



OVERLAY ZONE



BUILDING LINES

TOWNSHIP

OWNER

F.A.R

RESIDENTIAL



NKANGALA DISTRICT MUNICIPALITY

THEMBISILE HANI LOCAL MUNICIPALITY

LAND USE MANAGEMENT SCHEME

2020



RIGHTS

URBAN



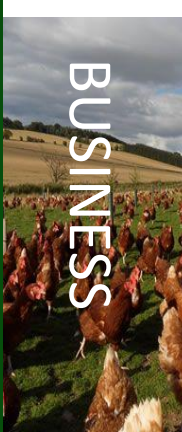
ZONING

LAND USE

RURAL

LAW

DENSITY



BUSINESS

MANAGEMENT

CONDITIONS



THEMBISILE HANI LAND USE SCHEME 2020

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List of Abbreviations

CBA's – Critical Biodiversity Areas

CBD – Central Business District

CPA – Communal Property Association

DAFF – Department of Agriculture Forestry and Fishing

ECD – Early Childhood Development

EIA – Environmental Impact Assessment

ESA's – Ecological Support Areas

F.A.R – Floor Area Ratio

LUMS – Land Use Management Scheme

MBSP – Mpumalanga Biodiversity Sector Plan

MBSMZ – Mpumalanga Biodiversity Sector Management Zone

MTPA – Mpumalanga Tourism and Parks Agency

OZ: Overlay Zone

R.O.W servitude – Right of Way Servitude

RDP's – Reconstruction and Development Plan houses

ROD – Record of Decision

SABS - South African Bureau of Standards

SANS – South African National Standard

SDF – Spatial Development Framework

CHAPTER 1: GENERAL PROVISION AND ADMINISTRATION

BASIC PROVISIONS

1.1 Title

1.1.1.1 This scheme shall be known as the Thembisile Hani Local Municipality Land Use Scheme, 2020, promulgated by virtue of Notice No: ___ dated _____ in the Mpumalanga Provincial Gazette No: __.and shall hereafter be referred to as the “Scheme”.

1.2 Enactment

1.2.1.1 The Scheme has been prepared in terms of Section 24 of the Spatial Planning and Land Use Management Act, 2013, (Act No. 16 of 2013) and enacted in terms of the Thembisile Hani Local Municipality Spatial Planning and Land Use Management (SPLUM) By-Law, 2015.

1.2.1.2 The Scheme shall come into operation as per Section 25(2) of the Thembisile Hani Local Municipality Spatial Planning and Land Use Management By-Law, 2015, on the date of publication of the notice referred to in subsection (1), in the Provincial Gazette.

1.3 Land Use Rights

1.3.1.1 Whether or not land is registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the land may be used only in accordance with the land use rights held in terms of the Scheme. All conditions included in a title deed of a land parcel within the Local Municipality supersede the land use rights granted by the Thembisile Hani Land Use Scheme.

1.3.1.2 A Register of Land Use Rights shall be the definitive source of the land use and development rights of a property.

1.4 Authorized Local Municipality

1.4.1.1 The Thembisile Hani Local Municipality or the Nkangala District Municipality, as might be the case, (the “Municipality”) is the authority responsible for enforcing and carrying out the provisions of the Scheme.

1.5 Area of Scheme

1.5.1.1 The Scheme incorporates the area of jurisdiction of the Thembisile Hani Local Municipality, as proclaimed.

GENERAL ARRANGEMENTS

1.6 Purpose of the Land Use Scheme

1.6.1 Section 25 (1) of the Spatial Planning and Land Use Management Act, Act No. 16 of 2013 (Hereafter referred to as the Act) states that a land use scheme must 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 impact on public health, the environment and
- e) natural resources.

1.6.1.1 Section 25 (2) of the Act states that a land use scheme must include;

- (a) scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone;
- (b) a map indicating the zoning of the municipal area into land use zones; and
- (c) a register of all amendments to such land use scheme.

1.6.1.2 The purpose of the Scheme as per Section 16 of the Thembisile Hani Land Use Management By-Law of 2015, states that the Municipality must determine the use and development of land within the municipal area to which it relates in order to promote;

- a) harmonious and compatible land use patterns;
- b) aesthetic considerations;
- c) sustainable development and densification;
- d) the accommodation of cultural customs and practices of traditional communities in land use management; and
- e) a healthy environment that is not harmful to a person's health.

1.6.1.3 The purpose of the Scheme is to establish and hold the land use rights to use and develop land as an indivisible component of the land.

1.6.1.4 To regulate the location and use of building and structures for different land uses.

1.6.1.5 To give effect to and be consistent with the municipal spatial development framework and to determine the use and development of land within the municipal area to which it relates in order to promote:

1.6.1.6 Make provision for orderly development and health, safety and welfare of the community;

1.6.1.7 Determine use rights and development parameters, with due consideration of the principles referred to in the Spatial Planning and Land Use Management Act.

1.6.1.8 To lay down criteria whereby the criteria is to regulate land use and to which land uses must comply.

1.7 Components of the Land Use Scheme

1.7.1.1 The Scheme consist of the following main components:

1.7.1.2 scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone;

1.7.1.3 a scheme map indicating the zoning of the municipal area into land use zones;

1.7.1.4 a register of all amendments to such land use scheme; and

1.7.1.5 a register of all land use rights of all properties.

1.8 Application of the Scheme

1.8.1.1 This Scheme applies to all land within the jurisdiction of the municipal area, including land owned by the State.

1.8.1.2 This Scheme binds every owner and their successor-in-title and every user of land, including the State.

1.9 Status of the Scheme

1.9.1.1 This Land Use Scheme is prepared in terms of the Spatial Planning and Land Use Management Act of 2013 and the Thembisile Hani Local Municipality Spatial Planning and Land Use Management By-Law 2015 and it replaces any other previous applicable schemes.

1.9.1.2 The use of all land included in the area of this Land Use Scheme shall be controlled by the Land Use Scheme. No land or building may be used for any purposes other than that permitted in this Land Use Scheme, and its binding to all persons and the State.

1.9.1.3 Nothing in this Scheme overrides a restrictive condition

1.10 Transitional Arrangements

1.10.1.1 Existing Land Use Rights:

- All existing, legal land use rights that were in effect on properties prior to the effective date are deemed to continue in full force and effect and are hereby incorporated into the Scheme.
- Should a mistake or oversight be made in the recording of an existing land use right, such mistake or oversight shall be rectified, on producing of proof of such existing land use right by the land owner.

1.10.1.2 Current Applications:

- Any application made and accepted in terms of a former zoning scheme or town planning scheme which is still in process at the commencement date shall be assessed and finalised in terms of such former zoning scheme or town planning scheme regulations, except where it has been withdrawn by the applicant in writing or rejected by the municipality.
- Where a rezoning application was approved prior to the commencement of this Land Use Scheme but has not yet been acted on, or where a rezoning was approved within the provisions of a former zoning scheme or town planning scheme, after the commencement of this Scheme, the affected land/s in such approval shall be deemed to be allocated with a corresponding zone in accordance with this Land Use Scheme, where such an approval is acted on.
- Where any approval in terms of the Ordinance or a former zoning scheme has been acted on and constitutes a contravention of any provision in a zone in this Land Use Scheme, for the purposes of this Land Use Scheme it will not be considered to be an offence but a lawful nonconforming use.
- Development applications that, prior to this scheme, were submitted and approved, but not proclaimed, are deemed to be proclaimed.

1.10.1.3 Where a building plan application was formally submitted and accepted:

- before commencement of this Land Use Scheme and which is still being processed;
or
- after commencement of this Land Use Scheme, with the express purpose to act on a valid approval granted for any application in terms of planning law or in terms of

a former zoning scheme; such building plan will be assessed and finalised within the approval granted and the land use restrictions or provisions of the applicable zone in the former zoning scheme.

1.10.2 On the date of the adoption of this Land Use Scheme, all existing town planning schemes operating within the jurisdiction of the municipality will cease to operate.

1.11 Rectification of Errors on Land Use Scheme Map

1.11.1 If the zoning of a land is incorrectly indicated on the zoning map or wrongly converted from a zoning map of a former land use scheme, the owner of an affected land may submit an application to the Municipality to correct the error

1.11.2 An owner contemplated in subsection 1.11.1 must apply to the Municipality in the form determined by the Municipality and must—

- a) submit a written proof of the lawful land use rights; and
- b) indicate the suitable zoning which should be allocated.

1.11.3 The onus of proving that the zoning is incorrectly indicated on the land use scheme map is on the owner.

1.11.4 The owner is exempted from paying application fees and from liability for the costs of public participation.

1.11.5 If the Municipality approves the application, the Municipality must amend the zoning map.

1.11.6 The Municipality may refuse an application to correct the zoning map if the owner fails to submit written proof of the lawful use rights or find the use not in line with the desired land use designation or if it is incompatible with the land use scheme.

1.11.7 The Municipality may correct a zoning map if it finds an error on the map after—

- a) notifying the owner in writing of its intention to correct the wrong conversion or error;
- b) inviting the owner to make representations within a specified period in respect of the proposed correction of the errors on the zoning map; and
- c) considering any representations received from the owner.

1.11.8 If the Municipality corrects the zoning map, it may only amend the map to show the correct zoning of the property.

1.12 Owner's Responsibility

1.12.1.1 Section 45. (1) of the Spatial Planning and Land Use Management By-Law, 2013, states that a land development application may only be submitted by—

- a) an owner, including the State, of the land concerned;
- b) a person acting as the duly authorised agent of the owner;
- c) a person to whom the land concerned has been made available for development in writing by an organ of state or such person's duly authorised agent; or
- d) a service provider responsible for the provision of infrastructure, utilities or other related services.

1.12.1.2 The fact that land may be used for a specific purpose according to its zoning or in terms of Municipality's consent or approval does not exempt anyone from obtaining the necessary permit, license, authorization or approval required in terms of any other legislation.

1.13 The Municipality's Responsibility

1.13.1.1 Public Document

1.13.1.2 This Scheme (i.e. including the zoning maps and the zoning register) must be available for public inspection in the Municipal Offices during normal municipal office hours and extracts from this Scheme are obtainable at the Municipal Offices against payment of the prescribed tariffs.

1.13.1.3 Keeping Register

1.13.1.4 According to Section 27 of the Thembisile Hani Local Municipality Spatial Planning and Land Use Management By-Law, 2015, the municipality;

- 1) must in hard copy or electronic format keep record in the register of amendments to the land use scheme contemplated in section 29 of the land use rights in relation to each erf or portion of land and which information is regarded as part of its land use scheme.

- 2) must keep, maintain and make accessible to the public, including on the Municipality's website, the approved land use scheme and or any component thereof applicable within the municipal area of the Municipality.
- 3) Should anybody or person request a copy of the approved land use scheme, or any component thereof, the Municipality must provide on payment by such body or person of the fee approved by the Council, a copy to them of the approved land

1.13.1.5 Updating Amendments

1.13.1.6 The Municipality is responsible for updating the electronic zoning map, the electronic database, the register and this Scheme regularly, based on approvals granted from time to time. Amendments to the zoning map shall be shown on the official zoning map, which must be updated at least every 6 months.

USER ORIENTATION

1.14 The Purpose and Objectives of the Land Use Scheme

Land Use Schemes are tools used by municipalities to guide and manage development according to the vision, strategies and policies of the Integrated Development Plan (IDP) and Spatial Development Framework (SDF), and in the interests of the general public to promote sustainable development and quality of life. The general purpose of the Thembisile Hani Land Use Scheme is to create coordinated, harmonious and sustainable development of a municipal area in such a way that it efficiently promotes health, safety, order, amenity, convenience and general welfare, as well as efficiency and economy in the process of development within the municipal area.

The objectives of the Thembisile Hani Land Use Scheme are summarized as follows:

- To designate desirable land uses and provide clarity on what may or may not occur on a property, and what may be considered at the discretion of the municipality
- To promote the certainty of land use which protects property values and creates investor confidence
- To promote and protect the amenity within areas and neighbourhoods
- To resolve conflict between different land uses, and to control negative externalities
- To balance the interests of individuals with those of the public
- To enable the coordinated and efficient use of land
- To enable the efficient movement of persons and goods
- To promote the economy

- To protect natural resources (ecosystem services), including agricultural resources (high potential agricultural land)
- To protect unique areas or features
- To protect cultural resources and places of religious and cultural significance
- To manage land generally, including change of land use and building type
- To provide a statutory basis for public involvement. To provide a means of enforcement
- To ensure the retention of land for future uses, the need for location and extent of which is not presently certain.

1.15 The Relationship between the Thembisile Hani IDP, SDF and Land Use Scheme

- 1.15.1 Integrated Development Planning is an approach to planning that involves the entire municipality and its citizens in finding the best solutions to achieve sustainable long-term development. An IDP provides an overall framework for development. It aims to co-ordinate the work of local and other spheres of government in a coherent plan to improve the quality of life for all the people living in an area. It should take into account the existing conditions and problems and resources available for development. The plan should look at economic and social development for the area as a whole. It must set a framework for how land should be used, what infrastructure and services are needed and how the environment should be protected.
- 1.15.2 All municipalities have to produce an Integrated Development Plan (IDP). The municipality is responsible for the co-ordination of the IDP and must draw in other stakeholders in the area who can impact on and/or benefit from development in the area. Once the IDP is drawn up all municipal planning and projects should happen in terms of the IDP. The annual council budget should be based on the IDP. Other government departments working in the area should take the IDP into account when making their own plans.
- 1.15.3 A municipal Spatial Development Framework must contribute to and form part of the municipal Integrated Development Plan; and assist in integrating, coordinating, aligning and expressing development policies and plans emanating from the various sectors of the spheres of government as they apply within the municipal area. Spatial Development Frameworks must also outline specific arrangements for prioritising, mobilising, sequencing and implementing public and private infrastructural and land development investment in the priority spatial structuring areas identified in Spatial Development Frameworks. A municipal Spatial Development Framework must also determine the purpose, desired impact and structure of the land use management scheme to apply in that municipal area.

1.15.4 A Land Use Scheme must 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 economic growth, social inclusion, efficient land development and minimal impact on public health, the environment and natural resources. A land use scheme manages property rights through “zoning” as indicative rights of what land use can be exercised on a property. These property rights are assigned, managed and amended through the controls and mechanisms of a Land Use Scheme.

1.16 The Thembisile Hani Land Use Scheme

The Thembisile Hani Land Use Scheme provides a detailed, property-bound guideline to assist investment decisions by the private sector and planning application decisions by the Municipality. It functions through the development of zones that contain detail regulations with regards to compatible land uses and bulk of development in certain demarcated areas. The Scheme also incorporates policy statements with regards to certain developments such as Home Offices, Taverns and others.

1.17 Components of a Land Use Scheme

1.17.1.1 The components of a Land Use Scheme must align with Chapter 5 of SPLUMA, 2013 and Section 28 of the Thembisile Hani Local Municipality SPLUM By-Law, 2015.

Section 25(2) of SPLUMA, 2013, states that a land use scheme must include;

- a) scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone;
- b) a map indicating the zoning of the municipal area into land use zones; and
- c) a register of all amendments to such land use scheme.

Section 28 of the Thembisile Hani SPLUM By-Law, 2015, states that a land use scheme must include;

- 1) The contents of a land use scheme prepared and adopted by the Municipality must include all the essential elements contemplated in Chapter 5 of the Act and provincial legislation and must contain –
 - a) A zoning for all land within the municipal area in accordance with a category of zoning as approved by Council;
 - b) Land use regulations including specific conditions, limitations, provisions or prohibitions relating to the exercising of any land use rights or zoning approved on a property in terms of

the approved land use scheme or any amendment scheme, consent, permission or conditions of approval of an application on a property;

- c) Provisions for public participation that may be required for purposes of any consent, permission or relaxation in terms of an approved land use scheme;
- d) Provisions relating to the provision of engineering services, which provisions must specifically state that land use rights may only be exercised if engineering services can be provided to the property to the satisfaction of the Municipality;
- e) servitudes for municipal services and access arrangements for all properties;
- f) provisions applicable to all properties relating to storm water;
- g) provisions for the construction and maintenance of engineering services including but not limited to bodies established through the approval of land development applications to undertake such construction and maintenance;
- h) zoning maps as approved by Council that depicts the zoning of every property in the municipal area as updated from time to time in line with the land use rights approved or granted; and
- i) transitional arrangements with regard to the manner in which the land use scheme is to be implemented.

2) The land use scheme may –

- a) determine the components of the land use scheme for purposes of it being applied, interpreted and implemented; and
- b) include any matter which it deems necessary for municipal planning in terms of the constitutional powers, functions and duties of a municipality.

1.17.1.2 Include suitable categories of land use zoning and regulations for the entire municipal area, including areas not previously subject to a Land Use Scheme;

1.17.1.3 Take cognisance of any environmental management instrument adopted by the relevant environmental management authority, and must comply with environmental legislation;

1.17.1.4 Include provisions that permit the incremental introduction of land use management and regulation in areas under traditional leadership, rural areas, informal settlements, slums and areas not previously subject to a Land Use Scheme;

1.17.1.5 Include provisions to promote the inclusion of affordable housing in residential land development;

1.17.1.6 Include land use and development incentives to promote the effective implementation of the Spatial Development Framework and other development policies;

1.17.1.7 Include land use and development provisions specifically to promote the effective implementation of national and provincial policies; and

1.17.1.8 Give effect to municipal Spatial Development Frameworks and Integrated Development Plans.

1.17.1.9 A Land Use Scheme may include provisions relating to:

- The use and development of land only with the written consent of the municipality;
- Specific requirements regarding any special zones identified to address the development priorities of the municipality; and
- The variation of conditions of a Land Use Scheme other than a variation which may materially alter or affect conditions relating to the use, size and scale of buildings and the intensity or density of land use.

1.17.1.10 The Subdivision of Agricultural Land Act, 1970 (Act No.70 of 1970)

The act remains in full force and applies in conjunction with the Scheme and the SPLUMA Bylaw.

1.17.2 Public Document

1.17.2.1 This Scheme (i.e. including the zoning maps and the zoning register) must be available for public inspection in the Municipal Offices during normal municipal office hours and extracts from this Scheme are obtainable at the Municipal Offices against payment of the prescribed tariffs.

