, boat and yacht;”

Definition insertion as part of the Scheduled Public Transport Accessibility Overlay Zoning (SPTAO).

“**scheduled public transport accessibility map**’ means a map identifying high intensity and low intensity residential land units;”

Definition amended by deleting unnecessary section.

“**second dwelling**’ means another dwelling unit which may, in terms of this development management scheme, be erected on a land unit where a dwelling house is also permitted; and such second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house; **[provided that:**

(a) the second dwelling shall remain on the same land unit as the dwelling house; and

(b) the second dwelling shall comply with the requirements specified in this development management scheme;]”

Definition insertion for clarity.

“**service bay**’ means an area where vehicles are worked on; and includes pits, hydraulic hoist areas, wash bays and similar areas but excludes a parking bay;”

Definition amended to confirm the use is only permitted in Single Residential zoning and in relation to control on building materials.

“**shelter**’ means a structure **[and unit of accommodation]** intended for human occupation, as provided for in the Single Residential Zoning 2 **[constructed of any material whatsoever, even though such material may not]** that does not comply with **[the standards of durability intended by]** the National Building Act;”

Definition insertion for clarity in existing definitions of building and floor space.

“**stairs**’ means a series of steps that lead from one level to a different level in a building or structure;”

Definition insertion for new land use

“‘**toll road**’ means a highway, or portion thereof, whether with or without any bridge or tunnel thereon, upon which the driving or use of at least some vehicles by some users of the highway is conditional on the payment of a toll and includes ancillary structures;”

Definition insertion for reference in amended definition of dwelling unit.

“‘**transient guest**’ means a person who is provided temporary accommodation on a land unit that is not their permanent place of residence, for a continuous period not exceeding 30 consecutive days at a time;”

Definition insertion to include other uses associated with utility service.

“‘**utility service**’ means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and includes a water reservoir and purification works, electricity substation and transmission lines, stormwater retention facilities, and a waste-water pump station and treatment works, recycling facility, dumpsites and minor freestanding and rooftop base telecommunication station, but does not include road, wind turbine infrastructure or transport use;”

Definition deleted as new determination of height is introduced in these amendments.

‘vertical division’

Definition insertion for inclusion in the new development rules relating to boundary walls.

“‘**visually permeable**’ means the extent to which visibility through a boundary wall is possible and consists of voids, fencing, painted steel palisade, wire, cast iron work, steel railings or similar materials;”

Item 3A insertion of method of approval and availability of the ground level map

“3A Approval of a ground level map

The City must approve and may amend from time to time a ground level map after following a public participation process. A notice of its decision must be published on the City’s website and in the Provincial Gazette.”

Item 7 amended to simplify which development rules are applicable when a consent use is approved.

“7(1) **[When a consent use is approved, the following shall apply:**

- (a) If such consent use as listed in a specific zoning is a primary use in another zoning, it shall be subject to the most restrictive development rules operating either in such other zoning or in that zoning;**
- (b) If such consent use as listed in a zoning is not a primary use in another zoning, it shall be subject to the development rules in that zoning;**
- (c) The consent use shall be subject to any development rule imposed as a condition in the approval;] A consent use is subject to the development rules in the base zoning unless other development rules are imposed as conditions of approval.”.**

Item 9 amended to allow for minor departures from subzonings to be made without the necessity to rezone.

“9(2) A rezoning application must be submitted if the change contemplated in sub-item (1) is equivalent to or greater than the permitted floor space or height of the next most intensive subzoning. This provision is not applicable in the case of an owner applying for a height or floor space departure that does not exceed 10% of the maximum height or floor space of the existing subzoning.”.

Item 18 deleted as it incorrectly referred to the National Heritage Resources Act regarding deeming of heritage areas in terms of Heritage Protection overlay Zones.

Item 20 amendment substitution for the Table A: Summary of the zonings and development rules in the following table:

“Table A: Summary of the zonings and development rules

SINGLE RESIDENTIAL ZONINGS	LAND UNIT AREA (m ²)	FLOOR FACTOR	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					To wallplate	To top of roof	Street boundary	Common boundaries		
SINGLE RESIDENTIAL ZONING 1: CONVENTIONAL HOUSING (SR1) PRIMARY USES Dwelling house, private road and additional use rights ADDITIONAL USE RIGHTS Second dwelling; <u>third dwelling</u> ; Home occupation or bed and breakfast establishment or home child care CONSENT USES Utility services, place of instruction, place of worship, house shop, institution, guest house, <u>minor rooftop base telecommunication station</u> , rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, halfway house and veterinary practice	>2 000	N/a	1 500 m ²	<u>N/a</u>	9,0 m	11,0 m	6,0 m	6,0 m	N/a	Window and door placement Garages, carports and outbuildings Parking and access Additional use rights – home occupation, bed and breakfast establishment, <u>second dwelling</u> , <u>third dwelling</u> and home child care
	>1 000 up to 2 000	N/a	1 500 m ²	<u>N/a</u>	9,0 m	11,0 m	4,5 m	3,0 m		
	>650 up to 1 000	N/a	1 500 m ²	<u>N/a</u>	9,0 m	11,0 m	3,5 m	3,0 m		
	>350 up to 650	1,0	N/a	<u>N/a</u>	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
	>200 up to 350	1,0	N/a	<u>75%</u>	8,0 m	10,0 m	[3,5] 1,5 m	0,0 m [(12,0 m from street and 60%) and 3,0 m rest]		
	≤200	1,0	N/a	<u>75%</u>	8,0 m	10,0 m	1,0 m	0,0 m [(12,0 m from street and 60%) and 3,0 m rest]		
		Refer to item 22(a)	Refer to item 22(b)	<u>Refer to item 22(h)</u>	Refer to item 22(c)	Refer to item 22(c)	Refer to item 22(d) & 22(e)	Refer to item 22(d) & 22(e)		
SINGLE RESIDENTIAL ZONING 2: INCREMENTAL HOUSING (SR2) PRIMARY USES Dwelling house, second dwelling, utility service, private road, urban agriculture, open space and additional use rights ADDITIONAL USE RIGHTS Shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading, <u>third dwelling</u> and any educational, religious, occupational or business purpose subject to conditions CONSENT USES Group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, <u>minor rooftop base telecommunication station</u> , rooftop base telecommunication station, wind turbine infrastructure, halfway house and veterinary practice		1,0	N/a	<u>N/a</u>	6,0 m dwelling units;	8,0 m dwelling units;	Formal township: 1,0 m	Formal township: 0,0 m for 60% and 1,0 m for remainder; 2,5 m between shelters and other buildings	N/a	Parking and access House shop Shelter Informal trading <u>Third dwelling</u> Land constructed as or identified for roads Land used as or identified for firebreaks Approval of building plans
		Refer to item 27(a)			8,0 m other buildings	10,0 m other buildings	No formal township: 1,0 m	No formal township: 3,0 m on perimeter; 2,5 m between shelters and other buildings		
					Refer to item 27(b)	Refer to item 27(b)	Refer to Item 27(c) & 27(d)	Refer to Item 27(c) & 27(d)		

GENERAL RESIDENTIAL ZONING	SUB-ZONING	DENSITY	COVERAGE	MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
GENERAL RESIDENTIAL SUBZONING 1: GROUP HOUSING (GR1) PRIMARY USES Dwelling house, group housing, private road, open space and additional use rights ADDITIONAL USE RIGHTS Flats and home occupation, subject to restriction CONSENT USES Utility services, home child care, <u>minor rooftop base telecommunication station</u> and rooftop base telecommunication station	GR1	35 du/ha	N/a	8,0 m	10,0 m	5,0 m external public street 0,0 m internal road Garages 5,0 m from kerb	3,0 m external boundaries 0,0 m internal boundaries	N/a	Design principles Open space Parking and access Site development plan Flats and home occupation as additional use right Dwelling house outside group scheme
		Refer to item 35(b)		Refer to item 35(c)	Refer to item 35(c)	Refer to item 35(e) & 35(f)	Refer to item 35(e) & 35(f)		
GENERAL RESIDENTIAL SUBZONINGS (GR2–GR6) PRIMARY USES Dwelling house, second dwelling, group housing, boarding house, guest house, flats, private road and open space CONSENT USES Utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shop, hotel, conference facility, <u>minor rooftop telecommunication station</u> , rooftop base telecommunication station and veterinary practice	GR2	FLOOR FACTOR 1,0	60%	To top of roof 15,0 m		4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	[8,0 m]	Parking and access Screening Wind mitigation
	GR3	[1,0] 1,25	60%	20,0 m		4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	[8,0 m]	Dwelling house and second dwelling Group housing
	GR4	1,5	60%	24,0 m		4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	[8,0 m]	Institution, place of instruction and place of assembly
	GR5	2,5	60%	35,0 m		4,5 m; 9 m above 25 m height	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height	[8,0 m]	Shop
	GR6	5,0	60%	50,0 m		4,5 m; 9 m above 25 m height	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height	[8,0 m]	
			Refer to item 41(b)	Refer to item 41(a)	Refer to item 41(c)		Refer to item 41(e)	Refer to item 41(e)	[Refer to item 41(d)]

