

UBUNTU MUNICIPALITY
LAND USE SCHEME

(In terms of the Spatial Planning and Land Use Management Act, Act No. 16 of 2013)

November 2021

DRAFT FOR PUBLIC NOTICE

Ubuntu Municipality



menswaardigheid - hup - orfentse
ubuntu - zithamba - ziphathra
Respect - honor - integrity

**LAND USE SCHEME REGULATIONS IN TERMS
OF CHAPTER 5 OF THE SPATIAL PLANNING AND LAND USE
MANAGEMENT ACT (ACT NO. 16 OF 2013)**

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1. INTRODUCTION OF THE UBUNTU LAND USE SCHEME

1.1. PREAMBLE

These are regulations in terms of Chapter 5 of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) and in accordance with the following policies and bylaw:

- The Northern Cape Provincial Spatial Development Framework (2019).
- The Northern Cape Critical Biodiversity Areas, 2016
- Ubuntu Local Municipality Planning Bylaw (Provincial gazette Notice 1961 of 19 October 2015).

These regulations determine use rights and provide for management of development and utilisation of land within the area of jurisdiction of Ubuntu Local Municipality.

In terms of Section 25(1) of the Act, the purpose of a scheme is to give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote -

- (a) economic growth;
- (b) social inclusion;
- (c) efficient land development; and
- (d) minimal adverse impact on public health, the environment and natural resources.

The preparation of this scheme is also guided by legislative and policy frameworks of Provincial and National Government and it supports the principles thereof. Care is also taken to respond to prevailing land use trends in the Ubuntu Municipality, incorporating both rural and urban areas.

In the Municipal area, medium to longer term development is guided within a framework of strategic plans, ranging from the Spatial Development Frameworks, Strategic Environmental Assessments and Local Spatial Development Frameworks and Precinct Plans. In this regard, the White Paper on Spatial Planning and Land Use Management (July 2001) recognizes that the key to successful spatial planning, land use management and land developments is the establishment of an effective link between forward planning (spatial planning) and development control (interpreted broadly as land use management). In this, land use management is conceived as the means of controlling and regulating land development, as guided by the proposals of the applicable Spatial Development Framework and other strategic plans such as the Municipality's IDP.

It is important that decision-making on planning matters in connection with this Land Use Scheme be based on credible spatial planning frameworks, supported by appropriate policies, procedures and standards.

1.2. GENERAL

1.2.1 TITLE

These regulations shall be known as the Ubuntu Land Use Scheme in terms of Chapter 5 of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013).

1.2.2 SCHEME AREA

The Land Use Scheme Regulations apply to all land within the area of jurisdiction of Ubuntu Local Municipality.

1.2.3 LAND USE SCHEME REGISTER

Notwithstanding the fact that the zoning of land units in the scheme area are indicated on a Land Use Scheme Map, the Municipality must keep a register in which details of the zoning and any other relevant information in respect of each land unit shall be recorded. If there should be any uncertainty on the identification of the zoning of a land unit according to the scheme maps, the evidence of the land use scheme register shall be deemed to be correct.

1.2.4 SCHEME OPEN FOR INSPECTION

The Municipality shall allow any person to inspect this Scheme and the Map(s) at the offices of the Municipality during office hours.

1.2.5 CONFLICT OF LAWS AND COMPLIANCE WITH OTHER REGULATIONS

- (a) When any provision of this Land Use Scheme is in conflict with a municipal by-law or any other subordinate legislation, these regulations shall prevail, subject to the provisions of regulation (b) (i) and (ii).
- (b) The provisions of any by-law or any other subordinate legislation, in so far as they relate to the determination of erection of structures within a specified distance of the boundaries or centre line of roads, shall have preference above the provisions of the Land Use Scheme except in so far as the Land Use Scheme:
 - i) Requires a road width greater than that determined by such other by-law or any other subordinate legislation; or
 - ii) Requires structures to be set back from the boundary or centre line of a road at a greater distance than that determined by such by-law or any other subordinate legislation.
- (c) Where these Land Use Scheme regulations are in conflict with national or provincial legislation, the provisions of such legislation shall prevail. This includes (but is not limited to) the provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), in so far as they require buildings to be erected at a greater distance from the boundaries of an erf than is required in terms of these regulations.

- (d) Nothing in these regulations shall be construed as permitting any person to do anything that is in conflict with the conditions registered against the Title Deed of the land.
- (e) The fact that land may, in terms of this Land Use Scheme, be used for a specific purpose or that an approval has been granted under this Land Use Scheme, does not exempt anyone from obtaining such other authorizations, permits, licences or approvals as may be required in terms of other legislation or from compliance with any other of the Municipality's regulations or by-laws.

1.2.6 TRANSITION FROM FORMER LAND USE MANAGEMENT SYSTEMS / LAND USE SCHEMES

- (a) Pending applications in terms of former land use schemes, submitted prior to the date of commencement of this Land Use Scheme, shall be assessed and finalised in terms of such former zoning or land use scheme regulations.

Approvals issued in terms of the above and approvals granted prior to the commencement date of this scheme that are still valid (have not lapsed) will be allocated with a corresponding zone in accordance with this Land Use Scheme, but will be allowed to take up their approved rights in terms of the land use restrictions or provisions of the applicable zone in the former land use scheme.

Where any approval in terms of a former land use scheme and its related provisions have been acted on, but now constitutes a contravention of any provision in the corresponding zone in this Land Use Scheme, it will not be considered to be an offence but rather as a **lawful non-conforming use**.

- (b) Where a building plan application was submitted and accepted:
 - i) before commencement of this Land Use Scheme and is still being processed; or
 - ii) after commencement of this Land Use Scheme, with the express purpose to act on a valid approval (and a valid approved site development plan) in terms of a former land use scheme,

such a building plan will be assessed and finalised within the approval granted and the provisions of the applicable zone in the former land use scheme. When implemented, such buildings will not be considered to be a contravention of this Land Use Scheme but rather as a **lawful non-conforming use**.

In terms of the above scenario, an owner is entitled to decide to rather apply the provisions of this Land Use Scheme. In such event, all the provisions applicable to the corresponding zone in this Land Use Scheme shall apply.

- (c) Where a building plan application is submitted after commencement of this Land Use Scheme, not with the express purpose to act on a valid

approval (and valid approved site development plan) in terms of a former land use scheme, but rather as an extension to an existing development that has already been taken up, the land use restrictions and provisions of the applicable zone in this new Land Use Scheme shall apply.

- (d) Where, prior to the introduction of this Land Use Scheme, land development authorisations were issued by way of allocating a Special Zone and such land development is now permitted in terms of an appropriate Zoning Category, or by way of a Consent Use within a Zoning Category, such Special Zone will be replaced by the dedicated Zoning Category or Special Consent. In such cases the development rights allocated will remain and the provisions of section 1.2.6(b) shall apply.

1.2.7 LAWFUL NON-CONFORMING USES

A lawful non-conforming use is considered a permitted use and shall not constitute an offence in terms of this Land Use Scheme, provided that:

- (a) No structural alterations are made to a building, structure or part thereof which is considered to be a lawful non-conforming use, without Municipal approval.
- (b) Any building or structure or part thereof may be routinely repaired or replaced when damaged by accident or natural disasters, subject thereto that such building, structure or part thereof remains within its original footprint and dimensions.

1.2.8 ABSENCE OF RELIABLE ZONING RECORDS

In situations where Municipal zoning records are outdated or not available, the zoning status and other land development rights of properties can be confirmed using the following:

- Copies of development authorisations (rezonings, departures, special consents) on Municipal files, or in possession of property owners, and proof that a property / properties were used for such authorised purpose within the validity period of such authorisation(s).
- Title Deeds of properties, where use-rights are specified as conditions of title.
- Copies of Council Minutes, where decisions on development authorisations were recorded and proof that approved rights were taken up within the specified validity period.
- Copies of approved and endorsed layout plans (where properties were created as part of a Township Establishment process), subdivisional plans or site development plans and proof that approved rights were taken up within the specified validity period.
- Documents to prove that a use existed on a property prior to the implementation of the Land Use Planning Ordinance (15 of 1985) on 1 July 1986, that such use was legally permissible at the time (ie. was in line with conditions of title or other development management

provisions that may have applied) and was not interrupted for a period exceeding 2 years after 1 July 1986.

Where zoning status and other land development rights of properties can be confirmed by way of any of the above, the Municipality needs to allocate the most appropriate zoning in terms of these Land Use Scheme Regulations and any permanent departure or consent use that may be required in conjunction with such zoning.

If the zoning status or other land development rights on a property cannot be determined, the Municipality does not have any discretionary right to allocate a zoning or other land development rights without concrete proof and a land development application process (rezoning and/or departure and/or special consent) must be followed.

1.2.9 WRONGFULL ALLOCATION OF ZONING

In the event that a zoning has been wrongfully allocated on a zoning or land use scheme map, or wrongly converted from zoning or land use scheme maps that preceded these scheme regulations, the owner of an affected property may submit an application to the Municipality to correct such error, subject to the following:

- (a) The applicant must submit documentary proof of the error and/or proof of the lawful land use rights;
- (b) No application fees will be charged for such application.

1.3. **DEFINITIONS**

In these Regulations, unless inconsistent with the context:-

“Abattoir” – means a place where animals are slaughtered for distribution to retail outlets.

“Adult Shop or Adult Entertainment Premises” - means a premises where publications and or films, classified as X18 by the Publications Board, or which fall within Schedule 2 (read with Schedule 5) of Act 65 of 1996, are exhibited and/or distributed. Such a shop or premises must also be licensed in terms of Section 2 of the Business Act (Act 71 of 1991) to conduct the business of adult shop or premises; or where the business of making the services of an escort available to any person is carried out, as described in the Business Act (Act 71 of 1991), and where the business is licensed in terms of Section 2 of the Business Act (Act 71 of 1991).

“Agriculture” - means the cultivation of land for crops, plants, trees or the breeding of animals, or the operation of a game farm on natural veld or land; it includes only such activities and buildings which are reasonably connected with the main agricultural activity on the land, including a dwelling house(s) and worker accommodation, but does not include abattoirs, feed-pen farming, aquaculture or other defined consent uses.

“Agricultural Industry” - means an enterprise or concern for the processing of agricultural products on land used for agricultural purposes owing to the nature, perishability and fragility of such products, but does not include a service industry, industry or abattoir.

“Antenna” - means any system of wires, poles, rods, reflective surfaces or similar devices, used to transmit or receive electronic communication signals, electromagnetic waves or radio waves.

“Astronomy advantage” (as defined in the Astronomy Geographic Advantage Act No. 21 of 2007) - means features which make an area suitable for astronomy and related scientific endeavours, and includes high atmospheric transparency, low levels of light pollution, low population density and minimal radio frequency interference.

“Astronomy advantage area” - means a geographic area declared as such in terms of the Astronomy Geographic Advantage Act No. 21 of 2007, to which development and other restrictions can be applied to promote the protection of inherent astronomy advantage features of such area or astronomy and related scientific endeavours within such area.

“Astronomy and related scientific endeavours” (as defined in the Astronomy Geographic Advantage Act No. 21 of 2007) - means

- (a) the science involving the observation and explanation of events beyond the earth and its atmosphere, and includes optical astronomy, radio astronomy, gamma ray astronomy and cosmic ray astronomy;
- (b) observations that assist in understanding the sun and the magnetosphere;
- (c) deep space radio dishes, array networks for the management of space flight and the management of strategic scientific deep-space missions; and

- (d) any other scientific endeavour declared as such by the Minister in terms of section 28 of the Astronomy Geographic Advantage Act No. 21 of 2007.

“Astronomy apparatus” – means all astronomy instruments, devices and associated infrastructure needed to enable astronomy and related scientific endeavours, including:

- a) optical instruments, including antennas, for collection and measurement of radiation, including electromagnetic near-ultraviolet, visible and infrared radiation, from astronomical sources;
- b) radio instruments and antennas for reception of radio waves of cosmic origin;
- c) all components, connections and electronic communications links thereof, whether such components, connections or electronic communications links are contiguous or not; and
- d) all associated infrastructure and structures directly linked to the operation and maintenance of the instruments, devices and components, including access roads, energy generation apparatus and structures.

“Astronomy Advantage Area Management Authority” - means an organ of state or other institution or juristic person in which the authority to manage a particular astronomy advantage area is vested in terms of section 15 of the Astronomy Geographic Advantage Act No. 21 of 2007;

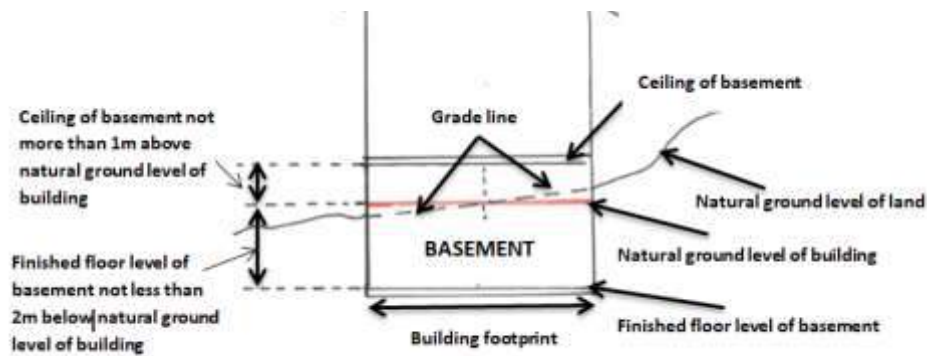
“Aquaculture” - means the cultivation and breeding for commercial purposes of water-flora –or fauna in artificially-built dams or holding tanks or in natural water bodies.

“Authority Usage” - means a use that is practiced by a public authority or on an agency basis on behalf of a public authority, of which the characteristics (including combination of uses) and locality factors are such that it cannot be classified or defined under other uses in these regulations, and includes uses practiced by -

- (a) The National Government, such as military training centres and installations, police stations, correctional facilities and associated utility service and accommodation that are directly related to the operation and maintenance of the primary function;
- (b) The Provincial Government, such as road camps; and
- (c) A Municipality, such as civic centres, municipal depots and fire stations (including associated accommodation that is required for staff to be on standby).

Authority Usage does not include noxious uses such as waste disposal sites or waste-water treatment works.

“Basement” - means that portion of a building, where such basement is not a habitable room, the finished floor level of which is a minimum 2m below, or the ceiling of which is not more than 1m above the grade line applicable to the building.



"Bed and Breakfast Establishment" - means an owner managed commercial accommodation establishment of not more than 5 guest-rooms and which has as its primary source of business the supply of short-term accommodation and breakfast for resident guests. For the purpose of this scheme, differentiation is made between 1 – 2 room and 3 – 5 room establishments.

"Boarding House" - means any house, building or premises in which both lodging and meals or communal cooking facilities are supplied by the proprietor, together with such outbuildings as are normally used therewith.

"Boarding Kennel" - means a place for the accommodation and care of pets and animals, operated on either a commercial or a welfare basis.

"Bottle Store" - means a shop in which mainly alcoholic beverages are sold in the retail trade and includes an off-sales facility that is part of a hotel and under the same management as the hotel.

"Boundary" of a land unit – means cadastral boundary, or where a land unit has not been surveyed, a reference or description as approved by the Municipality.

"Building" - means any structure or erection irrespective of its nature or size, i.e. any structure to which the National Building Regulations apply.

"Building Line" - means the line delimiting the area measured from the boundary of a land unit, or from a setback where applicable, within which no building or other structure, except a boundary fence, may be erected; or in the case of a departure relaxation of the Building Line granted with the written approval of the affected abutting property owners and upon the discretion of the Municipality.

"Business Premises" - means a site or building or structure on or in which retail and wholesale business is done and includes uses such as shops, warehouses, offices, banks, bottle stores, restaurants or nurseries, but does not include institutions, service stations, industries, noxious trades or retail activities that can reasonably be regarded as being out of character in the residential or business area of a town or that may result in unacceptable levels of heavy vehicle traffic and impact on local traffic as a result of off-loading and loading of goods.

"Camping Site" - means a property or part thereof which can be utilised for the erection of tents or parking of caravans and includes ablution, braai, cooking and other facilities which, together with the amenity of the site, serve as features of attraction.

"Caravan" - means any vehicle permanently fitted out for use by people for living or sleeping purposes, whether or not such vehicle is a trailer.

community, provided that such ceremonies are lawful in terms of all applicable legislation and bylaws of the Municipality.

"Day Care Centre" - means a building or a site, excluding a boarding house or institution, which is maintained and utilised for the temporary caring and/or education of children on behalf of their parents and which building or site is registered as a place of care in terms of the Children's Act 38 of 2005 and provides a minimum indoor floor space of 1.5m² per child and outside playing space of 2m² per child. A day care centre may include a pre-school.

"Departure" means:

- (a) An altered land use restriction imposed in terms of this Land Use Scheme; or
- (b) A use right granted on a temporary basis in terms of this Land Use Scheme.

"Developable Area" in relation to a land unit - means the total area of a land unit, excluding areas taken up by a panhandle driveway, services and/or servitude.

"Dwelling House" - means a building containing only one dwelling unit complying with the National Building Regulations. In the event of a second dwelling unit on an Agricultural property or Single Residential Erf, such dwelling house and second dwelling unit may be attached.

"Dwelling Unit" - means a self-contained inter-leading group of rooms with not more than one kitchen, used only for living accommodation and housing at an occupation ratio not exceeding two persons per habitable room, together with such outbuildings as are ordinarily used therewith. In line with the SABS 0400:1990 - Code of Practice for the Application of the National Building Regulations, the floor area of any dwelling unit shall not be less than that necessary to provide one habitable room and a separate room containing toilet facilities.

"Enterprise" - means any commercial undertaking.

"Erf" - means a portion of land depicted on a Surveyor General diagram or general plan approved in terms of the Land Survey Act, 1997 (Act No 8 of 1997) that is registered or capable of being registered in a deeds registry.

"Erection of a building" – means the construction of a new building or structure, or the structural alteration of, or the making of any addition to a building.

"Estate Housing" - means a harmoniously designed and built residential estate or holiday housing development with an informal clustered layout, where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel.

"Farm Stall" - means a building or structure on agricultural land, where mainly products and produce from such land (and surrounding land or farms) are sold to the general public.

"Feed Pen Farming" - means the keeping and breeding of livestock in a confined space on an intensive basis and where the animals are fed with little or no opportunity to graze off the natural veld, to prepare them for slaughter or for production of milk, eggs or other products.

"Flats" - means a building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith;

provided that in those zones where flats are permissible, fewer than three dwelling units shall also be permissible.

"Floor Area Ratio" or (FAR) - means the factor (expressed as a proportion of 1) that is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit; it is the maximum floor space as a proportion of the net erf area.

Example:

A FAR of 1,5 - applicable to a 1 000m² erf = (area of erf) x 1,5
 = 1 000m² x 1,5
 = 1 500m²

Total floor area of buildings on the erf (sum of area of all storeys of all buildings on the erf) can be 1 500m²

"Floor Space", in relation to any building or structure, means the area covered by a roof, slab or projection, excluding a projection not exceeding 1m over an exterior wall or a similar support; provided that the area which is covered by a canopy or projection on the street side of a business building in the Business Zones I to III shall not be regarded as floor space. Floor space shall be measured from the outside surface of the exterior walls or similar supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "maximum floor space" shall be the sum of the floor space of all the storeys, including that of basements.

"Funeral Parlour" - means the business of an Undertaker and may include a chapel, office, workshop, garage and/or warehouse.

A Funeral Parlour does not include a mortuary.

"Garage" - means a building for the storage of one or more motor vehicles, and includes a carport but does not include a motor repair garage or service station.

"Grade Line" - means an imaginary surface that corresponds with straight lines connecting the highest and lowest natural ground levels immediately contiguous to a building or structure, and for the purpose of height control can be regarded as a horizontal plane encompassing the outer edges of a building or footprint of a structure, equivalent to the natural ground level of the middle point of the footprint of the building or structure – or in the event of a multi-level building or structure, the middle point of the footprint of each level of such building or structure.

"Gross Leasable Area" (GLA) - means the total floor area that is leasable, measured from the internal surface of the outer walls of the leasable area – including basements. The following areas shall be excluded when calculating GLA:

- (a) any building area that is reserved solely for the parking of vehicles;
- (b) any area required for a fire escape;
- (c) any balconies, terraces, verandas, common entrances, common passages and common areas covered by a roof;
- (d) any stairs, lift wells or other wells, in the case of multi-storey buildings.

"Ground Floor" - means the lowest floor of a building, which is not a basement.

"Guest House" - means an owner managed commercial accommodation establishment of not less than 6 guest-rooms and not more than 16 guest-rooms and which has as its primary source of business the supply of short-term accommodation and meals for resident guests.

"Habitable Room" - means any room for human habitation as per approved building plan, and excludes bathrooms, toilets, kitchens, verandas, garages, passages and basements. The internal floor area of a habitable room may not be less than 6m² in extent with no linear dimension of less than 2m².

"Height" in relation to a building - means the height specified in these regulations of the highest point of such building above the natural ground level and directly below such point.

"Holiday Accommodation" - means a number of dwelling units belonging to one owner, which are only utilised for short term accommodation by travellers or tourists or holidaymakers and which comprise a single business enterprise of which the individual dwelling units are marketed only by means of renting, and includes a caravan park and a camping site, but does not include a hotel.

"Holiday Housing" - means a harmoniously designed and built estate or holiday housing development with an informal clustered layout, where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel.

"Home-based Care" - means the use of a dwelling house, portion of a dwelling house or associated outbuildings by the occupant to provide care for a limited number of elderly, sick or disabled persons, or day care, after school care or instruction for a limited number of infants or children.

"Hospital" means land and buildings used for the care and accommodation of patients, including specialised medical treatment and may include operating theatres, x-ray rooms, a convenience shop, pharmacy, offices and consulting rooms directly related to the hospital and may include staff accommodation and other associated uses.

"Hotel" - means a property used as a temporary residence for guests, where lodging and meals are provided, and may include:

- (a) a restaurant;
- (b) conference and entertainment facilities that are secondary and directly linked to the dominant use of the property as a hotel; and
- (c) premises which are licensed to sell alcoholic beverages for consumption on the property;

but does not automatically include an off-sales facility.

"House Shop" (spaza shop) - means a shop that is operated from a dwelling house, provided that:

- (a) such activities are restricted to one room of the principal dwelling or a garage or outbuilding with such an area not exceeding 30m²;
- (b) the dwelling is to retain a primarily residential function;
- (c) not more than two persons should be involved in the operating of such a shop; and
- (d) such a shop should not impact negatively on the surrounding neighbours.

"Incremental settlement" - means the process of authorisation and subsequent progressive introduction of a layout plan, administration, management, engineering

services or tenure rights to an area where any of the above-named elements are absent.

"Industrial Café" - means a building or structure which does not exceed 100m² in floor space, including storage facilities, and where food is sold to employees only.

"Industry" - means an enterprise for the manufacture, wholesaling, warehousing, distribution, dispatching, assembly or processing of a product or the breaking up of a product or raw materials, which is not included under the definition of "Noxious Use, Trade or Industry", and includes any place or site where any such trade is carried on, providing that retail on any such place or site shall be restricted to the selling of goods manufactured, processed or directly associated with the industrial activities on such place or site, as well as a caretaker's dwelling, an office or offices, an industrial café and any other use incidental to an industry.

"Informal Dwelling" – see Shelter

"Informal Trading" - means the permitted selling of products in areas demarcated and approved by the Municipality specifically for this purpose, such as markets and other demarcated areas, provided that:

- (a) it does not interfere with pedestrian or vehicular movement, or with any municipal utility service; and
- (b) there is no threat to public health or safety.

