CITY OF CAPE TOWN
MUNICIPAL PLANNING AMENDMENT BY-LAW, 2026

GENERAL EXPLANATORY NOTE:

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

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

BE IT ENACTED by the Council of the City of Cape Town, as follows:—

AMENDMENT OF CERTAIN PROVISIONS OF THE CITY OF CAPE TOWN: MUNICIPAL PLANNING BY-LAW, 2015 ('THE PRINCIPAL BY-LAW')

Insertion of definition in section 1 of the principal By-law

1. Section 1 of the principal By-law is hereby amended—

(a) by the insertion of the following definition before "adopt":

> "'**2026 By-law commencement date**' means the date on which the City of Cape Town: Municipal Planning Amendment By-law, 2026 comes into operation;"

(b) by the insertion of the following definition after "base zoning":

> "'**building plan approval**' means approval under the National Building Act and includes a permission, report, certificate or act granted, issued or performed under that Act;"

(c) by the insertion of the following definition after "owners' association":

> "'**parties to an appeal**' mean—
> (a) an appellant under section 109(1); and
> (b) any person invited to comment on the appeal under section 109(2) or (3);"

(d) by the insertion of the following definition after "substitution scheme":

> "'**surrounding owner**' means an owner of a—
> (a) land unit adjoining the subject land unit;
> (b) land unit which meets the subject land unit at a point on a corner;
> (c) land unit directly opposite a portion of the subject land unit across a road; or
> (d) section of a building, contemplated in the Sectional Titles Act, 1986 (Act 95 of 1986), situated on a land unit contemplated in paragraphs (a) to (c);"

Amendment of section 95 of the principal By-law (Access to information about an application)

2. Section 95 of the principal By-law is hereby amended by the substitution for subsection (4) of the following—

> "(4) After a decision has been taken in terms of this By-law, 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."

Insertion of sections 95A (Notice of building plan approval) and 95B (Access to approved building plan and reasons) into the principal By-law

3. The principal By-law is hereby amended by the insertion of the following sections after section 95—

> "**95A Notice of building plan approval**
> (1) The purpose of this section is to promote transparency, legal certainty and efficient administration.
> (2) The City must cause notice of the grant of a building plan approval to be given by publishing a notice of the grant of a building plan approval on the City's website, and such notice must—
> (a) be published within 7 days after the building plan approval is granted; and
> (b) remain published for at least 44 days from the date of building plan approval.
> (3) The City may require the applicant to display a site notice of the building plan approval to which the provisions of section 79(3)(a) to (d) and (4) apply, with the changes required by the context.
> (4) The notices contemplated in subsections (2) and (3) need not describe the content of the building plan approval or the reasons for it, but must contain—
> (a) sufficient particulars to identify the land unit for which building plan approval is granted, and a statement that a building plan approval is granted (including the building plan number and approval date);
> (b) instructions for requesting access to the approved building plan and the reasons for the building plan approval in terms of section 95B; and
> (c) instructions for submitting a third-party complaint in terms of Chapter 8A, including the period in which to submit that complaint.
> (5) The City may cause notice of the grant of a building plan approval, containing the information contemplated in this section, to be given to any other person or category of persons, who might have an interest in the building plan approval.
> (6) The City Manager may determine the manner and period for the notice contemplated in subsection (5).
> (7) Seven days after the date on which notice is given in terms of subsection (2), all persons are deemed reasonably to have been expected to have become aware that the building plan approval has been granted and of the instructions contemplated in subsection (4)(b) and (c).
> (8) A person who might be affected by whether a building plan approval is granted on a land unit has a responsibility to keep a lookout for a notice contemplated in subsection (2).
> (9) This section applies to a building plan approval granted after the 2026 By-law commencement date, regardless of when it was applied for.

95B Access to approved building plan and reasons

(1) The purpose of this section is to regulate access to an approved building plan and the reasons for a building plan approval in a manner that—

(a) enables a person to assess the validity of the building plan approval, to make informed decisions about whether to exercise any right or remedy available under this By-law or any other law;

(b) protects the rights of the holders of approved building plans to privacy, security and property, through reasonable limitations on the extent, manner and use of the information disclosed; and

(c) strikes an appropriate balance between (a) and (b).

