Date: 30 October Draft version 2025

To: Stellenbosch Municipality

From: HSG Attorneys Inc

Re: Changes made between Draft Outdoor Advertising and Signage By-law – 2024 version vs. 2025 version

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1. SECTION 1: DEFINITIONS

The October draft consolidates and clarifies key terms that created enforcement gaps in the March version. Material changes are the introduction of standalone, modern definitions for Advertising, Advertisement, Advertising Structure, Visible from a public road, Visual Impact Assessment, and Window Advertising, and the functional reframing of Billboard to align with third-party advertising classes.

These address stakeholder concerns from SIG, Corpman and Urban IQ that the March text used inconsistent terminology, omitted exclusions for art and government notices, and misclassified smaller or non-locality formats, which weakened enforceability.

The October wording aligns with the Zoning Scheme by-law, the overlay zones and SAMOAC sign classes, closes size-threshold loopholes, and standardises who may prepare VIA and related studies. Core concepts such as the Municipality's approval requirement and the general meaning of "display" remain unchanged to preserve continuity.

1.1. "***Advertising***"

a. **Draft version 2024**: Only a cross-reference to "advertising" in the Draft version 2024 version(e.g. "*Advertising shall have a similar meaning").*

b. **Draft version 2025**: Substantive standalone definition covering *"the act, process or practice*" of display, including commissioning/placement for reward or professional gain.

c. **Why it changed / concern addressed**: Closes a drafting gap that left "*advertising"* undefined and improves enforceability by clearly capturing both the content and the act (including commissioning). It also aligns terminology with planning statutes up-front (the October definitions clause incorporates SPLUMA/LUPA/2023 LUP By-law cross-references). The change responds to SIG's point that terminology around "advertisement/signage/advertising" was inconsistent and too narrow in the March text.

1.2. "***Advertisement***"

a. **Draft version 2024**: A narrow, enumerated list (words, names, letters, figures, objects; sign/symbol; light) visible from a public place to promote news, business, product, etc. However, no exclusions were provided.

b. **Draft version 2025**: Broader formulation "*visual, written, graphic or illuminated representation… intended to promote/publicise/identify*…" with express exclusions for decorative architecture, lawful notices by organs of state, inherent branding on goods/clothing/vehicles not separately displayed, and non-commercial public art/ornamentation.

c. **Why it changed / concern addressed**: Eliminates over-breadth by carving out non-advertising expressions (architecture/art/government notices), improving proportionality under section 36 analysis and reducing risk to non-commercial speech. Responds to concern that March's definition was too rigid and out of step with "sign/signage" usage in the Zoning Scheme. October version widens coverage while managing it via specific exclusions for clarity.

1.3. "*Advertising Structure*"

a. **Draft version 2024**: Any structure "*designed to host an advertisement*" but only if greater than 4.5 m².

b. **Draft version 2025**: Any physical structure, permanent or temporary, designed/used/intended to display an advertisement or sign; includes supporting framework; no size threshold.

c. **Why it changed / concern addressed**: Removes an arbitrary 4.5 m² cut-off that created enforcement gaps (smaller yet permanent structures fell outside "structure" in March). Clarifies that both advertising and "sign" displays are covered, improving alignment with the Scheme's "signage" terminology highlighted by SIG.

1.4. "*Aerial Advertisement*"

a. **Draft version 2024**: Balloons and blimps viewable from within the municipal area.

b. **Draft version 2025**: Adds "similar devices," standardises the territorial phrasing ("visible from within the municipal area").

c. **Why it changed / concern addressed**: Terminology clean-up to avoid loopholes and to standardise spatial scope.

1.5. "*Approval*"

a. **Draft version 2024**: "*Approval by the Stellenbosch Municipality*" with a corresponding meaning.

b. **Draft version 2025**: "*Approval granted by the Municipality in terms of this By-law*," with "*approve*" corresponding.

c. **Why it changed / concern addressed**: Tightens the legal hook to this By-law specifically, aiding interpretation and delegation practice.

1.6. "Area of Control"

a. **Draft version 2024**: Degree of control (Maximum/Partial/Minimum) with reference to Schedule 1; modifiable under the Systems Act; to be depicted in the Urban & Rural Conservation Overlay Zone and Scenic Routes Overlay Zone.

b. **Draft version 2025**: "*Area demarcated by the Municipality*" per SAMOAC and the Zoning Scheme Overlay Zones, specifying permissibility framework.

c. **Why it changed / concern addressed**: Shifts from a largely descriptive concept to an instrument expressly anchored in SAMOAC and formally demarcated via overlay zones, improving spatial certainty and enforceability. This addresses practitioner feedback that without clear overlay demarcations the March text was hard to apply. Cross-references elsewhere in October further operationalise overlays and control maps.