"Institution" - means a property used as a welfare or private care facility such as an old age, frail or handicapped care facility, or a social facility such as a counselling centre, children's home or reformatory; and includes ancillary administrative, health care and support services for these facilities; but does not include a hospital, clinic or conventional correctional facility (prison).

"Intensive Agronomy" - means the cultivation of crops and plants on an intensive scale and includes the indoor cultivation thereof.

"Land for Settlement" – means land that:-

- (a) has been identified as land for settlement and confirmed as suitable for settlement by way of a feasibility study,
and
- (b) has been defined as "Land for Settlement" and included within a settlement or urban edge in a spatial development framework.

"Land Unit" - means a portion of land depicted on a diagram or general plan approved in terms of the Land Survey Act, 1997 (Act No 8 of 1997) that is registered or capable of being registered in a deeds registry and may include an erf, farm, servitude right or long term lease.

"Land Use Restriction" - means any restriction or requirement in terms of a provision of this document or in terms of a condition of approval issued by the Municipality, applicable to land use and associated development parameters.

"Land Use Scheme" - means the Land Use Scheme consisting of scheme regulations, scheme maps and a register.

"Land Use Scheme Map" – (also referred to as "Zoning Map") - means a map indicating in distinctive colours or symbols, the zonings of land units included in the area of the scheme.

“Lawful Non-conforming Use” - means an existing use and developments on a land unit, that was lawful before the commencement date of this Land Use Scheme, but which does not conform to the permissible uses, land use restrictions or other applicable stipulations of this Land Use Scheme;

“Lawful Use” (in terms of land use management) – means an existing use and development on land that conforms to the provisions of the land use scheme or zoning scheme applicable to such land immediately prior to the commencement date of this Land Use Scheme.

“Linked” in relation to the definitions of "town housing" - means to be connected by means of a common wall or garage.

“Maximum Floor Space” - means the greatest total floor space which is allowed for a building or buildings with all of its floors on a land unit; such floor space is calculated by multiplying the floor factor with the net area of a land unit or that portion of the land unit which is situated within the particular zone; provided that where a land unit has more than one zoning to which different floor factors apply, the maximum floor space for the whole land unit shall be the total of the maximum floor space for each portion of the land unit; further provided that for the purpose of determining the floor space of a building:

- (a) any area, including a basement, that is reserved solely for the parking of vehicles, shall be excluded;
- (b) any area required for an external fire escape shall be excluded;
- (c) subject to (d) below, any balconies, terraces, stairs, stair-wells, verandas, common entrances and common passages covered by a roof shall be included;
- (d) any stairs, lift wells or other wells, in the case of multi-storey buildings, shall only be calculated once; and
- (e) any arcade, with a minimum width of 2m and which at all times provides access through the building concerned from public parking or public road, street or open space to other public parking or public road, street or open space and which at all times is open to the public by means of a servitude, as well as any other covered walkway, shall be excluded.

“Mining” - means an enterprise practicing the extraction of raw materials whether by means of surface or underground methods, and includes the removal of stone, sand, clay, kaolin, ores, minerals and precious stones, and the processing thereof, but not the manufacturing of any related products.

For authorisation procedures, refer to Annexure Q.

“Mobile Home” - means an assembled structure with the necessary service connections, which can be transported without the removal of units or panels, and which may be designed so that it can be used as a permanent dwelling.

“Mortuary” - means a place where bodies are stored on a temporary basis.

“Motor Vehicle” - means a vehicle designed or intended for propulsion by other than human or animal power, and includes a motorcycle and a trailer and caravan, but does not include a vehicle moving exclusively on rails or an aircraft.

“Motor Vehicle Sales Premises” - means land or a building used for the display and selling of motor vehicles. A motor vehicle sales premise may include an

ancillary workshop for mechanical repairs or servicing of vehicles, but not for spray painting, panel beating or body work.

“Natural Ground Level” - means the level of the land surface at any point on a land unit:

- (a) in its unmodified, natural state; or
- (b) if the natural state has been modified, as established from a contour plan lodged with an official agency such as the Municipality or the office of the Surveyor General which, in Municipality’s opinion, depicts the natural ground level; or
- (c) if the natural state has been altered by way of grading or excavation, with Municipality’s approval, for the purpose of development; provided that:
 - i. any grading for the purpose of development shall connect evenly with the existing levels of abutting land units;
 - ii. where land is excavated, the excavated level is deemed to be the natural level of the ground;
 - iii. where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the Municipality shall determine a level for the purpose of administering this scheme; and
 - iv. where land is excavated and the excavated material is used to extend the building site (cut and fill), the Municipality shall determine a level for the purpose of administering this scheme.

“Nature Reserve” - means a national park, provincial park or other nature park in public ownership, or that has been declared as such in terms of legislation and remains in private ownership; it includes an area which is used as a game park or reserve for fauna or flora in its natural habitat and includes the provision of accommodation facilities for tourists or holidaymakers.

“Nodal Edge” (in relation to an approved Spatial Development Framework or Local Spatial Development Framework) - means a demarcated line (and interrelated policy) that defines a nodal development area, outside or separate from an Urban Edge, within which the Municipality will endeavour to support development of clustered authority, institutional, recreational, commercial and social facilities and services, with the express aim of servicing the surrounding rural hinterland.

“Noxious Use/Trade/Industry” - means a use, trade or industry, performed by a public authority, public utility or private entity which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust, including but not limited to:

- (a) waste disposal site, waste-water treatment works;
- (b) enterprises associated with chemical, explosive or nuclear-based manufacturing, warehousing, packaging or distribution; and
- (c) activities described in Annexure P hereto.

“Nursery” - means a property or part thereof that is utilised to grow plants for sale, transplanting or experimentation and includes the sale of plants and gardening products.

“Occasional Use” – means a temporary activity such as craft markets, farmers markets, circuses, religious gatherings, or other outdoor events, even though these are not in accordance with the zoning of the property concerned, subject to Annexure M of this scheme.

“Occupant” - means any person who physically inhabits a building, a structure or land unit.

“Occupational Practice” - means the practicing of a profession, occupation or trade (excluding any noxious activities) from a dwelling unit or outbuildings ordinarily used therewith, on a residential or agricultural property, by the tenant or owner of that property, subject to provisions of Annexure B.

“Occupation Ratio” as determined by the *SABS 0400:1990 - Code of Practice for the Application of the National Building Regulations*, means the restriction of occupation of:

- (a) 2 persons per guest room in hotels, guest houses or bed and breakfast accommodation facilities
- (b) 2 persons per habitable room in boarding houses and dwelling units
- (c) Minimum of 5m² per person in dormitory rooms in residential buildings.

“Offices” - means a room or set of rooms or a building that is used for the performance of an administrative or professional function, but excludes shops and business premises and does not include the storage, handling, distribution or sale of goods.

“Off-sales” - means a facility that is part of a hotel and under the same management as the hotel, where mainly alcoholic beverages are sold in the retail trade.

“Old Age Home” – see Retirement Village

“Outbuilding” - means a structure either attached to or separate from the main unit and designed for the housing of domestic assistants, for the parking of motor vehicles, for domestic storage purposes and for such other uses that are reasonably associated with the use of the main structure.

“Overlay zone” means a mapped overlay superimposed on one or more established zoning areas which may be used to impose supplemental restrictions in terms of other legislation or bylaws on uses in these areas;

“Owner” - in relation to any building, structure or land - means and includes:

- (a) the person or legal entity in whose name the title to such building, structure or land is registered; and
- (b) the lessee, if the building, structure or land is under lease, and the registration thereof is in law necessary for the validity of such lease; or
- (c) the registered owner of an exclusive right of leasehold or deed of grant; or
- (d) If such person or holder (referred to in (a) to (c) above) has passed away, is insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other capacity whatsoever.

- (e) When an owner as herein defined is absent from the area or his/her/their whereabouts are unknown, the expression "owner" includes an authorised agent of such owner.

"Pan-handle Access" - means an access way forming part of a land unit. In the event of it serving a single dwelling, the minimum width shall be 4m. In the event of it serving more than one land unit or more than one dwelling, the minimum width shall be 6m.

"Parking Bay" - means an area which is clearly outlined and demarcated for the parking of one motor vehicle, measuring not less than 5,0m by 2,5m or such other measurement as may be determined by guidelines for off-street parking facilities applicable to the Municipal area.

"Parking Garage" - means a building, or part of a building designed for the parking of motor vehicles with or without a fee, and may include parking within a building.

"Parsonage" - means a dwelling house for the accommodation of a spiritual leader who is a full-time employee of an organization that practices religion in a place of worship, and includes the accommodation of the spiritual leader's family, but does not include a monastery or convent.

"Place of Assembly" - means a public hall, hall for social functions, music hall, concert hall, school hall or exhibition hall which is not directly related to a commercial undertaking, or a town hall or civic centre.

"Place of Entertainment" - means a theatre, cinema, night club, amusement park, games centre, sports centre, gymnasium, billiard room or facility for any form of betting and / or gambling, including where electronic gambling devices are available. Place of Entertainment excludes an adult shop and adult entertainment premises.

"Place of Instruction" - means:

- (a) a pre-primary, primary or secondary school, college, industrial school, academy, university, lecture hall or other centre of instruction, whether public or private, and includes a boarding house for learners or students attached to such place of instruction and staff accommodation appertaining thereto, and
- (b) a convent, monastery, library, museum or day care centre, whether public or private, but does not include a building/complex used or intended to be used wholly or primarily as a certified reformatory.

"Place of Worship" - means a church, synagogue, mosque, temple, chapel or other place for practicing religion and includes any building in connection therewith.

"Private Open Space" - means any land which has been set aside in this scheme for use as a primarily private site for club buildings, sport, play, rest or recreational facilities or conservation and may include public land which is or will be leased on a long term basis by a private entity.

"Professional Services" - means a vocation which is governed by the rules and conduct of a professional institution or body, and in which the practitioners offer their time and skills as a particular service to their clients, as distinct from the sale of a tangible commodity (e.g. medical, dental, veterinary or legal practice, hairdressing service etc.).

"Public Accessible Area" means that part of a building that is accessible to the public (e.g. including, but not limited to foyers, public bars and restaurants in a residential building).

"Public Authority" - means a government department (national or provincial), district or local municipality or other organ of state.

"Public Funded Residential" - means dwelling units which are erected with funds made available by a State department, district or local municipality, state agency or services authority.

"Public Garage" - means a building, including the site, for an undertaking that offers a complete range of services for motor vehicles, including sale of fuel, panel beating, spray-painting and a shop.

"Public Notice" (as referred to in the Land Use Management Bylaws of the Municipality) – means to:

- (a) displayed in a conspicuous place on the land to which the notice relates; and
- (b) delivered by hand to an affected person personally or at that person's physical address; or
- (c) served by way of registered post on the physical address of a person.

"Public Open Space" - means land which falls under, or is intended to come under, the ownership of the Municipality, which is not leased or intended to be leased on a long term basis and which is utilised or will be utilised as an open space, park, garden, playground, sports ground, nature reserve or conservation purposes.

"Public Parking" - means a site or building or part thereof that is accessible to the general public for parking purposes and excludes taxi ranks, bus termini and truck stops.

"Public Road" - means any road or street for public use or any land intended for such purposes.

"Public Street" - means:

- (a) any street that has at any time been:
 - i. dedicated to the public; or
 - ii. used without interruption by the public for a period of thirty years or more; or
 - iii. declared or rendered such by a competent authority; or
- (b) any land with or without buildings or structures thereon, which is shown as a street on:
 - i. any plan or subdivision of a diagram approved by a competent authority and acted upon; or
 - ii. any general plan registered or filed in the Deeds Registry or
 - iii. the office of the Surveyor-General.

"Public Utility" - means a company supplying utility infrastructure and/or services required for the proper functioning of the built environment.

"Rear Boundary" of a land unit - means every boundary thereof (other than the street boundary) which is parallel to, or is within 45 degrees of being parallel to, every street boundary of such a land unit, and which does not intersect a street boundary.

"Register", when used as a noun - means documents held by a Municipality in connection with all departures and rezonings, special consents and subdivisions concerned.

"Renewable Energy Apparatus" – means any apparatus which captures and converts wind, hydro, solar radiation, bio mass or other renewable source into energy.

"Renewable Energy Structure" – means any dedicated structure specifically designed and erected to accommodate apparatus such as wind turbines, hydro turbines, solar energy generating panels (including solar-voltaic and concentrated solar thermal) or bio mass equipment, or grouping thereof, which captures and converts wind, hydro, solar radiation, bio mass or other renewable source into energy for local consumption or commercial gain, irrespective of whether it feeds into an electricity grid or not. This may include associated structures, infrastructures or buildings directly related to the operation of the generation, transmission and distribution of electricity generated by the structure or grouping of structures. Associated structures and infrastructure may include pylons, poles, masts, transformers and sub-stations. Associated buildings may include, but are not limited to, workshops and stores, offices, site canteen, medical station, research facility, guard house and recreational facilities for staff. For Renewable Energy Facilities, the provisions of Annexure O shall apply.

"Renewable Energy Site" - means the land utilised for the Renewable Energy Structure/s, inclusive of associated structures, infrastructure, buildings, and setback lines applicable to such, regardless of cadastral boundaries.

"Residential Building" - means a building (other than a dwelling-house, town house or block of flats) for human habitation, together with such outbuildings as are normally used therewith, and includes a boarding house, residential rooms, a hotel, a guest house, retirement village and a children's home, but does not include other

buildings or uses mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" or "institution".

“Residential Room” - means a habitable room, which forms part of a residential building, in which the proprietor provides lodging, but does not provide meals.

“Resort” - means a resource based holiday or recreational development that is accessible to the public (which may be subject to booking and fee arrangements).

“Resort Accommodation” - means a number of dwelling or accommodation units belonging to one owner, which are only utilised for short term accommodation by travellers or tourists or holidaymakers and which comprise a single business enterprise, which is accessible to the public and of which the individual dwelling or accommodation units are marketed only by means of renting, and includes a caravan park and a camping site, but does not include a hotel.

“Resource” (in relation to a resort) - means a unique or special environmental or recreational attribute.

“Restaurant” - means a business establishment where meals and liquid beverages are prepared and/or served to paying customers for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the premises.

“Retail” - means the sale and supply in any quantities of goods not manufactured nor produced to the order of any person and which are sold to any person for use or consumption by that person, and not for resale.

“Retirement Village” - means a town housing scheme, flats or residential building that conforms to the following additional conditions:

- (a) Each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person;
- (b) a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Municipality. This may include old age and frail care facilities;
- (c) development rules other than those contained in this Scheme may be determined by the Municipality; and
- (d) as defined in Section 1 of the Housing Development Schemes for Retired Persons Act, 1988 (Act 65 of 1988).

“Riding School” - means a place or enterprise used for instruction and training in the riding of horses and includes stabling and hiring out horses for payment.

“Satellite Dish Antenna” - means apparatus fixed to a structure or mounted permanently on the ground, that is capable of receiving or transmitting communication signals from a satellite;

“Scheme Regulations” - means the Land Use Scheme Regulations in terms of Chapter 5 of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013).

“Scrap Yard” - means a building or land that is used for one or more of the following purposes:

- (a) the storing, depositing or collecting of junk or scrap material or articles of which the value depend entirely or partially on the material out of which they are manufactured;

- (b) the dismantling of second-hand vehicles or machines to recover components or material, and
- (c) the storing or sale of second-hand pipes, poles, steel section, wire, lumber, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred.

"Second Dwelling" - means a dwelling that may be erected in addition to the primary dwelling unit

"Service Industry" - means the utilisation of a building or premises for an enterprise that is –

- (a) primarily involved in the rendering of a service to local customers that involves the making or repairing of items ; and
- (b) which is not likely, in the event of fire, to cause excessive combustion or explosions, or give rise to poisonous fumes being released; and
- (c) may include a carpenter's, welder's, engineering or panel beating workshop.
- (d) but does not include an abattoir, a brickmaking site, a waste disposal site, waste-water treatment works, a service station or public garage.

"Service Station" - means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres and motor spares, the servicing or washing of motor vehicles or the operation of a restaurant or convenience shop, but excludes spray painting, panel beating or body or blacksmith work.

"Setback" - means the line delimiting the area measured from the centre line of the street, or from another line, structure or feature as specified, within which no building or other particular structure may be erected.

"Shelter" - means a structure and unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such structure or material may not comply with the standards or requirement for durability intended by the National Building Act;

"Shop" - means a site or building or structure used for the purpose of carrying on a retail trade and includes a restaurant, launderette, a dry cleaner or a retail concern where goods which are sold in such concern are manufactured or repaired, provided that the floor area relating to such manufacture or repair, comprises not more than one third of the floor area of the shop.

Shop does not include an industry, noxious use or trade or industry, service station, bottle store or supermarket.

"Shopping Centre" – means a primarily retail development that is planned, built and managed as a single entity, comprising of a single or several retail concerns on a common site with a minimum gross leasable area (GLA) of 4 000 m². The retail space and walkways may be combined under a single or linked roofs, separated from vehicular movement and parking (a Retail Mall) or accommodated in separate buildings integrated with the vehicular movement and parking. A shopping centre may include other business uses as permitted under "Business Premises".

"Side Boundary" - means any boundary of a land unit that does not constitute the common boundary with a public street or public road and does not include a rear boundary.

"Spatial Development Framework" – means a forward looking plan that consists of development goals, strategies and guidelines, and indicates spatial implications, desired spatial outcomes and proposals for the areas to which it relates. Such Spatial Development Framework can be prepared on a National, Provincial, Regional, Municipal or Local Area scale.

"Special Usage" - means a use which is such, or a use of which the land use restrictions are such, that it is not catered for in these regulations; and which is set out in detail and of which the land use parameters are set out in detail by means of conditions of approval and a Site Development Plan.

"Storey" - means a single level of a building, excluding a basement, which does not exceed a height of 3m (unless otherwise specified) measured from finished floor level to finished floor level or to the ceiling in the case of the top storey, or to a level equivalent to the height of the outside wall of a building if no horizontal ceiling is present; provided that

- (a) a roof, or dome which forms part of a roof, shall not constitute a separate storey, unless the space within the roof is designed for, or used for human occupation, in which case it is deemed to be a storey; and
- (b) any storey which is greater than the permitted height of a single storey but equal to or less than the permitted height of 2 storeys, shall for the purposes of height measurement be deemed to be two storeys, any additional height of a storey or portion thereof, shall be deemed to be an additional storey.

"Street Boundary" - means the boundary of a site or land unit which is also its boundary with a street; provided that where a portion of a site or land unit is reserved for street or street widening purposes in terms of the Land Use Scheme or any other law, the street boundary of the site or land unit shall be the boundary of such proposed new street or proposed street widening; and provided further that in the event of a panhandle land unit, the street boundary shall be the boundary facing the street or the boundary which affords access to the street.

"Subdivide and Subdivision" - has the meanings assigned to it in the Act.

"Supermarket" - means a shop with a net retail floor space of not less than 350 m², which is utilised for sales on a basis of self-service.

"Tavern" - means a home-based business that provides for on-site consumption of food and liquor in a dwelling unit, provided that all provisions described in Annexure F are complied with.

"Telecommunication Infrastructure" - means any part of the infrastructure of a telecommunication network for fixed line (fibre optic, copper or other cables) or wireless communication, including voice, data and video telecommunications, provided by telecommunication providers, including cellular network operators. This may include:

- (a) Antennas and satellite dish antennas;
- (b) Any support structure;
- (c) Equipment room;
- (d) Radio equipment or optical communications equipment (laser or infra-red);
- (e) All ancillary structures needed for the operation of telecommunication infrastructure.

This definition excludes point-to-point fibre optic, copper or other cable installations.

“Telecommunication Installation” - means an installation used to accommodate telecommunication infrastructure for the transmitting or receiving of communication signals. Such installation may include a freestanding support structure on land or may be attached to a building or structure.

“Tenement” - means a building containing rooms, or free standing rooms separately occupied as dwelling units.

“Tourist Facilities” - means amenities for tourists or visitors such as a function venue, lecture rooms, restaurants, gift shops and restrooms, but does not include overnight accommodation.

“Town House” - means a dwelling unit that must have a ground floor, which forms part of a town-housing scheme.

“Town Housing”/“Town Housing Scheme” - means a walled group of separate and/or attached dwelling units which is planned, designed and built as a harmonious architectural entity and of which every dwelling unit has a ground floor; the dwelling units may either be cadastrally subdivided or not.

“Transport Facility” - means a designated area with associated facilities that serves as a taxi rank, bus terminus or truck stop, but does not include public parking.

“Transport Usage” - means a public or private transport undertaking based on the provision of a transport service such as railways and airports, and includes facilities to service the needs of commuters and for the handling and storage of freight.

“Undertaker” – means a person whose business is preparing dead bodies for burial or cremation and making arrangements for funerals.

“Utility Service” - means a use or infrastructure provided by a public authority, or private or public utility that is required to provide engineering and associated services for the proper functioning of:

- (a) The built environment and includes a dam, reservoir and purification works, electricity substation and transmission lines, stormwater retention facilities, and a waste-water pump station.
- (b) Agricultural or other production schemes and includes dams, canals, pump stations, electricity substation and transmission lines.

No part of such use or infrastructure may constitute a noxious use. “Utility service” does not include road, transport use or telecommunication installations.

“Urban Edge” (in relation to an approved Spatial Development Framework or Local Spatial Development Framework) - means a demarcated line (and interrelated policy) that defines the zone within which the Municipality will endeavour to upgrade levels of infrastructure over a period of time and according to available resources, to support higher densities of residential, industrial, and commercial development.

“Water Resource” – means wetlands and watercourses.

“Warehouse” - means either a site/building/room where goods are stored, or a wholesale business.

“Wholesale” - means the sale and supply in any quantity of goods to a bona fide retailer for resale to the public.

“Wind Turbine” - means an apparatus that converts energy from wind to electricity that may or may not be linked to an electricity provider’s grid or network and may

comprise rotating parts (propeller), a generator, a mast, tower or any infrastructure in support thereof;

"Zone", when used as a noun - means land set apart by a Land Use Scheme for a particular zoning, irrespective of whether it comprises one or more land units or part of a land unit.

"Zone", when used as a verb in relation to land - means to set apart the land for a particular zoning.

"Zoning", when used as a noun - means a category of directions setting out the purpose for which land may be used and the land use restrictions applicable in respect of the said category of directions, as determined by relevant Land Use Scheme regulations.

"Zoning Map" – refer to "Land Use Scheme Map".

2. ZONING AND LAND USE

2.1. COMPONENTS OF THE LAND USE SCHEME

This Land Use Scheme consists of three components, namely:

- (a) Scheme regulations
- (b) Land use scheme map(s), in so far as the scheme is mapped
- (c) Scheme register, in so far as any departures, special consents and rezonings have been approved by the municipality.

2.2. ZONING OF LAND

The land units indicated on the land use scheme map, by way of colour and electronic notations as reflected in Columns 2 or 3 of **Table A**, are zoned for the respective purposes indicated in Column 1 of **Table A** and shall not be used for any other purpose whatsoever.