(2) Within 44 days after approval of a building plan, a surrounding owner may, on written request to the City, request—

(a) to inspect the approved building plan and the reasons for the building plan approval at the City's offices during office hours; or

(b) electronic copies of the approved building plan and the reasons for the building plan approval.

(3) A requester contemplated in subsections (2) or (5) must—

(a) pay any fee prescribed by the City's Tariff, fees and charges book;

(b) provide the City with an email address if the request is under subsection (2)(b); and

(c) comply with prescriptions made by the City Manager, if any, regarding the form and manner of the request.

(4) Within 7 days after receipt of a request that complies with subsection (2)(b) and (3), the City must—

(a) provide the requester with electronic copies of the approved building plan and the reasons for the building plan approval;

(b) before providing the information contemplated in paragraph (a), as far as reasonably possible, attempt to redact any personal information, as defined in the Protection of Personal Information Act, 2013 (Act 4 of 2013) and the Promotion of Access to Information Act, 2000 (Act 2 of 2000); and

(c) advise the requester in writing of the provisions of subsections (7) and (8).

(5) A person other than a surrounding owner, or a surrounding owner after 44 days after approval of a building plan, may, on written request to the City, request to inspect, but not copy, any approved building plan and the reasons for the building plan approval at the City's offices during office hours.

(6) The City may require an inspection contemplated in subsection (2)(a) or (5) to be conducted via a digital display operated by an authorised official.

(7) A person who obtains information provided under this section, whether provided to them or another person, must treat the information as private and confidential and may not use or distribute it except for a lawful purpose, including obtaining legal or professional advice, exercising a remedy under this By-law, or using it in legal proceedings to which that person is a party.

(8) A person who contravenes subsection (7) is guilty of an offence and, upon conviction, is liable to the penalties contemplated in sections 133(2) and 133(3).

(9) By lodging and persisting with an application for building plan approval, the person who lodges the application acknowledges that the information contained in the application may be made available in accordance with this section.

(10) This section does not limit access to information which a person may have under any other law.

(11) Subsections (2), (4) and (7) to (9) apply to a building plan approval granted after the 2026 By-law commencement date, regardless of when it was applied for.

(12) The remaining subsections apply to a building plan approval regardless of when it was granted."

Amendment of section 108 of the principal By-law

4. Section 108 of the principal By-law is hereby amended—

(a) by the substitution for paragraph (b) of subsection (7) of the following—

"(b) whether or not the appeal is upheld or dismissed, in whole or in part**[uphold part or all of the appeal and]**—
(i) vary the decision appealed against, including by imposing a more onerous penalty, condition or requirement;
(ii) set aside the decision and make any new decision that the decision-maker can lawfully make**[a new decision]**;
(iii) set aside the decision and remit the matter to the decision-maker, with or without directions to any person or body to take appropriate steps;"

(b) by the substitution for subsection (9) of the following—

"(9) Apart from subsection (8), section 142(10)(a) governs the amendment of this section by the City of Cape Town: Municipal Planning Amendment By-law, 2025 and the City of Cape Town: Municipal Planning Amendment By-law, 2026."

Amendment of section 109 of the principal By-law (Procedure for appeal)

5. Section 109 of the principal By-law is hereby amended by the substitution for the introductory phrase in subsection (10) of the following—

"(10) The City must, within the period contemplated in section 104(2), **[30 days of an appeal decision]** give written notice of the appeal decision and the reasons to—"

Amendment of section 122A of the principal By-law (Definitions in this Chapter)

6. Section 122A of the principal By-law is hereby amended—

(a) by the deletion of the definition of "building plan approval"; and

(b) by the insertion of the following definition after "beneficiary":

"'**rectifiable error**' means a defect in the process leading to the grant of an approval or a building plan approval where—
(a) the person who granted the approval or building plan approval was not authorised, or not properly delegated, to do so;
(b) a mandatory procedure or requirement in this By-law or the National Building Act was not complied with, and the non-compliance could have affected whether the approval or building plan approval was granted or the conditions on which it was granted;
(c) a person who was entitled to be heard was denied a reasonable opportunity to make representations, and the denial could have affected whether the approval was granted or the conditions on which it was granted; or