COMMUNITY ZONINGS	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
			To top of roof	Street boundary	Common boundaries		
<p>COMMUNITY ZONING 1: LOCAL (CO1)</p> <p>PRIMARY USES Place of instruction, place of worship, clinic, rooftop base telecommunication station, open space, <u>minor freestanding base telecommunication station, minor rooftop base telecommunication station</u> and filming</p> <p>CONSENT USES Institution, hospital, place of assembly, cemetery, freestanding base telecommunication station, urban agriculture and veterinary practice</p>	0,8 Refer to item 47(a)	60% Refer to item 47(b)	12,0 m Refer to item 47(c)	5,0 m Refer to item 47(d)	5,0 m Refer to item 47(e)	N/a	Parking and access Loading Screening Noise mitigation
<p>COMMUNITY ZONING 2: REGIONAL (CO2)</p> <p>PRIMARY USES Institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station, <u>minor freestanding base telecommunication station, minor rooftop base telecommunication station</u>, open space and filming</p> <p>CONSENT USES Boarding house, conference facility, cemetery, crematorium, funeral parlour, freestanding base telecommunication station, wind turbine infrastructure, urban agriculture and veterinary practice</p>	2,0 Refer to item 49(a)	60% Refer to item 49(b)	18,0 m Refer to item 49(c)	5,0 m Refer to item 49(d)	5,0 m Refer to item 49(e)	N/a	Parking and access Loading Screening Noise mitigation

LOCAL BUSINESS ZONING	LAND UNIT AREA (m ²)	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
LOCAL BUSINESS ZONING 1: INTERMEDIATE BUSINESS (LB1) PRIMARY USES Office, dwelling house, boarding house, utility services, flats and additional use rights ADDITIONAL USE RIGHTS Second dwelling and home occupation or house shop or bed and breakfast establishment or home child care CONSENT USES Place of instruction, place of worship, institution, clinic, place of assembly, guest house, shop, informal trading, service trade, rooftop base telecommunication station, wind turbine infrastructure, halfway house and veterinary practice	>1 000	1,0	N/a	9,0 m	11,0 m	3,5 m	3,0 m	N/a	Garages and carports
	>650 up to 1 000	1,0		9,0 m	11,0 m	3,5 m	3,0 m		Parking and access
	>350 up to 650	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		Loading Screening
	>200 up to 350	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		Home occupation, bed & breakfast establishment and home child care
	≤200	1,0		8,0 m	10,0 m	1,0 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		Second dwelling House shop
		Refer to item 51(a)		Refer to item 51(b)	Refer to item 51(b)	Refer to item 51(c)	Refer to item 51(c)		
LOCAL BUSINESS ZONING 2: LOCAL BUSINESS (LB2) PRIMARY USES Shop, office, dwelling house, second dwelling, bed and breakfast establishment, boarding house, flats, place of instruction, place of worship, institution, clinic, guest house, service trade, utility service, rooftop base telecommunication station, private road, open space and veterinary practice CONSENT USES Place of assembly, informal trading, restaurant, sale of alcoholic beverages, funeral parlour, place of entertainment, adult shop, business premises, supermarket, plant nursery, hotel, conference facility, motor repair garage, service station, authority use, freestanding base telecommunication station, wind turbine infrastructure, transport use and multiple parking garage		1,0	75%	To top of roof					
		Refer to item 56(a)	Refer to item 56(b)	12,0 m		0,0 m		8,0 m	Canopy projection Street corners
		Refer to item 56(a)	Refer to item 56(b)	Refer to item 56(c)		Refer to item 56(e) & 56(f)		Refer to item 56(d)	Parking and access Loading Screening Service station and motor repair garage Informal trading

GENERAL BUSINESS AND MIXED USE ZONINGS	SUB-ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					Street boundary	Common boundaries		
GENERAL BUSINESS SUBZONINGS (GB1–GB7) PRIMARY USES Business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road, open space, veterinary practice and filming CONSENT USES Adult shop, adult entertainment business, adult services, informal trading, expo-centre, motor repair garage, warehouse, freestanding base telecommunication station, wind turbine infrastructure, transport use, helicopter landing pad and service station	GB1	1,5	100%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Residential incentive in respect of GB7
	GB2	2,0	100%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Hotel floor space concession
	GB3	<u>[2,0] 2,5</u>	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Canopy or balcony projection
	GB4	3,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Public pedestrian footway along street boundary
	GB5	4,0	100%	25,0 m	0,0 m	0,0 m	8,0 m	Street corners
	GB6	6,0	100%	38,0 m	0,0 m up to 25,0 m height; ½ (H-25 m) above 25,0 m	0,0 m	8,0 m	Parking and access Loading
	GB7	12,0	100%	60,0 m	0,0 m up to 38,0 m height; ½ (H-38 m) above 38,0 m	0,0 m	8,0 m	Screening Wind mitigation
		Refer to item 60(c)	Refer to item 60(a)	Refer to item 60(d)	Refer to item 60(e)	Refer to item 60(e)	Refer to item 60(b)	Service station and motor repair garage Informal trading
MIXED-USE SUBZONINGS (MU1–MU3) PRIMARY USES Business premises, industry, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, authority use, utility service, rooftop base telecommunication station, transport use, multiple parking garage, private road, open space and filming CONSENT USES Adult shop, adult entertainment business, adult services, informal trading, expo centre, scrap yard, freestanding base telecommunication station, wind turbine infrastructure, helicopter landing pad, service station, motor repair garage, veterinary practice and recycling centre	MU1	1,5	75%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m		8,0 m	Canopy or balcony projection
	MU2	4,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m		8,0 m	Parking and access Loading
	MU3	6,0	100%	38,0 m	0,0 m up to 25,0 m height; ½ (H-25 m) above 25,0 m		8,0 m	Screening Service station and motor repair garage Informal trading
		Refer to item 64(a)	Refer to item 64(a)	Refer to item 64(a)	Refer to item 64(c)		Refer to item 64(b)	

UTILITY, TRANSPORT AND NATIONAL PORT ZONINGS	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				Street boundary	Common boundaries		
UTILITY ZONING (UT) PRIMARY USES Utility service, authority use, rooftop base telecommunication station, <u>[and] freestanding base telecommunication station, minor freestanding base telecommunication station and minor rooftop base telecommunication station</u> CONSENT USES Cemetery, informal trading, funeral parlour, crematorium, urban agriculture, airport, wind turbine infrastructure and helicopter landing pad	As determined by a site development plan (Refer to item 81)						
TRANSPORT ZONING 1: TRANSPORT USE (TR1) PRIMARY USES Transport use, multiple parking garage, utility service, shop, restaurant, service trade, office, warehouse, rooftop base telecommunication station, <u>minor freestanding base telecommunication station, minor rooftop base telecommunication station</u> and container site CONSENT USES Business premises, flats, place of assembly, place of entertainment, hotel, conference facility, service station, motor repair garage, service trade, freestanding base telecommunication station, wind turbine infrastructure, airport, helicopter landing pad, informal trading, industry and air and underground rights	2,0	75%	15,0 m for stacked shipping containers 18,0 m for any other building	0,0 m	3,0 m	N/a	Parking and access Service station and motor repair garage Informal trading Air and underground rights
TRANSPORT ZONING 2: PUBLIC ROAD AND PUBLIC PARKING (TR2) PRIMARY USES Public street, public road, <u>minor freestanding base telecommunication station, minor rooftop base telecommunication station</u> and utility service CONSENT USES Multiple parking garage, informal trading, wind turbine infrastructure and air and underground rights	As determined by a site development plan (Refer to item 88)						Deemed zoning Construction and deposit of materials Air and underground rights Proposed public street, street widening and street closure Informal trading
TRANSPORT ZONING 3: TOLL ROAD (TR3) PRIMARY USES <u>Toll road, public street, public road, minor freestanding base telecommunication station, minor rooftop base telecommunication station</u> and utility service CONSENT USES <u>Wind turbine infrastructure and air and underground rights</u>	As determined by a site development plan (Refer to item 92B)						
NATIONAL PORT ZONING (NPZ) PRIMARY USES Land uses as set out in an approved Port development framework plan CONSENT USES	As determined by an approved Port development framework plan (Refer to item 95)						Deemed zoning Deemed zoning of land transferred to National Ports Authority

None		
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INDUSTRIAL ZONINGS	SUB-ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					Street boundary	Common boundaries		
GENERAL INDUSTRY SUBZONINGS (GI1–GI2) PRIMARY USES Industry, restaurant, service station, motor repair garage, funeral parlour, scrap yard, authority use, utility service, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, transport use, multiple parking garage, agricultural industry, private road, open space, additional use rights, veterinary practice and filming ADDITIONAL USE RIGHTS Factory shop and adult shop CONSENT USES Abattoir, place of worship, institution, clinic, place of assembly, adult entertainment business, adult services, aquaculture, informal trading, shop, office, sale of alcoholic beverages, place of entertainment, helicopter landing pad, wind turbine infrastructure and container site	GI 1	1,5	75%	18,0 m	5,0 m	3,0 m	N/a	Boundary walls
	GI 2	4,0	75%	18,0 m, but no restriction in respect of manufacturing buildings	5,0 m	3,0 m		Parking and access Loading Screening Hazardous substances Service station and motor repair garage Factory shop Adult shop Informal trading
RISK INDUSTRY ZONING (RI) PRIMARY USE Noxious trade, risk activity, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, private road, open space, additional use rights and filming ADDITIONAL USE RIGHTS Factory shop CONSENT USE Shop, restaurant, informal trading, service station, motor repair garage, industry, scrap yard, abattoir, authority use, utility service, helicopter landing pad, wind turbine infrastructure, container site, transport use, multiple parking garage and recycling centre		2,0	75%	18,0 m, but no restriction in respect of noxious trade, risk activity or manufacturing buildings	5,0 m	5,0 m	N/a	Parking and access Loading Screening Boundary walls
		Refer to item 75(a)	Refer to item 75(b)	Refer to item 75(c)	Refer to item 75(d)	Refer to item 75(d)		Hazardous substances Service station and motor repair garage Factory shop Informal trading