TABLE A




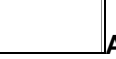
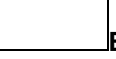
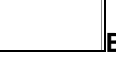

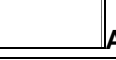



















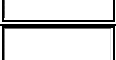



















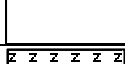

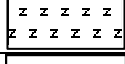


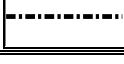
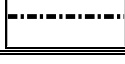
COLUMN 1 ZONING	COLUMN 2 COLOUR NOTATION	COLUMN 3 ELECTRONIC NOTATION			MONOCHROME NOTATION	
		RGB CODES				VISUAL REPRESENTATION
		R	G	B		
Agricultural Zone	Light green	194	254	194		
Residential Zone IA	Yellow with fine black cross hatching	255	255	0	 A	 A
Residential Zone IB	Yellow with fine black diagonal hatching	255	255	0	 B	 B
Residential Zone IIA	Yellow	255	255	0	 A	 A
Residential Zone IIB	Yellow with fine black hatching	255	255	0	 B	 B
Residential Zone IIC	Yellow-brown	186	165	0	 C	 C
Residential Zone III	Yellow with wide black hatching	255	255	0		
Residential Zone IV	Orange	255	170	0		
Business Zone I	Dark blue	0	150	255		
Business Zone II	Light blue with black diagonal broken line hatching	190	232	255		
Business Zone III	Light blue with black diagonal hatching	190	232	255		
Industrial Zone I	Purple	197	0	255		
Industrial Zone II	Red-purple with fine black hatching	197	0	255		
Institutional Zone I	Grey	210	210	210		
Institutional Zone II	Grey with fine black hatching	210	210	210		
Institutional Zone III	Grey with black diagonal broken line hatching	204	204	204		

TABLE A (continued)

COLUMN 1 ZONING	COLUMN 2 COLOUR NOTATION	COLUMN 3 ELECTRONIC NOTATION			MONOCHROME NOTATION	
		RGB CODES				VISUAL REPRESENTATION
		R	G	B		
Resort Zone	Pink	255	190	232		
Open Space Zone I	Dark-green	1	129	0		
Open Space Zone II	Dark-green with black diagonal broken line hatching	1	129	0		
Open Space Zone III	Dark-green outline	1	129	0		
Transport Zone I	Dark-brown	137	90	68		
Transport Zone II	Light-brown	172	153	138		
Transport Zone III	Light-brown with black diagonal hatching	172	153	138		
Authority and Utility Zone	Red	255	0	0		
Renewable Energy Zone	Light Red with black diagonal broken line hatching	255	127	127		
Special Zone	Light blue	0	197	255		
Scheme Map Boundary	Broken black outline	255	190	232		

2.3. USE OF LAND AND BUILDINGS IN SPECIFIED USE ZONES (Refer Table B)

Zoning Categories

Column 1 of Table B reflects the various **Zoning Categories** contained in this Scheme.

Primary Use Rights

Column 2 of Table B lists the **Primary Uses** for which land and buildings in each of the Zones may be used.

Consent Uses

Column 3 of Table B lists the uses for which land and buildings in each of the Zones may be used subject to the Municipality's consent. These are referred to as **Consent Uses**.

Only the uses that are reflected in Columns 2 or 3 of Table B shall be permitted in the zone concerned – either as a Primary Use or Special Consent Use.

Permitted buildings and uses may be subject to departures, which may make the right attached to a land unit greater or lesser than may appear from the notation on the land use scheme map. In such cases the relevant information relating to the land unit shall be recorded in the scheme register kept for this purpose.

2.4. ZONING IN ACCORDANCE WITH USE

Land falling under ownership of a public authority shall only be included in the Authority / Utility Zone if the current use and intended future combination of uses thereon are such that no other zone in Table B is appropriate. If any other zone in Table B is appropriate, the land needs to be zoned for that purpose whether or not a public authority owns it.

TABLE B

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Agricultural Zone (Agricultural land)	Agriculture, Intensive Agronomy, Dwelling-House, Nursery, Conservation Usage, Commonage, Cultural and Social Ceremonies, Aquaculture, Boarding Kennels, Riding School	Farm Stall, Agricultural Industry, Feed Pen Farming, Abattoir, Tourist Facilities, Day Care Centre, Second Dwelling, 3-5 Room Bed & Breakfast, Guest House, Utility Service, Telecommunication Installation, Renewable Energy Structure (non-commercial)
Residential Zone IA (Incremental Settlement Zone)	Shelter, Dwelling House, Other Uses (subject to conditions in Section 3.2.2)	None
Residential Zone IB (Public funded residential)	Dwelling-house	Day Care Centre, Institution, Second Dwelling Unit, 3-5 Room Bed & Breakfast, Guest House, Utility Service, Telecommunication Installation, Cultural and Social Ceremonies
Residential Zone II (Single Residential)	Dwelling-House	Day Care Centre, Second Dwelling, 3-5 Room Bed & Breakfast, Guest House, Institution, Utility Service, Telecommunication Installation, Cultural and Social Ceremonies


COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Residential Zone III (Town Housing < 50 units/ha)	Town House - up to 50 units/ha, Dwelling House, Estate Housing, Holiday Housing, Private Open Space	Retirement Village, Day Care Centre, 3-5 Room Bed & Breakfast, Boarding House, Guest House, Utility Service, Telecommunication Installation
Residential Zone IV (Higher density Town Housing and Flats > 50 units/ha)	Town House, Flats - Above 50 Units/Ha, Dwelling House, Private Open Space	Retirement Village, 3-5 Room Bed & Breakfast, Boarding House, Residential Rooms, Hotel, Guest House, Children’s Home, Day Care Centre, Utility Service, Telecommunication Installation
Business Zone I (High Intensity Mixed Use of Business, Institutional and Residential Nature)	Business Premises, Supermarket, Bottle Store, Place of Entertainment, Parking Garage, Town Houses, Flats, Boarding House, Residential Rooms, Hotel and Off-Sales, 3-5 Room Bed & Breakfast, Guest House, Funeral Parlour, Place of Worship, Place of Assembly, Utility Service, Institution, Professional Services, Dwelling House, Clinic, Restaurant, Nursery, Warehouse, Shop, Offices, Bank, Car Wash, Motor Vehicle Sales Premises.	Commercial Premises, Service Industry, Place of Instruction, Service Station, Shopping Centre, Adult Shop and Adult Entertainment Premises, Day Care Centre, Mortuary, Telecommunication Installation.
Business Zone II (Medium to Low Intensity Mixed Use of Business, Institutional and Residential Nature)	Shop, Offices, Professional Services, Town House, Flats, Boarding House, Residential Rooms, Hotel, 3-5 Room Bed & Breakfast, Guest House, Institution, Utility Service, Dwelling House, Place of Worship, Restaurant.	Place of Assembly, Supermarket, Business Premises, Service Station, Warehouse, Bank, Nursery, Funeral Parlours, Parking Garage, Bottle Store, Off-Sales (Linked to Hotel), Day Care Centre, Clinic, Place of Instruction, Telecommunication Installation.
Business Zone III (High Intensity Mixed Use of Business, Commercial and Service Industrial Nature)	Commercial Premises, Service Industry, Warehouse, Car Wash, Parking Garage, Funeral Parlour, Mortuary, Service Station, Public Garage, Motor Vehicle Sales Premises, Adult Shop and Adult Entertainment Premises, Place of Entertainment, Place of Worship, Utility Service.	Transport Facility, Telecommunication Installation.

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Industrial Zone I (Industry)	Industry, Service Industry, Industrial Café, Service Station, Parking Garage, Warehouse, Public Garage, Funeral Parlour and Mortuary, Car Wash, Scrap Yard, Utility Service, Telecommunication Installation.	Abattoir, Crematorium, Aquaculture, Transport Facility, Rooms used for Security Guards or Caretakers
Industrial Zone II (Noxious Use, Trade or Industry)	Noxious Use, Trade or Industry, Industry, Scrap Yard, Crematorium, Utility Service, Telecommunication Installation	Abattoir, Rooms Used For Security Guards or Caretakers
Institutional Zone I (Education)	Place of Instruction, School, Place of Assembly, Day Care Centre, Utility Service	Place of Worship, Institution, Telecommunication Installation
Institutional Zone II (Worship)	Place of Worship, Parsonage, Place of Assembly, Day Care Centre, Utility Service	Place of Instruction, Institution, Telecommunication Installation
Institutional Zone III (Health and Social Care)	Institution, Hospital, Clinic, Place of Assembly, Day Care Centre, Utility Service	Place of Instruction, Place of Worship, Telecommunication Installation
Resort Zone (Holiday and recreation)	Resort, Resort Accommodation, Holiday Accommodation, Caravan Park, Camping Site, Recreation Complex, Caretaker’s Cottage, Convenience Shop, Tourist Facilities, Private Open Space.	Hotel, Place of Assembly, Utility Service, Telecommunication Installation
Open Space Zone I (Public Open space)	Public Open Space, Conservation Usage, Utility Service	Certain Associated Structures and Activities, Informal Trading, Cultural and Social Ceremonies, Agriculture, Telecommunication Installation, Cemetery
Open Space Zone II (Private Open Space)	Private Open Space, Conservation Usage, Nature Reserve	Certain Associated Structures and Activities, Cultural and Social Ceremonies, Agriculture, Utility Service, Telecommunication Installation, Cemetery

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Open Space Zone III (Conservation)	Conservation Usage, Nature Reserve	Dwelling House, Additional Dwellings, Resort Accommodation, Camping Site, Caravan Park, Certain Associated Structures and Activities, Cultural and Social Ceremonies, Place of Assembly, Utility Service, Telecommunication Installation
Transport Zone I (Rail and Air Transport Services)	Transport Usage, Utility Service	Parking Garage, Certain Associated Structures and Activities, Transport Facility, Telecommunication Installation
Transport Zone II (Public Roads and Parking)	Public Road, Public Street, Public Parking, Parking Garage, Utility Service	Certain Associated Structures and Activities, Informal Trading, Telecommunication Installation
Transport Zone III (Bus & Taxi Transport Facilities)	Transport Facility, Taxi Rank, Bus Terminus, Truck Stop, Utility Service, Car Wash	Parking Garage, Certain Associated Structures and Activities, Service Station, Telecommunication Installation
Authority and Utility Zone	Authority Usage, Utility Service, Telecommunication Installation, Commonage	Cemetery, Crematorium, Cultural and Social Ceremonies, noxious uses such as Waste Disposal Sites or Waste-Water Treatment Works
Renewable Energy Zone	Renewable Energy Structure, Renewable Energy Site, Agriculture	All other land uses that may be necessary to support the renewable energy endeavour.
Special Zone	Special Usage	Not Applicable


3. PLANNING CONTROL

3.1 Agricultural Zone


Agricultural Zone (Agricultural land) 	Intent This Zone aims to secure agricultural land to sustain a valuable economic sector and to protect it from developments that will render the land less suitable for agriculture, or detract from its aesthetic and cultural value. Through appropriate agricultural land use management, the Agricultural Zone needs to promote conservation of sensitive areas and maintain rural characteristics which are valued by the community. Complementary activities to conventional agriculture can assist with the viability of the sector, and to this end, compatible uses are permitted as consent uses, provided the latter do not detract from agriculture as the main productive activity. Limited provision is made for non-agricultural uses to provide owners with opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource.								
SPC Alignment	BUFFER B.a	where owners(s) choose, or are obliged by legislation to: practice conservation agriculture; limit intensive activities in sensitive / high biodiversity priority areas; agree to form part of a conservancy and abide by the management rules for such conservancy; and/or manage the land or part thereof as a conservation area.							
	AGRICULTURAL AREAS C.a; C.b; C.c	secures agricultural land to sustain a valuable economic sector and to protect it from developments that will render the land less suitable for agriculture, or detract from its aesthetic and cultural value. Complementary and compatible uses are permitted as consent uses. Limited provision is made for non-agricultural uses to provide owners with opportunity to increase the economic potential of their properties.							
	INDUSTRIAL AREAS E.a	consent for agricultural industry							
PRIMARY USE	CONSENT USES				Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.
					Street	Side	Rear		
Intensive Agronomy, Dwelling-House, Nursery, Conservation Usage, Commonage, Cultural and Social Ceremonies, Agriculture, Aquaculture, Boarding Kennels, Riding School, Nature-Based Recreational Activities.	Farm Stall, Agricultural Industry, Feed Pen Farming, Abattoir, Tourist Facilities, Day Care Centre, 2nd Dwelling (Annexure H), 3-5 Room Bed & Breakfast (Annexure K), Guest House (Annexure K), Utility Services, Telecommunication Installation (Annexure N), Renewable Energy Structure (Annexure O)				10	10	10	-	-
Additional Provisions									
Minimum Farm Size: <ul style="list-style-type: none"> • Within Urban Edge: 0,8 ha • Outside Urban Edge: 10 ha (Subject to Act 70 of 1970 approval). Provisions applicable to additional uses linked to dwelling: <ul style="list-style-type: none"> • 1-2 Room B&B – Annexure K • Home-based Care – Annexure C • Letting of rooms – Annexure A • Occupational Practice – Annexure B 	Farm Worker Accommodation <ul style="list-style-type: none"> • Bona fide employees' accommodation or dwelling unit for employees shall not be regarded as a second or additional dwelling unit for the purposes of these regulations Only buildings and uses that are directly related to the permissible primary uses or authorised consent use activities on the relevant agricultural unit shall be erected or practised in this zone.								
Other Relevant Annexures									

<p>Annexure D - Occupation Ratios Applicable to Residential Use Annexure H – Policy for erecting a second dwelling unit Annexure N - Policy for Telecommunication Installations Annexure O - Policy for Renewable Energy Structures</p>	<p>Annexure Q - Policy for Permitting Mining Activities Annexure R - Policy for Land Development in close proximity to Water Resources (Drainage Courses & Wetlands)</p>
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3.2 Residential Zone IA

Residential Zone IA (Incremental Settlement Zone)  A	Intent The Incremental Settlement Zone is designed to provide for the formal designation and gradual development by the Municipality, of areas that are identified in the SDF for public funded settlement development and that have been confirmed as land for settlement by way of appropriate development feasibility assessment processes that covers geotechnical, topographical, environmental, infrastructural and where appropriate, floodline considerations. The zone makes provision for the entire spectrum of development activities including demarcation, occupation, infrastructure development, construction and tenure registration.					
SPC Alignment	URBAN RELATED D.h					
PRIMARY USE	CONSENT USES	Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.
		Street	Side	Rear		
Shelter, Dwelling House, Other uses, subject to such uses not: <ul style="list-style-type: none"> being out of character with residential settlement; constituting a source of nuisance in terms of excessive noise or generation of dust, fumes, smoke, or waste material which could be detrimental to health of the residents; or requiring special waste removal processes. 	None	n/a	n/a	n/a	n/a	n/a
Additional Provisions						
Shelters: <ul style="list-style-type: none"> Where shelters are utilised as temporary dwellings until the development formalisation and upgrade process for the local area is complete, it shall be the sole responsibility of the owner of a shelter to ensure the structural safety, habitability, fire resistance or other standards that may be laid down by the Municipality and to comply if instructed by the Municipality to take action to remedy a public safety, health or fire risk. 						


3.3 Residential Zone IB

Residential Zone IB (Public funded residential)  B	Intent The Incremental Settlement Zone is designed to provide for the formal designation and gradual development by the Municipality, of areas that are identified in the SDF for public funded settlement development and that have been confirmed as land for settlement by way of appropriate development feasibility assessment processes that covers geotechnical, topographical, environmental, infrastructural and where appropriate, floodline considerations.. The zone makes provision for the entire spectrum of development activities including demarcation, occupation, infrastructure development, construction and tenure registration.								
SPC Alignment	URBAN RELATED D.h								
PRIMARY USE		CONSENT USES			Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.
					Street	Side	Rear		
Dwelling-house		Day Care Centre, Institution, Second Dwelling (Annexure H), 3-5 Room Bed & Breakfast (Annexure K), Guest House (Annexure K), Utility Services, Telecommunication Installation (Annexure N), Cultural and Social Ceremonies			1	1	1	2	70% 1.4
Additional Provisions (once a settlement layout or plan is in place and land unit boundaries are demarcated on the land)									
Building Lines <ul style="list-style-type: none"> Street Building Line: 1m - provided that there shall be no restriction in respect of a garage with a roll-up door. Minimum Side Building Line: 1m on one boundary; provided that where a building is erected less than 1m from a side boundary, no doors or windows shall be permitted in the wall concerned. Minimum Rear Building Line: 1m - provided further that if a midblock sewage system is provided, a suitable servitude will be registered in favour of the Municipality. Minimum Erf Size: <ul style="list-style-type: none"> As determined by the Municipality Parking: (also refer Annexure L) <ul style="list-style-type: none"> 1 bay/land unit, if so required by the Municipality. 					Access and roads <ul style="list-style-type: none"> All roads must be Public Roads Provisions applicable to additional uses linked to a dwelling: <ul style="list-style-type: none"> 1-2 Room B&B – Annexure K Home-based Care – Annexure C Letting of rooms – Annexure A Occupational Practice – Annexure B 				
Other Relevant Annexures									
Annexure D - Occupation Ratios Applicable to Residential Use Annexure E - Policy for Permitting Carports Annexure F - Policy for Informal Alcohol Retail Operations (Taverns) Annexure G - Policy for Informal Retail Operations House Shops (Spaza Shops)					Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses				


3.4 Residential Zone IIA

<p>Residential Zone IIA (Single Residential)  A</p>	<p>Intent This zone is designed to provide for the use of land or buildings for low, medium and higher density residential and ancillary use development with an urban character. Development will be inside the Urban Edge with urban levels of infrastructure. The zone allows for controlled opportunities for home employment, additional dwellings and low intensity mixed-uses</p>								
<p>SPC Alignment</p>	<p>URBAN RELATED D.h</p>								
<p>PRIMARY USE</p>		<p>CONSENT USES</p>			<p>Building Lines (m)</p>		<p>Height (Storey)</p>	<p>Coverage (%) F.A.R.</p>	
<p>Dwelling-House</p>		<p>Day Care Centre, Institution, Second Dwelling (Annexure H), 3-5 Room Bed & Breakfast (Annexure K), Guest House (Annexure K), Utility Services, Telecommunication Installation (Annexure N), Cultural and Social Ceremonies</p>			<p>3</p>	<p>2</p>	<p>1</p>	<p>2</p>	<p>70% 1.4</p>
<p>Additional Provisions</p>									
<p>Minimum Erf Size: <ul style="list-style-type: none"> As determined by the Municipality Parking: (also refer Annexure L) <ul style="list-style-type: none"> 1 bay / dwelling unit Normal Erf Size Range <ul style="list-style-type: none"> <499m² </p>					<p>Minimum Developable Area of an Erf: <ul style="list-style-type: none"> The developable area of an erf may not be less than 75% of the stipulated minimum erf size Provisions applicable to additional uses linked to a dwelling: <ul style="list-style-type: none"> 1-2 Room B&B – Annexure K Home-based Care – Annexure C Letting of rooms – Annexure A Occupational Practice – Annexure B </p>				
<p>Other Relevant Annexures</p>									
<p>Annexure D - Occupation Ratios Applicable to Residential Use Annexure E - Policy for Permitting Carports Annexure F - Policy for Informal Alcohol Retail Operations (Taverns) Annexure G - Policy for Informal Retail Operations House Shops (Spaza Shops)</p>					<p>Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses</p>				


3.5 Residential Zone IIB

Residential Zone IIB (Single Residential)  B	Intent This zone is designed to provide for the use of land or buildings for low, medium and higher density residential and ancillary use development with an urban character. Development will be inside the Urban Edge with urban levels of infrastructure. The zone allows for controlled opportunities for home employment, additional dwellings and low intensity mixed-uses							
SPC Alignment	URBAN RELATED D.h							
PRIMARY USE Dwelling-House	CONSENT USES Day Care Centre, Institution, Second Dwelling (Annexure H), 3-5 Room Bed & Breakfast (Annexure K), Guest House (Annexure K), Utility Services, Telecommunication Installation (Annexure N), Cultural and Social Ceremonies			Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.
				Street	Side	Rear		50% 1
Additional Provisions								
Minimum Erf Size: <ul style="list-style-type: none"> • 500m² Parking: (also refer Annexure I) <ul style="list-style-type: none"> • 2 bays / dwelling unit Normal Erf Size Range <ul style="list-style-type: none"> • 500 – 1 199m² 				Minimum Developable Area of an Erf: <ul style="list-style-type: none"> • The developable area of an erf may not be less than 75% of the minimum erf size. Provisions applicable to additional uses linked to a dwelling: <ul style="list-style-type: none"> • 1-2 Room B&B – Annexure K • Home-based Care – Annexure C • Letting of rooms – Annexure A • Occupational Practice – Annexure B 				
Other Relevant Annexures								
Annexure D - Occupation Ratios Applicable to Residential Use Annexure E - Policy for Permitting Carports Annexure F - Policy for Informal Alcohol Retail Operations (Taverns) Annexure G - Policy for Informal Retail Operations House Shops (Spaza Shops)				Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses				


3.6 Residential Zone IIC

Residential Zone IIC (Single Residential)  C	Intent This zone is designed to provide for the use of land or buildings for low, medium and higher density residential and ancillary use development with an urban character. Development will be inside the Urban Edge with urban levels of infrastructure. The zone allows for controlled opportunities for home employment, additional dwellings and low intensity mixed-uses								
SPC Alignment	URBAN RELATED D.h								
PRIMARY USE		CONSENT USES			Building Lines (m)		Height (Storey)	Coverage (%) F.A.R.	
					Street	Side			Rear
Dwelling-House		Day Care Centre, Institution, Second Dwelling (Annexure H), 3-5 Room Bed & Breakfast (Annexure K), Guest House (Annexure K), Utility Services, Telecommunication Installation (Annexure N), Cultural and Social Ceremonies			4.5	2	2	2	50% 1
Additional Provisions									
Minimum Erf Size: <ul style="list-style-type: none"> 1200m² Parking: (also refer Annexure L) <ul style="list-style-type: none"> 2 bays / dwelling unit Normal Erf Size Range <ul style="list-style-type: none"> > 1 200m² 				Minimum Developable Area of an Erf: <ul style="list-style-type: none"> The developable area of an erf may not be less than 75% of the minimum erf size. Provisions applicable to additional uses linked to a dwelling: <ul style="list-style-type: none"> 1-2 Room B&B – Annexure K Home-based Care – Annexure C Letting of rooms – Annexure A Occupational Practice – Annexure B 					
Other Relevant Annexures									
Annexure D - Occupation Ratios Applicable to Residential Use Annexure E - Policy for Permitting Carports Annexure F - Policy for Informal Alcohol Retail Operations (Taverns) Annexure G - Policy for Informal Retail Operations House Shops (Spaza Shops)				Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses					


3.7 Residential Zone III

Residential Zone III (Town Housing up to 50 units/ha) 	Intent This zone accommodates higher density residential development with a clustered layout and internal private infrastructure and roadways. It also includes controlled opportunities for home employment and low-intensity mixed-use development.								
SPC Alignment	URBAN RELATED D.h								
PRIMARY USE		CONSENT USES			Building Lines (m)		Height (Storey)	Coverage (%) F.A.R.	
Town House - up to 50 units/ha, Dwelling House, Estate Housing, Holiday Housing, Private Open Space		Retirement Village, Day Care Centre, Boarding House, 3-5 Room Bed & Breakfast (Annexure K), Guest House (Annexure K), Utility Services, Telecommunication Installation (Annexure N)			4.5	3	3	2	70% 1.4
Additional Provisions									
Minimum Erf Size of parent property (in the event of a rezoning to this zone): <ul style="list-style-type: none"> • 600m² Access and roads <ul style="list-style-type: none"> • All internal roads must be Private Roads Parking: (also refer Annexure L) <ul style="list-style-type: none"> • 2 bays / town house, provided that bays may be provided at the units or in the form of communal parking for the complex, provided that parking areas should be clearly demarcated and signposted to the satisfaction of the Municipality. Refuse collection area: <ul style="list-style-type: none"> • A refuse collection area, screened by a wall from the view from outside the complex, shall be provided to the satisfaction of the Municipality. 					Home Owners' Association: <ul style="list-style-type: none"> • Upon subdivision and rezoning of a property to Residential Zone III, a Section 21 Company or Home Owners Association must be established to take responsibility for all common property and matters of common interest. In the event of a Sectional Title Scheme being registered, a Body Corporate will be established to fulfil this function. Provisions applicable to additional uses in a dwelling (subject to the consent of the Home Owners' Association or Body Corporate in a Sectional Title Scheme being obtained): <ul style="list-style-type: none"> • 1-2 Room B&B – Annexure K • Home-based Care – Annexure C • Letting of rooms – Annexure A • Occupational Practice – Annexure B 				
Other Relevant Annexures									
Annexure D - Occupation Ratios Applicable to Residential Use Annexure E - Policy for Permitting Carports Annexure I - Additional Provisions Applicable to Building Lines					Annexure J - Additional Provisions Applicable to Building Height Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)				