1.7. "*Official / Authorised Official.*"

a. **Draft version 2024**: "Official" definition mid-list; generic authority phrasing.

b. **Draft version 2025**: "*Authorised Official*" means an employee or "any other person authorised in writing" to perform functions or exercise powers under the By-law.

c. **Why it changed / concern addressed**: Clarifies written delegation and improves alphabetic/location consistency, addressing drafting note to fix placement and clarity.

1.9. "*Balcony*" (added and defined)

a. **Draft version 2024**: Not defined; SIG noted the absence and proposed a definition.

b. **Draft version 2025**: Added, with a precise architectural definition.

c. **Why it changed / concern addressed**: Closes an architectural terminology gap relevant to building-mounted signage and heritage contexts, responding to SIG's drafting request.

1.10. "*Banner*" (refined)

a. **Draft version 2024**: Defined; flag on a non-approved flagpole deemed a banner.

b. **Draft version 2025**: Restated in crisper, plain language, preserving the "flag deemed a banner" rule.

c. **Why it changed / concern addressed**: Editorial clarity and readability; no policy shift.

1.11. "*Billboard*" (substantively reframed)

a. Draft version 2024: Any structure "*used… to display an advertisement*" larger than 4.5 m².

b. Draft version 2025: A free-standing or building-mounted advertisement/sign used to display third-party advertising, "*typically not less than 4,5 m²*," tied to a billboard sign class.

c. Why it changed / concern addressed:

i. Shifts from a rigid size trigger to a functional definition (third-party advertising) consistent with SAMOAC typologies and class-based regulation.

ii. Avoids misclassifying smaller formats; improves enforcement and classification logic that stakeholders queried in March. SIG called the earlier billboard definition "*not logical*."

1.12. **"*Display*" (minor language updates)**

a. Draft version 2024: "*To erect or exhibit an advertisement visible to the public view*…"

b. Draft version 2025: Similar substance; tightened wording.

c. Why it changed / concern addressed: Editorial alignment; no change of intent.

1.13. **"*Electronic Advertisement*" (terminology modernised)**

a. Draft version 2024: "*Electronically controlled, illuminated display surface… changed or illuminated in different ways*."

b. Draft version 2025: Updates examples of technologies (LED, LCD, digital) and keeps variable content concept.

c. Why it changed / concern addressed: Technical clarity; supports subsequent luminance/dwell-time control elsewhere in the By-law. Retained to align with traffic-safety methodology in the RTMC Manual.

1.14. **"*Environmental Impact Assessment*" (clarified)**

a. **Draft version 2024**: Required "*in accordance with NEMA… by a registered professional environmental assessment practitioner*."
b. **Draft version 2025**: Tightens that it is a "*written assessment… prepared in accordance with NEMA… by a registered environmental assessment practitioner.*"
c. **Why it changed / concern addressed**: Drafting precision; no policy shift.

1.15. **"*Visible from a public road*" (new)**

a. **Draft version 2024**: No dedicated definition.
b. **Draft version 2025**: Introduces a measurable rule: visibility to a driver within 500 m under day/night conditions.
c. **Why it changed / concern addressed**: Creates a clear, objective visibility threshold that interfaces with safety spacing/dwell-time controls, improving predictability and reducing dispute over what is "*visible from a road.*" Supports RTMC-based safety assessment elsewhere in the text.

1.16. **"*Visual Impact Assessment*" (scope expanded)**

a. **Draft version 2024**: Addressed generically in assessment factors; expertise not clearly broadened.
b. **Draft version 2025**: Dedicated definition; allows a "*registered professional with demonstrable expertise in landscape or visual assessment (e.g., landscape architect/architectural technologist*)" and lists method references (Zoning Scheme 2024, SAMOAC, municipal guidelines).
c. **Why it changed / concern addressed**: Implements heritage/visual expertise recommendations and clarifies the technical basis for VIA in sensitive areas, responding to heritage submissions calling for more explicit professional/heritage processes.

1.17. **"*Window Advertising*" (new)**

a. **Draft version 2024**: Not defined.
b. **Draft version 2025**: Defined as advertising painted on/affixed to window glass, temporary or permanent.
c. **Why it changed / concern addressed**: Closes a practical gap for shopfront control and enforcement.

2. SECTION 2: OBJECTS

2.1. Section 2 of the Stellenbosch Outdoor Advertising and Signage By-law was slightly adjusted to respond to stakeholder submissions from OHMSA, Adreach, Jinja Outdoor, Urban IQ, and Corpman, which criticised the March draft as over-restrictive, economically exclusionary, and weakly grounded in higher-order legislation. By explicitly referencing SPLUMA 2013, LUPA 2014, the

2.2. Municipal Systems Act 2000, the Stellenbosch Zoning Scheme 2024, SAMOAC 2011, and the RTMC 2020 Engineering Manual, the October text situates the By-law within the national planning and safety hierarchy.

