



DEVELOPMENT MANAGEMENT SCHEME COMPLIANCE ADVISORY: 4 OF 2021

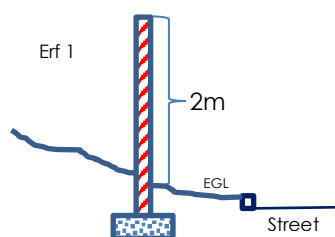
BOUNDARY WALL PROVISIONS (ITEM 136B) IN TERMS OF THE CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME

1. PURPOSE OF ADVISORY

- 1.1. The City of Cape Town Municipal Planning Amendment By-law, 2019 introduced item 136B into the Development Management Scheme (DMS).
- 1.2. The purpose of this advisory is to indicate the Departmental position in the assessment and interpretation of each provision within item 136B, which applies to any boundary wall (as defined in the DMS), where applicable.
- 1.3. Please note that the Council-approved Boundary Wall and Fences Policy (2009) is still applicable, but only in respect of provisions that are not contained in the DMS (see Annexure A).
- 1.4. This advisory follows Departmental Staff Circular 3 of 2021 on the same matter.

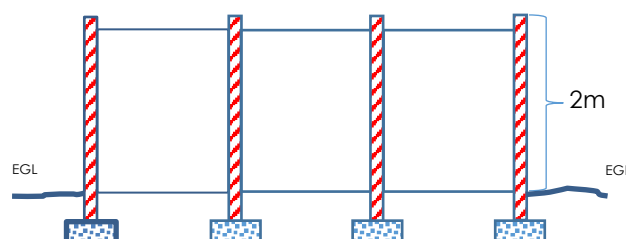
2. ITEM 136B PROVISION CLARIFICATION AND SUPPORTING DIAGRAMS

- 2.1. A street boundary wall must not exceed 2 metres in height when measured from the existing ground level (EGL) on the public street side of the wall to the top of the boundary wall (Figures 1-3):



Section view

Figure 1



Street view

Figure 2

BOUNDARY WALL PROVISIONS (ITEM 136B) IN TERMS OF THE CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME

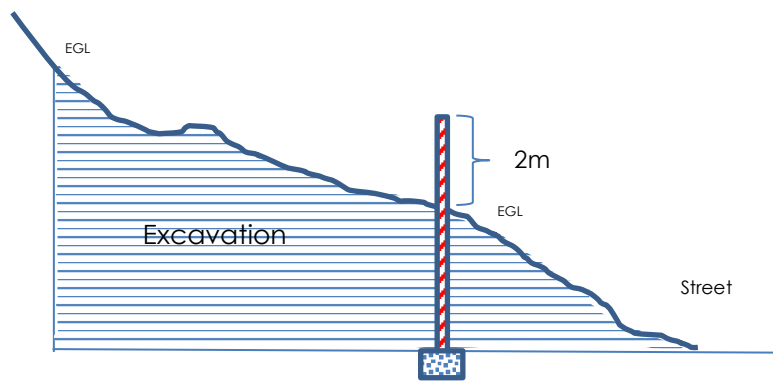


Figure 3

- 2.2. A retaining wall of up to 1 m 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 provided that if the retaining wall is 1 m in height a 1 m high balustrade is required (Figure 4):

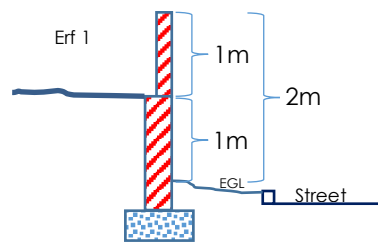


Figure 4

- 2.3. 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 (Figure 5):

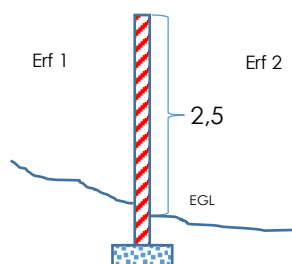


Figure 5

- 2.4. 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 provided that if the retaining wall is greater than 1 m in height a 1 m high balustrade is required (Figure 6):

BOUNDARY WALL PROVISIONS (ITEM 136B) IN TERMS OF THE CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME

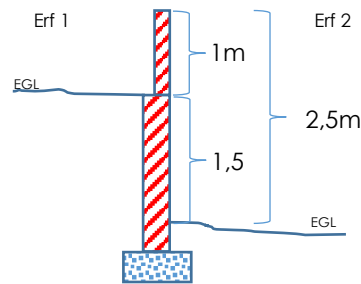


Figure 6

- 2.5. Security devices, such as spikes, barbed wire, razor wire or electric fences must not exceed a height of 1 metre measured from the top of a boundary wall **(in terms of the Boundary Walls and Fences Policy barbed and razor wire only permitted in industrial zoned areas)**.
- 2.6. 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 (Figures 7-10):