1.17.3 Keeping Register

1.17.3.1 The Municipality is responsible for keeping and maintaining a record of all departures and consent uses approved in terms of this Scheme. Additional records relating to the use of land in terms of this Scheme as required by the Municipality may also be included in the register. The register must be in electronic format.

1.17.4 Updating Amendments

1.17.4.1 The Municipality is responsible for updating the electronic zoning map, the electronic database, the register and this Scheme regularly, based on approvals granted from time to time. Amendments to the zoning map shall be shown on the official zoning map, which must be updated at least every 6 months.

1.17.4.2 must 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 economic growth, social inclusion, efficient land development and minimal impact on public health, the environment and natural resources. A land use scheme manages property rights through “zoning” as indicative rights of what land use can be exercised on a property. These property rights are assigned, managed and amended through the controls and mechanisms of a Land Use Scheme.

CHAPTER 2: DEFINITIONS

INTERPRETATION

In this Land Use Scheme, annexures, appendixes, registers, any note on the zoning map and in any condition imposed in terms of this Land Use Scheme, the words and expressions shall have the meanings assigned to them in accordance with the definitions contained in Section 2.1. except where another interpretation is clear from the context. Interpretation of words not defined in this chapter will have the meanings assigned to them in the 'New Shorter Oxford English Dictionary' published by Oxford University Press, except where another interpretation is clear from the context.

GENERAL TERMINOLOGY

2.1. Definition of Terms

“Act” or “The Act” means the Spatial Planning and Land Use Management Act, 2013, (Act No. 16 of 2013).

“Additional House” or “Additional Dwelling” means an additional dwelling unit which may be erected on the same cadastral land on which a dwelling unit exists or are in the process of being erected, provided that:

- (a) In the case of land zoned for Residential Zone 1, only one additional Dwelling Unit can be permitted;
- (b) In the case of land zoned for Agriculture Zone purposes, additional Dwelling Units can be permitted at a density of one unit per 10 ha to a maximum of 5 additional Dwelling Units;
- (c) In the case of land zoned for Agriculture Zone purposes, one additional Dwelling Unit can be permitted in all cases notwithstanding the size of the land.
- (d) Written consent is sought from the Local Municipality.
- (e) Building plans are submitted and approved by the Local Municipality.

“Advertise” in relation to making known a matter means any one or more of the following methods of making known which, according to Council policy, or in the absence thereof, in the opinion of the Municipal Manager or his delegates, is the most suitable method to reach as many people as possible, who may have an interest or is possibly affected in the matter:

- (a) serving a notice that complies with the provisions as set out in this Scheme
- (b) holding public meetings, whether before or after the submission of an application

(c) displaying a notice on a land

(d) publishing of a notice in the press

(e) consultative forums or entering into social compacts before a decision is taken by Council; and “advertisement” has a corresponding meaning.

“Advertisement” means any audible or visible representation of a word name, letter, figure or object or of an abbreviation of a word or name, or of any sign or symbol, or any light which is not intended solely for illumination or as a warning against any danger, which has as its object the furthering of any industry, trade, business undertaking, event, or activity of whatever nature.

“Advertising Sign” means the design or use of signs and symbols to communicate a message to a specific group, usually for the purpose of marketing or informing the public of any activity taking place.

“Agricultural Purposes” means purposes normally or otherwise reasonably associated with the use of land for agricultural activities, including the use of land for structures, buildings and dwelling units reasonably necessary for or related to the use of the land for agricultural activities and uses for cultivation, meadows or pasture, vegetable gardens, poultry farms and pig farming, land used for bee farming, nurseries, plantations and orchards, residential use, which is associated with agricultural use and where retail is only allowed with consent of the Local Municipality and only in goods and products which are cultivated and also the retail of eggs and milk on the property.

“Ambience” means the character or tone of an area, as determined by building scale and design, amount and type of activity, the intensity of use, location and design of open space, and related factors that influence the perceived quality of the environment.

“Ancillary” means a land use, purpose, building, structure or activity which is directly related to, and subservient to, the lawful dominant use of the property;

“Ancillary Use” means a use which is ancillary and subservient to or reasonably required for the conducting of the dominant use of the property; provided that in the case of a dispute, the classification or not, by the Municipality, of an ancillary use shall be decisive and final notwithstanding any other provision of this Land Use Scheme.

“Annexures” means the set of documents showing details of rights permitted and conditions imposed on certain properties marked with a number within a black circle on the scheme map, which rights and conditions shall prevail over any other clause or provision of the Scheme, provided that if rights and conditions are not stipulated in the annexures, the provisions of the Scheme Regulations shall apply.

“Appeal Authority” means the executive authority of the Municipality, the Municipal Appeal Tribunal established in terms of the By-Law or any other body or institution outside of the municipality authorised by that Municipality to assume the obligations of an appeal authority for purposes of appeals lodged in terms of the Spatial Planning and Land Use Management Act, 2013.

“Applicant” means a person who makes a land development application contemplated in Section 45 of the Spatial Planning and Land Use Management Act, 2013.

“Application” means an application made in terms of the provisions of the Thembisile Hani Spatial Planning and Land Use Management By-Law, 2016, and/or this Land Use Scheme or any amendment thereof.

“Approval” means the written approval of the Local Municipality on an application lodged as per the municipal by-law.

“Area of the Scheme” - The area described in Clause 1.6 of the Scheme.

“Balcony” means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings or by containing walls of rooms abutting the projecting floor, and may include a roof over the projecting floor and pillars supporting the roofs ;

“Base Zone” means that zone which determines the lawful land use and development parameters for a land in terms of this Land Use Scheme, before the application of any overlay zone;

“Basement” means the space in a building between the floor and ceiling which is partly or completely below the natural ground level; Provided that a basement shall be counted as a storey for the purpose of a height measurement where any portion extends more than 1,5m above the lowest level of the natural ground level immediately contiguous to the building. A building shall have only one ground storey and, save for a building consisting of only one storey, the building plans of a building shall indicate which the ground storey is. All storeys below the ground storey shall be indicated as basement storeys on building plans and shall comply with the provisions as set out in the definition of basement. Basement storeys shall not be taken into account in the determination of the permissible number of storeys in a building as per definition of basement, however, if basements are used for any other purpose other than parking, such areas shall be included as floor area.

“Biodiversity” means a measure of the number and relative abundance of biological species. The variability among living organisms from all sources including, inter alia, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species, and of ecosystems.

“Boundary” in relation to a land means one or more of the cadastral lines separating the land from another land or from a road reserve;

“Boundary Wall” means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, and any other structure, including security devices, such as spikes, barbed wire, razor wire or electric fences, affixed to or on top of a boundary wall;

“Building” without in any way limiting its ordinary meaning, includes—

- (a) a roofed structure;
- (b) an external stair, step or landing of a building and a gallery, canopy, balcony, stoep, veranda, terrace, porch or similar feature of a building;
- (c) a wall or railing enclosing any feature referred to in paragraph (b); and
- (d) any other portion of a building; and a retaining wall or infilling higher than 0,5 metres;

“Building Line” means an illusory line that illustrates the furthest boundary of a building restriction area from a street, proposed street, widening of a street, or any other boundary of a property other than a street boundary and which is at a fixed distance from a boundary of the property.;

“Building Restriction Area” means an area with a uniform width, unless otherwise described in the Scheme, whereby no buildings otherwise specified in the Scheme, may be established.

“Bulk” describes the size, volume, area and shape of structures and the physical relationship of their exterior walls or their location on property boundaries, other buildings or structures or other walls of the same building and all open spaces required in connection with a building.

“Bus Bay” means a designated spot on the side of a road where buses may pull out of the flow of traffic to pick up and drop off passengers;

“Business” means land or a building used to conduct a business and includes a shop, office, filling station, restaurant, medical use, funeral parlour, pharmacy, nursery, place of worship, place of assembly, place of education, general residential, parking and access, hotel, guest house, car wash, drive-thru restaurant, place of entertainment or conference facility.

“Business Purposes” means purposes normally or otherwise reasonably associated with the use of land for business activities, including shops, offices, showrooms, restaurants or similar businesses other than places of instruction, public garages, builder’s yards, scrap yards and industrial activities;

“Bus Station” means a building where buses start and finish their journeys, or where buses that travel long distances stop to let passengers get on and off;

“Bus Terminus” means a designated place where a bus starts or ends its scheduled route;

“By-Law” means the Thembisile Hani Spatial Planning and Land Use Management By-Law, 2016.

“Cadastral Line” means a line representing the official boundary of a land as recorded on a

“Camping” means to use the land for the erection of tents, cabins or other temporary structures for temporary lodging by travellers or holidaymakers, which:

(a) excludes the alienation of land on the basis of time sharing, sectional title ownership, the sale of block shares and the subdivision of the land concerned;

(b) includes a caravan park, whether public or privately owned;

(c) excludes a hotel or mobile homes; and

(d) may include ancillary facilities to resident guests only that are reasonable and ordinary related to camping (e.g. ablution facilities, sports facilities and tourist facilities).

“Canopy” means a cantilevered or suspended roof, slab or covering projecting from the wall of a building, excluding the floor of a balcony;

“Canteen” means a retail trade use of which the floor area does not exceed 100 m² including storage space and is provided only on an industrial site and which is a small-scale trade incidental to the needs of the employees working on the site and will not interfere with the surrounding trades.

“Caravan” means a vehicle which has been equipped or converted for living and sleeping purposes and which can be readily moved;

“Caretaker’s Flat” means a dwelling-unit for a person and his/her family who is responsible for the care and supervision of the land and main buildings on the same property.

“Carport” means a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently enclosed;

“Carriageway Crossing” in relation to a motor vehicle carriageway crossing, means an entrance or exit way, or a combined entrance and exit way, from a land to a road;

“Commencement Date” means the date on which this Land Use Scheme comes into operation.

“Commercial” in relation to a use right means a use right for the express purpose of making a profit with no or limited social or charitable objectives;

“Commercial Purposes” means purposes normally or otherwise reasonably associated with the use of land for distribution centres, wholesale trade, storage warehouses, carriage and transport services, laboratories or computer centres, including offices and other facilities that are subordinate and complementary to such use;

“Commercial Use” means land used or a building designed or used for such purposes as distribution centres, wholesale trade, storage, computer centres, warehouses, courier services, service stations, public garages, cartage and transport services and laboratories and may also include offices and retail trade that are usually ancillary to or reasonably necessary in connection with the main use.

“Commonage” means land used for small-scale, subsistence farming activities to cultivate fresh produce or to raise small numbers of livestock or poultry for own consumption or resale. A commonage has a social and economic upliftment quality and will mostly, but not exclusively, represent communal agricultural land shared between various households or a community. A commonage is can also be regarded as a vacant piece of land, normally unsurveyed, that can be utilised for residential purposes and may where applicable include facilities for the informal trade of the products produced on the land.

“Common Boundary” in relation to a property means a boundary common with the adjoining property other than a street boundary;

“Communal Land” means land under the jurisdiction of a traditional council determined in terms of Section 6 of the Mpumalanga Traditional Leadership and Governance Act, 2005 (Act No. 3 of 2005) and which was at any time vested in -

- a) the Government of the South African Development Trust established by Section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936); or
- b) the Government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971).

“Communal Property Association” (CPA) means an association which is registered or qualifies for registration in terms of Section 8 of the Communal Property Registration Act, 1996 (Act No. 28 of 1996).

“Consent” means special permission granted by Council, after due consideration of all relevant facts and lawful, reasonable and procedurally fair administrative action, in terms of which a specific type of land use or activity is permitted, in addition to the primary use right applicable to the land concerned.

“Consent Use” means an additional use right permitted in terms of this Scheme in a particular zone with the consent of Council.

“Conservancy” means an informally protected area that has been established on a voluntary basis including a registered game farm but inter alia excluding facilities included in the definition of a place of refreshment, restaurant, and place of amusement, guest house, accommodation enterprise, resort or conference facility and similar uses.

“Conservation Purposes” means purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity;

“Consolidation” means the joining of two or more pieces of land into a single entity;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Construction” applies to building construction where the building has been:

- (a) amended, subdivided or converted or any other additions made to it;
- (b) the reconstruction or repair is done to a building in partial or total disrepair or to a building which was totally demolished.

“Container Site” means a property utilised for the storage of large containers on a temporary basis.

“Controlling Authority” – the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940) or the Commission as defined in the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 70 of 1998) as the case may be.

“Council” means the Thembisile Hani Local Municipality established in terms of Provincial Notice 307 of 2000 and includes any municipal standing committee or municipal official with delegated powers in terms of the area of jurisdiction of which these town planning conditions apply.

“Coverage” means the total area of a land that may be covered by buildings, expressed as a percentage of the nett erf area of the land, and include—

- (a) walls and buildings;
- (b) solid roofs;
- (c) stairs, steps, landings, except entrance landings and steps, galleries, passages and similar features, whether internal or external; and

(d) canopies, verandas, porches, balconies, terraces and similar features provided that the following portions of buildings must be disregarded in the calculation of coverage, namely—

- i) stoeps, entrance steps and landings;
- ii) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of the building;
- iii) eaves not projecting more than 1,0 metres from the wall of the building; and
- iv) a basement provided that the basement ceiling does not project above the ground level;

“Cultural Activities” means activities of a cultural nature practised by rural communities. These include, but not limited to, animal slaughtering, initiation ceremonies, honouring ancestors etc.

“Deeds Registry” means a deeds registry as defined in Section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);

“Deeds Registries Act” means the Deeds Registries Act, 1937 (Act No. 47 of 1937);

“Density” means the number of dwelling houses per hectare as prescribed in relation to a specific area in the development parameters.

“Determined Date” means the date whereby the Premier gives notice in the Provincial Gazette regarding the approval of the Scheme.

“Development” means the development of land, changes in the use of land or intensification of that use and includes any matter in relation to land for which a development application is required.

“Development Parameters” means provisions or restrictions in terms of zoning, which sets out the permissible extent of the use or improvement of land.

“Development Rights” means any approval granted to a land development application.

“Diagram” means a diagram as defined in the Land Survey Act, 1997 (Act No. 8 of 1997);

“Disposal of Mining Materials” means the legal disposal of materials that have been mined during mining operations.

“District Municipality” means a district municipality as defined in terms of Section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Dormitory Establishment” means the business of making tourism accommodation available that is conducted from a purpose built dormitory facility of a residential nature other than for living accommodation purposes, which:

- (a) involves making meals and services available to resident guests only;
- (b) may include activities reasonable and ordinary related to a dormitory establishment such as sports facilities;
- (c) includes a youth hostel and backpacker lodge;
- (d) excludes a building for lodging purposes such as an old-age home, children’s home, hostel, boarding house, residential rooms or a hotel.

“Ecosystem” means a self-sustaining and self-regulating community of organisms and the interaction between the organisms with one another and with their environment;

“Educational Purposes” means purposes normally or otherwise reasonably associated with the use of land primarily for instruction or teaching purposes, including crèches, schools, lecture halls, monasteries, public libraries, art galleries, museums, colleges and universities;

“Electrical Purposes” means land used or a building designed or used for the purposes of electricity services and more specifically for the purpose of Eskom, provided that any other institution that supplies a similar or complimentary service can be accommodated on the erf or building with the special consent of the Municipality.

“Engineering Services” means services installed in the process of developing land for the reticulation of water, electricity and sewerage and the building of streets, roads and storm water drainage systems, including all related services and equipment.

“Entrance Steps and Landings” means steps and landings to a building, including any low walls and railings, if the steps and landings are not within the main containing walls of the building;

“Environment” means the external circumstances, conditions and objects that effect, (i.e. positively or negatively), the existence and development of an individual, organisation or group, including biophysical, social, economic, historical and political aspects.

“Environmental Conservation Act” means the Environment Conservation Act, 1989, (Act No. 73 of 1989).

“Environmental Facilities” means facilities for the management, study, interpretation, education, and public appreciation of a cultural-heritage feature, and/or predominantly natural area.

“Environmental Impact Assessment (EIA)” means a process of examining the environmental effects of development in terms of the requirements of the National Environment Management Act, (Act No. 107 of 1998).

“Environmental Legislation” means the National Environmental Management Act, 1998, (Act No. 107 of 1998).

“Erection” in relation to a building or structure includes—

- (a) the construction of a new building or structure;
- (b) the alteration or conversion of, or addition to, a building or structure; and
- (c) the reconstruction of a building or structure which has completely or partially been demolished;

“Erf” means any portion of land registered in the Deeds Office as part of an approved township or land indicated as such on the General Plan of an approved township.

“Erf Area” indicates the surveyed area of such an erf including/considering any red line as stipulated, or a resurveyed area of such an erf, excluding any area of such an erf which can be seen as;

- (a) encroachment on a certain portion of the erf used by the public as a street or portion of a street or is recognised by the Council as a street or portion of a street; or
- (b) has been demarcated for street purposes by any other Act; or
- (c) has been expropriated by any other Act.

“Exercise” means to utilise in terms of a use right.

“Existing Building” - a building erected in accordance with an approved building plan as set out in the Act on National Building Regulations and Building Standards, 1977 (Act No. 103 of 1977) and any amendments thereof, and where the building constructions are completed on or before the "fixed date" or was started before that date and was completed after that date within a reasonable time as determined by the Municipality.

“Existing Use” means a use carried out or in an operation on an erf or site that was permitted in terms of the previous Land Use Scheme or other planning legislation regulating use of land and buildings; but which is contrary to this Land Use Scheme; it shall remain an existing use right for a period of ten years from the date of commencement of this Land Use Scheme, unless the said use is altered in any way; such existing use can be extended for a further 10 years, subject to the written consent of the Municipality.

“Extended Family” - comprises a family of related family members.

“Extraction” means the crushing and separating ore into valuable substances or waste by any of a variety of techniques.

“Factory” - a factory as defined in the Act on Machinery and Professional Safety (Act No. 6 of 1983) or any amendment thereof.

“Family” means—

(a) one or more individuals occupying a dwelling who are related through marriage or common law, blood relationship, legal adoption, or legal guardianship and unrelated domestic workers and boarders;
or

(b) a group of not more than 5 unrelated persons including domestic workers or boarders;

“Farm” means a portion of land identified and described as such on a diagram in terms of the Land Survey Act, 1997, (Act No. 8 of 1997), and includes a portion of a farm similarly identified.