(d) the decision-maker—

(i) relied on information that was incorrect, misleading or incomplete, and the information is objectively verifiable and not reasonably disputable; or

(ii) relied on a matter that this By-law or the National Building Act expressly prohibits or treats as irrelevant; or

(iii) failed to consider a matter that this By-law or the National Building Act expressly requires to be considered; and

(iv) in each case in subparagraphs (i) to (iii), the defect could have affected whether the approval or building plan approval was granted or the conditions on which it was granted;"

(c) by the deletion of "and" after the definition of "replacement building plan", by substituting a semicolon for the full stop after the definition of "rectification", and by the insertion of the following definitions after "rectification":

"'**third-party complaint**' is a complaint contemplated in section 122GA(2); and '**trigger date**' means—

(a) for an approval, the effective date of decision; and

(b) for a building plan approval, the date on which the building plan approval was granted."

Amendment of section 122B of the principal By-law (Purposes and provisions of this Chapter)

7. Section 122B of the principal By-law is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) The purposes of this Chapter are to give effect to the City's constitutional duty to uphold the rule of law and to promote lawful, accountable and efficient administration by enabling the City to correct its own administrative errors—

(a) through specialist administrative procedures specifically suited to approvals and building plan approvals;

(b) by displacing the common law principle of *functus officio* in respect of an approval and a building plan approval, to the extent permitted under this Chapter;

(c) under statutory authority to rectify a rectifiable error in respect of a final decision without the need for a court order;

(d) by respecting, in a procedurally fair manner, legal certainty and good-faith reliance by a beneficiary on an approval or building plan approval; and

(e) without affecting the role of the courts under the Promotion of Administrative Justice Act, 2000, the principle of legality or any other law."

(b) by the substitution for paragraphs (b) and (c) of subsection (2) of the following paragraphs (b) and (c), and by the insertion of paragraph (d) as follows:

"(b) include the power to rectify a rectifiable error**[irregularities which would otherwise be subject to proceedings for judicial review; and]**;

(c) apply regardless of whether someone has applied for judicial review of the approval or building plan approval, unless a competent court interdicts the operation of these powers**[.]**; and

(d) does not limit the City's power to apply to a competent court for appropriate relief."

(c) by the substitution for subsection (3) of the following subsection:

"(3) In exercising a power under this Chapter, the City must—
(a) act lawfully, reasonably and procedurally fairly;
(b) prefer a rectification measure that corrects a rectifiable error, while avoiding undue prejudice to the public interest or to a person who has relied on the approval or building plan approval in good faith; and
(c) promote legal certainty, including by ensuring compliance with the time limits in this Chapter."

(d) by the insertion of the following subsection:

"(4) The mechanisms in this Chapter are not an appeal against an approval or a building plan approval."

Amendment of section 122C of the principal By-law (Revocation of approval or building plan approval)

8. Section 122C of the principal By-law is hereby amended by the deletion of paragraph (b) of subsection (1) and the substitution for the semicolon and 'or' in paragraph (a) of a full stop.

Amendment of section 122D of the principal By-law (Amendment of an approval)

9. Section 122D of the principal By-law is hereby amended—

(a) by the deletion of paragraph (b) of subsection (1) and the substitution for the semicolon and 'or' in subparagraph (ii) of paragraph (a) of a full stop; and

(b) by the insertion after subsection (2) of the following subsection:

"(3) An amended approval stands as the final approval."

Amendment of section 122E of the principal By-law (Amendment of a building plan approval)

10. Section 122E of the principal By-law is hereby amended by the substitution for section 122E of the following section:

"The City may amend a building plan approval only in accordance with the National Building Act and, to the extent consistent with that Act, this Chapter."

Deletion of sections 122F (Persons who may initiate a revocation or amendment) and 122G (Procedure for revocation or amendment) of the principal By-law

11. Sections 122F and 122G of the principal By-law are hereby deleted.

Insertion of section 122GA into the principal By-law (Third-party complaint)

12. The principal By-law is hereby amended by the insertion of the following section after section 122E:

“**122GA Third-party complaint**

(1) The purposes of this section are—

(a) to give an eligible third party, within a limited period, the remedy of placing information before the City about an alleged rectifiable error in the process leading to the grant of an approval or building plan approval;

(b) to enable the City to consider whether the information discloses reasonable grounds to suspect that a rectifiable error occurred;

(c) to enable the City to exercise its autonomous administrative processes to rectify a rectifiable error;

(d) to enable the City, where appropriate, to initiate rectification proceedings, seek the beneficiary’s consent to rectification, take enforcement steps, apply to a competent court for appropriate relief, or take any other lawful action; and

(e) to minimise public-interest and other harm resulting from prolonged legal uncertainty and delayed development.

