

CITY OF CAPE TOWN

DIRECTORATE : STRATEGY & PLANNING

DEPARTMENT OF PLANNING & BUILDING DEVELOPMENT MANAGEMENT

DEVELOPMENT POLICY & PROCESSES BRANCH

BOUNDARY WALLS AND FENCES POLICY

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1. INTRODUCTION, BACKGROUND AND PROBLEM STATEMENT

Boundary walls and fences fronting onto public streets are highly visible and directly affect the character and visual amenity of neighbourhoods.

Driven by an increased need for security more and more home owners are installing security devices on top of boundary walls and fences in an uncontrolled and haphazard manner. These devices take the form of electric fencing, razor and barbed wire and spikes of various kinds.

The need for a policy dealing with the appearance of boundary walls and fences and the installation of security devices has therefore been identified.

The City's Building By Laws prohibit the use of certain materials such as galvanised iron sheeting and asbestos sheeting and barbed wire on street boundaries but makes no provision for controlling security devices. While the Occupational Health and Safety Act controls the technical aspects of the installation of electric fences there is no provision in the Scheme Regulations to control the installation of security devices.

This policy attempts to control the appearance of boundary walls and fences and the installation of security devices on top of walls and fences.

This policy precedes the formulation of a by law.

2. LEGAL MANDATE.

Boundary walls are considered to form part of municipal planning, which is a local authority competency in terms of Part B of Schedule 5 of the Constitution. In Terms of Section 156 of the Constitution a municipality has the power to make and administer by laws for the effective administration of matters which it has the right to administer.

The control of the appearance and height of boundary walls is part of municipal planning as no provision is made in the National Building Regulations to control the appearance and height of boundary walls.

3. RATIONALE AND JUSTIFICATION

In the absence of a standard city-wide policy or by laws dealing with these matters, Council is receiving complaints from the community concerning safety issues surrounding the installation of electric fences in particular. The concerns relate to the safety of children and accidental contact with the live wires.

Complaints have also been received about the use of unsightly materials and the adverse impact that this has on the character and amenity of the area.

The high crime rate is a concern to the community and the protection of life and property has become a priority in most if not all neighbourhoods.

4. SCOPE AND APPLICATION.

This policy addresses the issues surrounding the appearance of boundary walls and fences and the installation of security devices such as electric fencing, razor wire and spikes and is complementary to the Occupational Health and Safety Act. The policy is not restricted to residential areas but also includes commercial and industrial properties.

This policy further augments and compliments the requirements in Council's Gated Development policy insofar as it relates to boundary walls and fences.

This policy does not apply to temporary hoardings at building sites.

Notwithstanding that it is envisaged that the by law will not apply to properties on which bona fide farming activities are taking place, the exception to this are farm boundary walls and fences fronting onto scenic routes.

In the instances of farm boundary walls or fences fronting onto scenic routes, advice and agreement by consensus will be sought from the Ward Councillor, civic associations operating in the area and the Director Environment Resource Management prior to any approval being granted.

5 OUTCOME AND OBJECTIVES

The outcome of this policy will be a by law to regulate of the appearance of boundary walls and fences and the installation of all forms of security devices thereon.

As such, the policy is intended to address and achieve the following specific objectives:

- To set uniform standards and regulate appearance in the interest of general public amenity;
- To clearly set out Council's position on the installation of security devices and thereby establishing uniformity of approach;
- To support Council's IDP objective of a safe and caring City Of Cape Town;
- To provide rules to property owners regarding the installation of security devices;
- To protect and enhance the aesthetic amenity and characters of neighbourhoods.

6 POLICY

Policy statement

Council's policy on the appearance of boundary walls and fences and the installation of security devices is as follows:

The City Of Cape Town recognises the right of property owners to secure their properties by the erection of boundary walls and fences and the installation of security devices in a manner that is designed to meet the requirements of the owner, in support of the particular character of the surrounding built environment.

As part of Council's development control function, this policy serves to inform property owners regarding the erection of boundary walls and fences and the installation of security devices thereon. Where such boundary walls or fences are erected, they should comply with the guidelines and requirements set out in this policy.

The policy takes cognisance of the City's Heritage Protection Policy and the Gated Development Policy as far as it relates to boundary walls and fences. Cognisance is also taken of any areas where special planning criteria exist, such as the Clifton bungalow area.

Deviations and relaxations of this policy are permitted at the discretion of the District Manager.

This policy on Boundary Walls and Fences has been formulated by incorporating the best elements from policies and by laws of the previous City Administrations.

This policy leads to the formulation of a by law regulating boundary walls and fences. The policy provides guidelines for applications for the erection of boundary walls and fences until such time that the by-law is promulgated.

Boundary Walls and Fences

For the purposes of managing and assessing proposals in terms of this policy a boundary wall or fence means “any wall, fence or enclosing structure erected on or next to a property boundary and any other structures (including but not limited to security devices, for example spikes, electric fencing, barbed or razor wire) affixed to or on top of it.”

Boundary walls and fences situated on street boundaries and/or public open space boundaries and lateral boundaries shall comprise the materials listed in Appendix A and shall comply with the following requirements:

- No solid boundary wall shall exceed 1.8m in height on a street boundary and 2,1 m in height on a lateral boundary;
- No palisade type fence shall exceed 2.1m in height on a street boundary or lateral boundary.
- No fence shall exceed 2.1m in height on a street boundary.
- Relaxation of these height requirements are permitted at the discretion of the District Manager.
- At least 40% of the surface area of a street boundary wall, including gates, if provided, must be visually permeable;
- The height of a boundary wall or fence shall be measured from the existing ground level abutting such wall or fence, provided that where the ground levels on opposite sides of a wall or fence are unequal, the height shall be measured from the higher of the two sides. Where soil is retained by a boundary wall the maximum permitted height of the retained soil is 2,1 m measured from the natural ground level in front of the wall. A balustrade wall not exceeding 1 m in height is permitted above the level of the retained soil.
- Where two intersecting street boundaries of any property enclose an angle of less than 135 degrees the maximum permitted boundary wall height above street level within 4, 5 m of the intersection of the boundaries is 1 m.
- Electrified fencing and other forms of security fencing shall also comply with these requirements.