OPEN SPACE ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				Street boundary	Common boundaries		
<p>OPEN SPACE ZONING 1: ENVIRONMENTAL CONSERVATION (OS1)</p> <p>PRIMARY USES Environmental conservation use, <u>minor freestanding base telecommunication station and minor rooftop base telecommunication station</u></p> <p>CONSENT USES Harvesting of natural resources, environmental facilities, tourist accommodation, tourist facilities, utility service, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure and cultural and social ceremonies</p>	As determined by a site development plan (Refer to item 98)						
<p>OPEN SPACE ZONING 2: PUBLIC OPEN SPACE (OS2)</p> <p>PRIMARY USES Public open space, <u>[and] environmental conservation use, minor freestanding base telecommunication station and minor rooftop base telecommunication station</u></p> <p>CONSENT USES Environmental facilities, tourist facilities, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading, harvesting of natural resources and air and underground rights</p>	As determined by a site development plan (Refer to item 100)					<p>Deemed zoning</p> <p>Construction and deposit of material</p> <p>Air and underground rights</p> <p>Informal trading</p>	
<p>OPEN SPACE ZONING 3: SPECIAL OPEN SPACE (OS3)</p> <p>PRIMARY USES Open space, private road, <u>[and] environmental conservation use, minor freestanding base telecommunication station and minor rooftop base telecommunication station</u></p> <p>CONSENT USES Environmental facilities, tourist facilities, place of instruction, place of assembly, place of entertainment, plant nursery, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading and harvesting of natural resources</p>	As determined by a site development plan (Refer to item 105)					<p>Approval of consent uses</p> <p>Informal trading</p>	

AGRICULTURAL, RURAL AND LIMITED USE ZONINGS	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE [BASE] EXISTING GROUND LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
			To wallplate	To top of roof	Street boundary	Common boundaries		
<p>AGRICULTURAL ZONING (AG)</p> <p>PRIMARY USES Agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station, <u>minor freestanding base telecommunication station</u>, <u>minor rooftop base telecommunication station</u> and additional use rights</p> <p>ADDITIONAL USE RIGHTS Second dwelling and home occupation or bed and breakfast establishment or home child care</p> <p>CONSENT USES Additional dwelling units, guest house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, animal care centre, farm shop, agriculture industry, veterinary practice and renewable energy structure</p>	<p>1 500 m² for all dwelling units</p> <p>100 m² for farm shop</p> <p>Refer to item 109(a)</p>	N/a	<p>9,0 m for dwelling house</p> <p>Refer to item 109(d)</p>	<p>11,0 m for dwelling house</p> <p>12,0 m for agricultural buildings other than dwelling house</p> <p>Refer to item 109(d)</p>	<p>> 20 ha : 30,0 m</p> <p>≤ 20 ha : 15,0 m</p> <p>Refer to item 109(b)</p>	<p>> 20 ha : 30,0 m</p> <p>≤ 20 ha : 15,0 m</p> <p>Refer to item 109(b)</p>	N/a	<p>Parking</p> <p>Minimum subdivision size</p> <p>Agricultural industry</p> <p>Second dwelling and additional dwelling units</p>
<p>RURAL ZONING (RU)</p> <p>PRIMARY USES Dwelling house, agriculture and additional use rights</p> <p>ADDITIONAL USE RIGHTS Second dwelling and home occupation or bed and breakfast establishment or home child care</p> <p>CONSENT USES Guest house, tourist accommodation, tourist facilities, harvesting of natural resources, mine, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, aqua-culture, intensive animal farming, intensive horticulture, riding stables, animal care centre, farm shop, agricultural industry and veterinary practice</p>	<p>1 500 m² for all buildings</p> <p>100 m² for farm shop</p> <p>Refer to item 113(a)</p>	40%	<p>9,0 m</p> <p>Refer to item 113(b)</p>	<p>11,0 m</p> <p>Refer to item 113(e)</p>	<p>10,0 m</p> <p>Refer to item 113(c)</p>	<p>5,0 m</p> <p>Refer to item 113(c)</p>	N/a	<p>Parking</p> <p>Minimum subdivision size</p> <p>Agricultural industry</p> <p>Second dwelling</p>
<p>LIMITED USE ZONING (LU)</p> <p>PRIMARY USES Only existing lawful uses</p> <p>CONSENT USES None</p>	Refer to item 118							<p>No rezoning</p> <p>Reconstruction of destroyed property</p>

Item 21 amended to include third dwelling and minor rooftop base telecommunication station in SR1 zoning.

"21 Use of the property

The following use restrictions apply to properties in this zoning:

- (b) Additional use rights which may be exercised by the occupant of a property are home occupation, bed and breakfast establishment, second dwelling, third dwelling and home child care, subject to the following conditions:
 - (i) Except for a second dwelling, only one of the activities listed as additional use rights shall be conducted on any land unit as a primary use. Where more than one such activity is required, the City's approval shall be obtained;

- (ii) The dominant use of the property shall be a dwelling house for accommodation of a single family;
- (iii) The proprietor of the activity concerned shall live on the property;
- (iv) The conditions stipulated in items 23, 24, 25, 25A or 25B **[or 53]** (whichever is applicable) shall be adhered to;
- (v) Any new structure or alteration to the property to accommodate an additional use right shall be compatible with the residential character of the area, particularly with regard to the streetscape, and shall be capable of reverting to use as part of the dwelling house, second dwelling, third dwelling or outbuilding concerned; and
- (vi) No more than three employees shall be engaged by the occupant in the activity concerned.

(c) Consent uses are utility service, place of instruction, place of worship, house shop, institution, guest house, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, veterinary practice and halfway house."

Item 22 amended to replace the deleted base level with existing ground level.

"22(c) Height

- (i) The maximum height of a building, measured from the **[base]** existing ground level to the wallplate and top of the roof, shall be determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'
- (ii) Where a building is permitted in this zoning within 3 m of a common boundary, the height will be limited to 4 m measured from **[base]** existing ground level to top of roof."

"Table of floor factor, floor space, coverage, height and building lines in Single Residential Zoning

1

Land unit area (m ²)	Floor factor	Maximum floor space	<u>Coverage</u>	Maximum height above [base] <u>existing ground level</u>		Street boundary building line	Common boundary building line
				To wall-plate	To top of roof		
>2 000	N/a	1 500 m ²	<u>N/a</u>	9,0 m	11,0 m	6,0 m	6,0 m
>1 000 up to 2 000	N/a	1 500 m ²	<u>N/a</u>	9,0 m	11,0 m	4,5 m	3,0 m
>650 up to 1 000	N/a	1 500 m ²	<u>N/a</u>	9,0 m	11,0 m	3,5 m	3,0 m
>350 up to 650	1,0	N/a	<u>N/a</u>	8,0 m	10,0 m	3,5 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder, subject to paragraph d(iii).

>200 up to 350	1,0	N/a	<u>75%</u>	8,0 m	10,0 m	[3,5] <u>1,5</u> m	0,0 m [for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder; subject to paragraphs (ii) and (iii).]
≤200	1,0	N/a	<u>75%</u>	8,0 m	10,0 m	1,0 m	

“22(f) Garages, carports and outbuildings

- (i) A garage, carport and outbuildings are permitted within the common boundary building line or on the common property boundary provided that the garage, carport and outbuilding do not:
- (aa) extend higher than 3,5 m from **[base]** existing ground level to top of roof;
 - (bb) contain more than a double garage façade; and
 - (cc) exceed a width of 6,5 m.”

insertion provides for different building lines for properties of 300m² and less.

“(iA) For land units of 350 m² and less, a garage or carport is permitted up to the street boundary provided the garage or carport:

- (aa) is not higher than 3,5 m from existing ground level to top of roof;
- (bb) does not contain more than a double garage façade; and
- (cc) does not exceed a width of 6,5 m.

- (ii) For land units **[of 650]** exceeding 350 m² [and less] up to 650 m², a garage or carport is permitted up to 1,5 m from the street boundary provided the garage or carport:
- (aa) is not higher than 3,5 m from **[base]** existing ground level to top of roof;
 - (bb) does not contain more than a double garage façade; and
 - (cc) does not exceed a width of 6,5 m.