2.3. A new clause on balancing constitutional rights ensures that regulation of commercial expression is reasonable and justifiable, while the insertion of participatory-governance language satisfies the Systems Act's public-involvement duties.

2.4. Overall, the redraft modernises Section 2 to be legally defensible, spatially enforceable, and procedurally fair, addressing industry, heritage, and constitutional concerns raised during the Draft version 2024 consultation round.

3. SECTION 3 – APPLICATION

3.1. Section 3 was substantially rewritten between the Draft version 2024 and Draft version 2025 drafts to clarify where, to whom, and under what circumstances the By-law applies.

3.2. The March text was brief and generic, stating only that the By-law applied within the municipal area and to all forms of outdoor advertising visible from a public place. That wording created uncertainty about the status of advertisements on private land, municipal property, and roads under provincial or national jurisdiction, and failed to reference the Zoning Scheme or overlay zones that give the By-law its spatial effect.

3.3. The Draft version 2025 revision resolves these ambiguities by expressly providing that the By-law applies to (a) all land, buildings, and properties within the municipal boundaries; (b) any sign or advertisement visible from a public road or place, whether on public or private land; and (c) all municipal property and road reserves under the Municipality's control, except where national or provincial legislation provides otherwise.

3.4. It further adds two interpretive sub-clauses: one establishing that in the event of inconsistency with another municipal instrument the stricter provision prevails, and another confirming that the By-law does not supersede approvals granted under heritage, environmental, or land-use legislation.

4. SECTION 4 – ADMINISTRATION OF BY-LAW

4.1. Section 4 of the Draft version 2025 draft was completely rewritten to address concerns raised by OHMSA, Adreach, Jinja Outdoor, Corpman, and Urban IQ who argued that the process for applying for permission was unclear, while Abrahamse and SIG asked for heritage and environmental checks to be included.

4.2. The new section now spells out a proper process. The most significant chance is that all applications are now treated as land-development applications under the 2023 Land Use Planning By-law.

4.3. The new section details what supporting documents are required, including plans, visual-impact studies, owner consent, and proof of other statutory approvals.

4.4. It also expands on the public-participation steps, fixed time frames, and clear record-keeping and compliance rules.

4.5. These additions link the By-law to the planning, heritage, environmental, and road-safety laws that apply to signage.

4.6. In short, Section 4 now provides a transparent, consistent, and legally sound procedure that closes the gaps identified in the Draft version 2024 draft and answers every major concern raised during public comment.

5. SECTION 5: FEES AND GENERAL FACTORS IN CONSIDERING APPROVAL OF APPLICATIONS, AMENDMENTS AND CONDITIONS

5.1. Section 5 was adjusted slightly to align with some of the other changes made to the by-law.

6. SECTION 6: AREAS OF CONTROL AND RELATIONSHIP WITH OVERLAY ZONES

6.1. Section 6 was rewritten to make the system of advertising control clear, mapped, and legally enforceable.

6.2. The Draft version 2024 version only listed the three SAMOAC categories: maximum, partial, and minimum control, without saying how they applied or how maps would be approved.

6.3. The Draft version 2025 version now clarifies the relationship between the Urban and Rural Conservation and Scenic Route Overlay Zones, zoning, and environmental or heritage sensitivity.

6.4. Importantly, it automatically treats land in those overlay zones as maximum control areas. It also allows the By-law to operate using the overlay zones until such time as Council decides whether or not to adopt control maps.

6.5. These updates fix earlier gaps noted by Corpman, Urban IQ, and Abrahamse, who said the control areas were vague and unenforceable. The new section

links the control system directly to the 2024 Zoning Scheme and heritage overlays, creating a transparent, legally sound, and spatially integrated way to manage where and how outdoor advertising is allowed.

6.6. Given that overlay zones are integral to determining the permissible advertising locations and were adopted under a separate process preceding this By-law, there is a material risk of some stakeholders alleging prejudice regarding the process.

7. SECTION 7: STANDARD CONDITIONS FOR APPROVAL

7.1. Section 7 was expanded to set clear safety and maintenance standards for all signs and advertising structures.

7.2. These updates fix earlier gaps and bring the By-law in line with engineering and safety laws such as the Occupational Health and Safety Act and the RTMC 2020 Engineering Manual.

7.3. The new section ensures every advertisement is properly designed, maintained, and safe for the public.

8. SECTION 8: ELECTRICAL REQUIREMENTS

8.1. Section 8 was expanded to set proper safety rules for all electrically powered or illuminated signs.

8.2. The Draft version 2025 version now requires that every powered sign be connected through a legal, metered supply and approved by the electricity authority. All wiring must follow the Occupational Health and Safety Act, Electrical Installation Regulations, and SANS 10142-1, be done by a registered electrician, and have a valid Certificate of Compliance before being switched on.