The provisions of Section 4 of the National Building Regulations and Building Standards Act, No 103 of 1977, are applicable which means that prior written authority must be obtained from the City when

erecting a boundary wall or fence. The Building Control Officer has indicated that the provisions of Section 13 of Act 103 dealing with work of a minor nature are also applicable.

Electric Fences

For the purposes of managing and assessing proposals in terms of this policy, an electric fence means an electrified barrier erected on top of a boundary wall or attached to a boundary wall or fence.

Electric fences shall conform to the following:

- The maximum height of electric fence permitted is 450 mm
- An electric fence must be at least 1.8m above the ground level at any point.
- Electric fences are only permitted to be erected on top of or attached to walls or fences.
- Electric fences are not permitted to encroach over the site boundary
- Regulation 11 of the Electrical Machinery Regulations promulgated in terms of the Occupational Health and Safety Act, No 85 of 2003 must be fully complied with.

Freestanding electric fences shall not be erected along any boundary in such positions that persons can inadvertently come into contact therewith.

Requirements Regarding Security Devices

For the purposes of managing and assessing proposals in terms of this policy, security devices include security spikes, razor wire and barbed wire affixed to or on top of walls or fences.

Any proposal in this regard shall comply with the following:

- Security Spikes
 - i) Security spikes are permitted on top of boundary walls at a minimum height of 1,8m above the footway
 - ii) Spikes are not permitted to encroach over the site boundary
- Razor or barbed wire:
 - Not permitted in any form in residential zoned and commercial zoned areas but will be permitted in industrial zoned areas.
- Glass shards:
 - Glass shards are not permitted in any form in residential areas.

7 COMMENCEMENT AND IMPLEMENTATION

Implementation of this policy commences on April 2009.

This policy replaces all previous policies dealing with boundary walls and fences.

ANNEXURE A

ACCEPTABLE MATERIALS FOR THE CONSTRUCTION OF BOUNDARY WALLS AND FENCES IN RESIDENTIAL AND COMMERCIAL ZONED AREAS			
STREET FRONTAGE		LATERAL BOUNDARIES	
PERMITTED	NOT PERMITTED	PERMITTED	NOT PERMITTED
<ul style="list-style-type: none"> • Face bricks and face-brick finishing; • Plastered and painted brickwork; • Decorative brick blocks; • Natural stone; • Galvanised or plastic-coated wire mesh; • Pre-cast concrete. • Cast-iron work; • Steel palisade fencing; • Timber: Provided that the components shall consist of: <ul style="list-style-type: none"> (i) processed and treated and squaresawn timber; (ii) round poles of even thickness in the case of ranch-type fencing; or (iii) in the case of interwoven fencing, shall be suitably capped and framed; • Free standing electric fences set back by at least 1 metre off the boundary. 	<ul style="list-style-type: none"> • Galvanised iron sheets; • Asbestos-cement or fibre reinforced sheets; • Barbed wire, unless the Council is satisfied that the property is being used for bona fide farming purposes; • Razor wire • Off-cut, untreated split-pole or sapwood timber of any kind. 	<ul style="list-style-type: none"> • Face bricks and face-brick finishing; • Plastered and painted brickwork; • Decorative brick blocks; • Natural stone; • Galvanised or plastic-coated wire mesh; • Pre-cast concrete; • Cast-iron work; • Steel palisade fencing; • Timber: Provided that the components shall consist of: <ul style="list-style-type: none"> (i) processed and treated and squaresawn timber; (ii) round poles of even thickness in the case of ranch-type fencing; or (iii) in the case of interwoven fencing, shall be suitably capped and framed. • Free standing electric fences set back by at least 1 metre off the boundary 	<ul style="list-style-type: none"> • Galvanised iron sheets; • Asbestos-cement or fibre reinforced sheets; • Off-cut, untreated split-pole or sapwood timber of any kind.
<ul style="list-style-type: none"> • Permitted on top of walls and fences: <ul style="list-style-type: none"> (i) Electric fences (ii) Spikes 	<ul style="list-style-type: none"> • Not permitted on top of walls and fences: <ul style="list-style-type: none"> (i) razor or barbed wire; (ii) embedded glass shards. 	<ul style="list-style-type: none"> • Permitted on top of walls and fences: <ul style="list-style-type: none"> (i) Electric fences (ii) Spikes 	<ul style="list-style-type: none"> • Not permitted on top of walls and fences: <ul style="list-style-type: none"> (i) razor or barbed wire; (ii) embedded glass shards.
ACCEPTABLE MATERIALS FOR THE CONSTRUCTION OF WALLS IN INDUSTRIAL ZONED AREAS.			
As above except that galvanised iron sheets, razor and bared wire are permissible on both street and lateral boundaries.			
AUTHORITY TO ERECT A BOUNDARY WALL OR FENCE OR ELECTRIC FENCE.			
Prior written authority to erect a boundary wall or fence or to install an electric fence must be obtained from Council in terms of the National building Regulations and other applicable laws.			
DEVIATIONS AND RELAXATIONS OF THE POLICY			
Deviations and relaxations of the policy are permitted at the discretion of the District Manager. Any application for a deviation or relaxation must be accompanied by a full motivation including endorsement by the neighbouring property owners.			