3.8 Residential Zone IV

Residential Zone IV (Higher density Town Housing and Flats above 50 units/ha) 	Intent This zone promotes higher-density residential development, including higher density town housing and blocks of flats. The dominant use is intended to be residential, but limited mixed-use development is possible						
SPC Alignment	URBAN RELATED D.h						
PRIMARY USE	CONSENT USES			Building Lines (m)		Coverage (%) F.A.R.	
Town House, Flats - Above 50 Units/Ha, Dwelling House, Private Open Space	Retirement Village, Boarding House, Residential Rooms, Hotel, 3-5 Room Bed & Breakfast (Annexure K), Guest House (Annexure K), Children's Home, Day Care Centre, Utility Service, Telecommunication Installation (Annexure N).			Street 4.5	Side 3	Rear 3	Height (Storey) 3 Coverage (%) 70% F.A.R. 3
Additional Provisions							
Minimum Erf Size of parent property (in the event of a rezoning to this zone): <ul style="list-style-type: none"> 800m² Access and roads <ul style="list-style-type: none"> All internal roads must be Private Roads Parking: (also refer Annexure L) <ul style="list-style-type: none"> 2 bays / town house or dwelling house. 2 bays / flat with more than one habitable room. 1 bay / flat with one habitable room Communal Open Space: <ul style="list-style-type: none"> At least 10% of the size of the Erf must be provided for as combined, communal and functional open space 	Refuse collection area: <ul style="list-style-type: none"> A refuse collection area, screened by a wall from the view from outside the complex, shall be provided to the satisfaction of the Municipality. Home Owners' Association: <ul style="list-style-type: none"> Upon subdivision and rezoning of a property to Residential Zone IV, a Section 21 Company or Home Owners Association must be established to take responsibility for all common property and matters of common interest. In the event of a Sectional Title Scheme being registered, a Body Corporate will be established to fulfil this function. Provisions applicable to additional uses in a dwelling (subject to the consent of the Home Owners' Association or Body Corporate in a Sectional Title Scheme being obtained): <ul style="list-style-type: none"> 1-2 Room B&B – Annexure K Home-based Care – Annexure C Letting of rooms – Annexure A Occupational Practice – Annexure B 						
Other Relevant Annexures							
Annexure D - Occupation Ratios Applicable to Residential Use Annexure E - Policy for Permitting Carports Annexure I - Additional Provisions Applicable to Building Lines	Annexure J - Additional Provisions Applicable to Building Height Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)						


3.9 Business Zone I

Business Zone I (High Intensity Mixed Use of Business, Institutional and Residential Nature) 	Intent This zone provides for general business activity and mixed-use development of medium to high intensity in business districts and development corridors. It includes a wide range of land uses such as business, residential and community uses but excludes industrial use.					
SPC Alignment	URBAN RELATED D.i; D.m					
PRIMARY USE	CONSENT USES	Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.
		Street	Side	Rear		
Business Premises, Supermarket, Bottle Store, Place of Entertainment, Place of Assembly, Town Houses, Flats, Boarding House, Residential Rooms, Hotel and Off-Sales, 3-5 Room Bed & Breakfast (Annexure K), Guest House (Annexure K), Professional Services, Institution, Funeral Parlour, Place of Worship, Dwelling House, Parking Garage, Utility Service, Clinic, Restaurant, Nursery, Warehouse, Shop, Offices, Bank, Car Wash, Motor Vehicle Sales Premises	Commercial Premises, Service Industry, Place of Instruction, Day Care Centre, Service Station, Shopping Centre, Adult Shop and Adult Entertainment Premises, Mortuary, Telecommunication Installation (Annexure N)	0	0	0	Subject to Municipal discretion	100%
Additional Provisions						
Street Building Line: <ul style="list-style-type: none"> 0m, subject to 10m from centre line of road reserve if the road reserve width is less than 20m wise Additional Provisions applicable to Side and Rear Building Line - refer Annexure I Parking and Loading : (also refer Annexure L) <ul style="list-style-type: none"> Ground floor - 6 bays/100m² G.L.A. Other storeys - parking based on the use – as set out in Annexure L. Adult Shop or Adult Entertainment Premises: <ul style="list-style-type: none"> The street front and entrance shall be discreet and unobtrusive, and no pornographic, sexually explicit or erotic material shall be visible from outside the premises. 	Mortuaries <ul style="list-style-type: none"> All loading and off-loading of coffins and/or bodies shall take place on-site and such areas shall be screened from view from outside the perimeter of the premises to the satisfaction of the Municipality. Places of Entertainment that includes any form of Betting and / or Gambling <ul style="list-style-type: none"> All parts of a building or premises where gambling and/or betting activities are accommodated must be closed off and screened, with access to such parts of buildings or premises being restricted to persons under the age of 18 years. 					
Other Relevant Annexures						
Annexure D - Occupation Ratios Applicable to Residential Use Annexure J - Additional Provisions Applicable to Building Height	Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses					

3.10 Business Zone II

<p>Business Zone II (Medium to Low Intensity Mixed Use of Business, Institutional and Residential Nature)</p> 	<p>Intent This zone creates an intermediate zone, which can act as a buffer or interface between general business zones or other high-intensity non-residential uses, and residential areas. It is appropriate for local neighbourhood shops that serve local needs for convenience goods and personal services. It allows for a range of compatible land uses. Limitations are placed on the scale of such development so that it is capable of integration into the adjacent residential neighbourhood without adversely affecting the amenity of the neighbourhood.</p>					
<p>SPC Alignment</p>	<p>URBAN RELATED D.i; D.m</p>					
<p>PRIMARY USE</p>	<p>CONSENT USES</p>	<p>Building Lines (m)</p>			<p>Height (Storey)</p>	<p>Coverage (%) F.A.R.</p>
<p>Shop, Offices, Professional Services, Town House, Flats, Boarding House, Residential Rooms, Hotel, 3-5 Room Bed & Breakfast (Annexure K), Guest House (Annexure K), Place of Worship, Institution, Restaurant, Dwelling House, Utility Service.</p>	<p>Place of Assembly, Funeral Parlour, Service Station, Supermarket, Nursery, Warehouse, Bank, Business Premises, Bottle Store, Off-Sales (linked to Hotel), Day Care Centre, Clinic, Place of Instruction, Parking Garage, Telecommunication Installation (Annexure N)</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>3</p>	<p>100%</p>
<p>*Refer to additional provisions</p>						
<p>Additional Provisions</p>						
<p>Parking and Loading : (also refer Annexure L)</p> <ul style="list-style-type: none"> • Ground floor - 6 bays/100m² G.L.A. • Other storeys - parking based on the use – as set out in Annexure L 	<p>Additional Provisions applicable to Side and Rear Building Line - refer Annexure I.</p>					
<p>Other Relevant Annexures</p>						
<p>Annexure D - Occupation Ratios Applicable to Residential Use Annexure J - Additional Provisions Applicable to Building Height</p>	<p>Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses</p>					


3.11 Business Zone III

<p>Business Zone III (High Intensity Mixed Use of Business, Commercial and Service Industrial Nature)</p> 	<p>Intent This zone creates an interface between general business and industrial zones. Certain uses permitted in this zone could have a negative impact on the surrounding area and therefore require to be accommodated in a separate zone from general business.</p>							
<p>SPC Alignment</p>	<p>URBAN RELATED D,j; D,m</p>							
	<p>INDUSTRIAL AREAS E,c</p>							
<p>PRIMARY USE</p>	<p>CONSENT USES</p>			<p>Building Lines (m)</p>		<p>Height (Storey)</p>	<p>Coverage (%) F.A.R.</p>	
<p>Commercial Premises, Service Industry, Warehouse, Car Wash, Place of Worship, Funeral Parlour, Service Station, Public Garage, Adult Shop and Adult Entertainment Premises, Mortuary, Place of Entertainment, Parking Garage, Motor Vehicle Sales Premises, Utility Service</p>	<p>Transport Facility, Telecommunication Installation (Annexure N)</p>			<p>0</p>	<p>0</p>	<p>0</p>	<p>3</p>	<p>100% 3</p>
<p align="center">Additional Provisions</p>								
<p>Additional Provisions applicable to Side and Rear Building Line - refer Annexure I. Parking and Loading: - refer Annexure L Adult Shop or Adult Entertainment Premises: <ul style="list-style-type: none"> The street front and entrance shall be discreet and unobtrusive, and no pornographic, sexually explicit or erotic material shall be visible from outside the premises. </p>				<p>Mortuaries <ul style="list-style-type: none"> All loading and off-loading of coffins and/or bodies shall take place on-site and such areas shall be screened from view from outside the perimeter of the premises to the satisfaction of the Municipality. Places of Entertainment that includes any form of Betting and / or Gambling <ul style="list-style-type: none"> All parts of a building or premises where gambling and/or betting activities are accommodated must be closed off and screened, with access to such parts of buildings or premises being restricted to persons under the age of 18 years. </p>				
<p align="center">Other Relevant Annexures</p>								
<p>Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses</p>				<p>Annexure J - Additional Provisions Applicable to Building Height</p>				


3.12 Industrial Zone I

Industrial Zone I (Industry)	Intent This zone accommodates all forms of industry, except noxious use, trade or Industry, in order to promote the manufacturing sector of the economy. Some allowance is made for non-industrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.							
SPC Alignment	INDUSTRIAL AREAS E.a, E.b							
PRIMARY USE	CONSENT USES			Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.
				Street	Side	Rear		
Industry, Service Industry, Industrial Café, Service Station, Warehouse, Public Garage, Funeral Parlour, Mortuary, Scrap Yard, Parking Garage, Utility Service, Car Wash, Telecommunication Installation (Annexure N).	Abattoir, Crematorium, Aquaculture, Transport Facility, Rooms Used For Security Guards or Caretakers			0	0	0	4	75% 1,5
Additional Provisions								
Parking and Loading: - refer Annexure L Mortuaries <ul style="list-style-type: none"> All loading and off-loading of coffins and/or bodies shall take place on-site and such areas shall be screened from view from outside the perimeter of the premises to the satisfaction of the Municipality. Industrial Café: <ul style="list-style-type: none"> Maximum of 100m² floor space including storage 					Fencing <ul style="list-style-type: none"> The Municipality may require any land used in connection with a scrap yard, builder's yard, transport business or any other use that is visually intrusive by nature to be walled and screened to its satisfaction. Caretaker's Premises <ul style="list-style-type: none"> A caretaker's cottage shall not exceed 90m² Occupation shall be on a temporary basis for a caretaker and security personnel. 			
Other Relevant Annexures								
Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height					Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)			


3.13 Industrial Zone II

Industrial Zone II (Noxious Use, Trade or Industry) 	<u>Intent</u> This zone makes provision for uses, trades or industries which are considered noxious in terms of associated risks to health in neighbouring premises arising from vapours, fluids, waste matter, noise, disturbance and dust or other objectionable consequence of their operation, or which carry a high risk in the event of fire or accident. While other uses are permitted with approval, the Municipality should not compromise the capacity of the zone to accommodate noxious trade and risk activities.													
SPC Alignment	INDUSTRIAL AREAS E.d													
PRIMARY USE	CONSENT USES			<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: center;">Building Lines (m)</th> <th rowspan="2" style="text-align: center;">Height (Storey)</th> <th rowspan="2" style="text-align: center;">Coverage (%) F.A.R.</th> </tr> <tr> <th style="writing-mode: vertical-rl; transform: rotate(180deg);">Street</th> <th style="writing-mode: vertical-rl; transform: rotate(180deg);">Side</th> <th style="writing-mode: vertical-rl; transform: rotate(180deg);">Rear</th> </tr> </thead> </table>			Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.	Street	Side	Rear
Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.										
Street	Side	Rear												
Noxious Use, Trade or Industry, Industry, Scrap Yard, Crematorium, Utility Services, Telecommunication Installation (Annexure N)	Abattoir, Rooms Used For Security Guards or Caretakers			10	10	10	4	75% 1,5						
Additional Provisions														
Parking and Loading: (also refer Annexure L) <ul style="list-style-type: none"> • 1 bay/100m² G.L.A. Fencing <ul style="list-style-type: none"> • The Municipality may require any land used in connection with a scrap yard, builder's yard, transport business or any other use that is visually intrusive by nature to be walled and screened to its satisfaction. 				Caretaker's Premises <ul style="list-style-type: none"> • A caretaker's cottage shall not exceed 90m² • Occupation shall be on a temporary basis for a caretaker and security personnel. Industrial Café: <ul style="list-style-type: none"> • Maximum of 100m² floor space including storage 										
Other Relevant Annexures														
Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses				Annexure P - Policy for Noxious Use, Trade or Industry Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)										


3.14 Institutional Zone I

Institutional Zone I (Education) 	Intent This zone makes provision for social uses directed at community needs, with primarily an educational focus. Allowance is also made for the Municipality to approve other social needs orientated community facilities and services in this zone.							
SPC Alignment	URBAN RELATED d.F							
PRIMARY USE	CONSENT USES			Building Lines (m)				
				Street	Side	Rear	Height (Storey)	Coverage (%) F.A.R.
Place of Instruction, School, Place of Assembly, Day Care Centre, Utility Services	Place of Worship, Institution, Telecommunication Installation (Annexure N)			10	10	10	3	50% 1
Additional Provisions								
Parking: Refer Annexure L Places of Instruction: <ul style="list-style-type: none"> • Day Care Centres: 1 bay/teacher or assistant • Primary School: 1 bay/classroom or office • Secondary School: 1 bay/classroom or office • Colleges: 0,25 bays/student 				Parking: Refer Annexure L Places of Assembly: <ul style="list-style-type: none"> • Community Centres: 2 bays/100m² G.L.A. • Halls: 0,25 bays/seat or 20 bays/100m² G.L.A. 				
Other Relevant Annexures								
Annexure D - Occupation Ratios Applicable to Residential Use (Boarding House for Learners / Students) Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height				Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)				


3.15 Institutional Zone II

Institutional Zone II (Worship) 	Intent This zone makes provision for social uses directed at community needs, with primarily a religious worship and community gathering focus. Allowance is also made for the Municipality to approve other social needs orientated community facilities and services in this zone.									
SPC Alignment	URBAN RELATED D.f									
PRIMARY USE	CONSENT USES				Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.	
					Street	Side	Rear			2
Place of Worship, Parsonage, Place of Assembly, Day Care Centre, Utility Services		Place of Instruction, Institution, Cemetery, Telecommunication Installation (Annexure N)				4.5	4.5	4.5	2	
Additional Provisions										
Parking: Refer Annexure L • 0,15 bays/seat					A parsonage shall be subject to the provisions pertaining to a Dwelling House as Residential Zones II A-C					
Other Relevant Annexures										
Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height					Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)					


3.16 Institutional Zone III

<p>Institutional Zone III (Health and Social Care)</p> 	<p>Intent This zone makes provision for social uses directed at community needs, with primarily a health and social care focus. Allowance is also made for the Municipality to approve other social needs orientated community facilities and services in this zone.</p>								
<p>SPC Alignment</p>	<p>URBAN RELATED D.f</p>								
<p>PRIMARY USE</p>		<p>CONSENT USES</p>			<p>Building Lines (m)</p>				
<p>Institution, Hospital, Clinic, Place of Assembly, Day Care Centre, Utility Services</p>		<p>Place of Instruction, Place of Worship, Telecommunication Installation (Annexure N)</p>			<p>Street</p>	<p>Side</p>	<p>Rear</p>	<p>Height (Storey)</p>	<p>Coverage (%) F.A.R.</p>
					<p>4.5</p>	<p>4.5</p>	<p>4.5</p>	<p>3</p>	<p>50%</p>
									<p>1,5</p>
<p>Additional Provisions</p>									
<p>Parking: Refer Annexure L Old age homes and orphanages <ul style="list-style-type: none"> • 0,3 bays/bedroom Medical: <ul style="list-style-type: none"> • Consulting rooms - 6 bays/100m² G.L.A. • Small private hospitals and clinics - 1 bay/bed • General Hospitals - 1 bay/bed • Other institutions: (e.g. mental, cripple care) -: 0,3 bays/bedroom </p>									
<p>Other Relevant Annexures</p>									
<p>Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height</p>					<p>Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)</p>				


3.17 Resort Zone

<p>Resort Zone (Holiday and recreation) </p>	<p>Intent This zone makes provision for resource based holiday or recreational development that allows for a range of accommodation options and amenities for tourists or visitors.</p>								
<p>SPC Alignment</p>	<p>URBAN RELATED D.q</p>								
<p>PRIMARY USE</p>		<p>CONSENT USES</p>			<p>Building Lines (m)</p>		<p>Height (Storey)</p>	<p>Coverage (%) F.A.R.</p>	
<p>Resort, Resort Accommodation, Holiday Accommodation, Caravan Park, Camping Site, Recreation Complex, Caretaker's Cottage, Convenience Shop, Tourist Facilities, Private Open Space.</p>		<p>Hotel, Place of Assembly, Utility Services, Telecommunication Installation (Annexure N)</p>			<p>10</p>	<p>10</p>	<p>10</p>	<p>2</p>	<p>*see additional provisions</p>
<p>Additional Provisions</p>									
<p>Parking: Refer Annexure L Coverage and Floor Area Ratio: • To be determined by the Municipality based on character and compatibility of surrounding use</p>		<p>Additional Development parameters</p> <ul style="list-style-type: none"> • Upon rezoning of land to the Resort Zone, conditions shall be laid down with regard to density, layout, building design, and on-site parking requirements and need to be reflected in terms of an approved site development plan. 							
<p>Other Relevant Annexures</p>									
<p>Annexure D - Occupation Ratios Applicable to Residential Use Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height</p>		<p>Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)</p>							


3.18 Open Space Zone I

<p>Open Space Zone I (Public Open space)</p> 	<p>Intent This zone makes provision for active and passive recreational areas on public land, which is not leased or intended to be leased on a long term basis and accommodates open spaces to conserve heritage areas and landscape features such as ridges, watercourses, wetlands. It also accommodates public accessible facilities such as parks, gardens, playgrounds and sports grounds</p>								
	<p>BUFFER B.a; B.b / B.c</p>	<ul style="list-style-type: none"> • where a municipality or private entity chooses, or is obliged by legislation, to manage sensitive / high biodiversity areas for conservation purposes or as a nature reserve / • provision for active and passive recreational areas on public and private land 							
<p>SPC Alignment</p>	<p>URBAN RELATED D.o</p>								
PRIMARY USE		CONSENT USES			Building Lines (m)		Height (Storey)	Coverage (%) F.A.R.	
Public Open Space, Conservation Usage, Utility Services		Certain Associated Structures and Activities, Informal Trading, Cultural and Social Ceremonies, Agriculture, Telecommunication Installation (Annexure N), Cemetery			10	10	10	* see additional provisions	* see additional provisions
Additional Provisions									
Parking: Refer Annexure L		No structure shall be erected except that which is compatible with the definition of "public open space" and the primary or consent uses that may be approved and are subject to the approval of the Municipality							
Other Relevant Annexures									
<p>Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height</p>		<p>Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)</p>							


3.19 Open Space Zone II

<p>Open Space Zone II (Private Open Space) </p>	<p><u>Intent</u> This zone makes provision for private sites, or public land which is or will be leased on a long term basis, for club buildings, sport, play, rest or recreational facilities. It also makes provision for privately owned land set aside for protection of landscape and heritage areas including woodlands, ridges, watercourses or wetlands.</p>								
	<p>BUFFER B.a; B.b</p>	<p>where a municipality or private entity chooses, or is obliged by legislation, to manage sensitive / high biodiversity areas for conservation purposes or as a nature reserve.</p>							
<p>SPC Alignment</p>	<p>URBAN RELATED D.o</p>								
PRIMARY USE		CONSENT USES			Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.
Private Open Space, Conservation Usage, Nature Reserve		Certain Associated Structures and Activities, Cultural and Social Ceremonies, Agriculture, Utility Services, Telecommunication Installation (Annexure N), Cemetery			10	10	10	* see additional	* see additional provisions
Additional Provisions									
<p>Parking: Refer Annexure L Coverage and Floor Area Ratio: • To be determined by the Municipality based on character and compatibility of surrounding use</p>					<p>No structure shall be erected except that which is compatible with the definition of "private open space" and the primary or consent uses that may be approved and are subject to the approval of the Municipality</p>				
Other Relevant Annexures									
<p>Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height</p>					<p>Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)</p>				


3.20 Open Space Zone III

Open Space Zone III (Conservation) 	Intent This zone makes provision for areas to be set aside as conservation areas, such as a National Park, Provincial Park or other nature park in public ownership, or privately owned land that has been declared as conservation areas in terms of relevant legislation. Although this zone allows for certain associated compatible uses and activities, the primary intent within this zone is for maintenance of land in its natural state with the object of preserving the bio-physical characteristics of the land, including flora and fauna living on the land.								
SPC Alignment	CORE A.a								
PRIMARY USE		CONSENT USES			Building Lines (m)		Height (Storey)	Coverage (%) F.A.R.	
Conservation Usage, Nature Reserve		Dwelling House, Additional Dwellings, Resort Accommodation, Camping Site, Caravan Park, Certain Associated Structures and Activities, Cultural and Social Ceremonies, Place of Assembly, Utility Services, Telecommunication Installation (Annexure N)			10	10	10	*see additional	*see additional provisions
Additional Provisions									
Parking: Refer Annexure L Dwelling Units may be permitted within Private Nature Reserves or conservation areas by way of Special Consent, subject to the following: <ul style="list-style-type: none"> • Prior to final approval of an application for rezoning of land to Open Space Zone III, such Nature Reserve or Conservation area shall first be formally proclaimed in terms of relevant legislation. • The maximum permissible erf size will be 1000 m², maximum coverage will be 50% and maximum height will be 2 storeys. • Where subdivisions occur for dwelling units, it will be required that a Section 21 Company or Home Owners Association be established to take responsibility for all common property and matters of common interest. • A detailed site development plan shall be submitted. • Separate ownership of dwelling units will be permitted. • The entire nature reserve shall be registered as Common Property. 				1-2 Room B&B and 3-5 Room B&B – refer to Annexure K , where a dwelling is permitted as a Special Consent Additional Development provisions <ul style="list-style-type: none"> • The reserve - or conservation management plan shall lay down conditions with regard to density, layout, building design, and on-site parking requirements. 					
Other Relevant Annexures									
Annexure D - Occupation Ratios Applicable to Residential Use Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height				Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)					