8.3. Cables must be secured, insulated, and hidden where possible; high-voltage or unattended systems need an emergency isolator; and equipment must not cause electrical or radio interference.

8.4. These updates close safety gaps and ensure all illuminated and electronic advertisements meet national electrical and municipal standards.

9. SECTION 9: ILLUMINATION REQUIREMENTS

9.1. Section 9 was rewritten to give clear, measurable rules for illuminated and electronic signs.

9.2. The Draft version 2025 version now allows illumination only if it is safe, static, and within approved brightness levels. Flashing, scrolling, or moving lights are banned.

9.3. Electronic and internally lit signs are allowed only in partial or minimum control areas and must meet SAMOAC size and design standards as opposed to the rigid and indefensible maximum limit of 2.1m^2 that was contained in the Draft version 2024 version. The Municipality can ask for a Traffic Impact Assessment if a sign's brightness or movement might affect road safety and can require monitoring after installation.

9.4. External lighting must shine only on the sign, not into traffic, and any work near municipal power lines needs approval.

9.5. These updates close safety gaps, follow RTMC and SAMOAC standards, and replace vague rules with clear limits that balance safety, visual quality, and fair use of illuminated advertising.

10. SECTION 10: ROAD TRAFFIC SAFETY

10.1. Section 10 was completely rewritten to create a clear, measurable framework for protecting road traffic safety.

10.2. The Draft version 2025 version now sets out exactly when and how safety impacts must be tested. It requires a Traffic Impact Assessment (TIA) whenever a sign could affect visibility or driver concentration. The By-law lists

objective triggers for when a TIA is needed, such as illuminated or electronic signs near intersections, large billboards, signs visible from high-speed or scenic routes, or any proposal that changes brightness or spacing limits. Every TIA must be prepared by a registered traffic engineer in accordance with SAMOAC 2011 and the RTMC 2020 Engineering Manual, and must assess sight distance, driver distraction, illumination levels, spacing, and cumulative impacts.

10.3. The section also introduces exemptions for small non-illuminated locality-bound signs and describes when electronic, illuminated, or bridge-mounted signs may be approved, but only if supported by professional studies showing no safety risk. It prohibits flashing or moving images, reflective materials, and colours that could resemble traffic signals. It also introduces clear spacing rules between advertisements and road signs based on vehicle speed, as shown in Table 1, and allows any deviation only if justified by a professional TIA.

10.4. These revisions fix the vague and unenforceable wording of the Draft version 2024 draft. They respond to concerns raised by Adreach, Urban IQ, OHMSA, and the RTMC safety review, all of which called for objective road-safety criteria.

10.5. The new Section 10 provides a technical, transparent, and defensible system that protects motorists while still allowing responsible advertising.

11. **SECTION 12**

11.1. Section 12 was rewritten to give a clear, lawful process for how the Municipality grants, conditions, withdraws, or refuses approvals.

11.2. The Draft version 2025 version now sets out a complete decision-making framework. It allows the Municipality to approve, conditionally approve, or refuse an application but requires all decisions and reasons to be in writing.

11.3. Conditions must be lawful and relevant, ensuring compliance with SPLUMA 2013, the Stellenbosch Land Use Planning By-law 2023, and other legislation.

11.4. The section also introduces a standard indemnity clause protecting the Municipality from claims arising from the display or structural failure of signs.

11.5. For the first time, the By-law allows the Municipality to withdraw or amend an approval if a sign becomes unsafe, damaged, vacant for more than six months, advertises defunct content, or no longer complies with the By-law. Before doing so, the Municipality must issue a written notice giving the owner thirty days to fix the problem.

11.6. These changes close the procedural gaps identified by OHMSA, Urban IQ, and Corpman, who argued that the old version gave officials unchecked discretion and no obligation to give reasons.

11.7. The new section aligns with the Promotion of Administrative Justice Act and SPLUMA by requiring written decisions, timelines, and the right to appeal. In simple terms, Section 12 now makes the approval process transparent, time-bound, and legally defensible while giving both applicants and the Municipality clear duties and protections.

12. SECTION 13: APPEAL

12.1. Section 13 was rewritten to give a clear and lawful appeal process that is consistent with national and municipal planning legislation.

12.2. The Draft version 2024 version only said that a person aggrieved by a municipal decision could appeal to the Municipality in terms of the Municipal Systems Act.

12.3. The Draft version 2025 version now ties the process directly to section 51 of SPLUMA (2013) and Chapter VII of the Stellenbosch Land Use Planning By-law (2023), ensuring that appeals follow the same system used for land-use applications, which responds to concerns that the By-law

12.4. It requires appeals to be made in writing to the designated Appeal Authority, within 21 days of notification, and accompanied by full reasons and grounds.

