



DEVELOPMENT MANAGEMENT SCHEME COMPLIANCE ADVISORY: 1 OF 2021

HEIGHT MEASUREMENT REQUIREMENTS

1. PURPOSE OF ADVISORY

The purpose of this advisory is to indicate the departmental way forward in relation to height measurement requirements in terms of the Development Management Scheme (DMS), as a result of the following recent High Court judgement: **“CAMPS BAY & CLIFTON RATEPAYERS ASSOCIATION AND OTHERS V AL KHALIFA FAMILY TRUST AND ANOTHER CASE NO 11265/19: WESTERN CAPE HIGH COURT”**.

This advisory follows on a Departmental Staff Circular 10 of 2021 on the same matter.

2. HEIGHT MEASUREMENT

2.1. CURRENT DEVELOPMENT MANAGEMENT SCHEME PROVISIONS

The City of Cape Town Development Management Scheme (DMS) states the following on 'height' and the measurement thereof:

2.1.1. Height is defined in the DMS as follows:

“‘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 1,5 m),*
- (b) flues (maximum horizontal dimension of 1 m),*
- (c) lift shafts (maximum horizontal dimension of 3 m and maximum vertical dimension of 2 m per lift shaft),*
- (d) masts, and*
- (e) antennas;”*

2.1.2. As per the development rules in zonings, the specified level to measure maximum height from is “existing ground level”.

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"Existing ground level" is defined in the DMS 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;"

- 2.1.3. In many zonings, maximum height above "existing ground level" relates to the specified level of "wallplate" and to the specified level of "top of roof".

In some zonings maximum height is only measured to "top of roof".

"Wallplate" is defined in the DMS as:

*"**wallplate**" means the lowest point of a longitudinal member, truss, bracket, pillar, post, structure or any other similar device as determined by the City, supporting a roof;"*

"Top of the roof" is defined in the DMS as:

*"**top of the roof**", for the purpose of height control, means the top of the roof ridge in the case of a pitched roof, or the top of the parapet where a parapet extends above the roof;"*

2.2. REQUIRED INTERVENTIONS MOVING FORWARD IN RELATION TO THE MEASUREMENT OF HEIGHT

The following are required interventions when any plan, in relation to measurement of height, is submitted to the Department:

- 2.2.1. "Existing ground level" must always be clearly included on any relevant plans submitted.
- 2.2.2. The method used to determine "existing ground level", as per one of the methods described in the definition of "existing ground level" in the DMS, must be indicated.
- 2.2.3. The height measurement of "wallplate" and "top of roof" above "existing ground level" must be depicted on all elevations and possibly sections, where relevant. It must be clear that measurements are taken from "existing ground level".
- 2.2.4. Where any overlay zoning in terms of the DMS provides additional restrictions on height, this measurement and the correct points from which the measurement is taken, must be provided on all elevations and possibly sections.
- 2.2.5. Correct terminology as set out in the DMS for calculating height must be used at all times.



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.