3.21 Transport Zone I

<p>Transport Zone I (Rail and Air Transport Services)</p> 	<p>Intent This zone makes provision for transportation systems, over and above public roads, streets, or parking and accommodates transport undertakings serving the public such as railway lines, railway stations and airports and other depots associated with such undertakings, such as cargo handling facilities. Provision is made to approve other uses that can service the needs of commuters and support a transport undertaking.</p>								
<p>SPC Alignment</p>	<p style="text-align: center;">URBAN RELATED D.p</p>								
	<p style="text-align: center;">SURFACE INFRASTRUCTURE & BUILDINGS F.f</p>								
<p style="text-align: center;">PRIMARY USE</p>		<p style="text-align: center;">CONSENT USES</p>			<p style="text-align: center;">Building Lines (m)</p>			<p style="text-align: center;">Height (Storey)</p>	<p style="text-align: center;">Coverage (%) F.A.R.</p>
					Street	Side	Rear		
<p>Transport Usage, Utility Services</p>		<p>Parking Garage, Certain Associated Structures and Activities, Transport Facility, Telecommunication Installation (Annexure N)</p>			0	0	0		
Additional Provisions									
<p>Parking and Loading: Refer Annexure L Height, Coverage and Floor Area Ratio: <ul style="list-style-type: none"> To be determined by the Municipality based on character and compatibility of surrounding use Caretaker's Premises <ul style="list-style-type: none"> A caretaker's cottage shall not exceed 90m² Occupation shall be on a temporary basis for a caretaker and security personnel. </p>					<p>Side and Rear Building Line – refer Annexure I <ul style="list-style-type: none"> The Municipality may lay down side building lines in the interest of public health or in order to enforce any law or right. Fencing <ul style="list-style-type: none"> The Municipality may require any land used in connection with a transport business to be completely or partially walled to its satisfaction. </p>				
Other Relevant Annexures									
<p>Annexure J - Additional Provisions Applicable to Building Height Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses</p>					<p>Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)</p>				


3.22 Transport Zone II

Transport Zone II (Public Roads and Parking) 	<i>Intent</i> This zone makes provision for existing and future public parking, streets and roads							
SPC Alignment	SURFACE INFRASTRUCTURE & BUILDINGS F.a; F.b, F.c; F.d							
PRIMARY USE	CONSENT USES			Building Lines (m)		Height (Storey)	Coverage (%) F.A.R.	
				Street	Side			Rear
Public Road, Public Street, Public Parking, Parking Garage, Utility Services	Certain Associated Structures and Activities, Informal Trading, Telecommunication Installation (Annexure N)			-	-	-	-	-
Additional Provisions								
Informal Trading <ul style="list-style-type: none"> Trading and hawking may only take place with the consent of the Municipality, subject to relevant By-laws and the consent from the applicable roads authority (where not under control of the Municipality). 				Structures <ul style="list-style-type: none"> No structure shall be erected or use practised except that which is compatible with the definition of permitted uses in this zone and approved by the Municipality. 				
Other Relevant Annexures								
Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses				Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)				


3.23 Transport Zone III

Transport Zone III (Bus & Taxi Transport Facilities) 	<i>Intent</i> This zone makes provision for areas with associated facilities that serve as a taxi rank, bus terminus or truck stop.					
SPC Alignment	SURFACE INFRASTRUCTURE & BUILDINGS F.e					
PRIMARY USE		CONSENT USES			Building Lines (m)	
					Street	Side
Transport Facility, Taxi Rank, Bus Terminus, Truck Stop, Utility Services, Car Wash		Parking Garage, Certain Associated Structures and Activities, Service Station, Telecommunication Installation (Annexure N), Informal Trading, Service Station.			*see additional provisions	
Additional Provisions						
Parking and Loading: Refer Annexure L			Building Lines, Height, Coverage and Floor Area Ratio: To be determined by the Municipality based on character and compatibility of surrounding use and type of building or structure proposed.			
Other Relevant Annexures						
Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses			Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)			


3.24 Authority and Utility Zone

<p>Authority and Utility Zone</p> 	<p>Intent This zone makes provision for utility service and uses practiced by a public authority, or on an agency basis on behalf of a public authority, of which the characteristics (including combination of uses) and locality factors are such that it cannot be classified or defined under other uses in the scheme. This may include uses practiced by -</p> <ul style="list-style-type: none"> (a) The National Government, such as military training centres and installations or correctional facilities; (b) The Provincial Government, such as road camps; and (c) A Municipality, such as civic centres, municipal depots and fire stations. <p>Land falling under ownership of a public authority shall only be included in this Zone if the use thereof or combination of uses forming part thereof is such that no other zone in Table B is appropriate. If a zone in Table B is appropriate, the land needs to be zoned for that purpose, whether or not a public authority owns it.</p>													
<p>SPC Alignment</p>	<p style="text-align: center;">URBAN RELATED D.g; D.n</p>													
<p>PRIMARY USE</p>		<p>CONSENT USES</p>			<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: center;">Building Lines (m)</th> <th rowspan="2" style="text-align: center;">Height (Storey)</th> <th rowspan="2" style="text-align: center;">Coverage (%) F.A.R.</th> </tr> <tr> <th style="text-align: center;">Street</th> <th style="text-align: center;">Side</th> <th style="text-align: center;">Rear</th> </tr> </thead> </table>		Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.	Street	Side	Rear
Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.										
Street	Side	Rear												
<p>Authority Usage, Utility Services, Telecommunication Installation (Annexure N), Commonage</p>		<p>Cemetery, Crematorium, Cultural and Social Ceremonies, noxious uses such as Waste Disposal Sites or Waste-Water Treatment Works (Annexure P)</p>			<p>*see additional provisions</p>									
<p>Additional Provisions</p>														
<p>Parking and Loading: Refer Annexure L</p>			<p>Building Lines, Height, Coverage and Floor Area Ratio:</p> <ul style="list-style-type: none"> • To be determined by the Municipality based on character and compatibility of surrounding use and type of building or structure proposed. 											
<p>Other Relevant Annexures</p>														
<p>Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses</p>			<p>Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)</p>											


3.25 Renewable Energy Zone

Renewable Energy Zone 	Intent <i>This zone makes provision for the establishing of Renewable Energy Structures forming part of a commercial energy generation enterprise.</i>					
SPC Alignment	SURFACE INFRASTRUCTURE & BUILDINGS F.i					
PRIMARY USE		CONSENT USES			Building Lines (m)	
					Street	Side
Renewable Energy Structure (Annexure O), Renewable Energy Site (Annexure O), Agriculture, Conservation		All other land uses that may be necessary to support the renewable energy endeavour			*see additional provisions	
Additional Provisions						
Height: <ul style="list-style-type: none"> • For Renewable Energy Structure, a maximum height of 200m above the grade line for any pylon, pole or mast and mechanisms mounted thereon, measured from the middle point of the footprint of each pylon, pole or mast to the highest point of such pylon, pole or mast with mechanism (including any blades or other protrusions). • For “Associated buildings”, no point of a building shall exceed a vertical distance above the grade line of: <ul style="list-style-type: none"> ○ 6m in the case of flat roofed buildings, or ○ 8m in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line; ○ Provided that chimneys, flues and antennas are exempt from this height restriction. 			Setback: <ul style="list-style-type: none"> • A distance equal to 1,5 times the overall height of renewable energy structures and apparatus attached thereto (including blade tip or other protrusions), or associated buildings, measured from: <ul style="list-style-type: none"> ○ the nearest public or private building, structure or space for human occupation (live, work or recreation); ○ the cadastral boundary of the land unit (unless the renewable energy site straddles such cadastral boundary); ○ any public road or private or public right of way not directly associated with the renewable energy site; and ○ any external electrical infrastructure (not associated with the renewable energy site). 			
Other Relevant Annexures						
Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses			Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)			

3.26 Special Zone

Special Zone 	Intent This zone makes provision for situations where special factors justify the creation of a new zone on the land use scheme map for a site or sites without justifying the creation of a new zone in the scheme regulations.					
PRIMARY USE	CONSENT USES	Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.
		Street	Side	Rear		
Special Usage	As specified in allocation of a Special Zone	*see additional provisions				
Additional Provisions						
If special factors justify the creation of a new zone on the land use scheme map for a site or sites without justifying the creation of a new zone in the scheme regulations, such site shall be zoned as a Special Zone on the land use scheme map. <ul style="list-style-type: none"> • Every such portion of land which has been zoned as such and of which the land use restrictions differ from other land, which has been zoned as such, shall be given a separate number on the land use scheme map. • A Special Zone may consist of different portions of land, provided that the land use restrictions are the same. 			<ul style="list-style-type: none"> • Each Special Zone of which the land use restrictions differ from that of other Special Zones shall be given a separate number (from 1 onwards) and each number with the accompanying land use restrictions, shall be described as a separate Special Zone in an Annexure to these scheme regulations. 			
Other Relevant Annexures						
Annexure I - Additional Provisions Applicable to Building Lines Annexure J - Additional Provisions Applicable to Building Height Annexure M - Policy for Permitting Temporary Use Rights / Occasional Uses			Annexure L – Parking Requirements Annexure R - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)			

3.27 Astronomy Advantage Area Overlay Zone

<p>Astronomy Advantage Area Overlay Zone</p> 	<p>Intent The aim of the Central Astronomy Advantage Areas is to control and prevent activities that may cause light pollution or radio frequency interference that may affect astronomy and related scientific endeavours within declared Core Astronomy Areas.</p>	
<p>SPC Alignment</p>	<p>SURFACE INFRASTRUCTURE & BUILDINGS F.I</p>	
<p>PROVISIONS</p>		
<p>The following activities are restricted within the Astronomy Advantage Area Overlay Zone and may only be approved by the Municipality if activities have been authorised by the Astronomy Advantage Area Management Authority.</p> <ul style="list-style-type: none"> • <i>Prospecting or mining activities;</i> • <i>The construction, expansion or operation of any fixed radio frequency interference sources;</i> • <i>Harmful industrial processes;</i> • <i>The construction and development of new business or residential areas or recreational facilities;</i> • <i>The construction or expansion of road or rail transport networks or parts thereof;</i> • <i>The construction or expansion of any airfield or airport;</i> • <i>The operation, construction or expansion of facilities for the generation, transmission or distribution of electricity;</i> • <i>Activities capable of causing light pollution, including the installation or operation of street lighting, outdoor security lights, laser promotional lights or self-lit billboards;</i> • <i>Activities capable of causing radio frequency interference, including bringing into the area or operating any interference source, mobile radio frequency interference source or short-range device;</i> • <i>Activities capable of causing air pollution; and</i> • <i>Any other activity which may detrimentally impact on astronomy and related scientific endeavours, or the astronomy advantage of any core or central astronomy advantage area.</i> <p>All land development applications on land within the Astronomy Advantage Area Overlay Zone must be circulated to the relevant Astronomy Advantage Area Management Authority (in which the authority to manage the effected astronomy advantage area is vested in terms of section 15 of the AGA Act) for comment.</p>		

4. GENERAL

4.1. LAND USE AND DEVELOPMENT MANAGEMENT

Procedures for all aspects relating to managing land use, making applications and processing of such applications are described in Appendix 1.

4.2. PROVISIONS APPLICABLE TO COMBINED-USE BUILDINGS

Where more than one primary and/or consent use is approved in the same building, the maximum requirements with regard to parking, floor factor, height and coverage, as prescribed for any primary use of the relevant zone, shall be applicable, and the following conditions shall apply with regard to all other land use restrictions:

- (a) Where a use which is permitted in a combined-use building is a primary use in another zone, the relevant use shall be subject to the same conditions, except those with regard to floor factor, height and coverage, applicable to the primary use in the other zone; and
- (b) Where a use that is permitted in a combined-use building is not a primary use in any other zone, the relevant use shall be subject to the conditions applicable to the primary use in the relevant zone.

4.3. MUNICIPALITY'S DUTIES

The Municipality shall allow any person at any reasonable time to examine any scheme regulations, land use scheme map or register, as contemplated in this scheme and the Act, and which is kept in the office of the Municipality; provided that any information in connection with the Land Use Scheme which is given to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the Municipality.

4.4. AESTHETICS AND LANDSCAPING

Where landscaping or any aesthetic requirement is deemed necessary by the Municipality, such requirement shall be carried out to the satisfaction of the Municipality at the cost of the owner.

ANNEXURE A**POLICY FOR LODGING OF 4 OR FEWER PEOPLE IN A DWELLING HOUSE**

No part of any dwelling house or unit, or any additional free-standing building which may be erected for use in conjunction with such dwellings may be used as a separate tenement.

The owner of a dwelling house or unit may provide lodging for four or fewer persons in such dwelling house or unit provided that:

- The owner must reside on the property.
- No person shall use, cause or permit the use of any room which does not constitute a habitable room.
- The consent of the Home Owners' Association or Body Corporate (in the event of a Sectional Title Scheme) being obtained.
- Adequate off-street parking shall be provided for lodgers and tenants.

ANNEXURE B**POLICY FOR PRACTICING OF AN OCCUPATION IN A RESIDENTIAL DWELLING**

To accommodate the practicing of an occupation, profession or trade (excluding any noxious activities) from a dwelling unit or outbuildings ordinarily used therewith, on a residential or agricultural property, the Municipality will apply the provisions described herein.

Where a portion of a dwelling unit is utilised for the purposes of occupational practice, the following conditions shall apply:

- The person practicing the profession, occupation, enterprise or trade, (excluding employees), whether or not such person is a tenant or owner of the dwelling unit, must reside on the property.
- The persons so practicing, including employees, do not exceed 3;
- A maximum of 40% of the total floor area of either the primary or secondary dwelling (not both) on a property to be used for the practice of such occupation.
- The primary utilisation must remain as a dwelling unit.
- Such portion of the dwelling unit (dwelling house, flat or residential building) may not be utilised for the purpose of a shop, business premises, industry or noxious industry.
- No goods linked to the practicing of an occupation, profession or trade should be openly stored or displayed on the property and the practicing of the occupation should not be visible, except for the display of a notice not projecting over the road reserve boundary and not exceeding 1 m² in size (indicating only the name and occupation of the occupant).
- No other advertising shall be displayed.
- No activities shall be carried out which are, or are likely to be, a source of disturbance or nuisance to occupants of surrounding properties.
- In Town Housing or Flat developments, prior permission is required from the Home Owner's Association / Body Corporate.
- If any person with a direct interest is of the opinion that any condition referred to in this policy or in the definition of "occupational practice" is being contravened, such person may lodge a written complaint with the Municipality requesting action.
- Adequate off-street parking, as may be required by the Municipality for staff vehicles and other vehicles associated with the occupational practice.

ANNEXURE C**POLICY FOR PROVIDING HOME-BASED CARE**

The following conditions shall apply where a portion of a property is used for home-based care:

- The person providing the home-based care (excluding employees), whether or not such person is a tenant or owner of the dwelling unit, must reside on the property.
- The primary utilisation remains that of a dwelling unit.
- In Residential Zone III and IV, prior permission from the Home Owner's Association (or Body Corporate) is required.
- No more than 6 persons shall be accommodated at the home-based care facility for elderly, sick or disabled persons at any time.
- No more than 6 children shall be enrolled at the home-based child care facility at any time (Guideline for childcare facilities in the public service, November 2012);
- Services shall be primarily:
 - Child day care or education, or
 - Basic care for disabled, elderly or sick but not medical health care;
- Services for home based child care shall not operate outside the hours of 07:00 to 18:00 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays;
- Indoor and outdoor play space shall be provided at a minimum of 1.5m² and 2m² per child, or in accordance with any health requirement or a policy plan as might be approved by the Municipality from time to time. The outdoor play space shall be securely fenced;
- No advertising sign shall be displayed, other than a single un-illuminated sign or notice in accordance with signage policy of the Municipality, not projecting over a public street, and such sign shall not exceed 1 m² in area;
- At least one off-street parking bay shall be provided, plus one additional parking bay which is suitable for the use of parents to drop off or collect their children, unless the Municipality's approval is obtained to waive this requirement. The Municipality may at any stage require additional on-site parking where parking is deemed to be insufficient;
- If any person with a direct interest is of the opinion that any condition referred to in this policy or in the definition of "home-based care" has been or is being contravened, such person may lodge a written complaint with the Municipality requesting action; and
- The Municipality shall consider a complaint mentioned in (k) above, and if in the opinion of the Municipality a contravention of any condition referred to in this policy or in the definition of "home-based care" has occurred, the Municipality shall act in terms of its approved bylaws or as otherwise provided for by law.

ANNEXURE D**OCCUPATION RATIOS APPLICABLE TO RESIDENTIAL USE**

Occupation ratios applicable to all forms of residential use are regulated in terms of the standards prescribed in the SABS 0400-1990 - Code of Practice for the Application of the National Building Regulations.

In terms of SABS 0400-1990 occupation is restricted to:

- Maximum 2 persons per guest room in hotels, guest houses or bed and breakfast accommodation facilities
- Maximum 2 persons per habitable room in boarding houses and dwelling units
- A minimum of 5m² per person in dormitory rooms in residential buildings

ANNEXURE E**POLICY FOR PERMITTING CARPORTS**

The Municipality may permit the erection of a carport, which will exceed a street or side building line subject to the following conditions:

- The width of the carport, measured parallel to the street boundary, shall not be more than 6m.
- The carport shall be supported by metal, wooden, brick or cement poles or pillars. These poles or pillars may have a maximum external dimension of 350mm and a maximum of four poles or pillars may be provided per side of the carport.
- No walls, except boundary walls, shall be constructed in such a way as to enclose the carport.
- The height of the carport, measured from the floor to the top of the roof, may not exceed 3m.
- No gates which open onto the pavement shall be permitted.
- Provision shall be made for the collection and run-off of rainwater from the carport.
- Written confirmation, from the affected adjoining owner, or owners of both adjoining land units if a street building line will be exceeded, to the effect that they have no objection to the proposed carport, shall be obtained.

ANNEXURE F**POLICY FOR INFORMAL ALCOHOL RETAIL
OPERATIONS (TAVERNS)**

Unless a property has the required business zoning that permits the sale of alcohol on the property, no retail of alcohol will be permitted. To accommodate the use of Informal Alcohol Retail, within what is commonly referred to as taverns, the Municipality will consider applications for temporary use of properties for this (where considered desirable):

The following actions are required:

- Application will have to be made as a departure, which is temporary and valid for a period to be determined by the Municipality (maximum five years), after which re-application has to be made.
- Normal Departure application procedures need to be followed.
- The consent to a departure by the Municipality for a tavern shall apply to the applicant only while he/she resides on the property and operates the business. It is not be transferable in any form or manner.
- If the departure application is granted, the applicant must be advised by the Municipality to apply for a liquor licence.

Detailed provisions

- Only one room of a dwelling or garage or outbuilding with an area not exceeding 50m² is to be converted for tavern use.
- The house needs to retain a primarily residential function.
- The tavern should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to facilitate off-loading of goods and to ensure adequate refuse removal, etc. Operating hours should be controlled by relevant liquor trading bylaws or liquor trading licensing.
- A complete record of all taverns shall be kept by the Municipality.
- All taverns must be inspected on a regular basis to ensure compliance to health regulations.
- Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Municipality could result in the closure of the tavern and the withdrawal of the departure rights.

ANNEXURE G**POLICY FOR INFORMAL RETAILING OPERATIONS:
HOUSE SHOPS (SPAZA SHOPS)**

To accommodate the establishment of small home-based retail outlets, commonly referred to as house shops or spaza shops, the Municipality will consider applications for temporary use of properties for this (where considered desirable):

The following actions are required:

- Application to operate a house shop in a dwelling house will have to be made as a departure, which is temporary and valid for a period to be determined by the Municipality (maximum five years), after which re-application has to be made.
- Normal departure application procedures need to be followed.
- If the departure application is granted, the applicant must be advised to apply for such trade licence or permit as may be applicable.
- The approval of a departure by the Municipality for a house shop shall apply to the applicant only while he/she resides on the property and will not be transferable in any form or manner.

Detailed provisions

- Only one room of a dwelling, garage or outbuilding with an area not exceeding 30 m² may be converted for retail use.
- The dwelling must retain a primarily residential function.
- The house shop should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to facilitate off-loading of goods and to ensure adequate refuse removal.
- Not more than two people should be involved in operating a house shop.
- Should any foodstuffs be prepared for sale from the house shop, the premises need to comply with applicable health regulations of the municipality.
- A complete record of all house shops must be kept by the Municipality in this regard.
- Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Municipality could result in the closure of the house shop and the withdrawal of the departure rights.

ANNEXURE H**POLICY FOR THE ERECTION OF A SECOND DWELLING UNIT**

The erection of a second dwelling unit by way of a special consent shall be subject to the following conditions:

Size of Second Dwelling Unit

- Maximum size will be determined by the permissible coverage and floor area ratio on the erf/land unit.

Coverage

- Maximum coverage in terms of the density zone.

Building Lines

- As applicable to the prime dwelling unit.

Height

- 2 Storeys
- No point of a building shall exceed a vertical distance above the grade line of:
 - 6m – in the case of flat roofed buildings, or
 - 8m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line;

Provided that:

- Chimneys and flues are exempt from this height restriction.
- Antennas, satellite dish antennas (of less than 1.5m diameter), external geysers or renewable energy apparatus attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m.

Parking

- At least one on-site parking bay to be provided for the second dwelling unit.

Vehicular Access:

- Only one vehicular access per street frontage is to be permitted.

Outbuildings:

- Outbuildings normally incidental to a main dwelling will be permitted with a second dwelling unit on condition that the permissible coverage is complied with.

Municipal Services:

- The construction of a second dwelling shall be subject to municipal services departments certifying that capacity is available on the services network in the specific area.
- The second dwelling unit is required to make use of the existing Municipal service connections serving the primary unit on the site.

Ownership

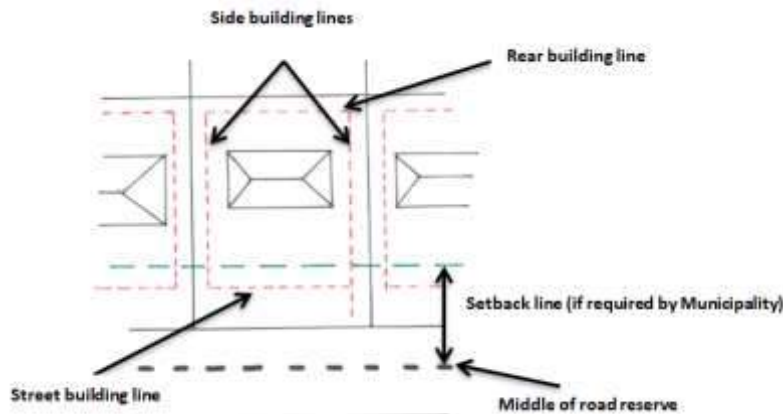
- Separate ownership for the main and second dwelling shall not be permitted, except if a subdivision is approved, provided that with subdivisions both dwellings shall have direct access to public roadway and both dwellings shall have direct connections to Municipal infrastructure.

ANNEXURE I

ADDITIONAL PROVISIONS APPLICABLE TO BUILDING LINES

To regulate deviations from, or development within or near building lines, the following shall apply:

- (a) The Municipality may specify additional minimum building lines or setbacks on properties bordering certain roads and streets, based on the status of such roads or streets being National or Provincial Roads or where a street needs to be widened.



- (b) Where the application is made for a consent use in any particular zone, the following will apply with regards to building lines:
 - (i) Any consent use in a relevant zone, which is a primary use in any other zone, shall be subject to the same building lines as applicable to the primary use in the other zone, unless the conditions in the relevant zone are more restrictive;
 - (ii) Any consent use in a relevant zone which is not a primary use in another zone shall be subject to the same conditions as the primary use in the relevant zone; and
- (c) Deviations from building lines can only be approved by the Municipality by way of a Departure, provided that:
 - (i) The owner(s) of the effected adjoining property / properties need to consent to the proposed relaxation;
 - (ii) Where such building line is situated on a provincial or national road, the relevant roads authority needs to consent to such relaxation; and
 - (iii) No doors or windows being permitted in any wall situated within 1 meter of a boundary.
- (d) An eaves projection may exceed the prescribed street, side or rear building line by maximum 1m.
- (e) The Municipality may permit the erection of screen or yard walls, pergolas or similar unroofed ornamental structures within the building lines of a land unit

subject to such structures being erected in such manner and of such dimensions as in the opinion of the Municipality would not be likely to impact negatively on the amenities of neighbouring properties. The height of such structures shall not exceed 1,8m unless accompanied by a building plan.