“File” means the lodgement of a document with the appeal authority of the Municipality;

“Fixed Date” means the date on which the Local Municipality gives notice in the Provincial Gazette that this land use scheme is in operation.

“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 will also be permissible, whether or not with the special consent of the Council, as the case may be, in a building approved for other purposes than for flats.

“Flood Lines” means an indicative line indicating the maximum level likely to be reached by flood waters on average once in every 100 years. [Paraphrased from Section 144 of the National Water Act, 1998, (Act No. 36 of 1998)] including any other flood lines that the Municipality may require.

“Floor” means the inner, lower surface of a room, garage or basement, and includes a terrace or atrium to which the occupants of a building have access;

“Floor Area” means the total area of all floors/storeys of a building (including a basement storey), measured over the external walls of each floor/storey in the building, and provided that in the calculation of the floor area the following areas shall not be included:

a) Any area, including the basement storey(s), which is reserved solely for covered parking by the tenants or occupants of the building, provided that only 50% of the parking may be reserved for occupants or tenants;

- b) Unroofed structures, open roofs and areas occupied by fire-escapes or staircases, whether inside or outside the building;
- c) Entrance halls, communal corridors and staircases not enclosed by external walls - therefore excluding closed entrance halls and foyers;
- d) Mezzanine or intermediate floor;
- e) Areas used to accommodate lift motors, and other mechanical or electrical equipment necessary for the proper use of the building;
- f) Chimneys, ornamental features, outdoor or uncovered swimming pools, canopies and parking bays covered by shade nets;
- g) Public toilets;
- h) Housing for servants on the roof of the building provided that the floor area thus excluded shall not exceed 3% of the permissible floor area of such building;
- i) All balconies or verandas in a building provided that such veranda or balcony shall not be enclosed except by means of a parapet at most one (1) meter high;
- j) Areas reasonably used for the cleaning, maintenance and care of the building or buildings, excluding dwelling units for supervisors, cleaners and caretakers.

“Floor Area Ratio” or “F.A.R.” means the ratio (expressed as a proportion of 1) which is prescribed for the calculation of the maximum floor area of a building or buildings permissible on a land; it is the maximum floor area as a proportion of the net erf area and calculated as follow:

$$\text{FAR} = \frac{\text{Floor area of a building}}{\text{Total surface of the land}}$$

“Floor Space” in relation to any building means the area of a floor which is covered by a slab, roof or projection; provided that—

- (a) any area, including a basement, which is reserved solely for parking or loading of vehicles is excluded;
- (b) external entrance steps and landings, a canopy, a stoep and an area required for external fire escapes are excluded;
- (c) a projection including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1metre beyond the exterior wall or similar support, is excluded;

(d) any uncovered internal courtyard, light well or another uncovered shaft which has an area in excess of 10 m² is excluded;

(e) any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access, and which is permanently open to the elements on at least the front or long side, is excluded;

(f) any covered balcony, veranda or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 metres in width, is excluded;

(g) subject to paragraph (h), any stairs, stairwells and atriums that are covered by a roof is included;

(h) in the case of multi-level buildings, any stairwells, lift wells, light wells or other wells, and any atrium, is only counted once; and provided further that—

(i) floor space is measured from the outer face of the exterior walls or similar supports of the multi-level building; and

(j) the total floor space is the sum of the floor space of all the levels of the multi-level building, including that of any basement;

“Forestry” means the management of forests which include a natural forest, a woodland and a plantation, the forest produce in it; and the ecosystems which it makes up including the management of land which is not treed but which forms part of a forest management unit.

“Functional Open Space” means open space which, in Council’s opinion, is suitable for active or passive recreation purposes.

“Gaming Establishment” means a use providing facilities and/or equipment for patrons to participate in paid-for gaming and gambling opportunities, with the possibility of gaining financial benefit from such activities and may include offices related to the main use and financial facilities or services. Any establishment with three (3) or more gambling slot machines is regarded as a gaming establishment.

“General Plan” means a plan which, representing the relative positions and 35 dimensions of two or more pieces of land, has been signed by a person recognised under any law then in force as a land surveyor, or which has been approved or certified as a general plan by a Surveyor-General and includes a general plan or a copy thereof prepared in a Surveyor-General's office and approved or certified as such or a general plan which has, prior to the commencement of this Act, been lodged for registration

in a deeds registry or Surveyor-General's office in the Republic or any area which became part of the Republic at the commencement of the Constitution, 1993.

“Gross Leasable Floor Area” means the total floor space designed for, or capable of, occupancy or control by tenants, measured from the centre line of the joint partitions to the inside finished surface of the outside walls, but excludes public toilets, internal walk ways, lift shafts, service ducts, interior parking and loading bays;

“Ground Floor” or “Ground Storey” means a floor at ground level or a floor having its entrance directly accessible from a natural ground level by means of a ramp, stairway or similar structure, provided that:

- a) Subject to (b) below, the floor level of the ground shall at no point extend more than 1,5 above the lowest natural level of the ground immediately contiguous to the building;
- b) Any ground floor which has a floor level higher than the distance specified in (a) above shall, for the purpose of determining height, be considered part of two storeys incorporating both the ground floor and the next storey above, is the second storey.

“Group Housing” means a group of detached and / or attached dwelling units on a stand or stands that form an integrated, harmonious and architectural unit and include concepts like group housing, townhouses, simplexes, duplexes and all such development, but excludes uses included in the definition of "Dwelling House", "

“Guest Lodge” means a house or place where in transit guests or visitors sleep over.

“Guideline” means written non-regulatory information that directs or influences land use decisions.

“Habitable Room” refers to a room designed or used for human habitation in accordance with standards prescribed by the by-laws but excludes a storeroom.

“Hazardous Substance” has the same meaning as “grouped hazardous substance” as defined in Section 1 of the Hazardous Substances Act, 1973 (Act No. 15 of 1973);

“Height” of a structure means a vertical dimension of the structure from the natural ground level, to the wall plate or in the case of a pitched roof, the ridge of the roof or the highest point of a building is indicated as such, measured in metres, provided that—

- (a) the height of a structure does not include chimneys, flues, masts and antennae;

(b) elevator motor rooms, satellite dish antennas, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building, are included to determine the height of a structure unless enclosed within the roof or hidden behind parapet walls, not exceeding 2 metres in height; and

(c) the general provisions regarding these aspects in the by-law also apply;

“Heritage Resource” means any place or object of cultural significance as determined in the National Heritage Resource Act, 1999, (Act No. 25 of 1999).

“Heritage Resource Act” means the National Heritage Resource Act, 1999, (Act No. 25 of 1999).

“High-Intensity Land Uses” means land uses that change the character of the land/property or that require licences, determined rights, approval from another authority etc. from a parallel legislation.

“High Potential / Unique Agricultural Land” - best available, primarily from the national perspective, but with allowance of provincial perspective; land best suited to, and capable of, consistently producing acceptable yields of a wide range of crops (food, feed, forage, fibre and oilseed), with acceptable expenditure of energy and economic resources and minimal damage to the environment. This also includes land under permanent irrigation.

“Home Occupation” means the practice of a profession or occupation on any residential erf by persons permanently occupying such erven where the dominant use of the dwelling house concerned shall remain the living accommodation of one family and excludes the practice of any panel beating, spray painting, day care facility, armed response, joinery, upholstery, workshop activity, refilling or repair of gas cylinders, social congregation of people and any noxious practises or uses which will interfere with the ambience of the surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities any other reason whatsoever.

“Home Enterprise” – a small scale enterprise which is used by the occupant of a dwelling unit for the conducting of a practice or occupation with the aim of deriving income from there from and which is practiced by a maximum of three (3) persons (excluding domestic workers), of which at least one is a full-time resident of the property subject to such requirements imposed by the Municipality and subject to the policy of the Municipality as amended from time to time provided that –

(a) the dominant use of the property shall remain residential;

(b) the business shall not exceed a floor area of 40m² of the property or 25% of the floor area of the dwelling unit and outbuildings on the property, whichever is the smallest;

(c) the comments from surrounding owners be obtained;

- (d) the business shall not be noxious; and
- (e) the business shall not interfere with the amenity of the neighbourhood;
- (f) sufficient parking is available as stipulated in terms of Clause 15 for the relevant land use;
- (g) no title condition applicable to the property may be transgressed;
- (h) only the following land uses be considered for the home enterprise:
 - i. Spaza
 - iii. Shop
 - iv. Offices
 - v. Dwelling house office
 - vi. Service enterprise
 - vii. Medical consulting rooms
 - viii. Commercial (restricted to distribution centres and storage).

“Incremental Upgrading Of Informal Areas” means the progressive introduction of administration, management, engineering services and land tenure rights to an area that is established outside existing planning legislation, and may include any settlement or area under traditional tenure;

“Industrial Purposes” means purposes normally or otherwise reasonably associated with the use of land for the manufacture, altering, repairing, assembling or processing of a product, or the dismantling or breaking up of a product, or the processing of raw materials, including a noxious activity;

“Industrial Use” means a land, which in the Council’s opinion, is used as a factory whether or not such enterprise is a factory as contemplated in the definitions of “factory” in the General Administrative Regulations made in terms of Section 35 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), as amended, under Government Notice R 2206 of 5 October 1984, and in which:

- a) an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, chilled, frozen or stored in cold storage; or livestock (including poultry) are slaughtered; or
- b) electricity is generated for the use in processes referred to in (a) and (b) above (and) (includes)

c) an office, caretaker's quarters or other uses which are subservient and ancillary to the use of the land (unit) as a factory

An industrial use but does not include a public garage, service of filling station, noxious trade, light industry, warehouse, workshop and other property on or in which the following activities mentioned in (i) to (v) are carried out:

- i. inside and secondary to a shop, solely for the purpose of selling by retail from that shop;
- ii. an agriculture industry; ((bb) by a farmer, solely in connection with farming operations on a farm operated by himself)
- iii. solely in connection with consultative professional services;
- iv. in respect of facilities used solely for teaching and instruction in primary, secondary or tertiary educational institutions; and
- v. on a property used temporarily and solely for carrying out building work or an activity connected therewith.

"Informal Business" means the conducting of a business which, with the consent of the Municipality after consultation with the surrounding owners, is conveyed from place to place, whether by vehicle or otherwise, in a street or at any other place accessible to the public, at any open property or in, on or from any vehicle or moveable structure, subject to such requirements laid down by the Municipality.

"Informal Settlement" means the informal occupation of land by persons none of whom are the registered owner of such land, which persons are using the land for primarily residential purposes, with or without the consent of the registered owner and established outside of the provisions of the By-law or any other applicable planning legislation;

"Informal Structure" means a residential shelter of a temporary nature in accordance with the provisions of the Act on National Building Regulations and Building Standards, 1977 (Act No. 103 of 1977) and any amendments thereof.

"Inspector" means a person designated or appointed as an inspector under Section 32 of the Spatial Planning and Land Use Management Act, 2013.

"Integrated Development Plan (IDP)" means a participatory planning process aimed at developing a strategic development plan to guide and inform all planning, budgeting, management and decision-making in a Municipality, in terms of the requirements of Chapter 5 of the Municipal Systems Act, 2000 (Act No. 32 of 2000).

“Interested Party” refers to any person or body who, in accordance with the provisions of this Land Use Scheme, and within any time period prescribed, has submitted, in writing, any objection, comment or representation in respect of any matter in this Land Use Scheme providing for objections, comments or representations.

“Keeping of animals” means the accommodation of animals not for commercial farming purposes.

“Kitchen” means a room or part of a room equipped for preparing and cooking meals and excludes a braai room, food and drink preparation area or bar facilities in an entertainment area.

“Laboratory” means a facility that provides controlled conditions in which scientific research, experiments and measurements are performed. The level of hazardousness is determined by the presence of poisons, infectious agents, flammable or explosive substances, radio-active materials, moving machinery, extreme temperatures and high voltages.

“Land” has the meaning assigned thereto in the Act with or without improvements.

“Land Development” means the erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme;

“Land Development Application” means an application as contemplated in the Spatial Planning and Land Use Management Act, 2013, submitted to the Municipality.

“Land Development Area” means an erf or the land which is delineated in an application submitted in terms of the Thembisile Hani Spatial Planning and Land Use Management By-Law, 2016, or any other legislation governing the change in land use and “land area” has a similar meaning;

“Land Development Officer” means the authorised official defined in the By-Law;

“Landscaping” means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing the aesthetic appeal, environmental management, amenity and value of a property;

“Land Surveyor” means a person registered as a professional land surveyor in terms of the Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984).

“Land Survey Certificate” means a certificate issued by a professional land surveyor.

“Land” means any erf, stand or other portion of land registered or capable of being registered in a deeds registry, and may include a servitude right or lease.

“Land Use” means the purpose for which land is or may be used lawfully in terms of a land use scheme, existing scheme or in terms of any other authorisation, permit or consent issued by a competent authority, and includes any conditions related to such land use purposes;

“Land Use Restriction” means a restriction, in terms of zoning, on the extent of the improvement of land.

“Land Use Rights” means the inherent rights to use and develop land that is attached to a property. The Land Use Rights determine what is allowed on the property in terms of the type of development, the bulk and intensity thereof and the conditions to which the development or land use are subject. The components of the Land Use Rights are:

- The land use allowed, as defined in the land use definitions,
- The bulk of development allowed, as defined in the density, FAR, Coverage and Height restrictions, and
- The conditions to which the development must comply, as defined in the building lines, parking and loading requirements, site development, urban design, landscaping, servitudes and other conditions.

A condition imposed on a property in terms of the Scheme is regarded as a component of the Land Use Rights of that property.

“Land Use Scheme” means the land use scheme adopted and approved in terms of the by-law and for the purpose of the by-law includes an existing scheme until such time as the existing scheme is replaced by the adopted and approved land use scheme.

“Launderette” means a coin operated, self-service laundry where standard or heavy duty washing machines and tumble dryers are used and may including a clothing folding or ironing service.

“Leisure Activity” means an activity chosen for pleasure, relaxation, or other emotional satisfaction;

“Limited Business” means land or a building used to conduct a trade, but limited to offices, shops or medium density residential uses, but excludes a warehouse.

“Line of No Access” means a line along any street, erf or site boundary or portion thereof prohibiting any vehicular access.

“Liquor Act” means the National Liquor Act, 1989, (Act No. 27 of 1989).

“Liquor Enterprise” means land used or a building designed or used for the purpose of carrying on retail trade in liquor products as defined in terms of the Liquor Act, 1989 (Act No. 27 of 1989) provincial legislation.

“Listed Activities” - development actions that are likely to result in significant environmental impact as identified by the Minister of Environmental Affairs and Tourism in terms of Section 21 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Environmental Impact Assessment Regulations, 2014.

“Loading Bay” means an area which is clearly demarcated for the loading and off-loading of goods from commercial vehicles, and which has vehicular access to a public street to the satisfaction of the Municipality;

“Local Municipality” means the proclaimed authority controlling this jurisdictional area as circumscribed on the key map.

“Lodge” means the provision of bedroom accommodation or, in the case of a backpackers’ lodge, bed accommodation that is made available on payment of a charge or fee and includes the services ordinarily related to such accommodation;

“Map” means a map which forms part of the Scheme including any amendment thereto.

“Maximum Floor Area” means the greatest total floor space which is allowed for a building or buildings with all its or their floors on a site; such floor area is calculated by multiplying the floor factor with the net erf area of a site or that portion of the site which is situated within the particular zone; provided that where a site is situated within two or more zones to which different floor factors apply, the maximum floor space for each portion of the site; further provided that for the purpose of determining the permissible floor area of a building:

- (a) any area including a basement which is reserved solely for the parking of vehicles will be excluded;
- (b) any area required for an external fire escape will be excluded;
- (c) subject to (d) below, any balconies, terraces, stairs stairwells, veranda’s, common entrances and common passages covered by a roof will be included except in the case of a residential building on a residential site, where it will be excluded;
- (d) any stairs, lift walls or other walls, in the case of multi-storey buildings, will only be calculated once; and
- (e) any arcade, with a minimum width of 2 metres and which at all times provides access through the building concerned from public parking of a pavement 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 through which the roof allows light, will be excluded.

“Maximum Floor Space” means the greatest total floor space that is allowed for a building or buildings on a land, and is calculated by multiplying the floor factor by the area of the land or that portion of the land which is situated within a particular zone; provided that where the land is situated within two or more zones to which different floor factors apply, the maximum floor space for the whole land is the total of the maximum floor space for each zoned portion of the land;

“Mining Activities – Extraction and Beneficiation” means activities linked to the extraction and beneficiation for raw materials extracted from the earth. These may also include the crushing and the separation of ore into valuable substances or waste by any of a variety of techniques.

“Mining Rehabilitation Areas” means an area designated for the re-engineering process that attempts to restore an area of land back to its natural state after it has been damaged as a result of some sort of disruption.

“Minor Structural Alterations” - means small structural changes to an existing building for which a building plan is not a requirement.

“Mobile Dwelling Unit” means a prefabricated mobile unit of an interconnected set of rooms that do not include more than one kitchen and is designed for use by a single or extended family, and which is moveable such as caravans and park homes.

“Mortuary” means a building designed and equipped specifically for the cold storage of the dead and may include facilities required for the conducting of a post-mortem.

“Motor Repair Garage” means a building or land used as a repair shop where automobiles are repaired by auto mechanics and technicians.

“Motor Trade” means land used, with or without ancillary buildings, for the sale or display of roadworthy vehicles, but does not include any form of a workshop.

“Motor Vehicle” means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motor cycle, trailer or caravan,

“Municipal Area” means the Council’s area of jurisdiction as reflected in the map appearing in Provincial Notice 307 of 2000 published in Provincial Gazette of 29 September 2000.

“Municipal Council” means a Municipal Council referred to in Section 157 of the Constitution;

“Municipality” means the Thembisile Hani Local Municipality), and any employee of the Municipality acting in terms of delegated or sub-delegated authority thereof;

“Municipal Manager” means the Municipal Manager of the Council and includes a municipal official acting under delegated powers.