(2) The following third parties may, within the period and in accordance with the requirements in subsection (3), submit to the City a complaint describing an alleged problem in the process leading to the grant of an approval or a building plan approval that might warrant consideration under this Chapter—

(a) a party to an appeal other than the beneficiary of the approval, in the case of an approval; or

(b) a surrounding owner, in the case of a building plan approval.

(3) A third-party complaint must—

(a) be made in writing within 44 days after the trigger date;

(b) set out—

(i) why the complainant is an eligible third party under subsection (2)(a) or (b);

(ii) the third party’s interest in addressing the alleged problem, including how the approval or building plan approval affects them; and

(iii) the material facts relied on, including what is alleged to be wrong with the approval or building plan approval and why;

(c) include any supporting documents; and

(d) comply with any prescriptions about the manner and form of a third-party complaint.

(4) The period in subsection (3)(a)—

(a) includes the periods allowed for—

(i) notice and deemed knowledge of the approval under sections 104(2) and 111(6); and

(ii) notice and deemed reasonable awareness of the grant of a building plan approval and reasons for the building plan approval under sections 95A(2) and 95A(7); and

(b) is not extended by a third party’s lack of actual knowledge of the content of the approval or building plan approval or reasons for the approval or building plan approval.

(5) A third-party complaint—

(a) is an information-bearing report;

(b) is not an application for rectification;

(c) does not oblige the City to initiate rectification proceedings, seek the beneficiary’s consent, take enforcement action, apply to court or take any other step, apart from initial consideration;

(d) confers on the complainant only the procedural entitlements in subsection (8) and (9)

(e) does not confer on the complainant a right to a particular outcome; and

(f) does not suspend the approval or building plan approval in issue.

(6) A third-party complaint is invalid if it does not comply with subsections (2) or (3).

(7) The City may disregard a frivolous or vexatious third-party complaint.

(8) Within 30 days of receiving a third-party complaint, the City must—

(a) consider whether the third-party complaint—

(i) discloses reasonable grounds to suspect that a rectifiable error may have occurred and decide whether to initiate rectification proceedings under section 122GB;

(ii) is invalid under subsection (6); or

(iii) is to be disregarded under subsection (7); and

(b) unless a complaint falls under subsection (6) or (7), decide whether to initiate rectification proceedings under section 122GB.

(9) If the City does not intend to initiate rectification proceedings pursuant to a third-party complaint, it is sufficient for the City to inform the complainant which subparagraph of subsection (8)(a) applies, and to quote the relevant provision, without the need to provide further reasons.

(10) The City may initiate rectification proceedings on its own under section 122GB(1) despite not doing so pursuant to a third-party complaint.

(11) The City does not decide the validity of the approval or building plan approval by—

(a) initiating or not initiating rectification proceedings; or

(b) deciding under section 122GB(11) not to revoke or amend the approval or building plan approval pursuant to a third-party complaint."

Insertion of section 122GB into the principal By-law (Rectification proceedings)

13. The principal By-law is hereby amended by the insertion of the following section after section 122GA:

"**122GB Consent-based rectification proceedings**

(1) The City may initiate consent-based rectification proceedings under this Chapter at any time on—

(a) application by the beneficiary; or

(b) the City's own initiative, including pursuant to a third-party complaint.

(2) The City exercises a discretion under section 124 in deciding whether to initiate rectification proceedings, and initiates such proceedings by giving notice under subsection (3).

(3) The City must, within 14 days of deciding to initiate rectification proceedings, notify the beneficiary of the decision.

(4) If the rectification proceedings are at the City's own initiative under subsection (1)(b), then the notice under subsection (3) must explain the reasons for the proposed revocation or amendment of an approval or a building plan approval, and invite the beneficiary, within 14 days, in writing to provide—

(a) consent to the proposed revocation or amendment; and

(b) comment on the proposal.