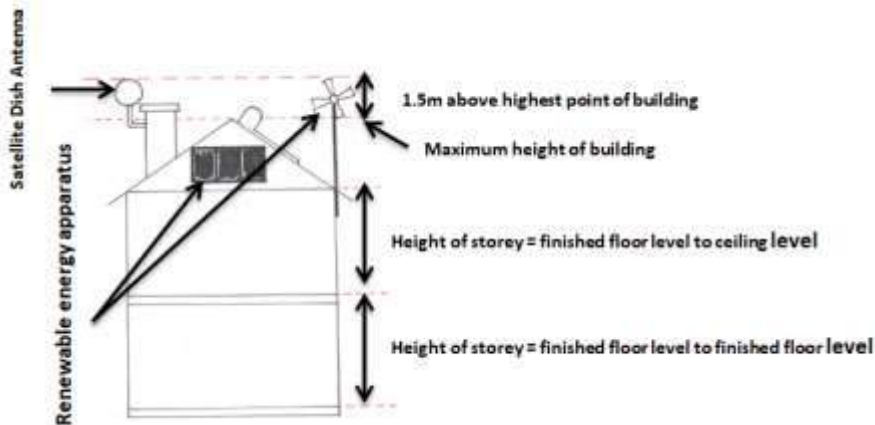
- (f) A swimming pool may not be erected nearer to the boundary of a land unit than the maximum depth of the pool, or 2m, whichever is the more restrictive.

ANNEXURE J

ADDITIONAL PROVISIONS APPLICABLE TO BUILDING HEIGHT

The Municipality shall apply the following parameters when determining the maximum permissible height of a building:

- The maximum height specified for a storey is measured as follows:
 - from finished floor level to finished floor level - in the case of a multi storey building;
 - from finished floor level to the ceiling - in the case of a single storey building or top storey in a multi storey building; or
 - to a level equivalent to the height of the outside wall of a building if no horizontal ceiling is present.



- A roof, or dome which forms part of a roof, shall not constitute a separate storey, unless the space within the roof is designed for, or used for human occupation, in which case it is deemed to be a storey.
- Any storey which is greater than the permitted height of a single storey but equal to or less than the permitted height of 2 storeys, shall for the purposes of height measurement be deemed to be two storeys.
- Antennas, satellite dish antennas (of less than 1.5m diameter), external geysers or renewable energy apparatus such as solar geysers and solar panels attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m.
- The maximum height of a building is determined by the following:
 - Permitted number of storeys.
 - Permitted height per storey for the type of building.
 - Permitted height of the roof structure.

The permissible maximum height for a storey and roof structure of building types are as follows:

BUILDING TYPE	MAXIMUM HEIGHT (m)	
	STOREY	ROOF
Residential	3.2	2
Institutional	4.2	3
Industrial	4.2	3
Commercial / Business	4.2	3

No point of a building shall exceed a maximum vertical height above the “*natural ground level*”, provided that:

- Chimneys and flues are exempt from this height restriction.
- Antennae and satellite dish antennae of less than 1.5m diameter, external geysers or renewable energy apparatus attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building’s roof by more than 1.5m.

Method for determining the maximum height of a building

Relevant definitions:

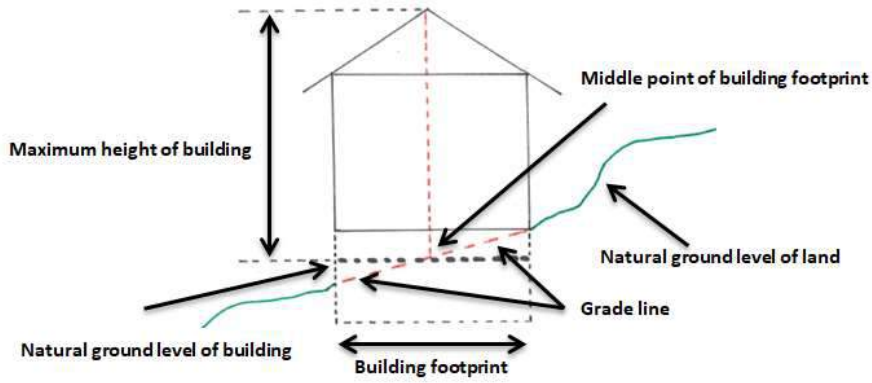
“*Natural Ground Level of Land*” - means the level of the land surface at any point on a land unit:

- (a) in its unmodified, natural state; or
- (b) if the natural state has been modified, as established from a contour plan lodged with an official agency such as the Municipality or the office of the Surveyor General which, in Municipality’s opinion, depicts the natural ground level; or
- (c) if the natural state has been altered by way of grading or excavation, with Municipality’s approval, for the purpose of development; provided that:
 - i. any grading for the purpose of development shall connect evenly with the existing levels of abutting land units;
 - ii. where land is excavated, the excavated level is deemed to be the natural level of the ground;
 - iii. where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the Municipality shall determine a level for the purpose of administering this scheme; and
 - iv. where land is excavated and the excavated material is used to extend the building site (cut and fill), the Municipality shall determine a level for the purpose of administering this scheme

“*Grade Line*” - means an imaginary surface that corresponds with straight lines connecting the highest and lowest natural ground levels immediately contiguous to the footprint of a building or structure.

For the purpose of height control, *Natural Ground Level of a building* is regarded as a horizontal plane encompassing the building footprint, equivalent to the point where the

Grade Line intersects with the middle point of the footprint of the building or structure – or in the event of a multi-level building or structure, the middle point of the footprint of each level of such building or structure.



The maximum height of a building is measured at the highest point of such building above the *natural ground level of the building*.

ANNEXURE K

POLICY FOR BED AND BREAKFAST ESTABLISHMENTS AND GUEST HOUSES

To accommodate the establishment of Bed And Breakfast and Guest Houses, the Municipality will apply the following provisions:

Definitions

A **B&B** is defined as an owner managed accommodation establishment of not more than 5 guest-rooms, which supplies short-term accommodation for guests. Meals may be supplied to guests.

A **Guest House** is an owner managed accommodation establishment of 6 to 16 guest-rooms, which supplies short-term accommodation for guests. Meals may be supplied to guests.

Categories

There are 4 categories of Bed & Breakfast/Guest House establishments:

- Bed & Breakfast with 1 & 2 guest-rooms
 - No special regulations apply.
- Bed & Breakfast with 3 & 5 guest-rooms
 - Permissible by way of a Special Consent in Agriculture and Residential Zones.
 - Permissible as primary right in Business Zones I & II.
- Guest House with 6 -16 guest-rooms
 - Permissible by way of a Special Consent in Agriculture and Residential Zones.
 - Permissible as primary right in Business Zones I & II.
- Facilities with more than 16 guest-rooms are considered as Hotels
 - Permissible as primary right in Business Zones I & II.

Important provisions

- Guest-rooms may not include kitchen facilities (should not be operating as self-catering units).
- Guest-rooms may form part of the dwelling unit or may be provided as free-standing rooms.
- 2 persons shall be allowed per guest-room.
- Normal application procedures need to be followed for Special Consent or Rezoning approval.
- Health regulations must be complied with where applicable.
- The householder or a manager must be resident on the premises.
- These provisions are for Town Planning purposes only and their coming into effect will not constitute a repeal of other relevant regulations or policies.
- Parking provision
 - Parking bay for the owner/manager
 - 2 Additional parking bays shall be provided for every 3 guest-rooms.

- The required number of parking bays must be provided for on the property.
- Signage shall be in accordance to the Municipality's approved signage policy, or if not in place, one sign with a maximum size of 1 m², stating the name and details relating to the establishment.

**ANNEXURE
L****PARKING AND LOADING REQUIREMENTS**

All parking and all loading and off-loading requirements described herein must be provided on the land unit to which it applies.

Requirements for vehicular access/exit ways to a land unit:

- (a) Shall be restricted to one access/exit way per site per street frontage. In specific cases, a separate ingress and egress can be considered.
- (b) Shall be restricted to a maximum total width of 6m where such access/exit crosses the road reserve boundary.
- (c) Shall not be closer than 10m to street corner, or where the corner is splayed, not closer than 5m measured from the point where the splay reaches the road reserve boundary. If the corner is situated at a high volume street intersection or a street intersection with traffic signals, the vehicular access/exit way shall not be closer than 20m to such corner.
- (d) Shall be indicated on a site development plan.
- (e) Panhandles providing access to erven containing a single dwelling unit shall have a minimum width of 4m. Double panhandles or panhandles providing access to erven containing more than one dwelling unit, shall have a minimum width of 6m. An access to two or more additional dwelling units on an erf, or an access to two or more townhouse units on a townhouse erf, shall have a minimum width of 6m.
- (f) Width of panhandles providing access to erven containing non-residential uses will be determined by the Municipality.
- (g) Loading bays shall have vehicular access of to a street of not less than 5m wide, and if carried through a building, not less than 3m in height.

CBD Parking

A defined CBD area, or part thereof, may be exempt from the parking requirements for Business Zone I, except where new buildings are erected or existing buildings are substantially modified. Such new buildings and modified buildings will be subject to the following on-site parking provision requirements:

- (a) New buildings are subject to the full on-site parking provisions.
- (b) In the case of substantially modified buildings, all new work will be subject to the full on-site parking provisions.

Demarcation of a Loading Area

- (a) The loading or off-loading of goods and persons onto or from vehicles, where such activity is associated with one or more of the buildings or land-use types described in this Scheme, shall not be permitted to take place within a road reserve or upon any street except within such portions of a street which have been specifically demarcated for such purposes by the Municipality, or with the permission of the Municipality.

- (b) The Municipality may, for the purpose of preventing the obstruction of traffic on any street, require an owner to submit for its approval, proposals for ensuring suitable and sufficient space on the site for any loading or unloading of vehicles which the utilisation of the building is likely to entail.
- (c) Where, in the opinion of Municipality, the activities of a loading area could be detrimental to surrounding land-uses in terms of visual appearance, noise or of any other offensive nature, the Municipality may stipulate additional requirements.

Alternative Parking Requirements

- (a) As an alternative to the parking requirement this Annexure, where the Municipality is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on the site, the owner may acquire the prescribed area of land for the parking facilities concerned elsewhere in a position approved by the Municipality, provided that:
 - i. The owner registers a notarial deed against such land to the effect that the Municipality and the public shall have free access thereto for the purpose of parking;
 - ii. The owner shall be bound to level this land and surface and maintain it to the satisfaction of the Municipality; and
 - iii. All acquisition, construction, servitude registration and maintenance cost shall be borne by the owner.
- (b) As an alternative to (a), the owner may, with the consent of the Municipality, pay a cash sum to the Municipality, equal to the assessed cost of constructing the shortfall in parking bays – estimated as follows:
 - i. Estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided for the parking, multiplied by a factor of 1.075, in which event the Municipality shall be responsible for acquiring the necessary land for such parking purposes when and where the Municipality desires.
- (c) The Municipality may consider relaxing the parking requirements if public transport facilities are incorporated into a development to the satisfaction of the Municipality.

Occupation Certificate

A building completion certificate, in accordance with the National Building Regulations, shall not be issued unless the parking and loading areas meet the requirements of this Scheme and has been constructed according to a relevant building plan and to the satisfaction of Municipality.

PARKING AND LOADING REQUIREMENTS	
USE	REQUIREMENT
A : RESIDENTIAL	
1. Single Residential: Residential Zone II A Residential Zone II B & C	1 parking bay/dwelling unit 2 bay/dwelling unit
2. General Residential: Flats, Town Houses, etc.	1,0 bays/unit – 1 bedroom units 1,0 bays/unit – 2 bedroom units 1,5 bays/unit – 3 or more bedroom units plus an additional 0,5 bays per unit irrespective of number of bedrooms for visitor parking
3. Hotels	1 parking bay/ habitable room and 10 parking bays per 100m ² Public Accessible Area
4. Boarding Houses, etc.	0,6 parking bays/habitable room
5. Old Age, Frail or Handicapped Care Facilities, Orphanages, etc.	0,3 parking bays/ habitable room
6. Bed & Breakfast 1 - 2 guest-rooms..... 3 - 5 guest-rooms.....	2 parking bays for the owners and guests 2 parking bays for the owners/residents + 2 parking bays for guests
7. Guest House 6 - 16 guest-rooms	2 parking bays for the owners/residents + 2 parking bays per 3 guest-rooms
B : OFFICES AND BUSINESS	
1. General Offices	2,5 parking bays/100m ² GLA (no space to be deducted for kitchens, passages, etc.)
2. Professional Services such as Medical and Veterinary Consulting Rooms, Hairdressers, etc.	6 parking bays/100m ² GLA
3. Business Shops, Shopping Centres, Retail Malls, Banks, etc.	6 parking bays/100m ² GLA, for Business Zone I and II. The <u>use</u> of property may not affect this requirement. 1 loading bay for every 500m ² GLA up to 1000m ² , thereafter 1 extra bay for every additional 1000m ² leasable floor area.
4. Business Motor Vehicle Sales Premises	1 bay/150m ² per erf size 2,5 bays/100m ² of office 1 bay/100m ² of showroom area
C : MEDICAL	
1. Consulting Rooms	6 parking bays/100m ² GLA

2. Hospitals and clinics	1 parking bay/bed
D : INDUSTRIAL AND COMMERCIAL	
1. Manufacturing	1 parking bay /100m ² GLA 1 loading bay for every 2500m ² gross floor area up to 10 000m ² , thereafter 1 extra bay for every additional 10 000m ² gross floor area
2. Warehousing	1 parking bay /100m ² GLA 1 loading bay for every 2500m ² gross floor area up to 10 000m ² , thereafter 1 extra bay for every additional 10 000m ² gross floor area
3. Dairies, Bakeries and Laundries	1 parking bay /100m ² GLA 1 loading bay for every 2500m ² gross floor area up to 10 000m ² , thereafter 1 extra bay for every additional 10 000m ² gross floor area
4. Storage Yards	1 parking bay /100m ² GLA
5. Car Wash	3 parking bays /Wash-bay
E : PUBLIC GARAGES	
1. Petrol Filling Station	6 parking bays per 100m ² sales area (spares, restaurant or convenience shop)
F : PLACES OF PUBLIC WORSHIP	
1. Place of Public Worship, Church	0,15 parking bays/seat
G : EDUCATIONAL	
1. Day Care Centres	1 space/class-room or office + Sufficient on and off loading area
2. Primary School	1 space/class room or office + Sufficient on and off loading area
3. Secondary School	1 space/class room or office + Sufficient on and off loading area
4. Colleges	0.25 spaces per student

H : RECREATION, SPORT AND ENTERTAINMENT	
1. Community Centres	2 spaces/100m ² GLA
2. Halls	0,25 spaces/seat <u>or</u> 20 spaces/100m ² GLA
3. Cinemas and Theatres - within shopping centre - isolated	0,1 spaces/seat 0,2 spaces/seat
4. Sport Stadiums	0,25 spaces/seat
5. Swimming Pools	0,25 spaces/seat
6. Libraries and Museums	2 spaces/100m ²
7. Other Public Facilities	2 spaces/100m ² or at the discretion of the Municipality

ANNEXURE M**POLICY FOR PERMITTING TEMPORARY USE RIGHTS /
OCCASIONAL USES**

The Municipality may permit:

- the establishment of a temporary construction camp where it is not practical to accommodate construction workers in an urban area due to the distance of the construction site from urban areas;
- the occasional use of property for temporary activities such as craft markets, circuses, religious gatherings, or other outdoor events, even though these are not in accordance with the zoning of the property concerned,

provided that, in the Municipality's opinion, the temporary or occasional use activity will not have a significant negative effect on surrounding areas, or on the natural and cultural environment.

Permission shall be subject to such conditions as the Municipality may impose, including (but not limited to) the following -

- that the applicant provides adequate parking, sanitation, waste management and other services to the Municipality's satisfaction;
- that such temporary activities do not extend for a continuous period as the municipality may specify;
- that the will ensure the rehabilitation of the land to its original state; and
- that such approval may be withdrawn by written notice to the applicant, should any condition of the permission not be complied with or should a public nuisance be created or environmental damage caused.

ANNEXURE N**POLICY FOR TELECOMMUNICATION INSTALLATIONS**

To accommodate the erecting of Telecommunication Installations (radio communication or cell masts), the Municipality will apply the provisions described herein. The following conditions shall apply:

Land Use Authorisation

- Permissible as a primary right in Industrial Zones and Authority/Utility Zone.
- Permissible by way of a Special Consent in all other Zones.
- Authorisation is subject to the relevant requirements of the National Environmental Management Act, Civil Aviation Act and Regulations and other applicable legislation.

Building Control

Telecommunication Installations, where approved by the Municipality, may not exceed the following prescribed maximum height restrictions.

- Where Telecommunication Installations are fixed to existing buildings, they may not exceed the height of such buildings by more than:
 - 3m in height for buildings of 10m or less;
 - 6m in height for buildings of less than 20m;
 - 10m in height for buildings of 20 m or more.
- A freestanding Telecommunication Installation may not extend more than 6m above the maximum permitted height of a building in the zone within which it is approved without prior approval of the Municipality.

Conditions applicable to decommissioning of Telecommunication Installations

Unless regulated in terms of other permitting or authorisation conditions, such as an Environmental Authorisation:

- When a Telecommunication Installation is scheduled to be decommissioned or operations have been discontinued or abandoned, the owner of the Telecommunication Installation must notify the Municipality by registered mail within 60 days of such after such decommission date or date on which such operation being discontinued or abandoned.
- The Municipality may determine a date by which the owner shall remove all decommissioned infrastructure.
- Where the site has been disturbed by the Installation, the owner shall rehabilitate the site to its original state or to a state acceptable to Municipality.
- Where the owner fails to comply with these provisions, or fails to carry out the agreed removal of structures, the Municipality may remove such infrastructure, and rehabilitate the site at the cost of the owner.

ANNEXURE O**POLICY FOR RENEWABLE ENERGY APARATUS AND STRUCTURES**

To accommodate the establishment of Renewable Energy Structures, the Municipality will apply the provisions described herein. The following conditions shall apply:

Relevant definitions

The following definitions will be used to describe elements that are associated purely with the establishment of Renewable Energy Facilities:

- **“Renewable Energy Apparatus”** – means any apparatus which captures and converts wind, hydro, solar radiation, bio mass or other renewable source into energy
- **“Renewable Energy Structure”** – means any dedicated structure specifically designed and erected to accommodate apparatus such as wind turbines, hydro turbines, solar energy generating panels (including solar-voltaic and concentrated solar thermal) or bio mass equipment, or grouping thereof, which captures and converts wind, hydro, solar radiation, bio mass or other renewable source into energy for local consumption or commercial gain, irrespective of whether it feeds into an electricity grid or not. This may include associated structures, infrastructures or buildings directly related to the operation of the generation, transmission and distribution of electricity generated by the structure or grouping of structures. Associated structures and infrastructure may include pylons, poles, masts, transformers and sub-stations. Associated buildings may include, but are not limited to, workshops and stores, offices, site canteen, medical station, research facility, guard house and recreational facilities for staff.
- **“Renewable Energy Site”** - means the land utilised for the Renewable Energy Structure/s, inclusive of associated structures, infrastructure, buildings, and setback lines applicable to such, regardless of cadastral boundaries.

Land Use Authorisation

- No permission is required to install or attach a Renewable Energy Apparatus to any surface of a building, provided that it may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building’s roof by more than 1.5m. If such apparatus exceeds the vertical height provisions, it should be treated in the same manner as Renewable Energy Structures.
- Permission for erecting Renewable Energy Structures in an Agricultural Zone for non-commercial, self-use generation purposes only may be obtained by way of a Special Consent application in the Agricultural Zone.
- Permission for erecting Renewable Energy Structures for commercial energy generation purposes shall be obtained by way of rezoning to Renewable Energy Zone.
- Conditions of approval shall be to the discretion of the Municipality.

- Renewable Energy Structures shall be subject to the relevant requirements of other relevant legislation, including the National Environmental Management Act and Civil Aviation Act and Regulations.

Building Control

- Height

A maximum height of 200m above the grade line for any pylon, pole or mast and mechanisms mounted thereon, measured from the middle point of the footprint of each pylon, pole or mast to the highest point of such pylon, pole or mast with mechanism (including any blades or other protrusions).

For “Associated buildings”, no point of a building shall exceed a vertical distance above the grade line of:

- 6m in the case of flat roofed buildings, or
 - 8m in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line;
 - Provided that chimneys, flues and antennas are exempt from this height restriction.
- Setback
A distance equal to 1,5 times the overall height of renewable energy structures and apparatus attached thereto (including blade tip or other protrusions), or associated buildings, measured from:
 - the nearest public or private building, structure or space for human occupation (live, work or recreation);
 - the cadastral boundary of the land unit (unless the renewable energy site straddles such cadastral boundary);
 - any public road or private or public right of way not directly associated with the renewable energy site; and
 - any external electrical infrastructure (not associated with the renewable energy site).

Additional Conditions

- Site Development Plan (SDP)
As part of the application or stipulated as a condition of approval, a SDP must be submitted for approval by the Municipality.
The SDP must reflect the boundaries of the renewable energy site and exact location, specifications and positioning of the renewable energy structure, including associated structures, infrastructure and buildings.
- Visual and environmental impact
Visual and environmental impacts must be taken into account for the positioning of the structure, height determination and in general, to the satisfaction of the Municipality.

Conditions applicable to decommissioning of Renewable Energy Structures

Unless regulated in terms of other permitting or authorisation conditions, such as an Environmental Authorisation:

- When a Renewable Energy Structure is scheduled to be decommissioned or operations have been discontinued or abandoned, the owner of the Renewable Energy Structure must notify the Municipality by registered mail and submit timeframes for removal of the structure/s and associated infrastructure within 60 days after the operation ceased.

- Any Renewable Energy Structure and associated infrastructure, including buildings, power lines, cables, security barriers, and roads which has been decommissioned, which has reached the end of its productive life or has been abandoned, must be removed.
- The owner of the Renewable Energy Structure is responsible for the removal of the structure in all its parts, and rehabilitation of the land to the satisfaction of the Municipality, within a timeframe agreed upon by the Municipality.
- If the owner fails to remove the structure or parts thereof in accordance with the timeframe agreed upon by the Municipality, the Municipality may enter the property and remove the structure or parts thereof. All removal costs in such a case may be recovered from the owner.

Permission for the establishment of temporary construction camps is subject to the provisions of **Annexure M**.

ANNEXURE P**POLICY FOR NOXIOUS USE / TRADE OR INDUSTRY**

The following activities are classified as noxious use/trade/industry:

- Any use, trade or industry which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust – or which carries a high risk in the event of a fire, natural disaster or accident.
- Any installation, which in terms of the Occupational Health and Safety Act No. 85 of 1993 is classified as a "major hazard installation". The act defines a "major hazard installation as follows:
 - where more than the prescribed quantity of any substance is or may be kept, whether permanently or temporarily; or
 - where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident.
- Any activities which constitute a nuisance as envisaged in other applicable legislation (or amendments thereof) or new legislation (or regulations promulgated in terms of such legislation), including:

Approval of an application for establishment of a noxious use, trade or industry in terms of this Land Use Scheme does not exempt the owner from applying for permission in terms of other relevant legislation.