“Municipal Planning Tribunal” means the Thembisile Hani Municipal Planning Tribunal established in terms of the Act or the joint or District Municipality’s Municipal Planning Tribunal if established by the Municipality agreement contemplated in terms of the Act;

“Municipal Purposes” means such purposes as the Municipality may be authorised to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures, 1998 (Act No. 117 of 1998) and the Local Government Municipal Systems Act, 2000, (Act No. 32 of 2000).

“Municipal Systems Act” means the Municipal Systems Act, 2000 (Act No. 32 of 2000).

“Municipal Services” means infrastructure services such as electricity cables, water pipes, sewage pipes, street furniture, electricity poles, light poles, traffic signs.

“National Building Regulations” means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

“National Environmental Management Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

“National Land Transport Act” means the National Land Transport Act, 2009 (Act No. 5 of 2009),

“Natural Ground Level” means the level of the land in its unmodified state, or in a state which has been graded, with the Municipality’s approval, for the purposes of development.

“Natural level of the ground” means:

- (a) the level of the natural surface of a land in its unmodified state; or
- (b) the level of the graded surface of a land, where such grading was undertaken by a developer as part of a land development application process, provided that any such grading shall connect evenly with the existing levels of abutting land and otherwise meets with the Council’s approval; or
- (c) if in Council’s opinion the natural surface of a land has been disturbed in circumstances other than those described in paragraph (b) or if it is not possible to determine a natural level of the ground due to irregularities or other disturbances of the land or if land is excavated and the excavated material is used to extend the building site (i.e. cut and fill), Council shall fix a level as the natural level of the ground for purposes of administering these regulations.

“Nature Reserve” means a national park (whether publicly or privately owned or controlled) or that has been declared as a nature park or reserve in terms of legislation (e.g. national parks, protected natural environments, forests) and includes:

- (a) an area that is used as a game park or reserve for fauna or flora in their natural habitat;
- (b) buildings that are reasonably connected with the management of a nature reserve, inclusive of facilities for day visitors; and
- (c) may include accommodation and tourist facilities with the consent of Council.

“Neighbour” means the owner of the land which is contiguous to the property which forms the subject of the Land Development and Land Use application, even though it may be separated by a road or panhandle, except if indicated differently by the Municipality. See also surrounding owners.

“Neighbourhood Area” means a suburb, taking into consideration inter alia:

- (a) proximity within a certain radius;
- (b) the name attached to a township or extension area;
- (c) area demarcated by a defined collector/distributor road network;
- (d) particular neighbourhood feeling or conduct;

identified as such by Council for the purpose of applying this Scheme.

“Non-Conforming Use” means an existing land use that was lawful in terms of a previous zoning scheme but that does not comply with this Land Use Scheme;

“Notice” unless otherwise specifically provided in terms of this Scheme or any other law a written notice and to notify means to give a notice in writing and the provisions of the Interpretation Amendment Act, 1959, (Act No. 7 of 1959), shall apply.

“Noxious Enterprise Trade” or “Noxious Industry” means an industry or trade which is dangerous or troublesome to the broad public in Council’s opinion, or which has a disturbing effect on the environment, whether it is due to smell, smoke, noise, flow-off, dust or solid waste. Also includes activity where any one or more of the following activities are carried out: Blood boiling; tallow melting; fat melting or extracting; soap boiling; bone boiling; tripe boiling or cleaning; skin storing; bone storing; fellmongering; skin curing; blood drying; gut scraping; leather dressing; tanning; glue making; size making; charcoal burning; brick burning; lime burning; manure making; manure storing; parchment making; malt making; yeast making; cement works; coke ovens; salt glazing; sintering of sulphur-bearing materials; viscose works; smelting of ores and minerals; calcining; puddling and rolling of iron and other

metals; conversion of pig-iron into wrought iron; re-heating; annealing; hardening; forging; converting and carburizing iron and other metals; works for the production of or which employ carbon disulphide, cellulose lacquers, cyanogens or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide, sulphur chlorides; works for the production of amyl acetate, aromatic esters, butyric acid, caramel enameled wire, glass, hexamine, iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride, zinc oxide; and all refining and works dealing with the processing or refining of petrol or oil or their products; Provided that where the Council adds to the list of noxious trades, such additions shall also be deemed to be included in the above definition and that all Health requirements are complied with. "Object" means, in the context of a heritage resource, any moveable property of cultural significance which may be protected in terms of any provisions of the National Heritage Resources Act, 1999 (Act No.25 of 1999), including;

- (a) any archaeological artefact;
- (b) palaeontological and rare geological specimens;
- (c) meteorites;
- (d) other objects referred to in the National Heritage Resources Act, 1999 (Act No.25 of 1999).

"Object" means, in the context of a heritage resource, any moveable property of cultural significance which may be protected in terms of any provisions of the National Heritage Resources Act, 1999 (Act No.25 of 1999), including;

- (a) any archaeological artefact;
- (b) palaeontological and rare geological specimens;
- (c) meteorites;
- (d) other objects referred to in the National Heritage Resources Act, 1999 (Act No.25 of 1999).

"Objector" means a person who has lodged an objection with the Municipality to a draft municipal Spatial Development

Framework, draft Land Use Scheme or an application;

"Occasional Use" in relation to a departure, means a right to utilise land for a purpose granted on a temporary basis for a specific occasion or event;

"Occupant" in relation to any building, structure or land, includes any person occupying such building, structure or land or legally entitled to occupy it, or anybody having the charge or management thereof,

and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.

“Occupational Health and Safety Law” means the Occupational Health and Safety Act, 1993, (Act No. 85 of 1993) or municipal by-laws governing occupational health and safety, whichever is applicable;

“Office” or “Offices” means a building or buildings used or designed to be used for administrative, clerical or professional purposes and includes banks, insurance companies and building societies and micro lenders but excludes medical consulting rooms.

“Ordinance” means the Town-Planning and Townships Ordinance, 1986, (Ordinance No. 15 of 1986).

“Organ of State” means an organ of state as defined in Section 239 of the Constitution.

“Outbuilding” means a structure, whether attached or separate from the main building, which is normally ancillary and subservient to the main building on a land, and includes a building which is designed to be used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in the connection with the main building, but does not include a second dwelling;

“Overlay Zone” means a category of zoning applicable to a particular area or land that—

(a) stipulates development parameters or use rights in addition to the base zoning requirements, which may be more or less restrictive; and

(b) may include provisions and development parameters relating to primary uses, or consent uses, provisions in the base zone, subdivision and subdivisional areas, development incentives, density limitations, urban form, urban renewal, heritage and environmental protection, management of the urban edge, scenic drives or local areas or any other purpose, as set out in this Land Use Scheme;

“Overnight Accommodation” means accommodation provided for in transit visitors lasting for, extending over, or remaining during a night.

“Owner” in relation to land, means—

A natural or juristic person registered in the Deeds Registry as the owner of land, or any rights associated with such land, or who is the beneficial owner in law, or their duly appointed representative and may include the holder of a registered servitude right or lease or any successor in title to such as person,

“Panel Beating” means ground or buildings zoned for the use of panel beating and/or spray painting.

“Panhandle” – the access section of a panhandle erf, which section:

- (a) shall provide access from a street to the *panhandle portion*;
- (b) must be at least 3m wide along its entire length;
- (c) shall have a slope that not exceeds 1:8;
- (d) shall provide access only to the *erf* of which it forms a part as well as the
- (e) *property* in favour of which a servitude of right of way has been registered
- (f) over the panhandle;
- (g) shall for the purpose of this *Scheme* not be considered as a part of the *erf*;
- (h) no *building* or structures except screen walls or dense barriers erected
- (i) along the boundaries of the panhandle to the extent and of the material,
- (j) design, height, position and maintenance as determined by the *Municipality* shall be erected in the panhandle.

“Panhandle Erf” or “Panhandle Portion” – means that part of a property to which access is gained by means of a panhandle provided that the registered owner of the panhandle portion shall when required by the Municipality, at its own expense:

- (a) provide the panhandle with a dust free surface to the satisfaction of the Municipality prior to or simultaneously with the erection of any building on the erf and such roadway shall thereafter be maintained a dust free to the satisfaction of the Municipality;
- (b) erect a screen wall(s) or dense barrier(s) along the boundaries of the panhandle to the satisfaction of the Municipality, the extent, material, design, height, position and maintenance of such screen wall(s) or barrier(s) shall be to the satisfaction of the Municipality.

“Parapet” means a low projection, wall or moulding which finishes the uppermost edge of a building with a flat or low pitched roof;

“Parking Bay” means an area measuring not less than 5 metres x 2, 5 metres for perpendicular or angled parking and 6 metres x 2, 5 metres for parallel parking, which is clearly identified and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport, and which is accessible for easy and safe vehicle movement;

“Pergola” means any unroofed horizontal or approximately horizontal grille or framework and associated vertical support structure, such that the area in the horizontal projection of the solid portions thereof does not exceed 25% of the total area thereof;

“Planning Law” or **“Planning Legislation”** means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013),

“Policy Plan” means a policy adopted by the Municipality, structure plan, municipal spatial development framework, local spatial development framework or other policy plan approved in terms of Planning Law;

“Pollution” means any change in the environment caused by substances, radioactive or other emissions, noise, odour, heat or dust emitted from any activity, including the storage or treatment of waste or other substances, construction and the provision of services, whether engaged in by any person, organs of state and where the change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on material useful to people, or will have such an effect in future.

“Porch” means a roof (not being the floor of a balcony) projecting from the outside of a building above a doorway, and forming a covered entrance to the building, and includes any paved area thereunder and any low walls or railings enclosing that paved area, and any pillars supporting that roof;

“Predominant Use” means the predominant or major use of a property, and may consist of primary uses, consent uses or other lawful uses permitted on the property.

“Premises” means any shop or restaurant within a building that is not linked in any manner or way with another shop or restaurant in the same building;

“Prescribed” means prescribed in terms of legislation.

“Primary Use” in relation to property means any land use specified in this Land Use Scheme as a primary use, being a use that is permitted within a zoning without the need to obtain the Municipality’s approval;

“Principles” means a set of values and guiding rules that should guide and inform ongoing planning and development.

“Private Street” means land set aside for the passage or parking of motor vehicles, which is privately owned, excludes a public street and may include private open space.

“Profession” means any occupation that requires membership to a professional institution, council or controlling body, before practising the required profession but excluding any trade or commercial business activities.

“Professional Rooms” means a building designed for use as rooms for a professional person/persons, where the person is a member of a professional body or council, and includes medical suites, and further that this activity will be allowed on an erf with a residential zoning where such professional person also lives on the erf.

“Property” means land together with any improvements or buildings on the land.

“Province” means the Province of Mpumalanga referred to in Section 103 of the Constitution;

“Provincial Road” means a road that is under the jurisdiction of the Provincial Roads Authority;

“Protected Areas” mean an area of land, water or sea especially dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources and managed through legal or other effective Means and shall have the same meaning as assigned to it in terms of the National Environmental Management: Protected Areas Act, 57 of 2003.

“Public Authority” means a State Department, Local Municipality or other Organ of State;

“Public Garden” means an institution that maintains collections of plants for the purposes of public education and enjoyment, in addition to research, conservation, and higher learning.

“Public Nuisance” means any act, omission or condition in the Council’s opinion, which is offensive, which is injurious or dangerous to health, which materially interferes with the ordinary comfort, convenience, peace or quiet of the general public or which adversely affects the safety of the public.

“Public Park” means an area of land set aside for public use, as:

(a) A piece of land with few or no buildings within or adjoining a town maintained for recreational and ornamental purposes.

(b) A landscaped city square.

(c) A large tract of rural land kept in its natural state and usually reserved for the enjoyment and recreation of visitors.

“Public Parking” means land or a building or part thereof that is accessible to the general public for parking purposes.

“Public Place” means any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram that is for use by the general public and is owned by, or vests in the ownership of, a municipality, and includes a public open space and a servitude for any similar purpose in favour of the general public;

“Public Purposes” means purposes normally or otherwise reasonably associated with the use of land as open spaces, public parks, public gardens, recreation sites, sport fields or public squares or for religious gatherings;

“Public Square” means an open public space commonly found in the heart of a traditional town used for community gatherings.

“Quarrying” means the excavation of dimension stone, rock, construction aggregate, riprap, sand gravel or slate from the ground in an open-pit mine manner to produce building materials and dimension stone;

“Railway” means a permanent rail track for the transport of passengers and goods in trains and includes stations as boarding and alighting points for passengers and the loading and unloading of goods.

“Railway Purposes” means land used or a building designed or used for the purposes of railway or road transport services and more specifically for the purpose of Spoornet, with the reservation that other institutions that supply a similar or complimentary service can be accommodated on the erf or building with the special consent of the Local Municipality.

“Rear boundary” means any boundary opposite to a street boundary: Provided that, where a property has two or more street boundaries, the boundaries opposite to such street boundaries shall be deemed to side boundaries.

“Regulations” means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015

“Reconnaissance” means a preliminary survey of the ground for mining purposes.

“Recreation Purposes” means a land use which is aimed at providing recreation or entertainment to the public but which does not fall under the definition of “nature area”, “open space”, “resort” or “sports ground”, and includes a squash court or other indoor sports centre, theatre, cinema, amusement park, skating rink or discotheque.

“Recycling Centre” means the use of an area of land, with or without buildings, upon which used materials are separated and processed for shipment and for eventual reuse in new products.

“Refuse Room” means a defined screened refuse receptacle from where refuse is collected from time to time, usually on a weekly basis;

“Register” has the meaning assigned thereto in the By-Law and means a record of all:

(a) departures;

(b) conditions of rezoning that affect the land use right of any land, and

(c) consent uses and nonconforming uses;

applicable to a land as prescribed or required under this Scheme

“Registrar of Deeds” means the Registrar of Deeds as defined in the Deeds Registries Act;

“Register of Land Use Rights” means a register where all land use rights issued as a result of applications to the Local Municipality that have been approved are captured and recorded.

“Regulations” means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015.

“Religious Gathering” means a group of people gathered for religious worship.

“Renewable Energy” means infrastructure or land for the energy that is collected from resources which are naturally replenished on a human schedule, such as sunlight, wind, rain, waves and heat.

“Reservoir” means land and buildings designed for the storage of water and pumping equipment and may include toilets, storerooms, lapa with braai facilities and ancillary and subservient municipal uses

“Residential Building”

means a building on an erf or site, excluding a dwelling house and/or dwelling unit, that contains habitable rooms, with common ablution, kitchen, dining and/or lounge facilities. Such definition includes but is not restricted to hostels, hotels, dormitories, communes, boarding houses, guest houses (excluding converted dwelling houses and/or dwelling units), bed and breakfast and old age homes that may or may not include ancillary frail care facilities.

“Residential Hotel” means an apartment building offering maid service, a dining room, and room meal service;

“Residential Purposes” means purposes normally or otherwise reasonably associated with the use of land primarily for human habitation, including a dwelling house, group housing, hotels, flats, boarding houses, residential clubs, hostels, residential hotels and rooms to let;

“Residential Use” means the use of land or a building designed for the purpose of a boarding house, residence or hostel but excluding any use either included or excluded in the definitions of a place of instruction, institution, dwelling unit or hotel.

“Restriction” means a servitude or condition registered against the title deed of immovable property restricting its utilisation, and any other statutory restriction on the planning, development or utilisation of immovable property.

“Restrictive Condition” means any condition registered against the title deed of land restricting the use, development or subdivision of the land concerned;

“Rezoning” means the amendments of a zoning scheme in terms of the by-law in order to effect a change of zoning in relation to particular land.

“Rights” means land use rights obtained in terms of this Scheme.

“Road Reserve” means the designated area of land that contains a public street or private road (including the road and associated verge), which land may or may not be defined by cadastral boundaries;

“Rural” means land located outside the urban edge, which is not used for bona fide agricultural activities or a service trade and includes a dwelling house.

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

“Scenic Drive” means a public street which is designated as a scenic drive by the Municipality in recognition of the high visual amenity alongside that public street, including background vistas of a mountain, open country, a coastline or a town;

“Scheme” means the Thembisile Hani Local Municipality’s Land Use Scheme, 2017 and includes the Scheme Regulations, scheme maps, annexures, schedules, tables and figures to the Scheme.

“Scheme Area” means the defined boundaries of the Thembisile Hani Local Municipality which is the area across which the Land Use Scheme is applicable.

“Scheme Map” means a map indicating all zonings within the area of jurisdiction of the land use scheme.

“Scheme Regulations” has the meaning assigned thereto in the By-Law.

“Schedules” means supplement(s) to the Scheme containing special procedures and/or some areas or properties to which specific rights or provisions are applicable and such schedules may from time to time be amended by the Municipality. Where any discrepancy exists between the Schedules and the provisions of the Clauses and Tables, the most prohibitive conditions shall prevail.

“Scrap yard” means a building or land, which is used for one or more of the following purposes;

(a) the storing, stacking, depositing or collecting of junk or scrap material or articles of which the value depends entirely or partially on the material out of which they are manufactured whether or not intended for the purpose of disposal or recycling of such waste

(b) the dismantling or demolition of second-hand vehicles that have been written off or machines to recover components or material; and

(c) the storing or sale of second-hand pipes, poles, steel sections, wire, lumber, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred.

“Second Storey” means the storey above the ground floor.

“Secondary Use” means the use of a building or property granted with the consent of the Municipality.

“Semi-Detached Unit” means a single family dwelling house built as one of a pair that share one common wall.

“Services Agreement” means a written agreement which is concluded between a developer of land and Council and in terms of which the respective responsibilities of the two parties for the planning, design, provision, installation, financing and maintenance of internal and external engineering services and the standard of such services, are determined.

“Service Industry” - a use, which, in the opinion of the Municipality is a small-scale industry, with emphasis on maintenance and repair, as well as retail trade in connection therewith, that shall not cause the deterioration of the amenity of the neighbourhood or cause disturbance in consequence of noise, appearance, odour or activities or any reason whatsoever.