- (iv) Notwithstanding paragraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the City, compliance with the street boundary building line will not be practical due to the steepness of the ground between the road and the property concerned. The City will determine the street boundary building line, height, façade and width of the garage and carport in such a case.”

insertion provides for limit to coverage for land units up to 200m²

“22(h) Coverage

- (i) The maximum coverage, if applicable, is determined in accordance with the area of land unit as shown in the above table of floor factor, floor space, coverage, height and building lines in Single Residential Zoning 1.”

Item 23 amended to incorporate shop as an exclusion from ‘home occupation’ use.

- “23(a) No home occupation shall include a noxious trade, risk activity, shop, adult entertainment business, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builders yard, welding works **[.]** or joinery;”

Insertion of item 25A which is the relocation of item 53 to a more appropriate location and 25B which are the additional use right conditions for a third dwelling in the SR1 & 2 zones

25A Second dwelling

The following conditions shall apply to a second dwelling:

- (a) The total floor space of a second dwelling may not exceed the total floor space of the main dwelling unit without the approval of the City. The floor space of ancillary buildings is excluded from this provision;
- (b) The City may require that a second dwelling be constructed in a style that is similar to the architecture of the main dwelling house;
- (c) A second dwelling that is a separate structure to a main dwelling house shall not exceed a height of 6 m measured from existing ground level to the wall plate and 8 m to the top of the roof;
- (d) A second dwelling contained within the same building as a main dwelling house must be designed so that the building appears as a single dwelling house; both units may have a ground floor, or one unit may be on the ground floor and the other unit above;
- (e) The existence of a second dwelling shall not in itself be sufficient reason for the City to grant an application in terms of this By-Law to subdivide the land unit containing the dwelling units;
- (f) The construction of a second dwelling is subject to the certification by all relevant municipal service department Directors, or their delegates, that capacity is available on the services network in the specific area.

25B Third dwelling

The following conditions shall apply to a third dwelling:

- (a) The total floor space of a third dwelling may not exceed the total floor space of the main dwelling without the approval of the City. The floor space of ancillary buildings is excluded from this provision;
- (b) The City may require that a third dwelling be constructed in a style that is similar to the architecture of the main dwelling house;
- (c) A third dwelling that is a separate structure to a main or second dwelling shall not exceed a height of 6 m measured from existing ground level to the wall plate and 8 m to the top of the roof;
- (d) A third dwelling contained within the same building as a main dwelling or second dwelling must be designed so that the building appears as a single dwelling house; all units may have a ground floor, or one unit may be on the ground floor and the other units above;
- (e) The existence of a third dwelling shall not in itself be sufficient reason for the City to grant an application in terms of this By-Law to subdivide the land unit containing the dwelling units;
- (f) The construction of a third dwelling is subject to the certification by all relevant municipal service department Directors, or their delegates, that capacity is available on the services network in the specific area."

Item 26 amended to include third dwelling and minor rooftop base telecommunication station in SR2 zoning.

"26(1)(b) Additional use rights which may be exercised by the occupant of any unit of accommodation are shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading, third dwelling and any educational, religious, occupational or business purpose excluding the sale of alcoholic beverages, provided that:

- (i) The dominant use of the unit shall remain residential;
- (ii) No noxious trade, risk activity, adult entertainment business, adult services or adult shop are permitted;
- (iii) No activities shall be carried out which constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity which results in the generation of dust, fumes, smoke, or waste material which could be detrimental to health, or which requires special waste removal processes;

- (iv) The City may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public; and
- (v) The development rules stipulated in items 23, 24, 25, 25B except for paragraph (b), 28, 29, and 30, whichever is applicable, shall be adhered to.

26(1)(c) Consent uses are group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, veterinary practice and halfway house.

26(1)(d) **[Multiple uses and buildings where no formal township exists]** The uses in sub-item (1) (a-c) are permissible where no formal township exists."

Item 27 amended to replace the deleted base level with existing ground level. Also incorporates the third dwelling into the parking provision for this zoning.

"27(b) Height

- (i) The maximum height of a building, measured from **[base]** existing ground level to the wallplate, shall be 6m for dwelling units and 8m for all other buildings;
- (ii) The maximum height of a building, measured from **[base]** existing ground level to the top of the roof, shall be 8m for dwelling units and 10m for all other buildings.
- (iii) Earth banks and retaining structures are subject to item 126.

Table of parking requirements in Single Residential Zoning 2

Use of property	Parking requirement
Shelter	None
Dwelling house	One bay, if required by the City (None on erven <100 m ²)
Second dwelling, <u>third dwelling</u> , home occupation	None
Other primary or consent uses	As required by the City

Item 28 amend to incorporate the third dwelling into the rules for house shop

"28(c) Any new structure, or alteration to the existing dwelling house, second dwelling, third dwelling or outbuilding, shall conform to the residential character of the area;"

Item 29 amended for clarity in the control of shelters.

"29 Shelter

The following conditions apply to a shelter:

- (a) If the City's Building Control Officer is of the opinion that the shelter poses a public health, safety, fire or structural risk the City may serve notice on the owner or occupier describing the nature of the risk and calling upon them to submit documentation to the City or appoint a professional person to conduct an investigation and to report to the City on the nature and extent of the risk within a specified period of time and the steps to be taken to remedy such risk. [It shall be the sole responsibility of the occupant or owner of the shelter to ensure the structural, habitability, fire resistance or other standards of a shelter; and]
- (b) After considering the documentation or report submitted and if it is satisfied that there is a risk the City may issue a directive instructing the owner or occupier to take the steps set out in the directive [Any occupant or owner of a shelter who is instructed by the City to take action to remedy a public safety, health or fire risk, and who fails to do so, is guilty of an offence in terms of this By-Law].
- (c) If the owner or occupier fails to comply with sub-items (a) and (b) they are guilty of an offence in terms of this By-law.
- (d) A shelter may not exceed 4m in height measured from existing ground level to top of roof."

Item 34 amended to incorporate minor rooftop base telecommunications as a consent use in GR1.

“34(c) Consent uses are utility service, home child care, minor rooftop base telecommunication station and rooftop base telecommunication station.”

Item 35 amended to replace the deleted base level with existing ground level.

“35(c) Height

- (i) The maximum height of a building, measured from **[base]** existing ground level to the top of the wallplate, shall be 8 m, and to the top of the roof shall be 10 m.”

Item 39 amended to provide for relocation of second dwelling rules in to item 25A, and to correct a typing error of 500 -560 m²

“39(2) The following conditions apply to a dwelling house that does not form part of a group housing scheme:

- (a) A second dwelling is permitted subject to the provisions for a second dwelling in **[Local Business Zoning 1]** item 25A;
- (c) The development rules for erven greater than 350 m² and not exceeding **[500]** 650 m² as stipulated in the 'Table of **[coverage, height,]** floor factor, floor space, coverage, height and building lines in Single Residential Zoning 1' in item 22 shall apply;”

Item 40(c) deletion restricting access requirements to certain land uses. See new item 45A which includes the road width limitation now as a development rule to which a departure application can be made.

“40(c) **[Notwithstanding the primary and consent uses specified in paragraphs (a) and (b), if the only vehicle access to the property is from an adjacent road reserve that is less than 9 m wide, no building is permitted other than a dwelling house or second dwelling.]** “

Item 41 amended to replace the deleted base level with existing ground level. GR3 floor factor increased to be incrementally compatible with maximum heights permitted in these subzones.

“41(c) Height

- (i) The maximum height of a building, measured from the **[base]** existing ground level to the top of the roof, shall be determined in accordance with the following 'Table of coverage, height and floor factor in General Residential Subzonings GR2-GR6'

Table of coverage, height and floor factor in General Residential Subzonings GR2-GR6

Subzoning	Coverage	Floor factor	Maximum height above [base] <u>existing ground</u> level to top of roof
GR2	60%	1,0	15,0 m
GR3	60%	[1,0] <u>1,25</u>	20,0 m
GR4	60%	1,5	24,0 m
GR5	60%	2,5	35,0 m
GR6	60%	5,0	50,0 m

“

Deletion as a 4,5m street boundary setback is already a development rule.

“41(d) **[Street centreline setback**

The City may require a street centreline setback, in which case:

- (i) **any flats, boarding houses or hotels shall be set back 8 m from the centre line of the abutting public street or streets; and**
- (ii) **the provisions of item 122 shall apply.]**”

Amended to replace the deleted base level with existing ground level and item 9(2) amendment.

“41 (e) Building lines

- (i) No building shall be erected so that any point on the building is nearer to a street boundary or a common boundary than the distance specified in the following ‘Table of building lines in General Residential Subzonings GR2-GR6’, provided that:
 - (aa) the symbol ‘H’ means the height in metres of the point concerned above the **[base level]** ground floor, and
 - (bb) where two alternative building lines are prescribed, the greater of the two building lines shall apply.
- (ii) An outbuilding is permitted within the common boundary building line provided the outbuilding is not higher than 3,5 m from the **[base]** existing ground level of the outbuilding to the top of the roof.”; and”

“Table of building lines in General Residential Subzonings GR2-GR6

Subzoning	Street boundary building line		Common boundary building line	
	Points up to 25,0 m above [base] <u>existing ground level</u>	Points over 25,0 m above [base] <u>existing ground level</u>	Points up to 25,0 m above [base] <u>existing ground level</u>	Points over 25,0 m above [base] <u>existing ground level</u>
GR2	4,5 m	N/a	4,5 m or 0,6 H (0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary)	N/a (<u>unless a departure permitted in terms of this development management scheme has been approved</u>)
GR3				
GR4				
GR5	4,5 m	9,0 m	4,5 m or 0,6 H (0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary)	15,0 m [(0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary)]
GR6				

Item 42 amended to change the location in the DMS of second dwelling conditions for additional use.