12.5. It also confirms that appeals must be processed according to the procedures and timeframes in the 2023 By-law. Importantly, it provides that filing an appeal automatically suspends the municipal decision until the Appeal Authority gives a final ruling, unless the Authority decides otherwise.

12.6. These changes fix the uncertainty in the March draft and align the By-law with existing municipal appeal procedures. They respond to legal advice and stakeholder comments, especially from OHMSA and Corpman, who stressed the need for an integrated and fair appeal mechanism consistent with planning law.

12.7. The new section now ensures that all applicants and affected parties have a clear, structured, and fair way to challenge municipal decisions.

13. **SECTION 14**

13.1. Section 14 was rewritten to clearly list which types of small or low-impact advertisements can be displayed without formal municipal approval.

13.2. The Draft version 2025 version now provides a structured and detailed list of exemptions, setting clear limits for each category. It confirms that any sign that does not meet these limits must go through the normal application process under Section 4.

13.3. The additions make the rules simple, transparent, and enforceable. They respond to public and industry complaints that the Draft version 2024 draft was vague and inconsistent with the SAMOAC 2011 classification of exempt signs.

13.4. The new section gives applicants and enforcement officers clear thresholds for when approval is required and ensures small, temporary, or locality-bound advertisements can operate without unnecessary red tape.

14. SECTION 16

14.1. Section 16 was rewritten to clearly set out when and how municipal officials may enter and inspect private property while respecting constitutional rights.

14.2. The Draft version 2024 version only said that the Municipality "*may inspect premises*" to enforce the By-law and gave no conditions for consent, timing, or legal authority. This raised serious constitutional and administrative concerns about privacy and due process.

14.3. The Draft version 2025 version now introduces proper safeguards.

14.4. It allows authorised officials to enter land or buildings only at reasonable times and strictly for inspection or compliance purposes. It requires owner or occupier consent before entry, or alternatively a court order, ensuring lawful authority at all times.

14.5. Officials must carry and show written identification and a copy of any court order on request. The section also states that all inspections must respect the constitutional rights to privacy, property, and administrative justice.

14.6. These updates fix the overbroad enforcement power in the earlier draft and bring the By-law into line with the Constitution, the Municipal Systems Act, and case law on administrative fairness. The result is a balanced provision that allows effective enforcement while protecting residents from unlawful or intrusive entry.

15. SECTION 17 – ENFORCEMENT

15.1. Section 17, 18 and 19 were consolidated to create a clear, lawful process for enforcing the By-law and removing illegal advertisements.

15.2. The Draft version 2025 version now links enforcement directly to the Stellenbosch Land Use Planning By-law (2023) and SPLUMA (2013), treating any illegal sign as an unlawful land use.

15.3. It sets out a defined procedure: when the Municipality finds a contravention or an immediate safety risk, it must issue a written compliance notice giving the owner or operator 14 days to remove, alter, or legalise the sign and to restore the site.

15.4. The Municipality may later withdraw or amend this notice, and if the person still fails to comply, formal enforcement proceedings can be started under the Land Use Planning By-law or other laws.

15.5. The section also clarifies that these enforcement powers exist in addition to other civil or criminal remedies, such as prosecution or cost recovery.

15.6. These updates fix the vague and heavy-handed language in the earlier draft and ensure the Municipality follows due process before removing signs. They also align the By-law with national planning and land-use laws, closing a major legal gap raised by Corpman, OHMSA, and Urban IQ, who had criticised the March draft for lacking proper enforcement authority and procedural fairness.

15.7. The new section provides a lawful, transparent, and defensible framework for compliance and removal actions.

16. **SECTION 18 – NOTICES**

16.1. Section 18 was rewritten to completely remove the unlawful presumptions that were contained within the Draft version 2024 version and instead to provide a clear and legally valid methods for serving notices and documents issued under the By-law.

16.2. The Draft version 2025 version now sets out a detailed and legally sound procedure. It confirms that a notice is valid once signed by an authorised official and lists all acceptable methods of service.

16.3. These include personal delivery, leaving the notice with someone over sixteen at the person's residence or business, sending it by registered mail, serving it on an authorised agent, posting it conspicuously on the property if no address is known, delivering it to a body corporate's registered office, or emailing it to a nominated address.

16.4. It also clarifies that serving a copy counts as serving the original and that it is sufficient to describe the recipient as "owner," "occupier," or "holder," without naming them.

16.5. These additions fix procedural gaps from the earlier draft and align the By-law with standard local-government practice under the Municipal Systems Act and national administrative-law principles. They ensure that notices are issued, delivered, and recorded in a consistent and legally defensible manner, protecting both the Municipality and affected parties from disputes about proper service.