“Service Provider” means a person lawfully appointed by the Local Municipality or other Organ of the State to carry out, manage or implement any service, work or function on behalf of or by the direction of the Municipality or organ of state;

“Service Station” shall have the same meaning as filling station

“Service trade” means an enterprise:

a) Primarily involved in the rendering of a service or small-scale retail trade incidental to the needs of the local community (e.g. spaza shops, tuck shops, shoe maker and the repair of household appliances or the supply of household services) which will not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever.

b) Not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions.

“Servitude” means a registered right that grants the use of a portion of land for specified purposes.

“Setback” means the line delimiting the area measured from the centre line of a street concerned, within which no building or other structure, including a boundary fence may be erected.

“Sewerage Works” means land and buildings designed or used for the treatment and purification of sewerage and may include ancillary offices and storerooms and ancillary and subservient uses deemed necessary by the Municipality.

“Shelter” means a unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such material does not comply with the standards of durability intended by the National Building Regulations, as applicable to the area of jurisdiction.

“Shop” means a building designed and used for retail trade and includes any other ancillary use on the same property which, in the opinion of the Local Municipality, is reconcilable with the surrounding land use and which is subordinate to retail business on the property.

“Shopping Centre” means a purpose-built complex of shops, restaurants, etc., for the use by buyers.

“Showrooms” means land and buildings designed or used only for display of products and materials and excludes the sale or delivery of such products or materials on the same property.

“Side Boundary” means any boundary of a land, which does not constitute the common boundary with a public street or public road.

“Sign” means any sign, sign-writing, mural, graphic design, signboard, screen, blind, boarding or another device by means of which an advertisement or notice is physically displayed, and includes any advertisement or object, structure or device which is in itself an advertisement or which is used to display an advertisement;

“Site” in relation to a building, includes the area of any building, yard, court of garden and in relation to either land or a building; may include more than one erf or portion of land, if such erven or portions of land are abutting and have been notarially tied to the satisfaction of the Municipality.

“Site Development Plan” means a scaled and dimensioned plan that shows details of the proposed development including the site layout, positioning of buildings and structures, property access, building designs and landscaping. No activities may commence on the site before such a plan is approved and

no deviations from the approved plan may occur without written permission of the Local Municipality. Such plan must reflect at least the following:

- (a) the siting, height & coverage of all buildings and structures;
- (b) open spaces, children's playgrounds, enclosed walls and landscaping;
- (c) entrances and exits from the erf and also internal traffic systems and parking bays;
- (d) building restriction areas;
- (e) typical elevational treatment of all the buildings;
- (f) subdivisional lines if the property is to be subdivided;
- (g) development phases where development will occur in phases;
- (h) the layout of engineering services; and
- (i) any other such information as considered necessary by the Local Municipality.

"Slope" means the degree of deviation of a surface from the horizontal, expressed as a ratio and calculated for the purpose of this Scheme, as follows:

Slope = vertical height as a ratio to horizontal distance

"Small Scale Farming" refers to the production of crops and livestock on a small piece of land without using advanced and expensive technologies. Farming on family pieces of land, traditional or communal land and smallholdings on the periphery of urban areas, fall within this category. This farming style is characterised by intensive labour, animal traction, limited use of agricultural chemicals and supply to the local or surrounding markets.

"Social Hall" - a building designed for use, or used for cultural activities, social meetings, gatherings and recreational purposes, that is not profit seeking in its primary purpose, and includes a nonresidential/private club but excludes a place of amusement.

"Spa / Hydro and Wellness Centre" means a purpose built building for human relaxation and body regeneration by making use of facilities such as pools, baths, sauna's, where treatment is provided by professional practitioners.

"Spatial Development Framework" means the Thembisile Hani Spatial Development Framework prepared and adopted in terms of the Act and the By-Law;

“Special Consent” means an additional use right permitted in terms of this Scheme in a particular zone with the consent of the Municipality.

“Special Usage” or Special Use” - land or buildings for any use other than the uses specifically defined and mentioned in this Scheme, as may be approved by the Municipality.

“Sports Facilities” means land planned, designed and used for sports activities, whether indoors or outdoors.

“Sports Fields” means a pitch or a sports ground is an outdoor playing area for various sports.

“Sports Ground” means land which is utilised for the practising of outdoor sports and includes only improvements ancillary to the practising of outdoor sport.

“Stoep” means an uncovered paved area or projecting floor outside and immediately adjoining a building, at or below the level of the ground floor thereof, and includes any low walls or railings enclosing the paved areas or floors;

“Storey” means that portion of a building included between the surface of any floor and the surface of the next floor above; or if there is no floor above the ceiling, then up to the ceiling; provided that, unless the contrary appears clearly from the provisions of the by-law—

- (a) a basement does not constitute a storey;
- (b) a roof, or dome which forms part of a roof, does not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation or other living or entertainment purposes, in which case it is deemed to be a storey;
- (c) the utilisation of an open roof area, does not constitute a separate storey, however, should any means of coverage or fixtures such as a Jacuzzi, swimming pool or built-in braai be added to the roof of a building in a single residential zone, such area is regarded as an additional storey;
- (d) any storey which is greater than 4 metres, measured from the finished floor level to the finished floor level or to the ceiling in the case of a top storey, but equal to or less than 6 metres in height, is for the purpose of the height measurement, regarded as two storeys, and every additional 4 metres in height or portion thereof, is regarded as an additional storey;
- (e) In any other building, a storey may not exceed a vertical dimension of 6m with the exception of any Industrial 1 or 2 buildings, which may not exceed 10m for the ground floor and 5m for subsequent storeys, provided that the total height of the building shall not exceed 15m.;and

(f) in counting the number of storeys of a building, the ground floor is the first storey and the next floor above is the second storey;

“Stormwater” means water resulting from natural processes, the precipitation or accumulation thereof, and includes groundwater and spring water ordinarily conveyed by the storm water system, as well as sea water within estuaries, but excludes water in a drinking-water or waste-water reticulation system;

“Street” or “Road” means land, which is primarily utilised for traffic movement and may include land set aside for parking, pedestrian movement or landscaping purposes for business purposes.

“Street Boundary” means the boundary between a land and a public street or private road; provided that the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles, may be regarded as a common boundary for the purpose of determining building lines, a street centre line setback and site access requirements;

“Street Centreline Setback” means the line delimiting the area measured from the centre line of a particular public street, within which no building or other structure, including a boundary fence, may be erected;

“Structure” without in any way limiting its ordinary meaning, includes any building, shelter, wall, fence, pillar, tower, pergola, steps, landing, terrace, sign, ornamental architectural feature, swimming pool, fuel pump or underground tank, any building ancillary to service infrastructure provision, and any portion of a structure;

“Subdivide” or “Subdivision” in relation to land, means to subdivide the land, whether by means of:

- (a) survey;
- (b) the allocation, with a view to the separate registration of properties, of undivided portions thereof in any manner, including the marketing and conclusion of contracts for the alienation, sale or exchange of portions of the land;
- (c) the preparation thereof for subdivision.

“Subdivisional Area” means an area of land contemplated by

- (a) a density requirement;
- (b) the conditions and stipulations contained in these regulations;
- (c) the planning stipulations of any applicable structure plan; and
- (d) any other conditions laid down by Council at the times of the approval of the rezoning,

has been rezoned as a subdivisional area.

“Subletting” means allowing someone to use an apartment, house, etc. for a period of time in return for payment.

“Subsistence Agriculture/Farming” means self-sufficiency farming in which the farmers focus on growing enough food to feed themselves and this may include animal keeping. The output is mostly for local requirements with little or no surplus for trade.

“Substation” means a structure erected with the primary function of distributing electricity, water and sewerage.

“Surrounding Properties” means properties immediately adjacent to and abutting on the subject property, including properties located in line with and across any street or road from the subject property.

“Surveyor-General” means the Surveyor-General as defined in the Land Survey Act, 1997 (Act No. 8 of 1997);

“Take-Away” means a building used for the preparation of lights meals or fast foods for take away purposes, including a road house and drive-through facility for express collection of meals directly from a motor vehicle.

“Taxi Rank” means a place at which mini buses (taxis) and buses are allowed to wait and/or stop for passengers boarding or alighting.

“Telecommunication Centre” means land and buildings used for telecommunication and includes cell phone masts and the base station, satellite dish antennas, antennas and electronic equipment.

“Temporary Building” or **“Temporary Structure”** - means a building designated as such by the owner after consulting with the Municipality and which is used, or will be used, for a specified period for a specified purpose, but does not include a building shed.

“Temporary Consent” - means the temporary consent provided by the Municipality that envisaged for the temporary use of a property for:

(a) the erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; Provided that such consent shall ipso facto lapse upon completion of the permanent structure or on the expiry date thereof as determined by the Municipality;

(b) the occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall;

(c) the use of land or buildings thereon for State or Municipal purposes;

(d) the use of land or the erection of buildings necessary for the purpose of informal retail trade.

“Temporary Use/s” means land and buildings used temporarily which may conflict with this Land Use Scheme, but which the Municipality has approved for a specific period, provided that such uses shall not constitute a public nuisance, provided that this definition applied to all instances in this Land Use Scheme where the temporary use of a land or buildings is implied.

“Terrace” means an area to which occupants of a building have access, created on a flat roof over a portion of the building, resulting from the setting back of part of the building above that portion;

“The Act” means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 and any subsidiary legislation or other legal instruments issued in terms thereof.

“Title Deed” means any deed registered in a Deeds Registry recording the ownership of land or a real right in land;

“Top of the Roof” for the purpose of height control, means the top of the roof ridge in the case of a pitched roof, or the top of the parapet where a parapet extends above the roof;

“Total Floor Space” of a building means the sum of the floor space of all the levels of a particular building, including basements.

“Totalisator” means land or a building used to facilitate the placing of, and the paying out of off course totalisator bets.

“Town Houses” means a group of separate and/or linked dwelling units:

(a) which are planned, designed and built as a harmonious architectural entity with a number of unit types;

(b) which are arranged in a varied and orderly fashion within or around a communal open space and with public and/or private access road;

(c) with a medium-density character;

(d) with structures which may vary between single- and double storeys and cadastrally subdivided or not;

(e) of which every single residential unit has a ground floor;

and a town house will have a similar meaning.

“Township” means an area of land divided into erven, or with multiple or intensified land uses and may include public places and roads indicated as such on a general plan;

“Township Register” means an approved subdivision register of a township in terms of the Deeds Registries Act.

“Traditional Communities” means communities recognised in terms of Section 3 of the Mpumalanga Traditional Leadership and Governance Act, 2005.

“Traditional Healing Practice” means a use providing an alternative health service to the community in an attempt to cure illnesses and restore general health, based on the exercising of traditional healing practices, including administering of traditional medicine derived from the natural environment.

Traffic Impact Assessment” means a study of demand for travel generated by a proposed development in relation to the existing and planned road system, provided that such a study must be conducted by a competent, registered civil or traffic engineer.

“Transmission Tower” means a structure or facility external to a building, incorporating a high mast, antennae or dish for the transmission and/or receiving of radio, television, radar, cellular or micro waves, but includes a base station and equipment room.

“Transport Purposes” means purposes normally or otherwise reasonably associated with the use of land primarily as a point for the pick-up or offload of people or goods, including taxi ranks, bus bays, bus stations, bus terminuses, railway stations and ancillary uses, including roads and streets.

“Truck Stop” means a facility with direct access from a freeway or major transport route which provides overnight facilities for drivers of long hauls vehicles, trucks, busses and heavy-duty vehicles or an overnight parking facility for such vehicles containing their own on-board sleeping facilities.

“Unsurveyed State Land” means land that is owned by the Republic of South Africa and has not been surveyed by a registered Land Surveyor.

“Urban Agriculture” means the production, processing, marketing and distribution of crops in an urban environment using resources available in that urban area for the benefit largely of residents from that area.

“Urban Edge” means a demarcated line which is designated as an urban edge in terms of an approved policy, which may follow cadastral boundaries or not;

“Use Right” in relation to land, means the right to utilise that land in accordance with its zoning, including any lawful departure or consent use or non-conforming use.

“Use Zone” means that part of this Scheme which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use of the land.

“Utilisation” in relation to land, means the use of land for a particular purpose and includes the extent of such use.

“Veranda” means a covered area (not being an area which is part of a yard or parking area) or projecting floor outside and immediately adjoining a building at or below the level of the ground floor thereof, and includes both the covered area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing the covered area or floor;

“Wall of Remembrance” means a structure where containers with the ashes of the deceased are interred in openings or niches in the structure and thereafter sealed and/or on which appropriate commemorative plaque can be attached.

“Waste Disposal Site” means a place where household, commercial, industrial or mining waste products are stored, salvaged, treated or disposed of in a lawful manner.

“Water Act” means the National Water Act, 1998, (Act No. 36 of 1998), as amended.

“Wetland Area” means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.

“Wood Yard” means the secondary processing of raw logs into firewood or the storing of raw logs for future delivery for processing into firewood and/or the storing and sale of firewood to the public.

“Workshop” means a building or portion of a building in which any one or more of the activities referred to in Sections (a) to (c) of the definition of “Industrial Use” are conducted, but does not include a service station, noxious trade or any comprehensive repair work that may be regarded as a public nuisance by Council.

“Written Consent” - means consent granted by the Local Municipality.

“Zoological Garden” means a park where wild or farm animals, reptiles, fish or birds are kept and exhibited for public education and amusement or ancillary rehabilitation and may include other associated ancillary facilities.

“Zone”, when used as a noun, means land which has been designated for a particular zoning, irrespective of whether it consists of one or more properties or a portion of a land.

“Zone”, when used as a verb in relation to land, means to set aside the land for a particular zoning.

“Zoning” includes base zoning and overlay zoning;

LAND USE CLASSIFICATION AND LAND USE DEFINITIONS

2.2. Land Use Classes

In terms of Schedule 2 of the Spatial Planning and Land Use Management Act, 2013, land use purposes are classified into the following 14 main classes:

LAND USE PURPOSE	SPLUMA DEFINITION
Agricultural	Means purposes normally or otherwise reasonably associated with the use of land for agricultural activities, including the use of land for structures, buildings and dwelling units reasonably necessary for or related to the use of the land for agricultural activities.
Business	Means purposes normally or otherwise reasonably associated with the use of land for business activities, including shops, offices, showrooms, restaurants or similar businesses other than places of instruction, public garages, builder’s yards, scrap yards and industrial activities.
Commercial	Means purposes normally or otherwise reasonably associated with the use of land for distribution centres, wholesale trade, storage warehouses, carriage and transport services, laboratories or computer centres, plant nurseries, including offices and other facilities that are subordinate and complementary to such use.
Community	Means purposes normally or otherwise reasonably associated with the use of land for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sport clubs or recreational or

LAND USE PURPOSE	SPLUMA DEFINITION
	other activities where the primary aim is not profit-seeking, excluding a place of amusement.
Conservation	Means purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity.
Educational	Means purposes normally or otherwise reasonably associated with the use of land primarily for instruction or teaching purposes, including crèches, schools, lecture halls, monasteries, public libraries, art galleries, museums, colleges and universities.
Government	Means purposes normally or otherwise reasonably associated with the use of land by the national government, a provincial government or a municipality to give effect to its governance role.
Industrial	Means purposes normally or otherwise reasonably associated with the use of land for the manufacture, altering, repairing, assembling or processing of a product, or the dismantling or breaking up of a product, or the processing of raw materials, including a noxious activity. Note that this category excludes extractive activities (these would fall under mining).
Institutional	Means purposes normally or otherwise reasonably associated with the use of land for charitable institutions, hospitals, nursing homes, old-age homes, clinics and sanatoriums, either public or private.
Mining	Means purposes normally or otherwise reasonably associated with the use of land for mining.
Public	Means purposes normally or otherwise reasonably associated with the use of land as open spaces, public parks, public gardens, recreation sites, sport fields or public squares or for religious gatherings.

LAND USE PURPOSE	SPLUMA DEFINITION
Recreational	Means purposes normally or otherwise reasonably associated with the use of land primarily for recreation, including entertainment, leisure, sports and amusement facilities.
Residential	Means purposes normally or otherwise reasonably associated with the use of land primarily for human habitation, including a dwelling house, group housing, hotels, flats, boarding houses, residential clubs, hostels, residential hotels and rooms to let.
Transport	Means purposes normally or otherwise reasonably associated with the use of land primarily as a point for the pick-up or off-load of people or goods, including taxi ranks, bus bays, bus stations, bus terminuses, railway stations and ancillary uses, including roads and streets.

These main land use classes were used as the foundation for the determination of the use zones and the primary land uses allocated to each use zone

2.3. Land Use Definitions

Abattoir

Means land and buildings or mobile unit used to slaughter animals and poultry and may include the processing of animal and poultry products and in respect of which a registration certificate has been issued in terms of Section 8(1) of the Meat Safety Act, 2000 (Act No. 40 of 2000) and in respect of which a grading has been determined in terms of Section 8(2) of the said Act.

Adult entertainment business

An establishment or any part thereof, where for any form of consideration, live performances, films, slides or similar electronic reproductions, photographs, books, magazines, equipment or toys are hired, sold or occur which are characterized by an emphasis on human nudity, partial nudity, pornographic or erotic sexual activities. Adult entertainment business includes a massage parlour, brothel or escort agency, where the massage or manipulation of the human body is administered with the purpose of obtaining an erotic response, unless such manipulation is administered by a registered medical practitioner or similar professional person. Adult entertainment business furthermore includes and form of administration or liason or services relating to the sale, renting, hiring, booking or reservation of any goods or services.

Agriculture

The cultivation of land for crops and plants, the keeping and breeding of animals, beekeeping, or the operation of a game farm, and includes such activities and buildings as are reasonably connected with the main farming activities, such as dwelling units for the farmer, farm manager and farm labourers, the packing of agricultural produce grown on the property for delivery to the market and a plan nursery, but excludes intensive horticulture, intensive animal farming, a farm shop, harvesting of natural resources and agricultural industry.

***Intensive animal farming** means the breeding, feeding and keeping of animals or poultry on an intensive basis, but excludes the breeding, feeding and keeping of wildlife;*

***Intensive horticulture** means the culture of plants on an intensive scale, including the culture of plants under a roof or a greenhouse, as well as the sale of self produces plants on a property;*

Agricultural Use

Means land used for, or a building designed or used for the purpose of arable land, grazing ground, pig farming, horticulture, poultry farming, dairy farming, breeding and keeping of livestock, bee keeping, forestry, mushroom and vegetable farming, floriculture, orchards and any other activities normally regarded as incidental to farming activities or associated therewith, including farm stalls.