“42 Dwelling house and second dwelling

The provisions of item 21(b) and 22 apply to a dwelling in this zoning. The provisions of item 21(b), 22 and 25A [53] apply to a second dwelling in this zoning.”

Item 45A insertion to make the 9m road width a development rule in GR2-6 subzones.

“45A Development rule for all uses in GR2-GR6, except dwelling house and second dwelling

Vehicle access to the property must be from an adjacent road reserve of at least 9m wide.”

Item 46 amended to incorporate minor base and freestanding telecommunication stations into the Community zoning 1.

“46 Use of property

The following use restrictions apply to property in this zoning:

- (a) Primary uses are place of instruction, place of worship, clinic, rooftop base telecommunication station, filming, minor freestanding base telecommunication station, minor rooftop base telecommunication station and open space.”

Item 47 amended to replace the deleted base level with existing ground level.

“47(c) Height

- (i) The maximum height of a building, measured from **[base]** existing ground level to the top of the roof, is 12 m, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.”

Item 48 amended to incorporate minor base and freestanding telecommunication stations into the Community zoning 2.

“48 Use of property

- (a) Primary uses are institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station, filming and open space.”

Item 49 amended to replace the deleted base level with existing ground level.

“49(c) Height

- (i) The maximum height of a building, measured from **[base]** existing ground level to the top of the roof, shall be 18 m, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.”

Item 50 amended to identify new location for second dwelling conditions in the DMS.

“50 Use of property

- (b) Additional use rights which may be exercised by the occupant of a dwelling house are second dwelling, home occupation or house shop or bed and breakfast establishment or home child care subject to the development rules in items 25A, 52[, 53] and 54 whichever is applicable.”

Item 51 amended to replace the deleted base level with existing ground level.

“51(b) Height

- (i) The maximum height of a building, measured from **[base]** existing ground level to the top of the wallplate and to the top of the roof, shall be determined in accordance with the area of the land unit as shown in the following ‘Table of floor factor, height and building lines in Local Business Zoning 1’.

- (ii) Where a building is permitted in this zoning within 3 m of a common boundary, the height will be limited to 4 m measured from **[base]** existing ground level to the top of the roof.”;

“Table of floor factor, height and building lines in Local Business Zoning 1

Land unit area (m ²)	Floor factor	Maximum height above [base] existing ground level		Street boundary building line	Common boundary building line
		To wallplate	To top of roof		
>1 000	1,0	9,0 m	11,0 m	3,5 m	3,0 m
>650 up to 1 000	1,0	9,0 m	11,0 m	3,5 m	3,0 m
>350 up to 650	1,0	8,0 m	10,0 m	3,5 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder, subject to paragraph (d) (iii).
>200 up to 350	1,0	8,0 m	10,0 m	3,5 m	

≤200	1,0	8,0 m	10,0 m	1,0 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder; subject to paragraphs (d) (ii) and (d) (iii).
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“51(d) Garages and carports

- (i) A garage or carport is permitted within the common boundary building line provided the garage or carport:
 - (aa) does not extend higher than 3,5 m from **[base]** existing ground level to the top of the roof; and
 - (bb) does not contain more than a double garage façade with a maximum width of 6,5 m.

- (ii) For land units of 650 m² and less, a garage or carport is permitted up to 1,5 m from the street boundary provided the garage or carport:
 - (aa) is not higher than 3,5 m from **[base]** existing ground level to the top of the roof; and
 - (bb) does not contain more than a double garage facade with a maximum width of 6,5 m.”

Item 53 deletion *Development rules have been retained but moved to Item 25A under Single Residential Zoning 1.*

Item 56 amended *to replace the deleted base level with existing ground level.*

“56 (c) Height

- (i) The maximum height of a building, measured from **[base]** existing ground level to the top of the roof, shall be 12 m.”

Item 60 amended *to replace the deleted base level with existing ground level, and changes to item 9(2) permitting certain departures from height and floor space reflected in the table below on building lines.*

“60(d) Height

- (i) The maximum height of a building, measured from the **[base]** existing ground level to the top of the roof, shall be determined in accordance with the following ‘Table of height and floor factor in General Business Zonings’.”

“Table of height and floor factor in General Business Zonings

Subzoning	Maximum height above [base] <u>existing ground</u> level to top of roof	Floor factor
GB1	15,0 m	1,5
GB2	15,0 m	2,0
GB3	25,0 m	[2,0] 2,5
GB4	25,0 m	3,0
GB5	25,0 m	4,0
GB6	38,0 m	6,0
GB7	60,0 m	12,0

“60(e) Building lines

- (i) No building shall be erected so that any point thereon is nearer to a street or common boundary than the distance specified in the following ‘Table of building lines in General Business Zonings’, where the symbol ‘H’ means the height in metres of the point concerned above **[base level]** ground floor.”

“Table of building lines in General Business Zonings

Sub-zoning	Street building line and common building line			
	Points on a building above [base] existing ground level			
	up to 10,0 m	over 10,0 m and up to 25,0 m	over 25,0 m and up to 38,0 m	over 38,0 m
GB1	0,0 m	4,5 m (0,0 m for common boundary)	N/a	N/a <u>(unless a departure permitted in terms of this development management scheme has been approved)</u>
GB2				
GB3				
GB4				
GB5	0,0 m	0,0 m	N/a	N/a <u>(unless a departure permitted in terms of this development management scheme has been approved)</u>
GB6	0,0 m	0,0 m	(H minus 25,0 m) divided by 2 (0,0 m for common boundary)	N/a <u>(unless a departure permitted in terms of this development management scheme has been approved)</u>
GB7	0,0 m	0,0 m	0,0 m	(H minus 38,0 m) divided by 2 (0,0 m for common boundary)

“

Item 64 amended to replace the deleted base level with existing ground level.

“64(a) Floor factor, coverage and height

- (ii) The maximum height of a building, measured from **[base]** existing ground level to the top of the roof, shall be determined in accordance with the following 'Table of floor factor, coverage and height in Mixed Use Zonings' .”

“Table of floor factor, coverage and height in Mixed Use Zonings

Subzoning	Floor factor	Coverage	Maximum height above [base] existing ground level to top of roof
MU1	1,5	75%	15,0 m
MU2	4,0	100%	25,0 m
MU3	6,0	100%	38,0 m

“

“(c) Building lines

- (i) No building shall be erected so that any point on the building is nearer to a street or common boundary than the distance specified in the following 'Table of building lines in Mixed Use Zonings', where the symbol 'H' means the height in metres of a point above **[base level]** ground floor.”

“Table of building lines in Mixed Use Zonings

Subzoning	Street building line and common building line		
	Points on a building above [base] existing ground level		
	up to 10,0m	over 10,0 m and up to 25,0 m	over 25,0 m and up to 38,0 m

MU1	0,0 m	4,5 m	N/a
MU2	0,0 m	4,5 m	N/a
MU3	0,0 m	0,0 m	(H minus 25,0 m) divided by 2

Item 68 amended to replace the deleted base level with existing ground level.

“68(b) Height

- (i) The maximum height of a building in General Industry Subzoning GI1 shall be 18 m measured from **[base]** existing ground level to the top of the roof;
- (iii) Any building in General Industry Subzoning GI2 that is not used for manufacturing purposes shall not exceed a height of 18 m measured from the **[base]** existing ground level to the top of the roof;
- (v) Shipping or transport containers, when stored or stacked outside a building, may not extend higher than 15 m above **[average]** existing ground level.”

Item 75 amended to replace the deleted base level with existing ground level.

“75(c) Height

- (ii) Buildings not used for noxious trade, risk activity or manufacturing purposes shall not exceed a height of 18 m measured from the **[base]** existing ground level to the top of the roof;
- (iv) Shipping or transport containers, when stored or stacked outside a building, may not extend higher than 15 m above **[average]** existing ground level.”.

Item 80 amended to incorporate minor base and freestanding telecommunication stations into the Utility zoning.

“80(a) Primary uses are utility service, authority use, rooftop base telecommunication station, **[and]** freestanding base telecommunication station, minor freestanding base telecommunication station and minor rooftop base telecommunication station.”.

Item 82 amended to incorporate minor base and freestanding telecommunication stations into the Transport Zoning 1.

“82(a) Primary uses are transport use, multiple parking garage, utility service, shop, restaurant, service trade, office, warehouse, rooftop base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station and container site.”

Item 83 amended to replaces the deleted base level with existing ground level.

“83 (c) Height

- (i) The maximum height of a building shall be 18 m measured from **[base]** existing ground level to the top of the roof;” and
- (iii) Shipping or transport containers, when stored or stacked outside a building, may not extend higher than 15 m above **[average]** existing ground level.”.

Item 87 amended to incorporate minor base and freestanding telecommunication stations into the Transport Zoning 2.

“87(a) Primary uses are public street, public road, minor freestanding base telecommunication station, minor rooftop base telecommunication station and utility service.”.