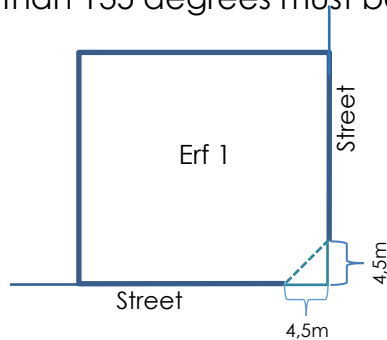


Figure 7

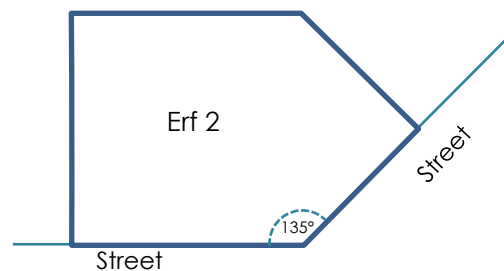


Figure 8

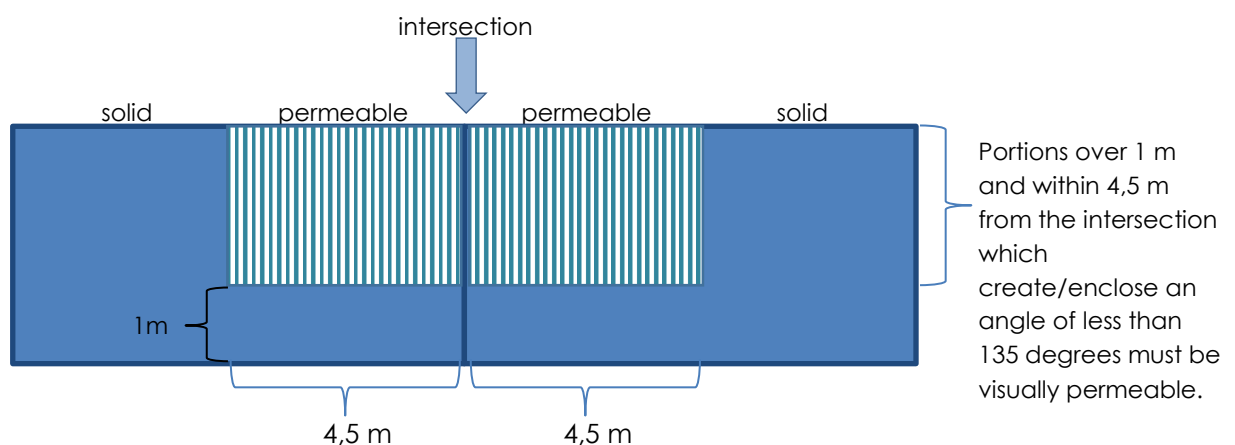


Figure 9

**BOUNDARY WALL PROVISIONS (ITEM 136B) IN TERMS OF THE CITY OF CAPE TOWN DEVELOPMENT
MANAGEMENT SCHEME**



Figure 10

2.7. All boundary walls that face a public street, public road or public open space and exceed 1,5 m 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
(same as per (bb), only with 60% permeability)
- (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.
(visually permeable pedestrian gates are excluded from the 25% requirement, but solid pedestrian gates must be included)

Calculation of the permeability provision of a street boundary wall is done per public street, public road or public open space. Thus, in the case of corner properties, permeability provision is calculated separately for each public street, public road or public open space side. The permeability provision of a splay area is also calculated separately from the other remaining street sections.