Agricultural Buildings

A building designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the agricultural use of the land on which the building is situated and includes warehousing, packaging of produce, workshops, drying facilities, but not and agricultural industry or farm stall.

Agricultural Housing

A residential building or dwelling units located on a farm and used only for the temporary accommodation of farm labourers employed by the owner of the subject farm or where such labourers are required to work on any other farm portion in the vicinity, which is also owned and/or cultivated by the same farm owner. The definition includes farm labourers and/or dwellers who enjoy security of tenure in terms of the Extension of Security of Tenure Act, 1997 (Act 62 of 1997).

Agricultural Industry

An enterprise for the processing of agricultural products on or in close proximity to the land where these agricultural products are produced, and where processing in such proximity is necessary due to the nature, perishability or fragility of such agricultural products, and includes wineries, farm packaging stores and chicken hatcheries but does not include the trading of processed products.

Agri-village

A private settlement of restricted size established and managed as a legal entity that is situated within an agricultural or rural area and where residence is restricted to bona fide rural workers and their

dependants, of the farms, forestry or conservation enterprises situated in the area. The development of agri-villages may represent a partnership between the farmer, the farm worker and the state.

Aerodrome

Means land and buildings designed or used for the landing and take-off of fixed wing and rotary wing aircraft, airways control, aircraft hangers, fuel depot, fuel bays, workshops for manufacturing, repair and spray-painting of aircraft, engine run test area, training facilities for flight schools, passenger terminals, luggage and freight storage and handling, customs and migration control, associated shops, sale of aircraft and parts, offices, places of refreshment, places of amusement, banks, ATMs, leasing of vehicles, vehicle valet service area, guest house, clinic, residential buildings, dwelling-units, telecommunication masts, hotel and conference centre, aircraft and related clubs and other ancillary and subservient uses, provided that the establishment and operation of an airport shall be subject to the provisions of the Aviation Act, 1962 (Act 74 of 1962) as amended.

Airport

Land and buildings thereon used for the landing, take-off, parking and maintenance of aircrafts, including uses related and subservient to the main use, including air traffic control, passenger halls, offices, restaurants, shops, freight storage facilities, loading and off-loading facilities, customs offices, conference facilities and hotel, car hire services or agencies, as well as other uses aimed at the convenience of passengers.

Airfield

An open field designated for taking off and landing of aircraft, but which unlike an airport, does not necessarily have terminals or paved runways and in line with the provisions of the aviation Act, 1962 (Act No. 74 of 1962) as amended;

Animal Refuge

Property used for the temporary boarding, treatment, care, breeding, rehabilitation or training of domestic animals and pets, but does not include a veterinary clinic.

Auction Centre

The offering for sale of new and used goods by means of a request or invitation for bids, including the storage of goods to be auctioned, but does not include retail sales nor the sale of poultry or livestock.

Backyard Dwelling

Means an additional dwelling unit situated on the same erf as a dwelling or dwelling house, and which may be attached or detached to the original dwelling or dwelling house, constructed or erected using conventional building materials as approved by the municipality and which has its own sewer, water and electrical connections and is generally used for the purpose of residential accommodation by separate households or extended family members. This may include the private rental of such additional dwelling units according to conditions set out in a formal (written) or informal (verbal) agreement.

Back-packer Inn

A dwelling house, second dwelling unit or both in which the occupant of the dwelling supplies communal lodging for compensation to transient guests, limited to a maximum of 20 guests, with communal bathroom facilities shared by the guests. Lodging may include the serving of meals to guests, but does not include self-catering facilities, with the exception of communal cooking facilities.

Bakery

A building designed or used for large scale preparation and baking of bread, cakes, pastries and other baked products for distribution to wholesalers and/or retailers, as well as such retail as may be approved by the municipality.

Bed and Breakfast

Means a dwelling house or additional house which the occupant of the dwelling supplies lodging and meals for compensation to transient guests who have a permanent residence elsewhere; provided that

- (a) the dominant use of the dwelling house concerned shall remain for the living accommodation of one family;
- (b) and the land complies with the requirements contained in this Scheme for a bed and breakfast establishment;
- (c) a maximum of 4 rooms for a maximum of 8 occupants shall be permitted. An application for the relaxation of this may be lodged with the Local Municipality.

but does not include a guest house or a guest lodge

Biosphere

Means an area of terrestrial ecosystem, which is internationally recognized within the framework of UNESCO's Programme on Man and the Biosphere(MAB).

Boarding House

A residential building where lodging is provided, with or without meals, together with such outbuildings as are normally used therewith, and includes an old age home, hostel, student dormitories and a building in which rooms are rented for residential purposes, but does not include an institution, place of instruction, hotel, bed and breakfast establishment, flats or any self-catering facility.

Botanical Garden

A park intended for the display of rare indigenous or exotic plants or trees. A botanical garden includes environmental facilities, a place of refreshment, a nursery and a conference centre.

Boutique Hotel

A building designed for hotel purposes developed on a property not smaller than 5000 m² which consist of a maximum of number of 21 (twenty-one) en-suite bedrooms. A Boutique Hotel must have a 5 (five) star grading in terms of the South African Tourism Grading council and must also include the following ancillary uses; a boardroom (not exceeding seating for 45 (forty-five) persons and a SPA/ wellness facility

not exceeding 2 (two) rooms. The SPA/wellness facility may not be used by the general public and only guests residing at the Boutique Hotel may make use of this facility.

Brickyard

A property used for the manufacturing, storage and wholesale of bricks to the general public, provided that raw material used for the manufacturing of bricks are not exploited or mined on the property without the necessary mining and environmental permits.

Builder's Yard

Means a land, which is used for the storage of material:

- a) if necessary for or normally used for construction work; or
- b) that was obtained from demolitions of structures or excavations of the ground; or
- c) required or is normally used for land improvements, such as storage of material used for building roads, for installing essential services, or for any other construction work (e.g. of sand of bricks), whether for public or private purposes; or
- d) or land or building used for the preparation for use of materials thus stored but does not include a builders' yard established for the purpose of temporarily storing of such materials in connection with and for the duration of construction or building works, in the vicinity of such builders yard and does not include the storage at a "Shop" or a "Warehouse".

Bulk Retail Trade

The wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principle goods being sold typically require large floor areas for direct display to the purchaser or consumers. Bulk retail includes a storage yard and in-house repair or adjustment facilities for products purchased from the bulk retailer.

Camping

Means to use the land for the erection of tents, cabins or other temporary structures for temporary lodging by travellers or holidaymakers, which:

- (a) excludes the alienation of land on the basis of time sharing, sectional title ownership, the sale of block shares and the subdivision of the land concerned;
- (b) includes a caravan park, whether public or privately owned;
- (c) excludes a hotel or mobile homes; and
- (d) may include ancillary facilities to resident guests only that are reasonable and ordinary related to camping (e.g. ablution facilities, sports facilities and tourist facilities).

Cafeteria

Means a building or part of a building used for the preparation and sale of food and refreshments, tobacco products, reading matter and similar ancillary convenience items for the exclusive use of the employees and their guests or patrons of the building provided it is ancillary and subservient to the main use on the same property.

Carwash

An establishment where motor vehicles, excluding construction, service or large passenger vehicles such as buses, are washed polished and cleaned by means of mechanical apparatus or by hand.

Cemetery

A place where the deceased are buried and may include buildings that are necessary for the administrative and clerical uses associated therewith, including a chapel or a similar use for the conducting of funeral services, but excluding a crematorium.

Child Day-Care Centre

The use of a portion of a dwelling house, second dwelling unit, residential building or outbuilding, by an occupant, to provide day care, pre-school, play group or after school services for a limited number of children, excluding a crèche/nursery school.

Clinic

A healthcare facility that is primarily focuses on the care of outpatients. Clinics can be privately operated or publicly managed and funded.

Coal Yard

The storage and retail sale of coal or charcoal to the public.

Commercial Use

Means land used or a building designed or used for such purposes as distribution centres, wholesale trade, storage, computer centres, warehouses, courier services, service stations, public garages, cartage and transport services and laboratories and may also include offices and retail trade that are usually ancillary to or reasonably necessary in connection with the main use.

Commonage

Means land used for small-scale, subsistence farming activities to cultivate fresh produce or to raise small numbers of livestock or poultry for own consumption or resale. A commonage has a social and economic upliftment quality and will mostly, but not exclusively, represent communal agricultural land shared between various households or a community. A commonage is can also be regarded as a vacant piece of land, normally unsurveyed, that can be utilised for residential purposes and may where applicable include facilities for the informal trade of the products produced on the land.

Commune

Means a building designed as a dwelling-house which is used by not more than six persons other than a family for residential purposes and who share communal facilities, such as a kitchen, lounge,: Provided that the owner or manager shall reside on the same property in a separate caretaker’s flat and that outbuildings shall not be used for commune accommodation and provided that a Home Enterprise shall not be exercised by any such occupant.

Community Facility

Means premises used for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums/ fitness centres, sports clubs or recreational or other activities where the primary aim is not to profit seeking and excludes a place of entertainment.

Confectioner

A building designed or used for the preparation and baking of bread, cakes, pastries and other baked products for retail sale to the public.

Conference Centre

A place of assembly used for the conducting of conferences, seminars, gatherings, indoor recreation, exhibitions and such other uses which are ancillary to or reasonably necessary for the use of the building as a conference centre, including the supply of meals and alcoholic beverages to delegates only, provided that conference remains the primary use on or in the centre. A conference centre may include administrative offices directly and subservient to the main concern

Conservancy

The use or maintenance of land in its natural state with the objective of preserving the biophysical characteristics of that land, including flora and fauna prevalent on the land.

Crèche

Building or premises used for the custody and care during the whole or part of the day on all or only some days of the week, for more than six children of pre-school going age and which has been registered as a place of care under the Children’s Act, 1960.

Crematorium

A building where the deceased are reduced to ash, and may include facilities for associated religious and administrative functions directly related to the main use, including a chapel.

Cultural Heritage Site

Land identified as a protected area in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) or any other act concerned with conserving heritage resources of cultural significance for the present community and future generations and may include places to which oral traditions are attached or which are associated with living heritage, historical settlements, landscapes and natural features of cultural or historic significance, archaeological and paleontological sites, sites with meteoric or fossil debris, sites regarded as a source of understanding of the evolution of the earth, life on earth and the history of people, graves and burial grounds, sites relating to the history of South Africa and any building, object or art form regarded as of cultural or historic significance.

“Domestic Forest Use”

means the utilisation of natural forests, woodlands or cultivated tree crops for harvesting of wood and non-wood forest produce such for direct domestic consumption, this may include the use of such forests

for timber, fuel wood, charcoal, non-timber products and multi-purpose woodlots for domestic use (i.e. not primarily for trade), subject to permission from the land-owner.

Drive Through Restaurant

A building used for the preparation of light meals or fast foods for take away purposes, including a road house and drive-through facility for express collection of meals directly from a motor vehicle.

Dry Cleaner

An industrial laundry cleaning service, making use of specialized industrial dry cleaning and steam cleaning equipment, including certain noxious chemicals and processes deemed a nuisance or threat to the general public.

Dwelling House

A single, free-standing dwelling unit on a property.

Dwelling Unit

A self-contained, inter-leading group of rooms with not more than one kitchen, used permanently or semi-permanently for the living accommodation and housing of a single family, together with such outbuildings, including servant's quarters and a garage for vehicular parking, as are ordinarily used therewith. A building may contain several dwelling units where so provided for by the approved density of the property. Group housing, town houses, duplexes, simplexes, lowrise apartment, high-rise apartment, flats, semi-detached, apartment housing, garage suites and row housing are all included as dwelling units.

Environmental Facilities

Facilities for the management, study, interpretation, education, and public appreciation of a cultural-heritage feature, and/or predominantly natural area.

Factory Shop

A retail operation ancillary to an industry or warehousing and packaging where only goods that are partially or entirely manufactured, processed or assembled in the industry or stored and packaged in the warehouse, are sold.

Farm Stall

A temporary or permanent building, located on a farm, where a farmer sells fresh produce and products produced and processed on the same farm to the general public, including the sale and display of arts and crafts. A farm stall may include the sale of convenience goods and a place of refreshment subservient to the main use.

Filling Station

A property and the buildings thereon designed or used exclusively for the purposes of fuelling, washing, polishing and lubricating motor vehicles and may include a convenience shop, the size of which may be restricted by the Municipality. An automatic teller machine (ATM) shall be regarded as part of a convenience shop. A filling station may include a separate car wash facility, but does not include a motor sales market, workshops, panel beating or spray-painting facilities.

Fuelling Facility

A private facility, not available to the public, for the storage and dispensing of fuel to vehicles.

Funeral Parlour

A property or building where the deceased are prepared for burial or cremation and includes facilities for associated administrative and religious functions, cold storage facilities for preparation for burial, as well as the sale of funeral related articles and products, but excludes a mortuary and crematorium.

Gaming Establishment

A use providing facilities and/or equipment for patrons to participate in paid-for gaming and gambling opportunities, with the possibility of gaining financial benefit from such activities and may include offices related to the main use and financial facilities or services. Any establishment with three (3) or more gambling slot machines is regarded as a gaming establishment.

Government Use

Land or buildings thereon used for government purposes in the interest of the general public, including military establishments, police stations, magistrate’s courts and prisons, including the related administrative or office function.

Guest House

A room or set of rooms with their own bathroom facilities, adjoined within an existing dwelling house, which are only hired on a temporary basis as accommodation but which do not have any separate individual kitchen facilities. Public areas are for the exclusive use of guests. All refreshments and food prepared on the property shall only be sold and served to the residents of the guest house and the guesthouse shall serve at least one meal a day to guests on a full time basis. The owner or manager of the guest house must permanently reside on the same property. A guesthouse consists of not more than nine guestrooms, provided that a maximum of sixteen guestrooms may be provide in areas designated for a density of Medium-High Residential or higher and/or along major roads. A guesthouse does not include a public bar, place of amusement, place of refreshment, conference centre or medical suite. A bed and breakfast establishment is regarded as a guest house.

Gymnasium

A building used for physical training and exercise with or without apparatus and may include swimming pools, squash courts and other sporting activities, administrative offices, steam baths, Turkish baths, sauna’s, and a single place of refreshment for patrons only not exceeding 100m², as well as a child care/play facility restricted for use by gymnasium members whilst exercising in the gymnasium.

Harvesting of Natural Resources

The gathering of fauna and/or flora within a nature reserve or conservancy area for sale or use by a person or agency other than a recognized environmental agency provided that such harvesting:

- ✓ Is sustainable
- ✓ Does not deplete the resources below acceptable levels, and
- ✓ Is not to the detriment of the eco-system.

Heavy Vehicle Parking Depot

A property or building thereon used only for the temporary storage or ad hoc parking of heavy duty vehicles, long-haul vehicles, trucks, busses and road construction or maintenance vehicles. A heavy vehicle parking depot does not include a fuelling facility or a workshop for the servicing or maintenance of any vehicles.

Heliport/Helipad

Land and/or a facility specifically designed and used for the landing and take-off of rotary wing aircraft and any associated aircraft storage or repair facilities.

Hospital

An institution designed as an integrated complex for the diagnosis, care and treatment of human illness, including live-in facilities for patients, a clinic, doctor consulting rooms, dispensary, sale of refreshments, coffee shop and facilities incidental to the main use.

Hotel

A building designed and used for temporary overnight accommodation for transient guests, where lodging and meals are provided, including ancillary facilities normally directly related to a hotel such as restaurants, cocktail bars, shops, conference facilities, entertainment facilities, gymnasiums, beauty salon, swimming pools and liquor sales outlets, but excluding self-catering accommodation. A hotel may comprise of a single or separate buildings.

Industry

A property or building used as a factory and where an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting under controlled conditions), polished, finished, cleaned, dyed, washed, broken-up, disassembled, sorted, packed, chilled, frozen or stored in cold storage, and includes a light industry, offices, caretaker's quarters or any other use which are subservient and ancillary to the main use of the property as an industry, but does not include a noxious industry.

Informal Trade

The selling of products from temporary or permanent structures or facilities in areas specifically demarcated for such purposes by the Municipality or a property owner, such as markets, flea markets, fresh produce markets and hawkers stalls.

Institution

A property or building used for the purposes of a social, health or welfare facility, including the administration thereof, and includes but is not limited to a clinic, home for the aged, indigent or handicapped, reformatory or place of detention, haven for vagrants and substance abusers, shelter for the homeless, soup kitchen, care centre, rehabilitation centre, charitable institution, nursing institution and sanatorium, whether of a commercial or charitable nature, but does not include a prison.

Laboratory

A facility that provides controlled conditions in which scientific research, experiments and measurements are performed. The level of hazardousness is determined by the presence of poisons, infectious agents, flammable or explosive substances, radio-active materials, moving machinery, extreme temperatures and high voltages.

Launderette

A coin operated self-service laundry where standard or heavy-duty washing machines and tumble dryers are used and may include a clothing folding or ironing service.

Lifestyle Estate

Means a low density rural residential development, usually located outside the urban node and includes a golf estate, equestrian centre, eco-estate/village, aero estates and water or nature related residential development. The residential density allowed in a lifestyle estate will be determined by means of a municipal policy as amended from time to time.

Light industry

Industries that are usually less capital-intensive than heavy industry and is more consumer orientated than business orientated, as it typically produces smaller consumer goods.

Lodge

A building(s) designed and used for temporary overnight accommodation for transient guests where lodging and meals are provided and may further include ancillary facilities directly related to the lodge and for the use of guests only, such as a restaurant, cocktail bar, conference facility, entertainment facilities, a gymnasium and beauty salon, but excluding liquor sale outlets. A lodge may provide self-catering facilities and/or units.

Medical Suites

A property or building, not being a hospital or clinic, which is used for human medical or medical related consultation, examination or treatment and dispensary of medicine by a registered medical practitioner, but does not include live-in facilities or a pharmacy. A hairdresser, body-care centre, cosmetic salon, doctor's consulting rooms, physiotherapists' rooms, manicure and pedicure salon, health spa and other similar uses are regarded as a medical suite.