Insertion of Part 3A introduces a new zoning for Toll Roads

“ Part 3A: Transport Zoning 3: Toll Road (TR3)
(items 92A-B)

The TR3 zoning provides for toll roads, whether constructed or still to be constructed.

92A Use of the property

The following use restrictions apply to property in this zoning:

- (a) Primary uses are toll road, public street, public road, minor freestanding base telecommunication station, minor rooftop base telecommunication station and utility service.
- (b) Consent uses are wind turbine infrastructure and air and underground rights.

92B Development rules

The following development rules apply:

- (a) The City shall require a site development plan for a primary and consent use.
- (b) The site development plan as approved by the City shall constitute the development rules for a primary use and a consent use, if applicable.
- (c) The provisions for a site development plan in item 123 shall apply.”

Item 97 amended to incorporate minor base and freestanding telecommunication stations into the Open Space Zoning 1.

“97 (a) Primary uses are environmental conservation use, minor freestanding base telecommunication station and minor rooftop base telecommunication station.”

Item 99 amended to incorporate minor base and freestanding telecommunication stations into the Open Space Zoning 2.

“99(a) Primary uses are public open space, **[and]** environmental conservation use, minor freestanding base telecommunication station and minor rooftop base telecommunication station.”

Item 104 amended to incorporate minor base and freestanding telecommunication stations into the Open Space Zoning 3.

“104(a) Primary uses are open space, private road, **[and]** environmental conservation use, minor freestanding base telecommunication station and minor rooftop base telecommunication station.”

Item 108 amended to incorporate minor base and freestanding telecommunication stations into the Agricultural Zoning.

“108(a) Primary uses are agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station and additional use rights as listed in paragraph (b).”

Item 109 amended to replace the deleted base level with existing ground level.

“109(d) Height

- (i) The maximum height of a dwelling house, measured from the **[base]** existing ground level to the top of the wallplate, shall be 9 m and to the top of the roof shall be 11 m.

- (ii) Agricultural buildings other than the dwelling houses shall not exceed a height of 12 m measured from the **[base] existing ground** level to the top of the roof."

Item 111 amended to identify new location of second dwelling and additional dwelling unit development rules.

"111(d) the development rules in item **[53] 25A** shall apply to second dwellings and additional dwelling units in this zoning."

Item 113 amended to replace the deleted base level with existing ground level.

"113(e)Height

- (i) The maximum height of a building, measured from **[base] existing ground** level to the wallplate, shall be 9 m, and to the top of the roof shall be 11 m."

Item 116 amended to identify new location of second dwelling unit development rules.

"116 The development rules in item **[53] 25A** apply, provided that a dwelling unit for persons engaged in bona[e] fide agricultural activities on the land unit shall not be regarded as a second dwelling."

Item 121 several amendments to the encroachment of building lines, including clarity to entrance steps and basement. Four new exclusions relating to pergolas, water tanks, child's playhouse and storage sheds.

"(a) Notwithstanding the building line requirements set out in Division II, the following structures or portions thereof may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:

- (i) boundary walls, fences and gates;
- (ii) open and uncovered stoeps;
- (iii) entrance steps, landings and entrance porches leading to the ground floor or basement of a building;
- (iv) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 m from floor to highest point;
- (v) eaves and awnings projecting no more than 1 m from the wall of a building;
- (vi) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of a building;
- (vii) screen-walls not exceeding 2,1 m in height above the existing ground level abutting such wall;
- (viii) swimming pools not closer than 1 m from any erf boundary;
- (ix) any part of a basement**[, provided]** that is below **[no part thereof projects above]** existing ground level;
- (x) a refuse room required by the City in terms of item 145;
- (xi) a retaining structure within a street boundary building line, subject to item 126, or any retaining structure located under the existing ground level**[.];**
- (xii) pergolas not exceeding 40 m² in area;
- (xiii) water tanks and their supporting structures not exceeding 3,2 m in height from existing ground level;
- (xiv) child's playhouse or similar play structure not exceeding 5 m² in area and 2,5 m in height from existing ground level, only from a common boundary; or
- (xv) unless provided elsewhere in this development management scheme, storage sheds not exceeding 5 m² in area and 2,5 m in height from existing ground level."

Item 122 amended to provide for a 0m street building line on a property where a portion of land is ceded to the City as per this item.

"The portion of a land unit falling within a street centreline setback area shall be excluded for the purpose of determining coverage and maximum floor space, unless the owner transfers the portion concerned to the City free of charge. In such case, the portion shall be included for the purpose of determining coverage or maximum floor space on a land unit and the street building line would be deemed to be 0m."

Item 129 amended to include new heading and definition of Recreational vehicles and watercraft. Development rules now provide additional clarity.

“129 [Mobile homes and caravans] Recreational vehicles and watercraft

- (1) **[A recreation vehicle, such as a mobile home or caravan,]** Recreational vehicles and watercraft may not be used for permanent habitation without the approval of the City, **[except if]** unless the applicable zoning **[lawfully]** allows such activity.
- (2) **[The following]** An approval granted in terms of sub-item (1) is subject to, but not limited to, the following conditions [additional development rules shall apply with regard to mobile homes approved to be placed on a land unit zoned for residential purposes]:
 - (a) The **[mobile home or caravan]** recreational vehicle or watercraft shall be sited on a foundation slab and properly anchored;
 - (b) Solid perimeter skirting, of material and colour complementary to the **[mobile home or caravan]** recreational vehicle or watercraft, shall be provided from the bottom of the **[mobile home]** recreational vehicle or watercraft to the ground surface;
 - (c) The roof and exterior siding of the **[mobile home or caravan]** recreational vehicle or watercraft shall be of a non-reflective material; and
 - (d) Any structural additions shall be of materials which, in the opinion of the City, are compatible with the **[mobile home or caravan]** recreational vehicle or watercraft.”

Item 136B insertion of new item setting out the development rules applicable to boundary walls.

“136B Boundary walls

The following provisions shall apply to a boundary wall:

- (a) a street boundary wall must not exceed 2 metres in height when measured from the existing ground level on the public street side of the wall to the top of the boundary wall;
- (b) A retaining wall of up to 1m in height, when measured from the existing ground level on the public street side of the wall, may form part of a street boundary wall providing that if the retaining wall is 1m in height a 1m high balustrade is required;
- (c) a common boundary wall must not exceed 2,5 metres in height when measured from the lowest existing ground level on either side of the wall to the top of the boundary wall;
- (d) A retaining wall of up to 1,5m in height, when measured from the lowest existing ground level on either side of the wall, may form part of a common boundary wall providing that if the retaining wall is greater than 1m in height a 1m high balustrade is required;
- (e) security devices, such as spikes, barbed wire, razor wire or electric fences must not exceed a height of 1,0 metre measured from the top of a boundary wall;
- (f) any portion of a boundary wall in excess of 1 metre in height, when measured from the existing ground level on the public street side of the wall to the top of the boundary wall, located within 4,5 metres of the intersection of two street boundaries which create/enclose an angle of less than 135 degrees must be visually permeable;
- (g) All boundary walls that face a public street, public road or public open space and exceed 1,5m in height, when measured from the existing ground level on the public street or public open space side of the boundary wall to the top of the boundary wall, must comply with the following visual permeability requirements:
 - (aa) general business, industrial, risk industry and utility zonings: a minimum of 60% of the total vertical area of the boundary wall, excluding any visually permeable gates or garage doors.; and
 - (bb) in all other zonings: a minimum of 25% of the total vertical area of the boundary wall, excluding any garage doors or visually permeable gates.”

Item 138 amended whereby some minimum parking standards have been reduced, while some standards have been increased.

“Minimum off-street parking requirements

Land use	Standard areas	PT1 areas	PT2 areas
Main dwelling house (SR1 Zoning)	2 bays per dwelling unit (1 bay per dwelling for erven < 350 m ²)	1 bay per dwelling unit	Nil
Main dwelling house (SR2 Zoning)	1 bay per dwelling unit (Nil per dwelling for erven < 100 m ²)	Nil	Nil
Second dwelling	1 bay per 2 nd dwelling unit	1 bay per 2 nd dwelling unit	Nil
<u>Third dwelling on land unit larger than 650m²</u>	<u>1 bay per 3rd dwelling unit</u>	<u>1 bay per 3rd dwelling unit</u>	<u>Nil</u>
Group dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	Nil
Flats	[1,75] <u>1,25</u> bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	Nil
Bed & breakfast establishment	1 additional bay per guest <u>bedroom</u>	1 additional bay per guest <u>bedroom</u>	Nil
Boarding house, guest house	[1,25] <u>1</u> bay[s] per bedroom <u>for the first 10 bedrooms, thereafter 0,5 bays for each bedroom in excess of 10</u>	[0,75] <u>1</u> bay[s] per bedroom <u>for the first 10 bedrooms, thereafter 0,25 bays for each bedroom in excess of 10</u>	Nil
Backpackers lodge	1 bay per [6] <u>10</u> beds plus <u>associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public</u>	1 bay per [8] <u>10</u> beds plus <u>associated reduced (based on parking sharing) requirement for ancillary land uses open to general public</u>	Nil
Hotel	[0,75] <u>0,5</u> bays per bedroom, plus [20 bays if licensed] <u>associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public</u>	[0,75] <u>0,5</u> bays per bedroom, plus [20 bays if licensed] <u>associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public</u>	Nil
Retirement home, orphanage	[0,5] <u>0,25</u> bays per [bedroom] <u>resident</u>	[0,3] <u>0,25</u> bays per [bedroom] <u>resident</u>	Nil

