



DEVELOPMENT MANAGEMENT SCHEME COMPLIANCE ADVISORY: 14 OF 2021

DETERMINATION OF 'EXISTING GROUND LEVEL' FOR THE PURPOSES OF OPTION (b) IN THE RELEVANT DEFINITION, IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL)

1. BACKGROUND

The definition of 'existing ground level' (EGL) in the City of Cape Town Development Management Scheme (DMS) provides options to determine the EGL for the purposes of height control. The purpose of this advisory is to formalize which contour plan should be used for the purposes of option (b) in the definition.

2. DEFINITION OF EGL

The DMS defines 'existing ground level' as:

"'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) 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 administering this development management scheme;"

DETERMINATION OF 'EXISTING GROUND LEVEL' FOR THE PURPOSES OF OPTION (b) IN THE RELEVANT DEFINITION, IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL)

3. PURPOSE OF EGL

The purpose of 'existing ground level' is to provide the specified 'starting' level to measure height from, as stated in the definition of height in the DMS:

"height" of a building or boundary wall means a vertical dimension from a specified level to another specified level, ...".

4. PROCESS OF ESTABLISHING EGL IN THE DMS

The definition of "existing ground level" provides a hierarchical approach in establishing such level:

- 4.1. The future default option will be the level of land as depicted on the City of Cape Town Ground Level Map (GLM).

As this map has not been approved yet the below options (indicated in 4.2 to 4.5) will hierarchically apply to determine the level of the land surface on a land unit.

- 4.2. Due to the current absence of the GLM the first option to be considered is to determine the contours in the unmodified state of the land, before any building had been erected or alterations in levels had been made thereon.
- 4.3. If the option indicated in 4.2 is not available the contours indicated on a map as accepted by the City that showed the levels of the ground at the time or before the commencement date of the MPBL will apply.

As there is uncertainty and inconsistencies as to which map is to be used when this option is exercised, it has now been determined that the contour plan shown on the viewer: <https://citymaps.capetown.gov.za/EGISViewer/> as the layer: 'Basic Services and Infrastructure / Topography / 5m Contours' (read together with the 2m contours) be determined as the plan to be used for the purposes of establishing the 'existing ground level', when option (b) of the 'existing ground level' definition is exercised.

- 4.4. If the option indicated in 4.3 is not available and an approved contour map is presented to which the land has been graded, such as during township establishment, then EGL can be measured from that level.
- 4.5. If an argument is made and evidence exists that none of the above options can be used the applicant may then make an application to the City to determine the EGL, subject to requirements to be set by the authorised official.
- 4.6. In addition to the above 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

DETERMINATION OF 'EXISTING GROUND LEVEL' FOR THE PURPOSES OF OPTION (b) IN THE RELEVANT DEFINITION, IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL)

that it can determine the most appropriate existing ground level for the purpose of administering the development management scheme.



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.