Military base

A facility directly operated by the military or one of its branches that shelters military equipment and personnel, and facilities training and operations

Mining

An enterprise which practices the extraction of raw materials from the earth, whether by means of surface or underground methods, and includes, but is not restricted to, the removal of stone, sand, clay, coal, ores, oil, minerals, gas and precious stones.

Mobile Dwelling Unit

A prefabricated combined suite of rooms, which may not include more than one kitchen, designed for occupation and use by a single family as a permanent residence, which is provided with the necessary service connecting points and so manufactured that it can be moved as a unit or units on wheels.

Motor Graveyard

A place in which road vehicles reside while waiting to be destroyed or recycled or left abandoned and decaying.

Mortuary

A building designed and equipped specifically for the cold storage of the dead and may include facilities required for the conducting of a post-mortem.

Nursery

Land and buildings used for the cultivation of grass, plants or trees for commercial purposes, and may include related and subservient uses such as offices and restaurants and coffee shops which does not exceed 100m². A nursery may provide for the retail sale of the cultivated products, gardening provisions, garden furniture or garden ornaments.

Parking

Property or any portion thereof that is reserved for parking purposes, including manoeuvring area.

Parking Garage

Land used or a building designed or used exclusively for the temporary parking of motor vehicles not being for trade or sale.

Petro-port

A facility with direct access from a freeway or major transport route which provides a range of rest, service and fuelling facilities for light motor vehicles, heavy motor vehicles and busses, including emergency vehicle breakdown services, but does not include a truckstop.

Place of Amusement

Land used or a building designed or used for sale of alcohol and/or food for consumption on the premises and may include live entertainment or entertainment generated by television transmission, or entertainment generated by way of mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for purpose of the playing of any game or for the purpose of recreation or amusement. A place of amusement includes a beer hall, public hall, theatre, cinema, drive-inn movie, music-hall, concert hall, sports bar, ladies bar, billiard saloon, sports stadium, skating ring, dance hall, nightclub and an amusement park or any other recreational purpose with or without a view to profit. A place of amusement does not include adult entertainment.

Place of Education

A building designed for use or used as a school, college, technical college, university, lecture hall, research institution, convent, library, art gallery, museum or other centre of education, including pre-

primary school facilities and hostels directly related and ancillary to the educational facility. A place of education includes a canteen.

Place of Instruction

A place for education at pre-school, school or post school levels, including a crèche, nursery school, primary school, secondary school, college, technical institute, university, research institute, lecture hall; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery, museum; and associated uses such as boarding hostels, monastery, convent and all uses which are ancillary, directly related to and subservient to the main use.

Place of Public Worship

A building designed and used for the purposes of a church, synagogue, mosque, temple, chapel or other place for practicing a faith or religion, including any building and a residence associated therewith, but does not include a funeral parlour, cemetery or crematorium with related chapel. A place of public worship may provide for a wall of remembrance.

Place of Refreshment

A building designed and used for the preparation or the retail sale of meals, refreshments, fresh produce, mineral waters, smoking requisites, reading material and sweets, including a restaurant, take-away, tearoom and coffee shop, but does not include a confectioner.

Prison

A building used for the confinement of persons convicted and sentenced to imprisonment by a court of law or the confinement of persons awaiting trial.

Private club

Land used or a building designed to be used as a private meeting place for a group of people with a collective aim.

Private Open Space

Land vested in private ownership or municipal land under long term lease, with or without access control, used primarily as private grounds for outdoor sports, rest or recreation area, park, garden or play area.

Private Road

Any street or road having been set aside as a private throughway or the parking of motor vehicles, which is privately owned and allows for restricted access or access control.

Protected Area

An area of land especially dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources, and managed through legal or other effective means. This implies an area of natural or semi-natural habitat with some form of conservation management that is secure for the foreseeable future. A protected area does not need to be owned by the state. (Source: Mpumalanga Biodiversity Conservation Plan Handbook, 2007).

Public Garage

Land and building(s) used for gain or reward for any one of the following purposes:

- i. Storage and retail selling of motor fuel and lubricants;
- ii. All ancillary uses, including the parking and storing of motor vehicles; the sale of spare parts and accessories, car wash facilities; a convenience shop which the size of which may be restricted by the Municipality, whichever is the lesser; a take-away or sitting down facility and automatic bank teller machines;
- iii. Maintenance and repair of vehicles excluding panel beating and spray-painting activities.

Public Open Space

Land which is under or will be under the ownership of the Municipality or other public authority, which is not leased on a long term basis, and which is used or earmarked for use by the general public as an open space, park, recreation park, garden, esplanade, picnic area, playground or square.

Public Road

Any street or road having been set aside as a public thoroughway for vehicles, of which the ownership as such vests in the local, provincial or national authority in terms of the relevant planning legislation or in terms of any other law.

Public Transport Rank

Land and buildings thereon used as a temporary parking area for buses and or taxi's, boarding facilities for passengers, a ticket sales office, an administration office directly related to the main use, rest rooms and a washing bay, but excluding workshops.

Railway Line

Any land indicated on an approved plan, diagram or map as having been set aside for railway lines used by freight or passenger trains, including maintenance vehicles and may furthermore include a shunting yard.

Railway Station

Land and buildings thereon used as a parking area for trains, boarding facility for train passengers, tickets sales office, loading and storage facility for railway freight, including uses related and subservient to the main use, including offices, restaurants, convenience shops, rest rooms and informal trade.

Recycling Centre

Land or building within which used materials are separated and processed for shipment and for eventual re-use in new products.

Resort

A tourist orientated development representing a tourist destination point, comprising of a combination of temporary accommodation facilities, recreation facilities, entertainment facilities, convenience and curio shops, restaurants, cocktail bars, conference facilities and beauty salons, wedding venues, including a health hydro, guest farm, hotel, lodge, chalets, tented accommodation, game farm and caravan park, but excluding guest houses, bed and breakfast establishments and back-packer inns.

Hotels situated within urban areas, which mainly provides overnight accommodation, without a combination of services and facilities aimed at the tourism industry, are not regarded as a resort. A resort does not include a filling station.

Retail Shop

Land or building used for the purposes of conducting retail trade and the necessary accompanying storage and packaging, and includes any accompanying use on the same site which is incidental and subordinate to the retail business: Provided that such accompanying storage and packaging and accompanying use shall not give rise to any disturbance or nuisance. The following uses shall not be considered as incidental to a retail shop: an industry, drive-in restaurant, place of refreshment, scrap yard, commercial use, warehouse, public garage, filling station, parking garage, place of amusement, adult entertainment business and motor sales market.

Retirement Village

A residential development intended for the accommodation or settlement of persons upon their retirement and which may include a frail care centre, place of communal activity, office building, medical suites, launderette, shop and restaurant and other ancillary and subordinate uses, for the sole use of occupants and guests.

Riding Stables

A place or undertaking for the leasing of horses and/or riding instruction against payment, and includes the care and stabling of such horses.

Rural Settlement

A rural settlement can comprise of the following:

- Formal Rural Settlement: Means a settlement, which is planned and surveyed with a General Plan. A formal rural settlement can be handled in the same manner as a proclaimed township.
- Semi-Formal Rural Settlement: Means a settlement situated either on private, tribal or state land. The settlement is planned and surveyed, however no General Plan exists. A communal property association or tribal authority or local municipality does management.
- Informal Rural Settlement: Means a settlement situated either on private, tribal or state land. The settlement is not planned or surveyed and therefore no General Plan exists. A communal property association or tribal authority or local municipality does management.

Sawmill

An agro-industrial concern directly related to the forestry industry and includes the debarking, sawing and processing of timber as a primary source into planks, poles, blocks, or pallets for distribution to manufacturing industries. A sawmill does not include the manufacturing of wood products for wholesale trade.

Second Dwelling Unit

An additional dwelling unit which may be erected on a residential property where a dwelling house already exists, provided that the extent of the second dwelling unit will be restricted to 100m², excluding a garage, and 118m² including a garage.

Scrap-yard

Land or buildings used as a junk-yard or scrap-yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, scrap machinery, or any other scrap materials, whether or not such dismantling or storage is with a view to the disposal or re-use of such scrap.

Service Retail

A property or building used for the servicing, repair, installation or assembly of electronic or electrical business, vehicle and household equipment or appliances, including administrative offices directly related to the main use and retail sale of such equipment or appliances from the premises; provided that all activities on the property are conducted inside the building without causing any noise disturbance to the immediate surrounding environment. Typical examples of a service retail use include, but are not limited to, catering services, cool-chambers for fruit and vegetables, dress-makers and tailors, electricians, engravers, joineries, key-makers, laundries, arts and crafts workshops, photographic studios (for development and printing), plumbers, registration number plates, sign writers, tyres, exhaust systems, tow-bars and vehicle spare parts and accessories, upholsterers, auto electricians, repair workshops for air conditioners, blinds, roll-up doors, boats, caravans, trailers, computers, cash registers, type writers, electrical fittings and fixtures, jewelers, lawnmowers, radios, televisions, video recorders, shoes and leather articles, tents, canvases, tarpaulins, vehicles, motorcycles and bicycles.

Sewer Purification Plant

Land or buildings and infrastructure used for the communal processing, purification and/or disposal of sewer.

Social Hall

A building used for social assemblies, gatherings, meetings, and recreation, including a non-residential or private club, but does not include a "Place of amusement".

Sport and Recreational Grounds

Land and buildings thereon intended for outdoor and indoor sport and recreational events, which are held primarily for public entertainment, where patrons attend on a recurring basis, and may include the following: sport stadiums, arenas, gymnasiums, animal racing tracks, vehicle racing tracks, public swimming pools, golf course, including retail for patrons only and offices ancillary to the main use.

Student accommodation

Refers to the provision of temporary housing accommodation for students within existing residential area and/or suburbs by means of the conversion of an existing single dwelling house and includes any

other person (for example adult working individuals). This definition excludes Guest houses/lodges, Bed & Breakfast facilities, Boarding houses and Backpackers inn.

Sustainable Farming

Land used by the owner or occupant for small-scale, subsistence farming activities to cultivate fresh produce for own consumption, including dwelling units and may also represent communal agricultural land shared between various households, but does not make provision for commercial farming activities.

Tavern

The use of an outbuilding or portion of a dwelling unit, separated by a firewall and separate entrance, with a maximum extent of 40m² or, if the total floor area is less than 100m², 40% thereof, by the occupant of the dwelling unit for the sale of alcoholic and other beverages and may include an indoor seated area for the consumption of alcoholic and other beverages on the property, as well as pool tables or any other indoor gaming activities, excluding a gaming establishment, provided that the use is subservient to the main use. A tavern may include the preparation and consumption of food on the premises only. A shebeen is regarded as a Tavern.

Telecommunication Infrastructure

Telecommunication (including cellular telecommunication) infrastructure includes any one or more of the following services and or structures accommodated on a property, inside a building or fixed to a building:

- (a) Cell phone base station;
- (b) Antenna support structure, including any solid lattice structure, mast pole, monopole, guyed tower, lattice tower, freestanding tower or any other structure designed and primarily used to support an antenna;
- (c) Antenna structure, including any system of wires, poles, rods, or similar devices, used for the transmission or reception of electromagnetic waves, attached to a building or a mast, and includes cabling between the equipment room and the antenna;
- (d) Base station, antenna support structure and all associated infrastructure such as antenna, microwave dish, equipment room and access road;
- (e) Equipment room including a structure to house telecommunication equipment, or a container, or a room or rooms within a building with another permanent use;
- (f) Microwave dish, including any device incorporating a reflective surface that is solid, open mesh, or bar configured that is the shape of a shallow dish, cone, horn, or other, and is used to transmit and/or receive electromagnetic waves.

Telephone Kiosk

A structure, either mobile or not, containing telephone equipment for the use of the public for financial gain of the owner. A telephone container is included in this definition.

Totalisator

Land or a building used to facilitate the placing of, and the paying out of off-course totalisator bets.

Tourist Facilities

Amenities or facilities for tourists or visitors such as lecture rooms, restaurant, gift shops, restrooms or recreational facilities, but does not include a hotel or overnight accommodation.

Traditional Healing Practice

A use providing an alternative health service to the community in an attempt to cure illnesses and restore general health, based on the exercising of traditional healing practices, including administering of traditional medicine derived from the natural environment.

Truck Stop

A facility with direct access from a freeway or major transport route which provides overnight facilities for drivers of long hauls vehicles, trucks, busses and heavy-duty vehicles or an overnight parking facility for such vehicles containing their own on-board sleeping facilities.

Tuck Shop

Conducting of limited retail trade of convenience goods aimed at the local neighbourhood, from a portion of a dwelling unit or outbuilding, separated with a firewall and with a separate entrance, with a maximum extent of 40m² or, if the total floor area is less than 100m², 40% thereof, provided that the area used for the retail trade should be subservient to the main use. Storage space is regarded as part of the tuck shop area. A spaza shop is regarded as a tuck shop and is included in this definition.

Urban Agriculture

Land used for the cultivation of crops and raising of small numbers of livestock, on relatively small areas within urban areas, for own consumption or sale in neighbouring markets. Urban agriculture includes commonages.

Utility

Land, buildings, structures, or infrastructure required and used for the provision of water, sewer, waste disposal, stormwater or electricity engineering and associated services for the proper functioning of urban development and includes but is not limited to water reservoirs, and purification works, electricity substations and transmission lines and waste water pump stations. A utility does not include a waste disposal site, sewage purification plant or telecommunication infrastructure.

Vehicle Sales Market

Land used, with or without buildings, for the sale or display of motor vehicles and/or boats and/or caravans, including a showroom, but does not include any form of workshops, sale of spare parts or scrap yards.

Veterinary Clinic

A building or part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian, including temporary boarding facilities for treated animals and related retail, but excludes an animal refuge.

Warehousing and Packaging

A building or use of land for the exclusive purpose of packaging, storage and distribution of goods, which in the opinion of the Municipality are not dangerous, noxious or unsightly, and office facilities directly related to and subordinate to the main use. The retail sale of goods is not allowed/ and retail trade in goods which are processed or assembled on the Erf.

Wholesale Trade

Land or a building used for the sale of articles only to retailers, other wholesalers, contractors or manufacturers for resale or use in their enterprise.

Wildlife Estate

Means a self-sustainable nature based low density rural residential development which may form part or include a country estate, private nature reserve or game farm. The residential component of a wildlife estate is usually clustered to ensure minimum impact on the natural environment. The residential density allowed in a wildlife estate will be determined by means of municipal policy and policy of relevant provincial and national departments, as amended from time to time.

Wood Yard

The secondary processing of raw logs into firewood or the storing of raw logs for future delivery for processing into firewood and/or the storing and sale of firewood to the public.

4x4 Trail

A series of roads, tracks, and routes, designed for use by off-road vehicles as a recreation or adventure facility, and includes buildings normally required for the administration and maintenance thereof, but does not include tourist accommodation or tourist facilities.

Zoological Garden

A park where wild or farm animals, reptiles, fish or birds are kept and exhibited for public education and amusement or ancillary rehabilitation and may include other associated ancillary facilities.

CHAPTER 3: DEVELOPMENT POLICY

LAND USE ZONES AND DEVELOPMENT CONTROS / RULES

3.1. General Conditions Applicable to All Properties

- 3.1.1. A land use zone is a demarcated portion of land or area in terms of which regulations pertaining to the potential use and development of that land are imposed. A zone does not indicate the existence of land use rights on a property/land portion, unless it appears in a land right/use register as such. These regulations are derived from the Municipal Spatial Development Framework and have as goal the implementation of the municipal development objectives through the application of land use control.
- 3.1.2. All developments must comply with the regulations contained in the applicable zone and all applications for land use rights shall be considered against the stated regulations.
- 3.1.3. A Zone may be used to allocate and reserve specific land portions for public use, such as public streets, pedestrian paths, parks and other open spaces, educational institutions, health and welfare institutions, other social, community or municipal facilities and engineering services infrastructure.
- 3.1.4. A zone may contain regulations with regards to:
- 3.1.4.1. Land Uses, including:
- Determining “Free Land Uses”, meaning land uses that may be allowed without an application procedure, subject to the approval of building plans and which may be obtained by way of application,
 - Determining “Primary Land Uses”, meaning land uses that are considered to be compatible and desirable in the zone,
 - Determining “Written Consent Land Uses” meaning land uses that are considered to be compatible and desirable in the zone
 - Determining “Special Consent Land Uses”, meaning land uses that may be compatible and desirable within the zone subject to certain conditions, and
 - Determining “Prohibited Land Uses”, meaning land uses that are prohibited in that zone,
 - The determining agency being the Municipality.


- 3.1.4.2. Development Controls & Extent of Development, including:
- The erf or land parcel area and dimensions,
 - The density and intensity of development,
 - The type, extent and scale of buildings and structures that may be erected, including the maximum Coverage, Floor Area Ratio (FAR) and height (storeys) of buildings and structures and other building restrictions.
- 3.1.4.3. Aesthetic considerations, including the architectural design, colour and texture of improvements, construction materials, street furniture, signs, landscaping and other urban design aspects.
- 3.1.4.4. Site Development, including grading and site development, the layout and orientation of buildings and structures, public areas, building lines and other servitudes and minimum on-site and/or off-site parking requirements.
- 3.1.4.5. General matters, which include any other aspect identified by the Municipality as being relevant to the achievement of the desirable future development of the locality.
- 3.1.5. Except where expressly provided, no regulations contained in a zone shall be deemed to apply to any existing public street and any public street may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by the Municipality.

