



# Provincial Gazette

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**PROVINCIAL NOTICES**

The following Provincial Notices are published for general information.

ADV. B. GERBER,  
ACTING DIRECTOR-GENERAL

Provincial Building,  
Wale Street  
Cape Town.

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17 July 2009

**WESTERN CAPE: DEPARTMENT OF ENVIRONMENTAL  
AFFAIRS AND DEVELOPMENT PLANNING:**

**LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15  
OF 1985) AND PROVINCIAL NOTICE 733/1989**

**AMENDMENT OF SCHEME REGULATIONS**

The Minister of Local Government, Environmental Affairs and Development Planning hereby:

1. in terms of section 9(2) of the Land Use Planning Ordinance, 1985 —
  - (a) amends the Scheme Regulations made in terms of Section 8 of the aforementioned Ordinance and published in the Provincial Gazette 353 of 20 June 1986 and 1048 of 5 December 1988, and
  - (b) amends all Scheme Regulations that form part of the Zoning Schemes deemed as such in terms of Section 7(1) of the aforementioned Ordinance, and
2. in terms of Provincial Notice 733/1989, amends all Town Planning Schemes approved in terms of Section 36(1)(a) of the Black Communities Development Act, 1984,

by:

- (1) making provision for insertion or replacement, as the case may be, of definitions of the following terms in the appropriate places in the Definitions:

*“antenna”* means any system of wires, poles, rods, reflective surfaces or similar devices, used to transmit or receive electronic communication signals or electro-magnetic waves;

*“building”* without in any way limiting its ordinary meaning, includes:

- (i) any roofed structure;
- (ii) any external stairs, steps or landings of a building and any gallery, canopy, balcony, stoep, verandah, porch or similar feature of a building;
- (iii) any walls or railings enclosing any feature referred to in (ii), and
- (iv) any other portion of a building;

*“equipment room”* means a building to accommodate communication equipment associated with telecommunication infrastructure — this can be a separate building used exclusively for the equipment or it can be a container, or a room within a building;

*“freestanding base telecommunication station”* means a freestanding support structure on land or anchored to land and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals, and may include an access road to such facility;

**PROVINSIALE KENNISGEWINGS**

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
WNDE DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat  
Kaapstad.

P.K. 245/2009

17 Julie 2009

**WES-KAAP: DEPARTEMENT VAN PLAASLIKE REGERING,  
OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING**

**ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985  
(ORDONNANSIE 15 VAN 1985) EN PROVINSIALE  
KENNISGEWING 733/1989**

**WYSIGING VAN SKEMAREGULASIES**

Die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning wysig hiermee:

1. ingevolge Artikel 9(2) van die Ordonnansie op Grondgebruikbeplanning, 1985 —
  - (a) die Skemaregulasies uitgevaardig ingevolge Artikel 8 van die genoemde Ordonnansie en gepubliseer in die Provinsiale Koerant 353 van 20 Junie 1986 en 1048 van 5 Desember 1988, en
  - (b) alle Skemaregulasies wat deel vorm van die Soneringskemas wat as sulks geag is ingevolge Artikel 7(1) van die genoemde Ordonnansie, en
2. ingevolge Provinsiale Kennisgewing 733/1989, alle Dorpbeplanningskemas goedgekeur ingevolge Artikel 36(1)(a) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984,

deur voorsiening te maak vir:

- (1) die invoeging of vervanging, na gelang van die geval, van definisies van die volgende terme op die toepaslike plekke in die Woordbepalings:

*“antenna”* beteken enige stelsel van drade, pale, stawe, weerkaatsende oppervlaktes of soortgelyke toestelle, wat gebruik word vir die versending of ontvangs van elektroniese kommunikasieseiene of elektromagnetiese golwe;

*“dakgeplaasde basis-telekommunikasiestrasie”* beteken 'n ondersteuningstruktuur wat aan die dak, kant of enige deel van 'n gebou vas is en wat gebruik word vir die akkommodering van telekommunikasie-infrastruktuur vir die versending of ontvangs van elektroniese kommunikasieseiene,