Example1:

Permeability calculation (for below diagram – Figure 11):

BOUNDARY WALL PROVISIONS (ITEM 136B) IN TERMS OF THE CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME

Length of wall x height of wall = full area of wall (Y)
 $Y \times 25\% = \text{area of permeability required}$

$$15 \text{ m} \times 1,8 \text{ m} = 27 \text{ m}^2$$

$$27 \text{ m}^2 \times 0,25 = 6,75 \text{ m}^2 \text{ of permeability}$$

$$3,75 \text{ m} \times 1,8 \text{ m} = 6,75 \text{ m}^2$$

Therefore, the wall below is compliant:

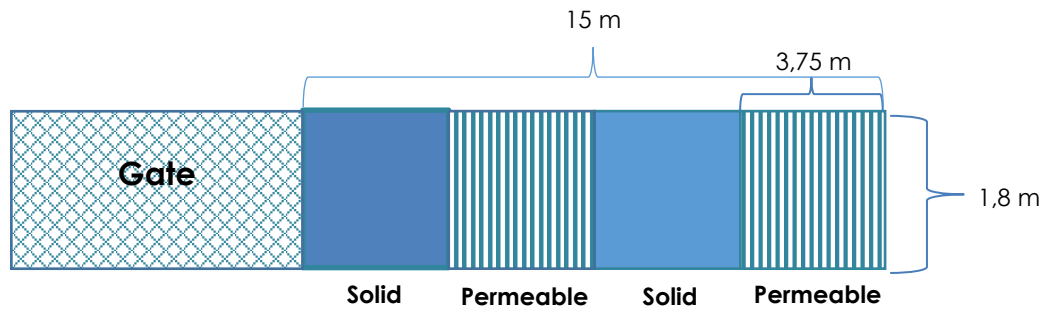


Figure 11

Example 2:

Permeability calculation (for diagram below – Figure 12):

Length x height = y

$Y \times 25\% = \text{area of permeability required}$

$$15 \text{ m} \times 1,8 \text{ m} = 27 \text{ m}^2$$

$$27 \text{ m}^2 \times 0,25 = 6,75 \text{ m}^2 \text{ of permeability}$$

$$0,5 \text{ m} \times 15 \text{ m} = 7,5 \text{ m}^2$$

Therefore, the wall below is compliant:

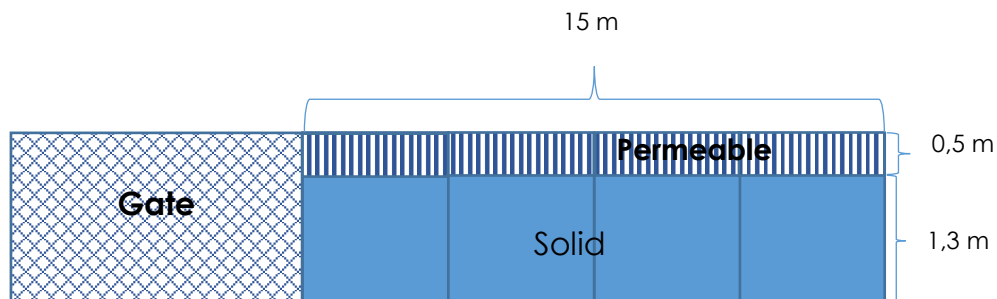


Figure 12

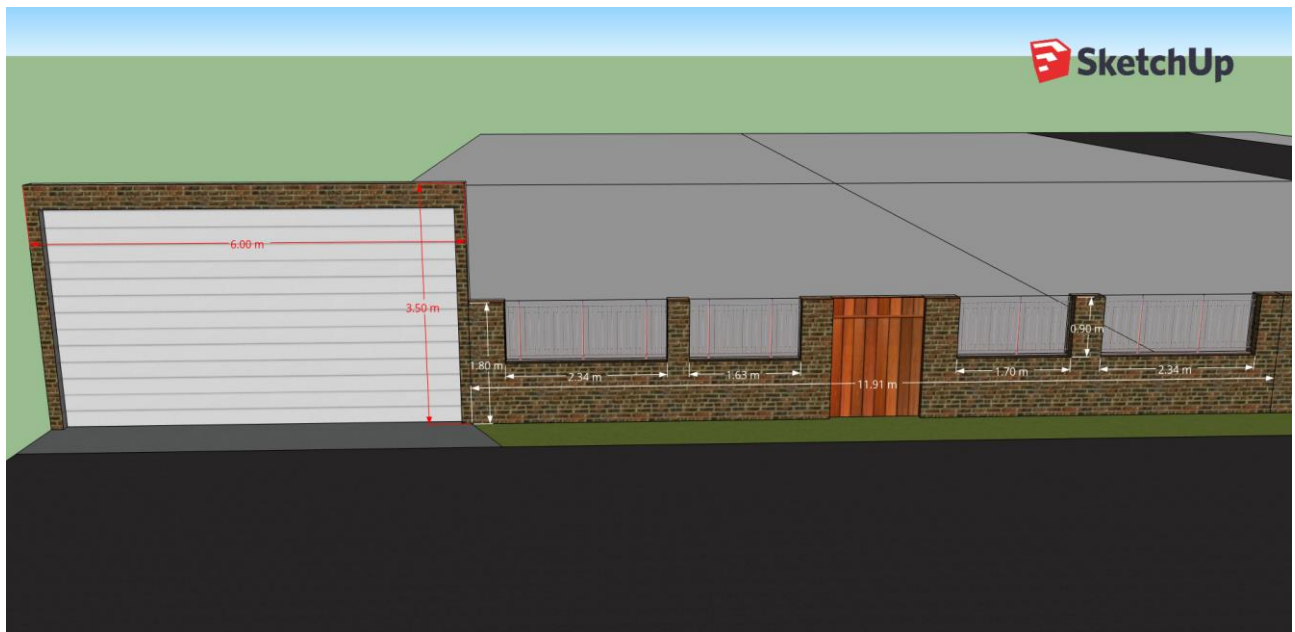


Figure 13

2.8. In the above example (Figure 13):

- 2.8.1. The door façade cannot be classified as a garage door due to the fact that the door (as a façade only) does not conform to the definition of a garage. Therefore, the façade must be classified as part of the boundary wall.
- 2.8.2. The area of the door façade as stated above must be included in the permeability calculation due to the fact that the façade is not linked to a carport or garage and cannot be classified as a garage door. It therefore cannot be excluded, as per item 136B(g)(bb).
- 2.8.3. However, the door must comply with all other provisions in terms of 136B (i.e. boundary wall height).
- 2.8.4. If a departure from the boundary wall height is required (e.g. in respect of the door façade), consideration and assessment in terms of the impacts and mitigation measures thereof will be required, including the desirability thereof. In some instances, the effect of such a façade will be the same as a garage door and consideration must be given in the assessment of any provisions in the DMS controlling garage doors or carports. Departure applications for buildings (e.g. garages) on a street boundary, may also need to consider the boundary wall provisions in the assessment thereof, if applicable.
- 2.8.5. In terms of the pedestrian gate in the above example (Figure 13): If the gate is solid, then it must be included in the permeability calculation. If the gate is permeable, the gate must be excluded from the permeability calculation.

BOUNDARY WALL PROVISIONS (ITEM 136B) IN TERMS OF THE CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME

2.8.6. So the calculation would be as follows:

Wall: $11,91 \text{ m} \times 1,8 \text{ m} = 21,438 \text{ m}^2$

Door façade: $6 \text{ m} \times 3,5 \text{ m} = 21 \text{ m}^2$

$(21,438 \text{ m}^2 + 21 \text{ m}^2) \times 0,25 = 10,6095 \text{ m}^2$ (remember door façade and gate included)

Permeability provided: $7,182 \text{ m}^2$

Therefore, the wall (including the façade) will require a departure from Item 136B(a) as well as a departure from Item 136B(g)(bb).

3. GENERAL NOTES

- 3.1. In many zonings, buildings (dwellings, garages etc.) are permitted on or close to street and/or common boundaries, e.g. 0 m common boundary building line for properties 350 sqm and less in the SR1 zoning.
 - 3.1.1. A wall of a building cannot be regarded as the same 'wall' referred to in the 'boundary wall' definition, as the main purpose of the wall of a building is to enclose a building, although it may also create a division between properties. The wall of a building furthermore forms part of a building and is not a wall on its own.
 - 3.1.2. The boundary wall provisions in Item 136B are therefore not applicable to buildings, which will have its own development rules as per the relevant zoning.
- 3.2. Existing ground level (as defined in the DMS) with values must be indicated on all plans.
- 3.3. Open air above a wall is not seen as a permeability. If, for example, a 1,6 m high boundary wall is proposed then it cannot be argued that the fresh air above it up to 2 m forms part of the permeability.
- 3.4. Any capping or apex of a boundary wall is included in any height requirement and measurement.
- 3.5. When new additions to previously approved boundary walls are proposed, Item 136B becomes applicable to the whole boundary wall and certain departure applications may be required, if compliance is not possible.

**BOUNDARY WALL PROVISIONS (ITEM 136B) IN TERMS OF THE CITY OF CAPE TOWN DEVELOPMENT
MANAGEMENT SCHEME**

- 3.6. Title deeds of properties must be checked for any possible relevant restrictions relating to boundary walls.



PLEASE NOTE

Always consult the City of Cape Town Municipal Planning By-law, 2015 (as amended) before any land use application is submitted to the Department.