Land use	Standard areas	PT1 areas	PT2 areas
Crèche	<p>[1 bay per 10 children, plus stop & drop facility] <u>Nil. Facilities with more than 34 learners must be able to accommodate an informal stop and drop facility on-street.</u></p> <p><u>Pro-forma Traffic Management Plan to be submitted detailing planned operations of the stop and drop facility</u></p>	<p>[1 bay per 10 children] <u>Nil. Facilities with more than 34 learners must be able to accommodate an informal stop and drop facility on-street.</u></p> <p><u>Pro-forma Traffic Management Plan to be submitted detailing planned operations of the stop and drop facility</u></p>	Nil
School	<p>1 bay per classroom and office, plus stop & drop facility.</p> <p><u>Capacity for stop and drop facility to be provided at a rate of 1 bay per 20 learners.</u></p> <p><u>If facility cannot be accommodated on street, provision must be made to accommodate the equivalent amount of bays required for this facility off-street</u></p>	<p>1 bay per classroom and office, plus stop & drop facility.</p> <p><u>Capacity for stop and drop facility to be provided at a rate of 1 bay per 20 learners.</u></p> <p><u>If facility cannot be accommodated on street, provision must be made to accommodate the equivalent amount of bays required for this facility off-street</u></p>	Nil
Place of instruction (post-school level)	[0,4] <u>0,1</u> bays per student, plus 1 bay per classroom and <u>1 bay per office</u>	[0,4] <u>0,1</u> bays per student, plus 1 bay per classroom and <u>1 bay per office</u>	Nil
Library, museum	2 bays per 100 m ² [GLA] <u>floor space</u>	1,5 bays per 100 m ² [GLA] <u>floor space</u>	Nil
Place of assembly, place of worship, place of entertainment, funeral parlour	1 bay per 6 seats or persons, calculated at 1,4 m ² floor space = 1 person	1 bay per 8 seats or persons, calculated at 1,4 m ² floor space = 1 person	Nil
Sport stadium	1 bay per 4 seats or persons (or as per transport management plan)	3 bays per 20 seats or persons (or as per transport management plan)	Nil
Recreation or sports complex	1 bay per 8 seats or persons	1 bay per 10 seats or persons	Nil
Gymnasium, health club	[10] <u>2</u> bays per 100 m ² GLA	[8] <u>2</u> bays per 100 m ² GLA	Nil

Land use	Standard areas	PT1 areas	PT2 areas
Hospital (general and private)	1 bay per bed, plus 3 bays per consulting room	1 bay per bed, plus 2 bays per consulting room	Nil
Clinic, medical consulting rooms, veterinary practice	[4 bays per consulting room] <u>Base ratio of 2.5 bays per consulting room for facilities comprising a maximum of 5 consulting rooms.</u> <u>For larger facilities, consecutively add 0.5 bays for each consulting room in excess of 5 consulting rooms, up to a maximum ratio of 5 bays per consulting room for facilities with 10 or more such rooms</u>	[3 bays per consulting room] <u>Base ratio of 2.5 bays per consulting room for facilities comprising a maximum of 5 consulting rooms.</u> <u>For larger facilities, consecutively add 0.5 bays for each consulting room in excess of 5 consulting rooms, up to a maximum ratio of 5 bays per consulting room for facilities with 10 or more such rooms</u>	Nil
Shops (excluding supermarket)	[4] <u>3 bays per 100 m² GLA</u>	2 bays per 100 m ² GLA	Nil
Supermarket, shopping centre	[6] <u>4 bays per 100 m² GLA</u>	[4] <u>2.5 bays per 100 m² GLA</u>	Nil
Restaurant	[2] <u>6 bays per 100 [25] m² GLA</u>	[1] <u>4 bays per 100 [25] m² GLA</u>	Nil
Offices	4 bays per 100 m ² GLA	2.5 bays per 100 m ² GLA	Nil
Conference centre	6 bays per 10 seats	4 bays per 10 seats	Nil
Motor showroom	[3] <u>2 bays per 100 m² GLA</u>	[3] <u>2 bays per 100 m² GLA</u>	Nil
Motor repair garage, service station	4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays	4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays	[Nil] <u>4 bays per service bay</u>
Motor fitment centre	2 bays per service bay	2 bays per service bay	[Nil] <u>2 bays per service bay</u>
Industry	[2] <u>1.5 bays per 100 m² GLA for facilities up to 3000m² GLA.</u> <u>1 bay per 100m² GLA for facilities larger than 3000m² GLA</u>	[1,5] <u>0.5 bays per 100 m² GLA for facilities up to 3000m² GLA.</u> <u>1 bay per 100m² GLA for facilities larger than 3000m² GLA</u>	Nil
Warehouse, storage building	1 bay per 100 m ² GLA	1 bay per 100 m ² GLA	Nil

Land use	Standard areas	PT1 areas	PT2 areas
Self-storage	0,2 bays per 100m ² GLA	0,2 bays per 100m ² GLA	Nil

Item 140 amended to simplify the minimum and maximum carriageway crossing widths to be 2,4m and 8m respectively.

“140(2)(c) The minimum and maximum width[s] of any motor vehicle carriageway crossing[s] shall be 2,4 m and 8,0 m respectively [**in accordance with the following table, titled ‘Width of motor vehicle carriageway crossings’.**”

Deletion

“(d) [A combined carriageway crossing allows for both entrance and exit, whereas a single carriageway crossing only allows for an entrance or an exit. Direct access to a garage, carport or parking space, or combination thereof, is a combined access]”

Deletion of the table

“[Width of motor vehicle carriageway crossings

Type of carriageway crossing	Minimum width	Maximum width
Single entrance or exit way	2,7 m	4,0 m
Combined entrance and exit way	5,0 m	8,0 m]

Item 141 amended to include the GR1 zoning whereby a tandem bay is counted as two bays.

“141(1) (c) A tandem bay accommodating two motor vehicles shall be regarded as one bay for the purposes of this development management scheme; except for single residential zonings, general residential subzoning 1: group housing or for a dwelling unit, other than flats, in any other zoning, where a tandem bay shall be regarded as two bays;”

Item 143 amended to reconfigure the provision of parking bays and motorcycle spaces.

“143 (2) For every four motorcycle **[and] or [six] ten** bicycle parking spaces provided, a credit of one parking bay may be given towards the parking requirements, provided that:

- (a) the total credit shall not exceed 2,5% of the parking bays required;
- (b) the minimum dimension for a motorcycle space shall be 2,2 m in length and 1 m in width; and
- (c) the minimum dimension for a bicycle space shall be 2 m in length and 0,6 m in width.”

Item 158 amended to clarify the competent authority is the City in the Koeberg Restriction Area Overlay Zoning.

“158(1)

(c) **development application**’ means any construction or utilisation of land or any application made to **[a competent authority]** the City for **[additional or new]** increased use rights in terms of planning legislation or the zoning scheme regulations, other than that which is already permitted in terms of the development management scheme, and which either increases the transitory or permanent population within the Precautionary Action Zone (PAZ) or the Urgent Protective Action Zone (UPZ) and/or which might compromise the effective implementation of the Koeberg Nuclear Emergency Plan.

158(2)

(b) provided land owners may, subject to obtaining the approval of the **[competent authority]** City, exercise **[additional or new]** increased use rights which will not result in any transitory or permanent population growth and where the **[competent authority]** City is satisfied that

the disaster management infrastructure necessary to ensure effective implementation of the approved traffic evacuation model and associated disaster risk management procedures, is adequate.

158(3)

- (a) a development application shall only be approved by the **[competent authority]** the City where it is satisfied that the disaster management infrastructure necessary to ensure effective implementation of the approved traffic evacuation model and associated disaster risk management procedures, is adequate;
- (b) provided land owners may, subject to obtaining the approval of the **[competent authority]** the City, exercise **[additional or new]** increased use which will not result in any transitory or permanent population growth; “

Item 158A Third Dwelling Overlay Zoning deletion to accommodate the third dwelling rather as an additional use right in the Single Res 1 & 2 Zonings.

Substitution of Item 158B, C and D this replaces the previous overlay zoning provisions. It provides limited additional uses in the SR1 & 2 zonings. This only provides for the overlay, properties still need to be identified for inclusion into the overlay. This will require further public participation.

“Part 3: Scheduled Public Transport Accessibility Overlay Zoning (SPTAO)

(Items 158B – 158DA)

158B Designated erven in the Scheduled Public Transport Accessibility Overlay Zoning

High intensity residential land units and low intensity residential land units as depicted on the scheduled public transport accessibility map and as designated to have this overlay zoning are subject to items 158C, 158D and 158DA.