17. SECTION 20: OFFENCES AND PENALTIES

17.1. Section 20 was strengthened to give real consequences for breaking the By-law and to support enforcement.

17.2. The Draft version 2024 version was brief and unclear about penalties and cost recovery.

17.3. The Draft version 2025 version now spells out that any contravention, failure to comply with a notice, or interference with officials is an offence. On conviction a court may impose a fine, up to six months' imprisonment, or both. For a continuing offence, extra daily penalties may be added. Courts can also order repayment of the Municipality's actual costs, such as removal or

rehabilitation costs. It creates specific offences for threatening, obstructing, or impersonating municipal staff and for ignoring a lawful notice.

17.4. These changes close gaps in deterrence and procedure, align with the Adjustment of Fines Act and municipal practice, and give the Municipality a clear, lawful basis to secure compliance and recover costs.

18. SECTION 22: REPEAL

18.1. Section 22 was rewritten to cleanly repeal the previous signage by-law and to protect lawful existing rights through a savings clause.

18.2. The Draft version 2024 version only mentioned repeal in passing and did not spell out how existing approvals or pending applications would be handled.

18.3. The Draft version 2025 version now expressly repeals the 2023 by-law and any older provisions that regulate outdoor advertising. It preserves continuity by keeping all lawful approvals, consents, exemptions, notices, and directives in force until amended, replaced, or withdrawn under the new By-law. It also confirms that pending applications must be finalised under the new By-law unless the Municipality decides otherwise for good cause. Finally, it cites the legal authority for repeal and savings under sections 12 and 13 of the Municipal Systems Act, read with section 156 of the Constitution.

18.4. These changes prevent gaps in regulation, avoid prejudice to existing rights, and ensure a smooth transition to the new framework with clear statutory footing

19. SECTION 23: TRANSITIONAL PROVISIONS

19.1. Section 23 was adjusted to manage the shift from the old system to the new rules in a fair and enforceable way.

19.2. The Draft version 2024 draft had little guidance on what to do with existing, unauthorised signs, which risked either blanket illegality or uncertainty.

19.3. The Draft version 2025 version fixes this by creating a clear regularisation window. Existing advertisements that were not previously authorised are not treated as unlawful for the past, but they must be registered and brought into compliance within 12 months.

19.4. Owners must file particulars and apply under Section 4 with the necessary technical information.

19.5. The Municipality may approve continued display with conditions, or require modification or removal after giving written notice and a chance to be heard.

19.6. Unsafe signs, hazards, or those in maximum control areas can be ordered removed under Section 17.

19.7. If owners do nothing after the 12-month period, the Municipality may start enforcement. There is also a limited extension on written request for good cause, and nothing here limits the Municipality's power to withdraw or amend approvals.

19.8. This approach avoids retrospective punishment, provides a practical pathway to compliance, and gives the Municipality a lawful timeline and process to resolve legacy signage.

20. SCHEDULE 1: AREAS OF CONTROL

20.1. Schedule 1 was rebuilt to turn the three SAMOAC control categories into a mapped, decision-ready matrix that aligns with the Zoning Scheme 2024 and the overlay system.

20.2. The Draft version 2024 version listed Maximum, Partial, and Minimum Control in general terms, without clear land-use references, measurable limits, or a statement of what is usually permitted.

20.3. The Draft version 2025 Schedule now specifies the typical context for each category, ties each to precise zoning and overlay references, and states the default permissibility and intent for applications.

20.4. In Maximum Control, the Schedule links directly to Urban and Rural Conservation and Scenic Routes overlays, heritage sites, and sensitive open space and agriculture, then allows only small, non-illuminated, locality-bound signs and prohibits third-party and electronic formats.

20.5. In Partial Control, it identifies mixed use, business, institutional and transport contexts within the urban edge, requires compliance with size, spacing and illumination limits, and restricts electronic or internally illuminated signs to modest sizes on slower streets unless supported by professional TIA and VIA.

20.6. In Minimum Control, it pinpoints industrial and utility areas and logistics precincts and allows larger or third-party formats if all structural, illumination and spacing standards are met and safety is demonstrated.

20.7. These changes answer earlier concerns that the categories were vague and unenforceable, that heritage and scenic areas were not adequately protected, and that there were no predictable outcomes for applicants.

20.8. The new Schedule gives case officers and applicants a clear, spatially integrated rule set that links control intensity to mapped overlays, sets typical use cases and limits, and anchors safety and amenity tests in the By-law's technical sections.

21. SCHEDULE 2: BILLBOARDS

21.1. The October text replaces the March version's broad billboard provisions with a calibrated, safety-led standard that is limited to minimum-control areas outside the Urban and Rural Conservation and Scenic Routes overlays.