(5) If the beneficiary does not provide the consent contemplated in subsection (4), then—

(a) the City may not revoke or amend the approval or building plan approval under this Chapter;

(b) the rectification proceedings terminate;

(c) the termination does not prevent the City from applying to a competent court for appropriate relief, taking enforcement action or any other step available under this By-law or any other law.

(6) Within 14 days of deciding to initiate rectification proceedings on application by the beneficiary for the revocation or amendment of an approval, or within 14 days of consent contemplated in subsection (4) to such a revocation or amendment, the City must notify the following persons of, and invite them to comment within 14 days on the proposed revocation or amendment —

(a) a person whose rights or legitimate expectations will be materially and adversely affected by the revocation or amendment; and

(b) the public, if the revocation or amendment will materially and adversely affect the rights of the public.

(7) The City may invite a third party or the public to comment on a proposed revocation or amendment of a building plan approval but is not required to do so.

(8) The City must invite the beneficiary to respond, within 14 days, to any comment contemplated in subsection (6).

(9) Unless rectification proceedings are terminated under subsection (5)(b), the City must decide whether to revoke or amend an approval or a building plan approval, as soon as reasonably possible and not later than 90 days after closure of the period for comment.

(10) When deciding whether to revoke or amend an approval or a building plan approval, the City must—

(a) consider any comments timeously received under this section; and

(b) not allow the state of completion of a building, or the activity on the land, to preclude a finding that a rectifiable error occurred, but may consider the state of completion and the activity on the land when selecting an appropriate rectification measure under this Chapter and when deciding whether to suspend under sections 122GC or 122GD.

(11) Within 14 days of a termination of rectification proceedings under subsection (5)(b) or a decision whether to revoke or amend, the City must—

(a) notify the beneficiary, any third party (if the rectification proceedings were instituted pursuant to a third-party complaint) and any person who provided timeous comment; and

(b) update the zoning map if necessary.

(12) The City may extend a period in this section, on its own or on request by the beneficiary or any person intending to comment, in exceptional circumstances related to the nature or complexity of the matter, and must notify the beneficiary, any third party (if the rectification proceedings were instituted pursuant to a third-party complaint) and any other person who requested the extension about any extension."

Insertion of section 122GC into the principal By-law (Suspension of approval or building plan approval)

14. The principal By-law is hereby amended by the insertion of the following section after section 122GB:

"**122GC Suspension of approval or building plan approval**

(1) If the City initiates rectification proceedings on application by the beneficiary, or after the beneficiary has consented under section 122GB(4), the City may, after affording the beneficiary an opportunity to make representations, suspend an approval or a building plan approval to—

(a) avoid material prejudice to the public interest or public safety; or

(b) ensure the efficacy of the proposed rectification.

(2) If the beneficiary has not applied for, or consented to, rectification, the City may not suspend an approval or building plan approval under this subsection, but may apply to a competent court for appropriate interim relief or take any other step available under this By-law or any other law.

(3) The suspension under subsection (1) may operate—

(a) from the date determined by the City after the beneficiary's application or consent;

(b) to no later than the date of the City's decision under section 122GB(11); and

(c) for a maximum of 90 days and any further period agreed between the City and the beneficiary."

Insertion of section 122GD into the principal By-law (Suspension of a revocation or amendment)

15. The principal By-law is hereby amended by the insertion of the following section after section 122GC:

"**122GD Suspension of a revocation or amendment**

(1) The purpose of this section is to empower the City to suspend the operation of a revocation or amendment decision under this Chapter for a defined period and on reasonable conditions, to mitigate undue prejudice to the public interest or to a person who has relied on the approval or building plan approval in good faith, while any application necessary for compliance with the law is made and decided.

(2) When revoking or amending an approval or building plan approval under this Chapter on application by, or with the consent of, the beneficiary, the City must decide whether to suspend the operation of the revocation or amendment, considering—

(a) the nature and seriousness of the rectifiable error;

(b) the circumstances giving rise to the rectifiable error;

(c) the effect of the rectifiable error on the approval or building plan approval;

(d) the time elapsed since the approval or building plan approval;

(e) the public interest in whether the revocation or amendment is suspended;

(f) good faith reliance on the approval or building plan approval in taking implementation steps; and

(g) any other relevant consideration.

