

# Cape Town Municipal Planning By-laws approved

The City of Cape Town's Council approved amendments to the Municipal Planning By-law (MPBL) yesterday, 31 October 2019. Once promulgated, the amendments will, among others, allow for controlled densification, short-term letting from flats, and minor freestanding and minor rooftop cell masts, either as of right or as a consent use.



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The Municipal Planning By-law regulates development and land use in Cape Town. The amendments are part of the City's annual review process, and must give effect to the policies and strategies that have been adopted by Council over the past few years.

"...[F]ollowing on from the constructive public engagement process, it was decided to omit the section about emergency housing altogether, as it needs further refinement; and we added provisions to the section that deals with the third dwelling as an additional use right," said the City's Mayoral Committee Member for Spatial Planning and Environment, Alderman Marian Nieuwoudt.

## Some of the amendments that will take effect once promulgated in the Provincial Gazette are as follows:

- A provision that allows for short-term letting from a house or flat for a period not exceeding 30 consecutive days. This is in response to the increase in short-term letting via online platforms such as AirBnB.

"Many submissions supported this provision as it will contribute to our local economy and tourism sector, and job creation. We recommend to body corporates, home owners' associations and the like to control or prohibit short-term letting in accordance with their own rules and to address issues of security or behaviour," said Alderman Nieuwoudt.

- The provision of a third dwelling as an additional use right for properties zoned as Single Residential. A third dwelling as an additional use right means that the property owner is allowed to add a third dwelling on the property without prior approval from the City, subject to the normal development rules of the property and specified additional conditions (conditions would typically determine the size and height of the third dwelling). Also, the construction of a third dwelling is subject to the City Directors' confirmation that there is sufficient service capacity in the area such as

water, sanitation, and electricity services to support the dwelling. The property owner is still required to submit a building plan to the City which must be approved before construction can commence, and the City may require a third dwelling to have the same architecture as that of the main dwelling house.

"This provision is in line with the City's Integrated Development Plan, Municipal Spatial Development Framework and Transit-Oriented Development Framework which together, pursues a denser City form to improve efficiencies and our long-term sustainability, and to reduce the consumption of limited resources.

"For example, Cape Town has very limited land available for development; it is a precious resource. Densification is necessary to curb urban sprawl and to ensure we use the available land to its full potential. By prioritising denser, transit-oriented growth and development the City seeks to create more inclusive communities with access to improved services, job opportunities, and affordable housing and public transport," said Alderman Nieuwoudt.

- Provisions to allow for the installation of minor freestanding cell masts: properties zoned as Community Use such as churches, schools, clinics and hospitals; Utilities; Transport 1 and Transport 2; Public Open Space; and Agriculture to be allowed to install minor freestanding cell masts (of less than 12 m in height) or minor rooftop masts (of less than 1,5 m in height) as of right. This means that these minor freestanding masts and minor rooftop masts can be installed at or on these sites without prior land use approval from the City or adjacent land owners. Building plan approvals may still be required.
- A minor rooftop cell mast of less than 1,5 m in height is allowed as a consent use for properties zoned as Single Residential 1 and Single Residential 2; as well as for properties zoned as General Residential 1 – 6. This means that the owner of the property must still apply to the City for permission to install this structure.

"One of the main purposes of these provisions is to ensure the infrastructure is less unsightly and to minimise the impact on the local character of an area where the infrastructure is installed. I want to add that the City is not mandated to regulate health related matters where telecommunication is concerned. However, all network providers must comply with the requirements of the National Department of Health and the ICNIRP standards on nonionising radiation protection with respect to safety standards," said Alderman Nieuwoudt.

Many of the public submissions proposed further amendments to the MPBL.

"We took note of the proposals and will consider these when we undertake a full review of the by-law in 2020," said Alderman Nieuwoudt.