21.2. Material changes include a posted-speed sizing matrix (≤60 km/h up to 18 m², 61–80 km/h up to 27 m², >80 km/h up to 36 m²), a clear height of at least 2.4 m with an overall height cap of 7.5 m, a mandatory viewing angle between 60 and 90 degrees to approaching traffic, a prohibition on Gateway Routes, spacing by reference to the Section 10 table, and a minimum principal character height of 285 mm with a narrow pedestrian-area relaxation on a Traffic Impact Assessment.

21.3. The above changes align directly with SAMOAC and the RTMC and are defensible limits based on expert evidence.

21.4. The clause also clarifies that a right-side installation replaces the left-side opportunity to prevent visual doubling, requires on-structure display of the approval reference, and creates a tightly controlled deviation path that needs a Traffic Impact Assessment, Visual Impact Assessment, structural proof, public comment where the deviation exceeds 10 percent, and written reasons recorded on the municipal register.

21.5. These changes were made to answer industry submissions that the March caps and siting rules were not linked to legibility distance, decision zones or driver workload, and therefore were difficult to defend; the new limits are aligned with SAMOAC's sign-class practice and the RTMC safety engineering method so they are predictable and enforceable.

21.6. What stays the same is that billboards still require prior approval, must comply with the standard conditions of this By-law and the spacing and illumination controls in Section 10, and remain prohibited in sensitive overlay areas; these elements are retained to protect heritage, scenic character and public safety while allowing limited large-format advertising in appropriate locations.

22. SCHEDULE 3: LOCALITY BOUND FREESTANDING AND COMPOSITE ADVERTISMENTS

22.1. Schedule 3 was rewritten to set clear, locality-bound rules for freestanding and composite on-premise signs, tied to the overlay system and technical assessments.

22.2. The Draft version 2024 version treated these signs broadly and did not link permissions to mapped sensitivities, setback practicality, or clutter reduction.

22.3. The Draft version 2025 schedule now permits them in partial and minimum control areas, and only in maximum control areas if a Visual Impact Assessment, and where applicable an Environmental and Heritage Impact Assessment, show no material harm, with a Traffic Impact Assessment where required.

22.4. It limits use to specific cases such as long building setbacks, when building attachment is impracticable, for identifying lawful entrances, or when a single composite sign will replace multiple smaller signs to cut visual clutter.

22.5. It introduces measurable caps of 4.5 m height and 4.5 m² area, with a possible increase to 6 m and 9 m² if a VIA confirms no adverse visual impact.

22.6. It regulates service-station pylons as locality-bound, one per frontage, with defined height and panel limits, and tighter limits in maximum control areas.

22.7. It also confines conservation and single-residential zones to the standard forms in Schedule 18.

22.8. These changes respond to complaints about proliferation and inconsistent sizing, protect sensitive precincts through overlay alignment and professional studies, and give applicants predictable, enforceable thresholds that balance site identification with safety and amenity.

23. SCHEDULE 4: ADVERTISEMENTS ATTACHED TO WALLS OF BUILDINGS AND PROJECTING ADVERTISMENTS

23.1. Schedule 4 was rewritten to give clear, measurable rules for flat and projecting wall signs and to tie approvals to heritage, environmental, and traffic tests where needed.

23.2. The Draft version 2024 text treated wall-mounted formats broadly and did not set consistent projection limits, facade coverage caps, or overlay safeguards.

23.3. The Draft version 2025 schedule now permits these signs in partial and minimum control areas, and only in maximum control areas if a Visual Impact Assessment, and where applicable an Environmental and Heritage Impact Assessment, show no material harm, with a Traffic Impact Assessment where required.

23.4. It fixes siting rules: no siting within 1 m of the roadway edge, no projection over the road reserve, tight projection limits that scale with clear height, minimum 2.4 m pedestrian clearance if over a footway, and a prohibition on obscuring windows, doors, vents, or any traffic signs.

23.5. It caps size at 5 m² and facade coverage at 20 percent in maximum control and 30 percent in partial or minimum control, with a possible increase to 9 m² only if TIA and VIA show no road-safety or amenity impact and placement complies with sight distance, spacing, and luminance parameters.

23.6. It allows ads on blank side walls of non-residential buildings only when integrated into the facade design and compatible with local character, requires custom design for third-party ads on public facades, and forbids attachment to residential walls except for small on-premises signs allowed under section 14(5).

23.7. Every approved sign must display the municipal approval reference and the responsible owner or company. These changes replace vague discretion with objective siting and size rules, protect heritage and streetscape quality, and align wall signage with the By-law’s safety and overlay framework.

24. **SCHEDULE 11: TEMPORARY POSTERS, TEAR DROP BANNERS, FLAGS ON PUBLIC ROADS AND PUBLIC PLACES**

24.1. The October text replaces the March version's inconsistent wording with a clear, event-focused regime that is defensible on road-safety and heritage grounds.