158C Use of property: Scheduled Public Transport Accessibility Overlay Zoning

(1) High intensity residential land units have the following additional use rights, in addition to the additional use rights listed in the respective base zonings, and subject to the development rules in the base zoning and item 158C:

- (a) land units with a zoning of Single Residential 1 and 2 -
office, guest house, restaurant, service trade and place of instruction; and
- (b) land units with a zoning of Single Residential 1 -
business premises.

(2) Low intensity residential land units have the following additional use rights, in addition to the additional use rights listed in the respective base zonings, and subject to the development rules in the base zoning and item 158C:

- (a) land units with a zoning of Single Residential 1 and 2 -
office, guest house, place of instruction and service trade; and
- (b) land units with a zoning of Single Residential 1 -
house shop.

158D Development rules: Scheduled Public Transport Accessibility Overlay Zoning

(1) The following development rules are applicable to high intensity residential land units:

- (a) Land units with a zoning of Single Residential 1:
 - (i) floor factor of 1.5 on land units up to 350m² in area;

- (ii) floor factor of 2 on land units greater than 350m² up to 650m² in area; and
- (iii) 1,0 m street boundary building line, for land units up to 650m² in area.

(b) Land units with a zoning of Single Residential 2:

- (i) floor factor of 1.5 on all land units.

(2) The following conditions apply to the respective additional use rights on high intensity residential land units, in addition to the respective conditions listed in items 21 (b) (i), (iii), (iv) and (v) and 26(b) (ii), (iii), (iv) and (v):

(a) Office, guest house and restaurant

At least one dwelling unit used for permanent accommodation of a single family must exist on the property.

(b) Service trade

- (i) At least one dwelling unit used for permanent accommodation of a single family must exist on the property;
- (ii) The extent and position of the service trade shall be clearly defined on a site development plan to be approved by the City and the floor space thereof shall not exceed 40% of the size of the land unit;
- (iii) No more than six persons in total shall be engaged in activities linked to the service trade on the property, excluding public visitors and clients;
- (iv) The hours of operation shall not extend beyond 08:00 to 18:00 on Mondays to Fridays;
- (v) A builder's yard and allied trades, recycling centre, spray-paint centre, fitment centre for tyres, shock absorbers or exhausts, and similar types of uses are not permitted;
- (vi) Service trade activities are only permitted on the ground floor of a building;
- (vii) The service trade is subject to the relevant City department permitting direct access from a public street; and
- (viii) The City may, at any stage, by written notice call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(c) Place of instruction

The following conditions apply:

- (i) At least one dwelling unit used for permanent accommodation of a single family must exist on the property;
- (ii) The extent and position of the place of instruction shall be clearly defined on a plan to be approved by the City and the floor space thereof shall not exceed 40% of the size of the land unit;
- (iii) No more than 35 persons in total shall be enrolled or involved in a place of instruction on the property, which include students, children; trainees, trainers and educators;
- (iv) The hours of operation shall not extend beyond 07:00 to 18:00 on Mondays to Fridays; and
- (v) The City may, at any stage, by written notice call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(d) Business premises

The following conditions apply to a business premises, other than a restaurant, office or service trade:

- (i) At least one dwelling unit used for permanent accommodation of a single family must exist on the property;

- (ii) The extent and position of the business premises shall be clearly defined on a plan to be approved by the City and the floor space thereof shall not exceed 40% of the size of the land unit;
- (iii) No more than ten persons shall be employed in activities linked to the business premises on the property, excluding public visitors and clients;
- (iv) The hours of operation shall not extend beyond 08:00 to 18:00 on Mondays to Fridays;
- (v) Business premises activities are only allowed from the ground floor of a building;
- (vi) A builder's yard and associated trades, recycling centre, spray-paint centre, fitment centre for tyres, shock absorbers or exhausts, and similar types of uses are not allowed as part of the business premises;
- (vii) The business premises is subject to the relevant City department permitting direct access from a public street; and
- (viii) The City may, at any stage, by written notice call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(3) The following conditions apply to the respective additional use rights on low intensity residential land units, in addition to the conditions listed in items 21 (b) (i), (iii), (iv) and (v) and 26 (b) (ii), (iii), (iv) and (v):

(a) Office and guest house

At least one dwelling unit used for permanent accommodation of a single family must exist on the property.

(b) Place of instruction

- (i) At least one dwelling unit used for permanent accommodation of a single family must exist on the property;
- (ii) The extent and position of the place of instruction shall be clearly defined on a plan to be approved by the City and the floor space thereof shall not exceed 25% of the size of the land unit;
- (iii) No more than 15 persons in total shall be enrolled or involved in a place of instruction on the property, which include students, children; trainees, trainers and educators;
- (iv) The hours of operation shall not extend beyond 07:00 to 18:00 on Mondays to Fridays; and
- (v) The City may, at any stage, by written notice call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(c) Service trade

- (i) At least one dwelling unit used for permanent accommodation of a single family must exist on the property;
- (ii) The extent and position of the service trade shall be clearly defined on a plan to be approved by the City and the floor space thereof shall not exceed 25% of the size of the land unit;
- (iii) No more than three persons in total shall be engaged in activities linked to the service trade on the property, excluding public visitors and clients;
- (iv) The hours of operation shall not extend beyond 09:00 to 17:00 on Mondays to Fridays;
- (v) A builder's yard and allied trades, recycling centre, spray-paint centre, fitment centre for tyres, shock absorbers or exhausts, and similar types of uses are not allowed;
- (vi) Service trade activities are only allowed from the ground floor of a building;
- (vii) The service trade is subject to the relevant City department permitting direct access from a public street; and
- (viii) The City may, at any stage, by written notice call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(d) House shop

The conditions listed in item 28 apply.

(4) Any development rule contained in the public transport accessibility overlay zoning that exceeds the limitations of a base zoning shall be deemed to be an approved departure from the provisions of the base zoning."

Item 158DA insertion of a general rule that *municipal services must be available for the additional use rights.*

"158DA General provisions: Scheduled Public Transport Accessibility Overlay Zoning

The following provisions apply:

- (1) The City's municipal services departments must certify that capacity is available on the services network for the additional use rights listed in item 158B.
- (2) The City may approve a scheduled public transport accessibility map which indicates high and low intensity residential land units."

Item 158E amended to reflect new location of second dwelling rules.

"158E(2)Additional use rights are second dwelling, subject to item **[53] 25A.**"

Item 163 amended to cater for the fact that the heritage management plans cannot contain special provisions in terms of this By-law. Management plans can still be created and propose special provisions.

"163(1)The City may apply specific provisions to a heritage place or heritage area protected as a Heritage Protection Overlay zone, which may be in addition or alternative to the general provisions in item 162, provided it relates to land use and development rules **[and are recorded in a heritage management plan approved by the City in terms of this By-Law]."**

Item 164 amended to add further criteria for imposing appropriate conditions in a Heritage Overlay Zoning application

"164(3) In approving an application referred to in item 162(1), the City may impose any conditions it believes appropriate for the protection and enhancement of the heritage place or area, including inter alia conditions regarding:

- (a) requirements for landscaping;
- (b) use of materials and finishes;
- (c) heritage management plans;
- (d) recycling or reuse of materials;
- (e) method statements; **[and]**
- (f) timescales within which work approved must be in place or be completed~~[.]~~;
- (g) architectural form and treatment; and
- (h) development rules applicable to the land unit."

Item 167 amended to cater for the fact that the environmental site or activity management plan cannot contain special provisions in terms of this By-law. Management plans can still be created and propose special provisions.

"167(1) The City may apply specific provisions in an environmental management overlay zone, which may be in addition or alternative to the general provisions in item 166, provided it relates to land use and development rules **[and are recorded in an environmental site- or activity-management plan approved by the City in terms of this development management scheme]."**

Item 176 amended replaces the deleted base level with existing ground level, and accounts for third dwellings.

- (3) The maximum height of a building, measured from **[base]** existing ground level to the wallplate, shall be 6 m, and to the top of the roof shall be 8 m.

- (6) The common boundary setbacks specified in this development management scheme shall apply to all dwelling houses, second dwellings, third dwellings, group housing, blocks of flats, residential buildings, or outbuildings to any of the foregoing.

- (7) The coverage provisions of this development management scheme shall apply to all dwelling houses, second dwellings, third dwellings, group housing and blocks of flats or outbuildings on any site smaller than 350 m². Permitted coverage on sites greater than 350 m² in extent for all of the above buildings shall be 65%."

Item 185 amended and insertion to clarify GB7 & MU3 zoning provisions relating to additional floor factor in the Cape Town CBD local area.

"185(2)

- (b) notwithstanding the provisions of the development management scheme relating to floor factor, land that is zoned GB7 **[or MU3]**:
 - (i) shall be subject to the floor factor specified on Plan LAO/4 for the land unit concerned, unless there is no such specification, in which case the provisions of the development management scheme shall apply **;** **and]**
 - [(ii) the floor factor may be increased by 30%, provided at least 30% of the building floor space remains in use as flats]."**

insertion

- "(bA) Notwithstanding the provisions of the development management scheme relating to floor factor, land that is zoned MU3:
- (i) shall be subject to the floor factor specified on Plan LAO/4 for the land unit concerned, unless there is no such specification, in which case the provisions of the development management scheme shall apply; and
 - (ii) the floor factor may be increased by 30%, provided at least 30% of the building floor space remains in use as flats."

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