ANNEXURE Q**POLICY FOR PERMITTING MINING ACTIVITIES**

Permission for mining activities in terms of these scheme regulations shall be obtained by way of a departure application.

Conditions of departures granted, including validity period of the Departure, shall be in accordance with stipulations of the required permit and/or license to be granted by the Department of Mineral and Energy Affairs.

ANNEXURE R

POLICY FOR LAND DEVELOPMENT IN CLOSE PROXIMITY TO WATER RESOURCES (DRAINAGE COURSES & WETLANDS)

To limit the impact of land development activities in the catchment or in close proximity to drainage courses or wetlands, the Municipality will apply the provisions described herein.

Statutory Requirements

To ensure that Ubuntu Municipality optimises the use of all available legal mechanisms to protect water resources (wetlands and watercourses), Municipal Land Use Management needs to be aligned with such mechanisms. Although the intention of alignment is not to duplicate legal processes, it is important to ensure that, where relevant, conditions are included in land development authorisations to ensure that development activities will comply with the provisions and principles of applicable legislation.

These include:

- **National Environmental Management Act, No. 107 of 1998 ('NEMA')**
To comply with NEMA, where development will include listed activities that may impact water resources (watercourses and wetlands), published in listing notices of the EIA Regulations (2017) under Section 24(5) and 44 the NEMA.

These mainly relate to listed development activities that will occur:

- outside urban areas, existing roads or road reserves or railway reserves
 - within a watercourse;
 - in front of a development setback; or
 - if no development setback exists, within 32m of a watercourse, measured from the edge of a watercourse
- **Conservation of Agricultural Resources Act, 1983 ('CARA')**
On **all agricultural properties** it is necessary to complying with CARA, where development will include any of the regulated activities published under Section 29 of CARA (that may negatively affect watercourses). Activities include:
 - cultivation of virgin soil
 - utilisation of vegetation in a manner that causes or may cause the deterioration of or damage to the natural agricultural resources:
 - in a wetland (terminology in CARA refer to vlei, marsh or water sponge)
 - within the flood area of a water course
 - within 10m horizontally outside such flood area
 - draining or cultivation of any wetland (referred to in CARA as vlei, marsh or water sponge) or a portion thereof; or

- cultivation of any land within the flood area of a water course or within 10m horizontally outside the flood area of a water course.
- diverting any run-off water from a water course to any other water course.
- effecting an obstruction that will disturb the natural flow pattern of run-off water or permit the creation of such an obstruction unless the provision for the collection, passing through and flowing away of run-off water through, around or along that obstruction is sufficient to ensure that it will not be a cause for excessive soil loss due to erosion through the action of water or the deterioration of the natural agricultural resources.

- **National Water Act No 36 of 1998**

Section 144 of the Act stipulates that “no person may establish a township unless the layout plan shows, in a form acceptable to the local authority concerned, lines indicating the maximum level likely to be reached by floodwaters on average once in every 100 years”.

To effectively cover the above, it is important for the Municipality to ensure that:

- (a) Land development applications include the following information on plans (including Site Development Plans) forming part of such application:**
 - **Position of the Urban Edge (if the subject land area is affected by the Urban Edge)**
 - **Development setback lines (if such lines are available and if the land area subject to the application is affected by a setback line)**
 - **Position of watercourses and watercourse edges / wetland and wetland edge (if the land area subject to the application is affected by watercourses and/or wetlands)**
 - **1:100 year floodline (if the land area subject to the application is affected by a floodline)**
- (b) Conditions are imposed as part of a development approval to ensure protection of water resources and compliance with statutory restrictions.**

Best practice requirements

Unless provided for in other legislation, Municipal Bylaws or regulations, the following will apply:

- **Storm-water management / run-off flow control requirements**

Where land development will result in development of more hardened surfaces (roof coverage and/or paved surfaces), the Municipality needs to stipulate appropriate conditions in development approvals to ensure that the resulting impact

of increased run-off flow rates can be mitigated. It is important not to be too prescriptive, but to rather allow the applicant scope to consider one or more design solutions to achieve the desired results.

Examples of measures that can be considered as alternatives include the following:

- Planted roofs
- Infiltration trenches
- Detention ponds
- Rainwater harvesting
- Bio-retention areas
- Permeable paving
- Sand filters
- Constructed wetlands

- **Ground-water contamination prevention measures**

Where conventional waterborne sewerage infrastructure capacity is not available, the following minimum requirements need to be applied in considering land development authorisations:

- Minimum residential erf size where “soakaways” or “unlined” VIP toilets can be allowed is 1800m², subject to:
 - Confirmation of soil suitability
 - Setback requirements if erven are situated in close proximity to watercourses or wetlands.

Careful consideration to be given to geotechnical and soil conditions, prior to the authorisation of development of cemeteries, waste sites and waste water treatment works.

- Minimum setback distance from watercourses or wetlands of 200m.
- Relaxation of the setback will be subject to confirmation of soil suitability.

OVERLAY ZONE 1**CENTRAL ASTRONOMY ADVANTAGE AREA OVERLAY ZONE**

Three Central Astronomy Advantage Areas were declared by the Minister of Science and Technology in terms of Notice 141 of 2014, published in Government Gazette No. 37397 of 28 February 2014.

The aim of the Central Astronomy Advantage Areas is to control and prevent activities that may cause light pollution or radio frequency interference that may affect astronomy and related scientific endeavours within declared Core Astronomy Areas.

The outer extent of the Central Astronomy Advantage Area Overlay Zone is depicted on Figure 1 below and is reflected on the Land Use Scheme Maps of the Municipality.

The following activities are restricted within the Astronomy Advantage Area Overlay Zone and may only be approved by the Municipality if activities have been authorised by the Astronomy Advantage Area Management Authority.

- *Prospecting or mining activities;*
- *The construction, expansion or operation of any fixed radio frequency interference sources;*
- *Harmful industrial processes;*
- *The construction and development of new business or residential areas or recreational facilities;*
- *The construction or expansion of road or rail transport networks or parts thereof;*
- *The construction or expansion of any airfield or airport;*
- *The operation, construction or expansion of facilities for the generation, transmission or distribution of electricity;*
- *Activities capable of causing light pollution, including the installation or operation of street lighting, outdoor security lights, laser promotional lights or self-lit billboards;*
- *Activities capable of causing radio frequency interference, including bringing into the area or operating any interference source, mobile radio frequency interference source or short-range device;*
- *Activities capable of causing air pollution; and*
- *Any other activity which may detrimentally impact on astronomy and related scientific endeavours, or the astronomy advantage of any core or central astronomy advantage area.*

All land development applications on land within the Astronomy Advantage Area Overlay Zone must be circulated to the relevant Astronomy Advantage Area Management Authority (in which the authority to manage the effected astronomy advantage area is vested in terms of section 15 of the AGA Act) for comment.

APPENDIX 1**IMPLEMENTATION PROPOSALS & PROCEDURES**

Gazetted Municipal SPUMA Bylaws to be reviewed and inserted as part of this Municipal Land Use Scheme.

1. DEFINITIONS AND INTERPRETATIONS

Unless the context indicates otherwise, any word or term to which a meaning has been assigned in the Spatial Planning and Land Use Management Act 16 of 2013, has the meaning assigned to it in that Act.

Apart from the words and terms defined in the Act, the following words or terms shall have the following meaning -

"Act" or "the Act" means the Spatial Planning and Land Use Management Act 16 of 2013 and any Regulations published in terms of section 54 of the Act;

"Application" means an application to submitted to the Municipality in terms of which a development right is sought;

"Authorised employee" means a municipal employee who is authorised by the Municipal Council of the Municipality to exercise a power or perform a duty in terms of this By-law as read with the provisions of the Act;

"Council" means the Municipal Council of the Municipality;

"Consent use" means the usage of land for which it is not zoned for, but which is made provision for in the existing land use management scheme applicable to the land in question;

"Development charge" means a development charge levied by the Municipality as contemplated in section 40(7)(b) of the Act;

"Municipality" means the Municipality established by Establishment Notice issued in terms of the Local Government: Municipal Structures Act 117 of 1998 or the delegated employee of the Municipality or the Municipal Planning Tribunal of the Municipality if the context so require;

"Municipal Planning Tribunal" means the Municipal Planning Tribunal appointed and by the Council and established by the Municipality in terms of the Act;

"Regulations" means any Regulations published in terms of the Act.

"Site development plan" means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

2. LAND DEVELOPMENT REQUIRING APPROVAL

- 1) No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of subsection (b).
- 2) The owner of land or a person listed in section 45(1) of the Act must apply to the Municipality in terms of this By-law for one or more of the following development rights:
 - a) the establishment of a township or the extension of the boundaries of a township;
 - b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - d) consent for the amendment or cancellation in whole or in part of a general plan of a township;
 - e) the subdivision and consolidation of any land other than a subdivision and consolidation made provision for in section 2(2)(x) and 2(2)(y) hereof;
 - f) the permanent closure of any public place;
 - g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - h) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
 - i) the rezoning of land;
 - j) the departure from the development parameters of the zoning scheme;
 - k) the departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - l) the subdivision of land, including the registration of a servitude;
 - m) the consolidation of land;
 - n) the amendment, suspension or deletion of restrictive conditions in respect of a land unit;
 - o) the permission required in terms of the zoning scheme;
 - p) the amendment, deletion or imposition of conditions in respect of an existing approval;
 - q) the extension of the validity period of an approval;
 - r) the approval of an overlay zone as provided for in the zoning scheme;
 - s) the phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - t) permission required in terms of a condition of approval;
 - u) a determination of a zoning;
 - v) a closure of a public place or part thereof;
 - w) a consent use provided for in an existing zoning or land use management scheme; and
 - x) the subdivision of any land where such subdivision is expressly provided for in a land use management scheme;

- y) the consolidation of land where such consolidation is permitted in terms of an existing land use management scheme;
 - z) The consent of the Municipality for any land use purpose or departure or deviation in terms of a land use scheme, which does not constitute a land development application and the renewal of such a consent;
- 3) All applications for land development rights listed in sections 2(2)(i) to 2(2)(xxiii) will be decided upon by the Municipal Planning Tribunal of the Municipality.
 - 4) All applications for land development rights listed in sections 2(2)(xxiv) to 2(2)(xxvi) will be decided upon by the Designated Official of the Municipality as appointed in terms of section 35(2) of the Act.
 - 5) If an application listed in sections 2(2)(xxiv) to 2(2)(xxvi) directly relates to or impact upon any of the land development rights referred to in sections 2(2)(i) to 2(2)(xxiii), the Municipal Planning Tribunal of the Municipality and not the designated official as referred to in section 2(4) will have to adjudicate the application in question.
 - 6) If section 52 of the Act is applicable to the development right being applied for, the provisions of section 52 of the Act must be adhered to. The Municipality or Municipal Planning Tribunal, as the case may be, shall inform the applicant in writing if it is of the opinion that section 52 of the Act is applicable.
 - 7) If any development right is granted subject to any conditions as may be imposed in respect thereof, the applicant and owner must comply with such conditions imposed, as well as any conditions contained in any applicable land use management scheme and the Spatial Development Framework of the Municipality.
 - 8) If a Municipality wishes to apply for any development rights made provision for in this Bylaw, it must submit its application in the manner prescribed which will be dealt with in the manner prescribed.

3. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

- 1) If land that is the subject of an application for a development right made provision for in this By-law is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the Municipality:
 - 2) proof of change of ownership; and
 - 3) an amended power of attorney, if an agent was appointed to make the application.
 - 4) The new owner must advise the Municipality in writing of the continuation of the application in the manner prescribed.

4. REZONING OF LAND

- 1) The rezoning of land may be made applicable to a land unit or part thereof, and zoning of land need not follow the boundaries of land as registered in terms of the Deeds Registries Act.

5. LAPSING OF DEVELOPMENT RIGHTS RELATING TO REZONING AND EXTENSION OF VALIDITY PERIODS

- 1) Subject to subsection (b), a rezoning approval lapses after a period of two years, or a shorter period as the Municipality or Municipal Planning Tribunal may determine,

as calculated from the date that the rezoning has been approved if, within that two year period or shorter period as may be determined -

- a) the zoning is not utilised in accordance with the approval; or
 - b) the following requirements have not been met:
 - c) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - d) commencement of the construction of the building contemplated in subparagraph (i).
- 2) The Municipality may approve extensions of a period contemplated in subsection (a) or (b), but the period together with any approved extensions may not exceed 5 years if applied for in the manner prescribed.

6. CONSENT USE

- 1) An applicant may apply to the Municipality for a consent use.
- 2) The nature of a consent use is contractual in nature and will only be granted if the procedure prescribed is complied with and the consent use applied for is made provision for in the existing land use scheme which is applicable to the land to which the application for consent use relates to.
- 3) A consent use may not be granted if it is in conflict with a condition in the title-deed of the land to which the application for consent use relates to.
- 4) A consent use contemplated in subsection (1) lapses after a period of two years, or such other time period that the Municipality may determine, calculated from date of approval, or a shorter period as the Municipality may determine, if the consent use is not utilised in accordance with the approval or any conditions stipulated in the approval; or
- 5) The Municipality may in the manner prescribed, approve extensions of the period contemplated in subsection (4), which period together with any extensions that the Municipality approves may not exceed five years.

7. SUBDIVISION

- 1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted in terms of section 9.
- 2) An applicant may submit a subdivision application simultaneously with an application for rezoning.
- 3) If a Municipality is satisfied that the applicant complied with all the conditions imposed in respect of a development right granted which relates to the subdivision of land, the Municipality must issue a certificate that it is satisfied that all such conditions have been complied with.
- 4) If the Municipality issues a certificate referred to in subsection (3) in error, the applicant or person to which such a development right was granted to be not absolved from complying with the obligations imposed in terms of the development right granted.

8. EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

- 1) The subdivision or consolidation of land does not require the approval of the Municipality if:

- a) the subdivision or consolidation arises from the prescripts contained in a Court order;
- b) if the subdivision or consolidation arises from an expropriation of land in terms of other legislation, unless a consolidation of land as a result of a properly completed expropriation process will result in the consolidated piece of land to be registered which is in contravention of the provisions of any applicable land use management scheme or the Spatial Development Framework of the Municipality, in which event an application must be submitted to the Municipality to approve such a consolidation;
- c) if the land to be consolidated belong to the same owner and have the same zoning and do not contain conditions of title restricting consolidation.
- d) It is required to effect a minor amendment of the common boundary between two or more land units if the resulting change in area of any of the land units is not more than 10 per cent;
- e) The subdivision of land in order to bring about its conveyance to a local authority, semi-state institution or other statutory body.
- f) The subdivision of land in order to bring about its conveyance from a local authority, semi-state institution or other statutory body. This does not, however, include land units which are alienated for development.
- g) the registration of a servitude or lease agreement for the provision or installation of-
 - a. access roads, water pipelines or channels, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum product pipelines by or on behalf of an organ of state, service provider or private individual;
 - b. telecommunication or fibre optic lines by or on behalf of a licensed telecommunications operator, organ of state or private individual;
- 2) The Municipality must, in each case, certify in writing that the subdivision or servitude has been exempted and impose any condition it may deem necessary.
- 3) The Municipality must place an endorsement on the plan of subdivision or servitude that the subdivision has been exempted.

9. OWNERSHIP OF PUBLIC PLACES AND LAND REQUIRED FOR MUNICIPAL ENGINEERING SERVICES AND SOCIAL FACILITIES

- 1) The ownership of land that is earmarked for a public place as shown on an approved subdivision plan shall vest in the Municipality upon registration of the public open space in terms of the Deed Registries Act, unless a provision to the contrary is contained in the development right granted to an applicant, in which event the condition contained in such a development right shall prevail.
- 2) Subject to the provisions of section 40 the Municipality may in terms of conditions imposed in terms of any development right granted determine or designate land that must be used for the provision of engineering service which must be transferred to the Municipality at the cost of the owner upon the owner complying with the development right thus granted.

10. CLOSURE OF PUBLIC PLACES

- 1) The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this By-Law.

- 2) An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply in terms of section 3 in the manner prescribed to the Municipality.
- 3) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.

11. SERVICES ARISING FROM SUBDIVISION OR THE GRANTING OF ANY OTHER DEVELOPMENT RIGHTS

- 1) Subsequent to the approval of an application for subdivision or any other development right in terms of this By-law, the owner of any land unit originating from the subdivision must-
 - a) allow without compensation that the following be conveyed across its land in respect of other land units originating from the subdivision:
 - i.) gas mains;
 - ii.) electricity cables;
 - iii.) telephone cables;
 - iv.) television cables;
 - v.) other electronic infrastructure;
 - vi.) main and other water pipes;
 - vii.) foul sewers;
 - viii.) storm water pipes;
 - ix.) ditches and channels; and
 - x.) any cable conveying data in any format whatsoever.
 - b) allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality:
 - i.) surface installations such as mini-substations;
 - ii.) meter kiosks; and
 - iii.) service pillars;
 - c) allow access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraphs (a) or (b); and
 - d) receive material or permit excavation on the land unit as may be required to allow use of the full width of an abutting street and to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

12. CONSOLIDATION OF LAND

- 1) No person may consolidate land without the approval of the Municipality in terms of this By-law, unless the consolidation is exempted in terms of section 8.

13. LAPSING OF CONSOLIDATION AND EXTENSION OF VALIDITY PERIODS

- 1) Subject to subsection (2), an approved consolidation of land units lapses if the consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval thereof.

- 2) If the consolidation of land units is one of more development rights granted in terms of this By-law, the applicant may apply for an extension of the period referred to in subsection (a) prior of the lapsing of the right.
- 3) If the Municipality approves an extension contemplated in subsection (b), the extended period together with the period contemplated in subsection (a) may not exceed an additional five years calculated from the date on which the rights relating to consolidation was to have lapsed.

14. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- 1) The Municipal Planning Tribunal may upon application amend or remove a restrictive condition contained in the conditions of establishment of a township, in a title deed relating to land or those conditions contained in a land use management scheme administered by it.
- 2) In addition to the documents required and procedures set out in Implementation Proposals and Procedures, the owner must-
 - a) submit the original title deed to the Municipality or a certified copy thereof; and
 - b) where applicable, submit the bondholder's consent to the application
- 3) The Municipality must cause a notice of an application in terms of subsection (1) to be served on-
 - a) all organs of state that may have an interest in the title deed restriction;
 - b) every holder of a bond encumbering the land;
 - c) a person whose rights or legitimate expectations will be materially and adversely affected by the approval of the application; and
 - d) all persons mentioned in the title deed for whose benefit the restrictive condition applies.

15. ENDORSEMENTS IN CONNECTION WITH AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- 1) The Municipality must inform the Registrar of Deeds of any suspension or removal of a restrictive condition.

16. LAPSING AND EXTENSION OF OTHER DEVELOPMENT RIGHTS

- 1) Any development right listed in section 2 that an applicant applies for that is not specifically regulated in sections 4, 5, 6, 7, 8, 9, 11, 13, 14 and 15 shall lapse if the conditions imposed in respect of such a right is not complied with within three years of the date of the granting thereof.
- 2) If a development right listed section 2 that an applicant applies for that is not specifically regulated in sections 4, 5, 6, 7, 8, 9, 11, 13, 14 and 15 was granted without any conditions imposed by the Municipality in respect thereof, such a right shall lapse after three years calculated from the date on which it was granted if the person to whom the right was granted fails to give effect to the right within the period prescribed.
- 3) The applicant may apply for an extension of the period referred to in subsections (1) and (2) prior of the lapsing of the right in question.
- 4) If the Municipality approves an extension contemplated in subsection (3), the extended period together with the period contemplated in subsections (1) or (2) may

not exceed an additional five years calculated from date on which the development right would have lapsed.

17. PROCEDURES FOR APPLICATIONS

- 1) An applicant must comply with the procedures in this Chapter in submitting an application to the Municipality.
- 2) Any application in terms of this By-law must be submitted in printed format to the main office of the Ubuntu Municipality.
- 3) Any application submitted in printed format by an applicant must be signed by the applicant or a person made provision for in section 45(a) of the Act.
- 4) If an application in terms of this By-law must be decided upon by the Municipal Planning Tribunal in terms of section 2, the Comprehensive Application Form set out in Schedule Two to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- 5) If an application in terms of this By-law must be decided upon by the designated employee in terms of section 2, the Application Form set out in Schedule Three to this By-law should be used and all the information requested therein should be submitted with the application form itself.
- 6) The Municipality may implement an electronic lodgement system for applications if so decided upon by its Council.
- 7) It is incumbent upon the applicant to ensure that all the relevant information prescribed in this By-law is submitted to the Municipality.
- 8) The Municipality may publish guidelines to assist applicants in the submission of applications.

18. INFORMATION REQUIRED

- 1) An application for a development right listed in section 3 must be accompanied by the following documents:
 - a) a properly completed Comprehensive Application Form or Application Form as the case may be;
 - b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorised to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;
 - d) the relevant bondholder's consent, if required by the Municipality;
 - e) a comprehensive written motivation as to why the development right applied for should be granted and which deals with the development principles contained in section 2 of the Act, the applicable land use scheme, the Spatial Development Framework of the Municipality and the factors listed in sections 42(a)(iii) and 42(b) of the Act;
 - f) proof of payment of application fees;
 - g) a full, certified copy of the existing title deed indicating all existing title conditions;
 - h) if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds or

any other documents in which restrictive conditions may appear such as a deed of sale;

- i) should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application; and
- j) any of the maps made provision for in section 19.

19. APPLICATION STANDARDS

- 1) An application that does not comply with the provisions of this By-law will be deemed to be incomplete and will be dealt with in terms of section 23.
- 2) Dependant on the nature of the development right being applied for the applicant must, in addition to any other documents provided for in this By-law, submit the following maps:
 - a) an orientation locality map as described in subsection (5);
 - b) a zoning map as described in subsection (6);
 - c) a land use map as described in subsection (7);
 - d) a detailed layout map as described in subsection (8);
 - e) a basic layout map as described in subsection (9); and
 - f) a site development plan as described in subsection (10).
- 3) The applicant must submit the following maps in respect of an application to be decided upon by the Municipal Planning Tribunal:
 - a) an orientating locality map;
 - b) a zoning map;
 - c) a land use map;
 - d) a detailed layout map;
 - e) a site development plan.
- 4) The applicant must submit the following maps in respect of an application to be decided upon by the Designated Official:
 - a) an orientating locality map; and
 - b) a basic layout plan.
- 5) An orientation locality map shall be a legible printed document of at least A3 size which must reflect the following details:
 - a) true north, scale, key and heading "orientation locality map";
 - b) the approximate location of the land to which the application relates to relative to the nearest town in the case of rural or farming areas and the immediate residential neighbourhoods in the case of urban areas;
 - c) boundary of the Municipality and the jurisdictional areas of adjacent Municipalities;
 - d) Roads, whether they are national, regional or local in nature if they are near or adjacent to the land in question; and
 - e) Size and location of the land to which the application relates to.
- 6) A zoning map shall be a printed document extract of at least A3 size which must reflect an extract of the municipality's official zoning map with the following detail:
 - a) the scale, true north, key and heading "Zoning Map";
 - b) All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as of all undeveloped land units for applications within Urban Areas and;
 - c) All land units and existing zonings of adjacent farms for applications within Rural Areas.