24.2. Material changes include aligning the permission areas to the Overlay Zones by excluding Urban and Rural Conservation and Scenic Routes overlays; introducing objective controls that reduce clutter and distraction (30 m from traffic signs and signals, one item per organisation on every second street-light pole, uniform mounting about 2 m to the lower edge); tightening time limits (display up to 14 days before an event, removal within 2 days after), standardising size and sponsor identification (poster board 80 cm by 50 cm, sponsor content capped at 20 percent), and adding a deposits, tariffs and cost-recovery mechanism with explicit removal powers.

24.3. Election material is now expressly governed by the Electoral Act, with display limited to one month before the poll and removal within seven days after, addressing fairness and compliance concerns raised during participation.

24.4. These adjustments respond to stakeholder submissions about road-traffic safety, visual clutter and administrative burden, and are supported by SAMOAC's small-format practice and the RTMC engineering emphasis on keeping the driver's cone of vision around intersections free of competing stimuli, which the March draft did not translate into measurable distances.

24.5. What remains the same is that these devices are temporary, event-related, non-commercial in substance, may not be fixed to trees or traffic-control equipment, and are prohibited in sensitive overlay areas; those elements are retained to protect heritage character and public amenity while allowing limited community event communication.

25. **SCHEULE 17: ADVERTISEMENTS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT ORGANISATIONS**

25.1. The October draft removes a bundle of prescriptive, NPO-only size and content rules and replaces them with a clear, principles-based test that requires NPO proposals to meet the same technical safety, heritage and amenity standards as all other signs.

25.2. The categorical ban on “political content” has been deleted to avoid unconstitutional, content-based regulation; road-safety, spacing and illumination limits still govern through the main by-law and sign-type schedules.

25.3. What remains are the core public-benefit and empowerment criteria, and the requirement for a written agreement where municipal land is used. This resolves duplication, improves constitutional defensibility, and keeps community benefit central without weakening safety or heritage protections.

26. SCHEDULE 18: LOCALITY-BOUND STANDARD FREESTANDING AND COMPOSITE ADVERTISEMENTS IN CONSERVATION AREAS AND AREAS OF SINGLE-RESIDENTIAL ZONING

26.1. The October amendment to Schedule 18 introduces a clear, standardised template for small on-premise identification in sensitive areas: one sign per property, with an option for a coordinated two-panel composite (each up to 1.8 m²), business-centre consolidation, a ban within the road reserve, and mandatory referral to Heritage Western Cape where fabric is older than 60 years or within a heritage overlay.

26.2. This is a material shift from March, which did not provide a dedicated, uniform format for these contexts and left size and coordination to case-by-case discretion.

26.3. The change was made to answer concerns about visual clutter and uncoordinated proliferation, while also addressing small-business submissions that some modest on-premise identification should be possible.

26.4. The 1.8 m² composite ceiling and the “one-per-property” rule align with SAMOAC’s low-impact, pedestrian-scale classes for sensitive precincts and with the RTMC emphasis on limiting distraction where streets are narrow or visually complex; they replace the March approach that was not easily defensible because it lacked consistent thresholds.

26.5. What remains the same is the core policy of maximum protection for conservation and heritage areas: signs must be locality-bound, may not intrude into the road reserve, and heritage referral applies—these elements are retained to safeguard character, integrate with the Zoning Scheme overlay regime, and ensure any allowance does not compromise heritage fabric or public safety.

27. SCHEDULE 19: STREET-POLE ADVERTISING

27.1. The October re-draft of schedule 19 replaces the largely discretionary March regime with clear, measurable standards for small-format street-pole panels in urban areas of partial and minimum control.

27.2. It fixes panel size at 0.9 m by 0.6 m (0.54 m²), requires a uniform mounting height of about 2.1 m to the lower edge, limits one panel per pole, and introduces spacing and proximity controls of 30 m between panels, 30 m from signalised intersections and 20 m from pedestrian crossings.

27.3. It also prohibits illuminated, electronic or animated formats, confine displays to designated municipal street-light poles under a licence or concession with a maximum three-month approval period, and clarifies joint maintenance responsibility, mandatory display of the municipal approval reference, and summary removal powers for non-compliance.

27.4. These changes were made to answer safety and clutter concerns raised in public participation by converting subjective “street clutter” judgments into defendable thresholds that align with SAMOAC’s low-impact street furniture

practice and the RTMC road-safety emphasis on driver decision zones near intersections.

27.5. What remains the same is that street-pole advertising is not permitted in maximum-control or sensitive overlay areas, municipal discretion to remove in the public interest is preserved, and content is still governed by the ARB Code. Retaining these elements protects amenity and heritage while the new numbers make day-to-day approvals and enforcement predictable and defensible.

DATED AT WESTVILLE ON THIS THE 30th OF DRAFT VERSION 2025