*“gebou”* sluit die volgende in, sonderom enigsins die normale betekenis te beperk:

- (i) enige struktuur met 'n dak;
- (ii) enige eksterne trappe of landings van 'n gebou en enige galery, baldakyn, balkon, stoep, oordekstoepe, buiteportaal of soortgelyke kenmerk van 'n gebou;
- (iii) enige mure of reëlings wat enige kenmerk waarna in (ii) verwys is, omsluit, en
- (iv) enige ander deel van 'n gebou;

*“telekommunikasie-infrastruktuur”* beteken:

- (i) enige deel van die infrastruktuur van 'n telekommunikasie-netwerk vir radio/draadlose kommunikasie insluitend stem, data- en video-telekommunikasie, wat antennes kan insluit;

“*rooftop base telecommunication station*” means a support structure attached to the roof, side or any part of a building and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals, and

“*telecommunication infrastructure*” means:

- (i) any part of the infrastructure of a telecommunication network for radio/wireless communication including voice, data and video telecommunications, which may include antennae;
  - (ii) any support structure, equipment room, radio equipment and optical communications equipment (laser or infra-red) provided by cellular network operators or any other telecommunication providers, and
  - (iii) all ancillary structures needed for the operation of telecommunication infrastructure, provided that fibre optic installations and point to point copper (cable) installations are excluded from this definition;
- (2) the inclusion, in the Scheme Regulations as contemplated in Section 1(a) above, of “*rooftop base telecommunication station*” and “*freestanding base telecommunication station*” as a primary right in the Agricultural zone II, Business zone I to V, Industrial zone I to III, Institutional zone II and III, Open Space zone I and II, Transport zone I and III and Authority zone;
  - (3) the inclusion, in the Scheme Regulations as contemplated in Section 1(a) above, of “*rooftop base telecommunication station*” and “*freestanding base telecommunication station*” as a consent use in the Agricultural zone I, Residential zone IV and V, Resort zone I and II, Institutional zone I, Open Space zone III and Special zone;
  - (4) the inclusion, in all Scheme Regulations as contemplated in Section 1(b) above, of “*rooftop base telecommunication station*” and “*freestanding base telecommunication station*” as a primary right in all corresponding zones to those mentioned in paragraph (2) above, provided that if the respective corresponding zones are not clear, the Municipality concerned must decide on the most appropriate zone within the confines of the intention of paragraph (2) above;
  - (5) the inclusion, in all Scheme Regulations as contemplated in Section 1(b) above, of “*rooftop base telecommunication station*” and “*freestanding base telecommunication station*” as a consent use in all corresponding zones to those mentioned in paragraph (3) above, provided that if the respective corresponding zones are not clear, the municipality concerned must decide on the most appropriate zone within the confines of the intention of paragraph (3) above;
  - (6) The inclusion, in all Scheme Regulations as contemplated in Section 2 above, of “*rooftop base telecommunication station*” and “*freestanding base telecommunication station*” as a primary right in the Business zone, Industrial zone, Institutional zone II and III and Parking zone;
  - (7) The inclusion, in all Scheme Regulations as contemplated in Section 2 above, of “*rooftop base telecommunication station*” and “*freestanding base telecommunication station*” as a consent use in the Residential zone I and II, Institutional zone I, Services zone, Open Space zone I and II and Special zone, and
  - (8) The inclusion, in the appropriate place, of the following land use restriction in all the abovementioned zones in respect of the Regulations referred to in Sections 1 and 2 above:

A rooftop base telecommunication station may not extend more than 3m in height above the part of the building that it is attached to without the prior approval of the Municipality.