- 7) A land use map shall be a printed document where the existing land uses differ from the relative zonings of the application area, or if it is requested by the municipality. A land use map must include the following:
- a) The scale, true north, key and heading "Land Use Map";
 - b) All existing land uses found within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units for applications within Urban Areas and;
 - c) All land units and existing land uses of adjacent farms for applications within Rural Areas.
- 8) A detail layout map shall be a printed document of at least A3 size which shall reflect the following detail:
- a) the scale, true north, key and heading "Detail Layout Map";
 - b) the Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers;
 - c) contours with 1 m or 2m height differences up to outside of the Layout boundary; (iv) all areas steeper than 1 :5;
 - d) fifty year and hundred year flood lines, if applicable;
 - e) other physical features that may influence the layout such as cliffs, marshes and dunes;
 - f) all existing services within and surrounding the application area
 - g) roads present on adjacent land;
 - h) the proposed subdivisions;
 - i) the size of the proposed subdivisions;
 - j) the erven included in the subdivision with erven numbered consecutively;
 - k) the name of the person that prepared the map
 - l) the contours;
 - m) co-ordinates with grid references;
 - n) the proposed street name and name for the development or neighbourhood, if applicable; and
 - o) a list of the proposed zonings in accordance with the land use management scheme applicable, as well as the size of the proposed zonings as expressed in square meters or hectares.
- 9) A basic layout map shall be a printed document of at least A3 size which shall reflect the following detail:
- a) the scale, true north, key and heading "Basic Layout Map";
 - b) erf boundaries, street names (if applicable), including neighbouring erf or farm numbers;
 - c) the location of existing buildings on the application area and surrounding properties, if the application has an influence on them;
 - d) detail regarding the proposed development, including proposed subdivision and consolidation boundaries; and
 - e) any physical restrictions on the land unit or neighbouring land units that might influence the application, if applicable;

20. APPLICATION FEES

- 1) An applicant must pay the application fees determined by the Council of the Municipality from time to time before submitting an application in terms of this By-law.

- 2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

21. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- 1) The Municipality may refuse to accept an application if-
 - a) the Municipality has already decided on the application;
 - b) there is no proof of payment of the applicable fees;

22. RECEIPT OF APPLICATION AND REQUEST FOR FURTHER INFORMATION, DOCUMENTATION, PLANS OR ADDITIONAL FEES

- 1) The Municipality must-
 - a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and
 - b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within twenty one days of receipt of the application or the further period as may be agreed upon.

23. PROVISION OF ADDITIONAL INFORMATION AND PAYMENT OF FEES

- 1) The applicant must provide the Municipality with any outstanding documents and additional fees to enable it to consider the application as being complete within fourteen days calculated from the date on which a written notice to that effect is sent to the applicant.
- 2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
- 3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- 4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- 5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

24. CONFIRMATION OF COMPLETE APPLICATION

- 1) The Municipality must notify the applicant in writing that the application is complete within twenty one days of receipt of the information requested and the payment of additional fees, if applicable.

25. WITHDRAWAL OF APPLICATION OR AUTHORISATION

- 1) An applicant may, at any time before the Municipal Planning Tribunal or Designated Official as the case may be, make a decision regarding the application submitted, withdraw an application on written notice to the Municipality.

26. NOTIFICATION OF APPLICATION IN MEDIA

- 1) Applications that will materially affect the public interest or the interests of the community, if approved, must cause notice to be given in the media.
- 2) Notice of the application in the media must be given by-
- 3) appending notices of the application on the notice boards situated at the libraries in the town to which the application relates to; and
 - a) publishing a notice of the application, in newspapers with a general circulation in the area concerned, in at least two of the official languages of the Province most spoken in the area concerned; or
 - b) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality for such purposes.

27. SERVING OF NOTICES

- 1) Notice of an application must be served on each person whose rights may be adversely be affected by the approval of the application.
- 2) For the purpose of service of notices on person other than the applicant whose rights may be adversely affected by the approval of an application received, notice shall be given in terms of section 26 and by of service in the following manner:
 - a) if it is displayed in a conspicuous place on the land to which the application relates to it relates; and
 - b) if it is delivered by hand to an affected person personally or at that person's physical address; or
 - c) it is served by way of registered post on the physical address of an affected person.
- 3) The Municipality must at least cause a notice contemplated in subsection (2) in respect of all applications.
- 4) The Municipality may require the serving of a notice by way of another manner of service of the facts relating to the application requires such service as is made provision for in section 29.
- 5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- 6) The date of notification in respect of a notice served in terms of this section-
 - a) when it was served by registered post, it is a date seven days after the registered post documents were received by the Post Office;
 - b) when it was delivered to that person personally, it is the date on delivery actually took place;
 - c) when it was displayed in a conspicuous place on the land to which the application relates to, it is the date that displaying of the commenced on the land in question.

28. CONTENT OF NOTICE

- 1) When notice of an application must be given in terms of sections 27 or 28, the notice must-
 - a) provide the full names of the applicant and that of its authorised representative;

- b) identify the land to which the application relates by giving the land description as registered in terms of the Deeds Registries Act and the actual physical address of the land;
- c) state the intent and purpose of the application;
- d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
- e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
- f) invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
- g) state in which manner comments, objections or representations may be submitted;
- h) state the date by which the comments, objections or representations must be submitted, which date may not be less than thirty days from the date on which the notice was given;
- i) state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

29. ADDITIONAL METHODS OF PUBLIC NOTICE

- 1) The Municipality may within its sole discretion after taking into account the nature of the application, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:
 - a) displaying a notice contemplated in section 27(2)(a) of a size of at least 60 centimetres by 42 centimetres on the frontage of the land concerned or at any other conspicuous and easily accessible place on the land, provided that-
 - i.) the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - ii.) the applicant must, within 21 days from the last day of display of the notice, submit to the Municipality-
 - (aa) a sworn affidavit confirming the maintenance of the notice for the prescribed period; and
 - (bb) at least two photos of the notice, one from close up and one where the notice and full extent of a boundary can be seen, where possible;
 - b) convening a meeting for the purpose of informing the affected members of the public of the application;
 - c) broadcasting information regarding the application on a local radio station in a specified language;
 - d) holding an open day or public meeting to notify and inform the affected members of the public of the application;
 - e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or
 - f) obtaining letters of consent or objection to the application.
- 2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 26 or 27 to be ineffective or if it

expects that the public notice would be ineffective and should inform the applicant in writing of its decision in this regard. The applicant must comply with the decision of the Municipality in terms of this subsection within fourteen days after receipt of a written notice to that effect.

- 3) Additional public notice can be given simultaneously with notice given in accordance with sections 26 or 27 or thereafter.
- 4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

30. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- 1) A person may in response to a notice received in terms of this By-law may object, comment or make representations in accordance with this section.
- 2) Any objection, comment or representation received must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice.
- 3) The Municipality must refuse to accept an objection, comment or representation received after the time period set out in the notice.

31. FURNISHING OF COMMENT AND INFORMATION

- 1) If a person or organ of state, including the constituent components of a Municipality, is requested by the Municipality in terms of this By-law to furnish any comment or other information in terms of this By-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or organ of state may be deemed to have had no comment or other information to furnish.
- 2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

32. AMENDMENTS PRIOR TO APPROVAL

- 1) An applicant may amend his or her application at any time after notice of the application has been given in terms of this By-law and prior to the approval thereof:
 - a) at the applicant's own initiative;
 - b) as a result of an objection comment or representation made during the notice process; or
 - c) at the request of the Municipality.
 - d) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that when it was served by certified or registered post, is the date of registration of the notice; and
 - e) when it was delivered to that person personally, is the date of delivery to that person;
 - f) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or

- 2) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

33. LIABILITY FOR COST OF NOTICE

- 1) The applicant is liable for the costs of giving and serving notice of an application in terms of this Bylaw and the costs of such notices do not form part of the fees payable in terms of this By-law.

34. RIGHT OF AN APPLICANT TO REPLY

- 1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within fourteen days after the closing date for public comment together with a notice informing the applicant of its rights in terms of this section.
- 2) The applicant may, within a period of twenty one days from the date of receipt of objections, comments or representations, as contemplated in subsection (1), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- 3) The applicant may, before the expiry of the thirty-day period referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply, to an additional period of ten days.
- 4) If the applicant does not submit comments within the period prescribed or within an additional period of ten days if applied for and granted, the applicant shall be deemed to have no comment on the objections, comments or representations submitted to the Municipality.
- 5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be determined by the Municipality or agreed to between the applicant and the Municipality.
- 6) If the applicant does not provide the additional information within the period contemplated in subsection (5), the applicant shall be deemed to have no comment on the additional information requested.

35. WRITTEN ASSESSMENT OF APPLICATION

- 1) The Municipal Planning Tribunal or the Designated Official may request the Municipality to provide it with a written assessment of any application within a reasonable period of time.
- 2) A written assessment contemplated in subsection (1) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

36. DECISION-MAKING PERIOD

- 1) The Municipal Planning Tribunal or Designated employee as the case may be must decide on an application within one hundred days reckoned from the date on which it is requested to do so in writing by the Municipality.

- 2) The Municipality must provide the written request contemplated in subsection (a) to the Municipal Planning Tribunal or Designated employee in such a manner that the Municipality and the Municipal Planning Tribunal or Designated employee, as the case may be, act in a manner compliant with the time periods made provision of in the Act as read with the Regulations.

37. POWERS TO CONDUCT ROUTINE INSPECTIONS

- 1) Members of the Municipal Planning Tribunal, the designated employee or an employee authorised by the Municipality may, in accordance with the requirements of this section, enter land or a building for the purpose of assessing an application in terms of this By-law and to prepare a written assessment contemplated in section 35.
- 2) When conducting an inspection, the persons referred to in subsection (a) may-
 - a) request that any record, document or item be produced to assist in the inspection;
 - b) make copies of, or take extracts from any document produced by virtue of paragraph
 - c) that is related to the inspection;
 - d) on providing a receipt, remove a record, document or other item that is related to the inspection; or
 - e) inspect any building or structure and make enquiries regarding that building or structure.
- 3) No person may interfere with the persons referred to in subsection (1) who are conducting an inspection as contemplated in subsection (1).
- 4) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- 5) An inspection under subsection (1) must take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building.

38. NOTIFICATION OF DECISION

- 1) The Municipality must, within 21 days after a Municipal Planning Tribunal or Designated employee, as the case may be, in writing notify the applicant and any person whose rights are affected by decision of the content of the decision and their right to appeal against the decision in question.

39. ERRORS AND OMISSIONS

- 1) The Municipal Planning Tribunal or the designated employee may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- 2) The Municipal Planning Tribunal or the designated employee may on its own initiative or on application by the applicant or interested party, and upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, on any party.

40. CONDITIONS OF APPROVAL

- 1) The Municipal Planning Tribunal or the designated employee, as the case may be, may approve an application subject to reasonable conditions that arise from the approval of the proposed utilisation of land.
- 2) Conditions imposed in accordance with subsection (1) may include conditions relating to-
 - a) the provision of engineering services and infrastructure;
 - b) the cession of land or the payment of money;
 - c) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
 - d) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
 - e) settlement restructuring;
 - f) agricultural or heritage resource conservation;
 - g) biodiversity conservation and management;
 - h) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
 - i) energy efficiency;
 - j) requirements aimed at addressing climate change;
 - k) the establishment of an owners' association in respect of the approval of a subdivision;
 - l) the provision of land needed by other organs of state;
 - m) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
 - n) the registration of public places in the name of the municipality;
 - o) the transfer of ownership to the municipality of land needed for other public purposes;
 - p) the implementation of a subdivision in phases;
 - q) requirements of other organs of state;
 - r) the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
 - s) agreements to be entered into in respect of certain conditions;
 - t) the phasing of a development, including lapsing clauses relating to such phasing;
 - u) the delimitation of development parameters or land uses that are set for a particular zoning;
 - v) the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
 - w) the setting of a period within which a particular condition must be met;
 - x) requirements relating to engineering services as contemplated in section 79;
 - y) requirements for an occasional use, which must include-
 - a. parking and the number of ablution facilities required;
 - b. the maximum duration or occurrence of the occasional use; and
 - c. parameters relating to a consent use in terms of the zoning scheme.
- 3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (x), an engineering services agreement must be concluded between the Municipality and

the owner of the land concerned before the construction of infrastructure commences on the land.

- 4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefore arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.
- 5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to-
 - a) community facilities, including play equipment, street furniture, creches, clinics, sports fields, indoor sports facilities or community halls;
 - b) conservation purposes;
 - c) energy conservation;
 - d) climate change; or
 - e) engineering services.
- 6) Except for land needed for public places or internal engineering services, any additional land required by the Municipality or other organs of state arising from an approved subdivision must be acquired subject to applicable laws that provide for the acquisition or expropriation of land.
- 7) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.

41. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- 1) The Municipality may approve an application for the extension of a validity period of any development right granted in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the lapsing of the development right granted.
- 2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
 - a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- 3) The extension of development rights granted will be considered by the Municipal Planning Tribunal or the designated employee who granted such rights.
- 4) The extended validity period takes effect on and is calculated from the date on which the original development right thus granted, lapsed.

42. MEETINGS OF THE MUNICIPAL PLANNING TRIBUNAL

- 1) The Municipal Planning Tribunal must determine its own internal arrangements, proceedings and procedures.
- 2) A quorum of a Municipal Planning Tribunal shall consist of at least three of its members as determined in terms of section 39(1) of the Act.
- 3) Meetings of the Tribunal must be held at the times and places determined by the chairperson of the Tribunal in accordance with the rules of the Tribunal.

43. DEVELOPMENT CHARGES

- 1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- 2) The external engineering services for which development charges are payable must be set out in a policy adopted by the Municipality which may be adopted from time to time.
- 3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- 4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval contained in any development right granted by a Municipal Planning Tribunal or Designated employee as the case may be.
- 5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges as adopted and amended from time to time by the Municipality.
- 6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.

44. LAND FOR PARKS, OPEN SPACES AND OTHER USES

- 1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.
- 2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with its applicable land use management scheme and the Spatial Development Framework of the Municipality.
- 3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 49(2) of the Act.
- 4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land which shall not be more than the actual costs of obtaining, developing and establishing such a park or open space.

45. OFFENCES AND PENAL TIES

- 1) Any person who-
 - a) contravenes or fails to comply with section 2(a); or
 - b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; or
 - c) supplies particulars, information or answers in an application knowing it to be false, incorrect or misleading or not believing them to be correct,

- d) is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.
- 2) An owner who permits his or her land to be used in a manner set out in subsections(1)(a) and (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.
- 3) Any person who refuse an authorised employee of the Municipality access to land in terms of section 47 or hinders the authorised employee of the Municipality in giving effect to power with which such an authorised employee clothed with in terms of section 47, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

46. GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

- 1) An authorised employee of the Municipality may, without the permission of the occupier or owner of land, at any reasonable time, without a warrant and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this By-law and Scheme Regulations.
- 2) An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of subsection (a).
- 3) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

47. POWERS OF ENTRY, SEARCH AND SEIZURE

- 1) In ensuring compliance with this By-law, an authorised employee of the Municipality may-
 - a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorised employee, may be able to furnish information on a matter that relates to the enforcement of this By-law;
 - b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute-
 - i.) an offence in terms of this By-law;
 - ii.) a contravention of this By-law; or
 - iii.) a contravention of an approval or a term or condition of that approval;
 - c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
 - d) copy or make extracts from any document, book, record or written or electronic information referred to in paragraph (iii), or remove that document, book, record or written or electronic information in order to make copies or extracts;
 - e) require that person to produce or deliver to a place specified by the authorised employee, any document, book, record or any written or electronic information referred to in paragraph (c) for inspection;

- f) examine that document, book, record or any written or electronic information or make a copy thereof or an extract there from;
 - g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
 - h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
 - i) take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or
 - j) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his or her opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.
- 2) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
 - 3) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

48. WARRANT OF ENTRY FOR ENFORCEMENT PURPOSES

- 1) A Magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or building or premises if the-
 - a) prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or
 - b) purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof.
- 2) A warrant may only be issued if it appears to the Magistrate from information on oath that there are reasonable grounds for believing that-
 - a) an authorised employee has been refused entry to land or a building that he or she is entitled to inspect;
 - b) an authorised employee reasonably anticipates that entry to land or a building that he or she is entitled to inspect will be refused;
 - c) there are reasonable grounds for suspecting that an offence contemplated in section 90 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - d) the inspection is reasonably necessary for the purposes of this By-law.
- 3) A warrant must authorise the Municipality to enter upon the land or to enter the building or premises to take any of the measures as specified in the warrant, on one occasion only, and that entry must occur-
 - a) within one month of the date on which the warrant was issued; and
 - b) at a reasonable hour, except where the warrant was issued on grounds of urgency.

49. REGARD TO DECENCY AND ORDER

The entry of land, a building or structure under this Chapter must be conducted with strict regard to decency and order, which must include regard to-

- 1) a person's right to respect for and protection of his or her dignity;
- 2) the right to freedom and security of the person; and
- 3) the right to a person's personal privacy.

50. ENFORCEMENT LITIGATION

- 1) The Municipality may apply to the Magistrate Court in whose jurisdiction the land is situated to obtain an order to compel the owner and/or the occupier of land in question to-
 - a) demolish, remove or alter any building, structure or work illegally erected or constructed;
 - b) rehabilitate the land concerned; or
 - c) cease with the unlawful utilisation of land.

51. NAMING AND NUMBERING OF STREETS

- 1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land units located in such street or road.
- 2) The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- 3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.
- 4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of the By-law

SCHEDULE 1

REPEAL OF BY-LAWS BY SECTION 53

Each Municipality to insert relevant information here

SCHEDULE 2 COMPREHENSIVE APPLICATION FORM

Applications for land use amendments (give full details in the attached motivation report if space provided is not enough)

SECTION 1 Details of Applicant	
Name: _____	Contact person: _____
Postal Address: _____ _____	Physical Address: _____ _____
Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____ _____
SACPLAN Reg No: _____	

SECTION 2 Details of Land Owner (If different from Applicant)	
Name: _____	Contact person: _____
Postal Address: _____ _____	Physical Address: _____ _____
Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____ _____

If the applicant is not the registered owner(s) attach a power of attorney from the registered owner(s) to the application.

SECTION 3 Details of Property (In accordance with Title deed)	
Erf/Farm No and Portion description: _____	Area (m ² or ha): _____
Physical address Of erf/farm: _____	Existing zoning: _____
Location from Nearest town: _____	Existing land use: _____
Town/suburb: _____	Area applicable To application _____
Registration Division _____	Title deed no: _____

SECTION 4 Type of Application being Submitted (Mark with an X and give detail)	
Application for: (Please mark applicable block with a cross)	
Rezoning from one zone to another:	
Consolidation of land:	
Subdivision of land:	
Township establishment (Human settlement planning and design)	
Removal, suspension or amendment of Title Deed Restrictions:	
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:	
Temporary departure to allow the use of a building or land for a period of at most five years for a purpose for which no specific zone has been provided for in these regulations:	
Secondary use as determined in these regulations:	
Consent use as determined in these regulations:	
The annulment, suspension or amendment of the original approval conditions as provided by the Responsible Authority:	
General Plan Cancellation:	
Closure of Park or Public Road:	
The extension of the approval period:	
Any other application in terms of provincial legislation or municipal by-law:	

Please give a short description of the scope of the project:

SECTION 5			
Detail of application (Mark with an X and give detail where applicable)			
Is the land unit currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?
Is the current zoning of the land utilised?	YES	NO	If answered NO, what is the application/ use of land?
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:
Has an application for subdivision/ rezoning/ consent use/ departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned as well as what it will be used for, including the remaining extent:
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:
What arrangements will be made regarding the following services for the development? (Full Engineering Reports must be supplied where applicable)	Water supply		
	Electricity supply		
	Sewerage and waste-water		
	Storm- Water		

	Road Network	
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SECTION 6

List of Attachments and supporting information required/ submitted with checklist for
Municipal use (Mark with an *X*/ number annexure)

Checklist (for the completion by the Applicant only)				Checklist (for the use of Responsible Authority only)		
YES	NO	ANNEXURE OR PAGE REFERENCE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Public participation report (minutes of meetings, copies of advertisement, etc.)			
			Power of Attorney (Board of Directors' / Trustees' resolution / consent)			
			Copy of Title Deed(s)			
			Mortgage holder's consent			
			Cadastral information - diagram/General Plan including servitudes, lease areas, etc.			
			Status report from Surveyor General - street closure or state owned land			
			Topographic map/ aerial map			
			Locality Map			
			Site Plan			
			Zoning Map			
			Zoning Certificate			
			Land Use Map			
			Conveyancer's certificate			
			Special endorsement/proxy			
			Home Owners' Association consent			
			Proposed design/layout plan			
			Proposed subdivision plan			
			Proposed consolidation plan			
			Proposed development plan			
			Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract			
			Mineral impact assessment (MIA)			
			Environmental Impact Assessment (EIA - EA) including Heritage Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA)			
			Detail Engineering Services report (Bulk and internal)			
			Traffic impact study			
			Geo-technical report (including geology) report (NHRB Standards)			
			Social impact assessment			
			Flood line assessment (1:50 and 1:100 years)			
			Coastal setback report (consent from Dept of Environmental Affairs)			
			Subdivision of agricultural land (consent of the Dept of Agriculture)			
			List of sections in Title Deed conditions to be removed /amended			
			Adherence to planning legislation including the Planning Profession Act 36 of 2002			
			At least three (3) sets of full colour documentation copies			

SECTION 7 Declaration	
<i>Note:</i>	<i>If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory</i>
I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorised to make this application.	
Applicants/ Owner's Signature	Date:
Full name (print):	
Professional capacity:	
Applicant's ref	

SECTION 8					
Prescribed Notice and advertisement procedures (for the completion and use of Responsible Authority only)					
Checklist for required advertisement procedure			Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours as identified by the Responsible Authority must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority
		Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.			Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
		Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.			Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
		Any Additional components			Proof of additional components

SECTION 4
Type of Application being Submitted (Mark with an X and give detail)

Application for: (Please mark applicable block with a cross)	
The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and subdivision by the Responsible Authority.	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations	
Application for Secondary Use, excluding Funeral Parlour, and Scrap Yard.	
Application for Consent Use, including Occupational Practice, excluding Temporary Housing.	
Application for Subdivision in accordance with the guidelines of the SDF.	
Application for subdivision requiring abridged processes.	
The amendment or cancellation of a general plan of a township.	
The permanent closure of a municipal road (public road) or a public open place.	
The consolidation of any land portion.	
Application for the extension of the approval period of an application before the lapsing thereof.	

Please give a short description of the scope of the project:

SECTION 5			
Detail of application (Mark with an X and give detail where applicable)			
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application.
Has an application for subdivision / rezoning / consent use / departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions:
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extend:
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:
Is any other approval that falls outside of this Act necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:
What arrangements will be made regarding the following services for the development? (where applicable)	Water supply:		
	Electricity supply:		
	Sewerage and waste-water:		
	Storm-Water		
	Road Network		

SECTION 6

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Municipal use (Mark with an *X*/ number annexure)

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			Power of Attorney (Board of Directors' / Trustees' resolution / consent)			
			Copy of Title Deed(s)			
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			Cadastral information - diagram/General Plan including servitudes, lease areas, etc.			
			Status report from Surveyor General - street closure or state owned land			
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			Locality Map			
			Site Plan			
			Zoning Map			
			Zoning Certificate			
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			Detail Engineering Services report (Bulk and internal)			
			Traffic impact study			
			Geo-technical report (including geology) report (NHRB Standards)			
			Social impact assessment			
			Flood line assessment (1:50 and 1:100 years)			
			Coastal setback report (consent from Dept of Environmental Affairs)			
			Subdivision of agricultural land (consent of the Dept of Agriculture)			
			List of sections in Title Deed conditions to be removed /amended			
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Full name (print):	
Professional capacity:	
Applicant's ref	

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		Any Additional components			Proof of additional components