(3) If the City decides to suspend the operation of the revocation or amendment under this section, it must—

(a) specify the duration of the suspension, which may, on application, be extended;

(b) set any reasonable conditions, including, where relevant, the submission of any necessary application by a specified date, which may, on application, be extended; and

(c) give reasons for the suspension.

(4) A suspended revocation or amendment comes into operation—

(a) automatically at the end of the suspension period; or

(b) on notice by the City that a condition of suspension is materially contravened."

Insertion of section 122N into the principal By-law (Transitional provisions for this Chapter)

16. The principal By-law is hereby amended by the insertion of the following section after section 122M:

"**122N Transitional provisions for this Chapter**

(1) In this section—

(a) '**2025 amendment**' means the City of Cape Town: Municipal Planning Amendment By-law, 2025;

(b) '**2025 Chapter 8A**' means this Chapter as it read immediately before the 2026 By-law commencement date; and

(c) '**2026 amendment**' means the City of Cape Town: Municipal Planning Amendment By-law, 2026.

(2) Subject to subsections (4) to (9), and despite section 142(9), this Chapter, as amended by the 2026 amendment, applies to every approval and building plan approval, whenever granted, including—

(a) an approval or building plan approval granted before the commencement of the 2025 amendment; and

(b) an old order approval contemplated in section 142(1).

(3) A beneficiary may at any time apply for or consent to the revocation or amendment of an approval or building plan approval under this Chapter, regardless of when it was granted.

(4) The third-party complaint provisions in section 122GA apply only if the trigger date of the approval or building plan approval is on or after the 2026 By-law commencement date.

(5) Despite the deletion of sections 122F and 122G by the 2026 amendment, the 2025 Chapter 8A continues to govern—

(a) a request made under section 122F(3) of the 2025 Chapter 8A before the 2026 By-law commencement date;

(b) a request made after the 2026 By-law commencement date in exercise of a remedy under section 122F(3) of the 2025 Chapter 8A that had not expired on that date; and

(c) rectification proceedings initiated under section 122G of the 2025 Chapter 8A before the 2026 By-law commencement date.

(6) For purposes of subsection (5)(b)—

(a) a remedy under section 122F(3) of the 2025 Chapter 8A is retained only if the trigger date fell on or after 21 days after the commencement of the 2025 amendment; and

(b) the remedy may be exercised only during the remainder of the period contemplated in section 122F(3) of the 2025 Chapter 8A, and such proceedings remain governed by the 2025 Chapter 8A.

(7) The 2026 amendment does not create an offence for an act or omission that was not an offence when it occurred.

(8) Nothing in this section authorises the City, after the 2026 By-law commencement date, to initiate non-consensual revocation or amendment proceedings under this Chapter, except to the extent that such proceedings are governed by the 2025 Chapter 8A under subsection (5)."

Amendment of section 136 of the principal By-law (Naming of streets)

17. Section 136 of the principal By-law is hereby amended by the substitution for subsection (3) of the following subsection—

> "(3) In considering the naming of a street, the City must take into account the relevant policies relating to street naming **[and numbering]**."

Amendment of section 142 of the principal By-law (Savings and transitional provisions)

18. Section 142 of the principal By-law is hereby amended by the substitution for subsection (1) of the following subsection (1), and by the insertion of subsections (1A) and (1B) as follows—

> "(1) In this section, an '**old order approval**' means any approval, decision, designation, determination, consent, right, authorisation, confirmation or instruction issued, granted or in force in terms of a law repealed by the Land Use Planning Act, and—
>
> (a) in existence immediately before the commencement of the Land Use Planning Act; or
>
> (b) granted after the commencement of this By-law in accordance with a previous zoning scheme, as contemplated in subsection (2).
>
> (1A) An old order approval—
>
> (a) remains in force;
>
> (b) where applicable, is deemed to have been issued, granted or occurred in accordance with this By-law;
>
> (c) is subject to the conditions under which it was issued; and
>
> (d) subject to the lapsing provisions of this By-law, is valid—
>
> (i) for the validity period for which it was granted, if the old order approval was temporary; or
>
> (ii) permanently, if subparagraph (i) does not apply.
>
> (1B) Section 142(10)(b) governs subsections (1) and (1A)."