(ii) enige ondersteuningstruktuur, toerustingkamer, radio-toerusting en optiese kommunikasietoerusting (laser of infra-rooi) wat voorsien word deur die operateurs van sellulêre netwerke of enige ander telekommunikasievoorsieners, en

(iii) alle verbandhoudende strukture wat benodig word vir die bedryf van telkommunikasieinfrastruktuur,

met dien verstande dat vesel-optiese installasies en punt-tot-punt koper- (kabel-) installasies uitgesluit word van hierdie definisie, en

“*toerustingkamer*” beteken ’n gebou vir die akkommodering van kommunikasietoerusting wat verband hou met telekommunikasie-infrastruktuur — dit kan ’n aparte gebou wat uitsluitlik vir die toerusting gebruik word, wees of dit kan ’n houer, of ’n kamer binne ’n gebou wees;

“*vrystaande basis-telekommunikasiestatie*” beteken ’n vrystaande ondersteuningstruktuur op die grond of wat aan die grond geanker is, en wat gebruik word vir die akkommodering van telekommunikasie-infrastruktuur vir die versending of ontvangs van elektroniese kommunikasiesignale, en kan ’n toegangspad na sodanige fasiliteit insluit;

- (2) die insluiting, in die Skemaregulasies soos beoog by Artikel (1)(a) hierbo, van “*dakgeplaasde basis-telekommunikasiestatie*” en “*vrystaande basis-telekommunikasiestatie*” as ’n primêre reg in die Landbousone II, Sakesone I tot V, Nywerheidsone I tot III, Institusionele sone II en III, Oopruimtesone I en II, Vervoersone I en III en Owerheidsone;
- (3) die insluiting, in die Skemaregulasies soos beoog by Artikel (1)(a) hierbo, van “*dakgeplaasde basis-telekommunikasiestatie*” en “*vrystaande basis-telekommunikasiestatie*” as ’n vergunningsgebruik in die Landbousone I, Residensiële sone IV en V, Oordsone I en II, Institusionele sone I, Oopruimtesone III en Spesiale sone;
- (4) die insluiting, in alle Skemaregulasies soos beoog by Artikel (1)(b) hierbo, van “*dakgeplaasde basis-telekommunikasiestatie*” en “*vrystaande basis-telekommunikasiestatie*” as ’n primêre reg in alle sonerings wat ooreenstem met die vermeld in paragraaf (2) hierbo, met dien verstande dat as die onderskeie ooreenstemmende sonerings nie duidelik is nie, die betrokke Munisipaliteit moet besluit op die mees-toepaslike sone binne die beperkings van die bedoeling van paragraaf (2) hierbo;
- (5) die insluiting, in alle Skemaregulasies soos beoog by Artikel (1)(b) hierbo, van “*dakgeplaasde basis-telekommunikasiestatie*” en “*vrystaande basis-telekommunikasiestatie*” as ’n vergunningsgebruik in alle sonerings wat ooreenstem met die vermeld in paragraaf (3) hierbo, met dien verstande dat as die onderskeie ooreenstemmende sonerings nie duidelik is nie, die betrokke Munisipaliteit moet besluit op die mees-toepaslike sone binne die beperkings van die bedoeling van paragraaf (3) hierbo;
- (6) die insluiting, in alle Skemaregulasies soos beoog by Artikel 2 hierbo, van “*dakgeplaasde basis-telekommunikasiestatie*” en “*vrystaande basis-telekommunikasiestatie*” as ’n primêre reg in die Sakesone, Nywerheidsone, Institusionele sone II en III en Parkering sone;
- (7) die insluiting, in alle Skemaregulasies soos beoog by Artikel 2 hierbo, van “*dakgeplaasde basis-telekommunikasiestatie*” en “*vrystaande basis-telekommunikasiestatie*” as ’n vergunningsgebruik in die Residensiële sone I en II, Institusionele sone I, Dienstesone, Oopruimtesone I en II en Spesiale sone, en
- (8) Die insluiting, in die toepaslike plek, van die volgende grondgebruikbeperking in al die bogenoemde sones met betrekking tot die regulasies waarna in Artikels 1 en 2 hierbo verwys word:

’n Dakgebaseerde basis-telekommunikasiestatie mag nie meer as 3m in hoogte bokant die deel van die gebou wat daaraan vas is, uitsteek sonder vooraf-goedkeuring van die Munisipaliteit nie.