AMENDMENT OF CERTAIN PROVISIONS OF THE DEVELOPMENT MANAGEMENT SCHEME, SCHEDULE 3 TO THE PRINCIPAL BY-LAW ('THE DEVELOPMENT MANAGEMENT SCHEME')

Amendment of item 1 of the development management scheme

19. Item 1 of the development management scheme is hereby amended by the deletion of the definition of '**risk management and prevention plan**'.

Amendment of Table 2 in item 22(d) of the development management scheme

20. The maximum height above existing ground level to the top of building for land unit areas ≤200 m^2 in Table 2 in item 22(d) of the development management scheme is hereby amended by substitution for the bottom row, sixth column of Table 2 of the following:

> "**[90 m]** 9,0 m"

21. The following paragraph is inserted in item 22 of the development management scheme after paragraph (dA):

> "(dB) Despite section 142(9), the amendment to the maximum height above existing ground level to the top of building for land unit areas ≤200 m^2, in terms of the City of Cape Town: Municipal Planning

Amendment By-law, 2026, is deemed to have come into operation on 1 October 2025."

Amendment of item 41(e) of the development management scheme

22. Item 41(e) of the development management scheme is hereby amended—

(a) by the substitution for subparagraph (i) of the following subparagraph:

"(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 5: building lines in General Residential Subzonings GR2–GR6'**.[, provided that:**
(aa) The symbol 'H' in 'Table 5: building lines in General Residential Subzonings GR2–GR6' means the height in metres of the point concerned above the ground floor, and
(bb) Where two alternative building lines are prescribed, the greater of the two building lines shall apply, except where the development rule determines otherwise.]"

(b) by insertion of the following subparagraphs after subparagraph (i):

"(iA) The symbol 'H' in 'Table 5: building lines in General Residential Subzonings GR2–GR6' means the height in metres of the point concerned above the ground floor.
(iB) Where two alternative building lines are prescribed, the greater of the two building lines shall apply, except where the development rule determines otherwise.
(iC) Section 142(10)(a) governs the amendment by the City of Cape Town: Municipal Planning Amendment By-law, 2026 of subparagraph (i), the insertion of subparagraph (iA) and (iB), and the amendment of the common boundary building line for points up to 25,0 m above existing ground level for GR2–GR6 in the fourth column of 'Table 5: building lines in General Residential Subzonings GR2–GR6'."

(c) by the insertion of the following subparagraph after subparagraph (iii):

"(iv) In Table 5, '**rear boundary**' means a common boundary furthest from and usually opposite the street boundary and is connected to the street boundary by a common boundary other than itself."

Amendment of item 158(8)(b) of the development management scheme

23. Item 158(8) of the development management scheme is hereby amended by the substitution for paragraph (b) of the following paragraph—
"(b) amend or deviate from the municipal spatial development framework**.[or]** a district spatial development framework or a local spatial development framework which concerns development in the 0-16 km Zone."

Amendment of Table 5 of the development management scheme

24. In the fourth column of Table 5 of the development management scheme, under the headings, ‘Common boundary building line’ and ‘Points up to 25,0 m above existing ground level’, the two cells for GR2–GR4 and GR5–GR6 are hereby amended by combining the cells to regulate GR2–GR6 jointly, and the substitution of their text of the following:

> “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 <u>from any point</u> perpendicular <u>to</u>**[from]** such street boundary<u>, and the 4,5m or 0,6H rule applies to a rear boundary, regardless of the distance of the rear boundary from the street boundary. This incentive development rule is not an alternative building line contemplated in item 41(e)(iB).</u>”

Amendment of Table 8 of the development management scheme

25. In the fourth and fifth column of Table 8 of the development management scheme, under the heading, “Street building line and common building line”, the two cells “over30m and up to 38,0 m” and “over 38,0 m” are hereby substituted by the following two respective cells: “over 30 m and up to 45,0 m” and “over 45,0 m”.

Commencement and short title

26. This By-law takes effect on the date proclaimed by the Executive Mayor and as published in the *Provincial Gazette*.

27. This By-law is called the City of Cape Town: Municipal Planning Amendment By-law, 2026.