3.2. Land Use Zones

The municipal area is divided in the following zones:


- 3.2.1. Aerodrome
- 3.2.2. Agriculture
- 3.2.3. Business 1
- 3.2.4. Business 2
- 3.2.5. Cemetery
- 3.2.6. Commonage
- 3.2.7. Conservation
- 3.2.8. Government
- 3.2.9. Institutional
- 3.2.10. Industrial 1
- 3.2.11. Industrial 2
- 3.2.12. Mining
- 3.2.13. Private Open Space

- 3.2.14. Public Open Space
- 3.2.15. Residential 1
- 3.2.16. Residential 2
- 3.2.17. Residential 3
- 3.2.18. Residential 4
- 3.2.19. Mixed Rural Development
- 3.2.20. Resort
- 3.2.21. Special
- 3.2.22. Transport
- 3.2.23. Undetermined


Code: AE	AERODROME	NOTATION 	RGB FILL LINE R= 178; G= 178; B= 178	RGB FILL BACKGROUND R=255; G=255; B=255
Objectives of this Zone:				
<ul style="list-style-type: none"> To accommodate air transport service functions. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:				Land uses that are prohibited:
Primary Uses:	Written Consent Uses:	Special Consent Uses:		Any use not mentioned under Primary Uses.
Aerodrome & purposes such as bus bay, container site, bus station, heavy vehicle parking depot, helicopter landing pad, parking garage, private street, public road, railway purposes, taxi rank, tuck shop, storerooms, offices, shops, places of refreshment directly related and subordinate to the aerodrome.	Such uses as may be approved by the Local Municipality	Such uses as may be approved by the Local municipality		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density;	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	As approved by the Local Municipality.		Refer to Chapter 4.	
Rear Boundary:	As approved by the Local Municipality.			
Side Boundary:	As approved by the Local Municipality.			
OTHER REGULATIONS				
<ul style="list-style-type: none"> Subject to the Civil Aviation Act (Act No. 13 of 2009) and approvals Properties that are $\leq 350\text{m}^2$ may have coverage of up to 75%. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999). Compliance with Electronic Communication Act, 2005 (Act No. 36 of 2005). 				

Code: A	AGRICULTURE	NOTATION 	RGB FILL LINE N/A	RGB FILL BACKGROUND R=227; G=255; B=190
Objectives of this Zone:				
<ul style="list-style-type: none"> To utilize agricultural land on a sustainable basis. To ensure that land deemed to have high agricultural potential is optimally used. To provide mechanisms for the identification and protection of productive agricultural land. To ensure that agricultural practices are consistent with environmental considerations and pollution controls. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:				Land uses that are prohibited:
Primary Uses:	Written Consent Uses:	Special Consent Uses:		Land uses that are Prohibited:
Agriculture, Agricultural Uses, Forestry, Forestry Building & Forestry Housing.	Authority Use, Additional Dwelling Units, Farm worker housing, Farm Stall, Home Enterprise, Home Occupation	Agricultural Industry, Conference Facility, Crèche, Guest House/Lodge, Intensive Feed Farming. Nursery, Restaurant, Tourist Facility, Renewable energy. Place of Assembly, Place of Instruction, Place of Worship. Prospecting & Mining activities < 5 years (Permit).		Any use not mentioned under Primary, Written or Special Consent uses.
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density	Maximum Coverage	Maximum FAR	Maximum Height	Other
1 Dwelling unit per land portion and Additional Dwelling Units at a density of 1 unit per 10 hectares to a maximum of 5 Additional Dwelling Units, only if such dwelling units are in support of the farming/agricultural activities/enterprise on the land portion.*	20%	As approved by the Municipality	3 storeys	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	100 metres		Refer to Chapter 4.	
Rear Boundary:	50 metres			
Side Boundary:	50 metres			
OTHER REGULATIONS				

1. Title conditions on farmland shall be applicable.
2. All land within this zone is subject to regulation in terms of the Subdivision of Agricultural Land Act, 1970, (Act No. 70 of 1970) unless such land is excluded from the act.
3. A mining right, mining permit, exploration right or production right may be required in terms of the Mineral and Petroleum Resources Development Act, 2002, (Act No. 28 of 2002).
4. Mining activities can only take place if there is a 5-year permit issued.
5. There must be compliance with National and Provincial environmental legislation.
6. A water use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998).
7. Only building needed in support of agricultural/farming may be erected.
8. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999).

Code: B1	BUSINESS 1	NOTATION 	RGB FILL LINE N/A	RGB FILL BACKGROUND R=230; G=0; B=0
Objectives of this Zone:				
<ul style="list-style-type: none"> To provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth. The objective of this zone is to provide for the retail sale of goods and services to the public. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:				Land uses that are prohibited:
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Adult Entertainment Business, Auction Centre, Bakery, Bed & Breakfast, Business Premises, Cafeteria, Canteen, Car Wash, Community Facility, Confectioner, Container Site, Dispensing Chemist, Drive-Thru Restaurant, Dry Cleaner, Factory Shop, Farm Stall, Funeral Parlour, Gaming Establishment, Garden Centre, Garden Service Establishment, Home Enterprise, Informal Business, Kiosk, Medical Consulting Rooms, Medical Suites, Nursery, Office, Place of refreshment, Private Club, Restaurant, Retail Shop, Service Industry, Service Retail, Service Trade, Shop, Showrooms, Take-Away, Teagarden, Tuck / Spaza Shop,	Dwelling units with or without outbuildings	Agricultural Industry, Bank, Bulk Retail Trade, Conference Centre / Facility, Distribution Centre, Liquor Enterprise, Guest House, Guest Lodge, Industrial, Industrial Use, Light Industry, Lodge, Motel, Residential Hotel, Motor Trade, Vehicle Sales Market, Overnight Accommodation, Public Garage, Place Of Worship, Place Of Instruction, Social Hall, Dry Cleaner, Place Of Amusement, Parking Garage, Commercial Use, Special Use, Tavern & Wholesale Trade		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density;	Maximum Coverage:	Maximum FAR:	Maximum Height:	
Maximum of 65 dwelling units per hectare.	70%	3	6 storeys	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	5metre			


Rear Boundary:	2metre	Refer to Chapter 4.
Side Boundary:	2metre	
OTHER REGULATIONS		
<p>1. The Liquor Act, 2003, (Act No. 59 of 2003), (administered by the Department of Trade and Industry) requires a liquor license for land uses where liquor is sold.</p> <p>2. Business Act, 1991, (Act No. 71 of 1991) requires business licenses for the following types of business:</p> <ul style="list-style-type: none"> ▪ Food provision ▪ Turkish baths, saunas and health baths; massage or infra-red treatments; male and female escorts; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult premises. <p>3. The National Gambling Act, 2004, (Act No. 7 of 2004) may also require a gambling license depending on the nature of gambling activities.</p> <p>4. In the case of residential buildings, the provision of open space and children’s’ playgrounds must be to the satisfaction of the Municipal Council.</p> <p>5. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999).</p>		

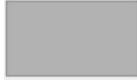
Code: B2	BUSINESS 2	NOTATION 	RGB FILL LINE R=255; G=127; B=127	RGB FILL BACKGROUND R=168; G=0; B=0
Objectives of this Zone:				
<ul style="list-style-type: none"> To provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth and to provide for the retail sale of goods and services to the public. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:				Land uses that are prohibited:
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Adult Entertainment Business, Auction Centre, Bank, Bulk Retail Trade, Distribution Centre, Bakery, Builder’s Yard, Business Premises, Cafeteria, Car Wash, Confectioner, Conference Centre / Facility, Container Site, Dispensing Centre, Drive-Thru Restaurant, Dry Cleaner, Factory Shop, Farm Stall, Filling / Service Station, Funeral Parlour, Gaming Establishment, Garden Centre, Garden Service Establishment, Guest House, Guest Lodge, Home Enterprise, Hotel, Informal Business, Kiosk, Light Industry, Lodge, Medical Consulting Rooms, Medical Suites, Motel, Motor Grave Yard, Motor Trade, Nursery, Offices, Panel Beating, Petro-Port, Place Of Refreshment, Private Club, Recycling Centre, Residential Hotel, Restaurant, Retail Shop, Riding Stables, Service Industry, Service Retail, Shop, Showrooms, Take-Away, Teagarden, Tuck / Spaza Shop, Veterinary Clinic, Warehouse, Wood Yard, Workshop, Liquor Enterprise, Service Trade, Shopping Centre, Vehicle Sales Market Or Vehicle Workshop & Wholesale Trade.	Place of Worship, Place of Instruction, Place of Amusement, Social Hall, Institution, Public Garage, Parking Garage & Transmission Tower	Agricultural Industry, Place of Entertainment, Special Use & Tavern.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	
Maximum of 65 dwelling units per hectare.	70%	2	3 storeys	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	

Street Boundary:	5metre	Refer to Chapter 4.
Rear Boundary:	2metre	
Side Boundary:	2metre	

OTHER REGULATIONS


1. The Liquor Act, 2003, (Act No. 59 of 2003), (administered by the Department of Trade and Industry) requires a liquor license for land uses where liquor is sold.
2. Business Act, 1991, (Act No. 71 of 1991) requires business licenses for the following types of business:
 - Food provision
 - Turkish baths, saunas and health baths; massage or infra-red treatments; male and female escorts; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult premises.
3. The National Gambling Act, 2004, (Act No. 7 of 2004) may also require a gambling license depending on the nature of gambling activities.
4. In the case of residential buildings, the provision of open space and children’s’ playgrounds must be to the satisfaction of the Municipal Council.
5. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999).

Code: CEM	CEMETERY	NOTATION 	RGB FILL LINE N/A	RGB FILL BACKGROUND R=255; G=98; B=0
Objectives of this Zone:				
<ul style="list-style-type: none"> The objective of this zone is to provide for cemeteries. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Cemetery	Wall of Remembrance	Crematorium		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	As may be determined by the Local Municipality.		Refer to Chapter 4.	
Rear Boundary:	As may be determined by the Local Municipality.			
Side Boundary:	As may be determined by the Local Municipality.			
OTHER REGULATIONS				
<p>1. No land shall be used for the purposes of refuse tipping, sewage disposal, scrap yard, stockyard, ash dump, motor graveyard or cemetery without the consent of the Local Municipality.</p> <p>2. All relevant legislation relating to the establishment of cemeteries will be adhered to as contemplated in National Environmental Management Act, 1998, (Act No. 107 of 1998).</p> <p>3. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999).</p>				


Code: CM	COMMONAGE	NOTATION	RGB FILL LINE N/A	RGB FILL BACKGROUND R= 178; G=178; B=178
				
Objectives of this Zone: <ul style="list-style-type: none"> To create integrated, safe and sustainable environments for all communities. To promote densification in rural settlements. To put measures in place to control the expansion of rural settlements. To protect grazing and farming land for rural communities. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			What land may be NOT be used for:	
Primary Uses:		Written Consent Uses:		Any use not mentioned under Primary, Written or Special Consent uses.
Agricultural Use, Clinic, Commonage, Conservation Purposes, Car wash, Government Purposes, Guest House, Guest Lodge, Home Enterprise, Informal Business, Lodge, Municipal Purposes, Nursery, Office, Shop, Teagarden, Tuck / Spaza Shop, Wood Yard, Place of Assembly, Social Hall, Crèche, Early Childhood Development Centre, Educational Purposes, Public Open Space, Private Open Space, Bed & Breakfast, Boarding House, Commune, Dormitory Establishment, Duet Dwelling, Dwelling House Office, Dwelling Unit, Flats, General Residential, Group Housing, Informal Structure, Parsonage, Professional Rooms, Residential Building, Residential Use, Shelter & Small Scale Farming.		Agricultural Industry, Animal Refuge, Cemetery, Community Facility, Cultural Heritage Site, Farm, Farm Stall, Sawmill, Urban Agriculture, Bakery, Builders' Yard, Business Premises, Hotel, Residential Hotel, Retirement Village, Showgrounds, Spa / Hydro & Wellness Centre, Sports Facilities, Sports & Recreational Grounds, Tavern, Tourist Facilities & Traditional Healing Practice,		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density	Maximum Coverage	Maximum FAR	Maximum Height	Others:
100 dwelling units per hectare.	As may be determined by the Local Municipality.	As may be determined by the Local Municipality.	As may be determined by the Local Municipality.	As may be determined by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	As may be determined by the Local Municipality.		Refer to Chapter 4.	

Rear Boundary:	As may be determined by the Local Municipality.	
Side Boundary:	As may be determined by the Local Municipality.	
OTHER REGULATIONS		
<p>1. The Municipality may consider utilizing over-provided public open spaces for residential infill or other uses. Such development will require the amendment of the Scheme to a suitable zone.</p> <p>2. Urban agricultural uses may be considered on larger open space systems, subject to environmental legislation. Such developments will require the amendment of the Scheme to a suitable zone.</p> <p>3. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999).</p>		

Code: C	CONSERVATION	NOTATION 	RGB FILL LINE N/A	RGB FILL BACKGROUND R=0, G=97, B=0
Objectives of this Zone:				
<ul style="list-style-type: none"> To provide adequate measures for the protection of areas deemed for conservation purposes. To ensure that such facilities are located and maintained to attract visitors and tourists. To set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for passive recreational purpose s. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:		Written Consent Uses:		Any use not mentioned under Primary, Written or Special Consent uses.
All declared / undeclared national, provincial and private Nature Reserves, all other protected areas (including Biospheres), Conservancy, Conservation Purposes, Cultural Heritage Sites, Environmental Facilities, Nature Reserve & Protected Areas.		Agriculture, Airport,, Conference Facilities, ,Filling Station, Guest House, Hotel, Lodge, Place of Assembly, Place of Entertainment, Shop, Special Usage & Telecommunication Mast.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Others:
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	10 metres		Refer to Chapter 4.	
Rear Boundary:	As approved by the Local Municipality.			
Side Boundary:	As approved by the Local Municipality.			
OTHER REGULATIONS				
<ul style="list-style-type: none"> There must be compliance with National and Provincial environmental legislation in the development of nature reserves, land for conservation purposes, cultural heritage sites, protected areas and listed activities. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999). Compliance with Electronic Communication Act, 2005 (Act No. 36 of 2005). 				

Code: GOV	GOVERNMENT	NOTATION 	RGB FILL LINE R=115; G=76; B=0	RGB FILL BACKGROUND R=205; G=205; B=102
Objectives of this Zone:				
<ul style="list-style-type: none"> The Government zone provides for utility services such as electrical substations and water reservoirs, which may be supplied by, government or parastatal; and makes provision for government or authority uses, such as prisons and military bases, that are not covered by another use or zoning category. The uses may also include State uses such as military training centres, installations and police stations, Provincial Government uses such as offices, road camps and road stations and Local Municipality uses such as offices, fire services, sewage farms, dumping grounds, reservoirs, composting installations and water purification works and museums; 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Cemetery, Clinic, Electrical Purposes, Government Purposes, Hospital, Laboratory, Mortuary, Reservoir, Road Reserve, Educational Purposes, Government Offices, Sewerage Works, Substation, Prison, Road Reserve, Reservoir, Military Base, Sub Station, Veterinary Clinic, Telecommunication Centre & Utility Services.	Communal Land, Cultural Heritage Site, Retirement Village, Sports Facilities & Taxi Rank	Telecommunication Mast & Transport Purposes,		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	50%	As approved by the Local Municipality.	As approved by the Local Municipality.	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	As may be determined by the Local Municipality.		Refer to Chapter 4.	
Rear Boundary:				
Side Boundary:				
OTHER REGULATIONS:				
1. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999).				

2. Compliance with Electronic Communication Act, 2005 (Act No. 36 of 2005).


Code: I1	INDUSTRIAL 1	NOTATION 	RGB FILL LINE N/A	RGB FILL BACKGROUND R=169; G=0; B=230
Objectives of this Zone:				
<ul style="list-style-type: none"> To provide appropriate locations for light and service industries that has limited impact. To provide appropriate locations for a range of industrial, warehousing and related activities in specific areas. To ensure that the location of industrial development is such that it minimises their impacts on surrounding areas. To provide a proper balance for employment and sectoral growth and sustainable development To ensure that there is sufficient on-site space to accommodate the proposed uses, traffic and any potential impact resulting from these developments. To provide an interface between industrial areas and adjacent residential or other land uses. To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located near them. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Noxious Use and any use not mentioned under Primary, Written or Special Consent uses.	
Abattoir, Agricultural Industries, Brick Yard, Coal Yard, Industries, Public garage, Commercial use, Service industry, Factory, Factory Shop, Heavy Vehicle Parking Depot, Industrial Use, Industry, Informal Business, Light Industry, Office, Place of Instruction, Railway, Railway Purposes, Sawmill, Transport Usage, Truck Stop, Workshop, Warehousing and Packaging.	Place of refreshment for own employees only, Scrap yard, Dwelling unit related to but subordinate to main use, Special use, Panel beater, Builders yard, Public Phone shop, Telecommunication mast, Cafeteria, Canteen, Take-Away & Tavern.	Helicopter Landing Pad, Special Usage and Transmission Tower.		

RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
N/A	75%	2.7	3 storeys	As approved by the Local Municipality
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	6 metres		Refer to Chapter 4.	
Rear Boundary:	2 metres			
Side Boundary:	2 metres			
OTHER REGULATIONS				
<ol style="list-style-type: none"> 1. Compliance with National and Provincial environmental legislation, 2. Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and Municipality has given approval thereto. 3. Compliance with the Meat Safety Act, 2004 (Act 40 of 2000) for abattoir uses. 4. An atmospheric emission licence in terms of the National Environmental Management: Air Quality Act may be required for some use. 5. All uses that are listed activities in terms of the National Environmental Act, 1998 requires an environmental authorisation including compliance with the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) for processing and storage of waste. 6. Compliance with Mineral and Petroleum Resource Development Act, 2002 (Act 28 of 2002) for all mining related activities. 7. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999). 8. Compliance with Electronic Communication Act, 2005 (Act No. 36 of 2005) 				


Code: I2	INDUSTRIAL 2	NOTATION	RGB FILL LINE R=143; G=21; B=197	RGB FILL BACKGROUND R=132; G=0; B=168
<p>Objectives of this Zone:</p> <ul style="list-style-type: none"> The objective of this zone is to accommodate all forms of industry in order to promote the manufacturing sector of the economy. Some allowance is made for nonindustrial 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. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Abattoir, Brick Yard, Industries, Service industry, Commercial use., Animal Refuge, Auction Centre, Brickyard, Builders' Yard, Commercial Use, Distribution Centre, Factory, Factory, Shop, Garden Service Establishment, Heavy Vehicle Parking Depot, Industrial Use, Industry, Light Industry, Motor Workshop, Office, Panel Beating, Place of Instruction, Recycling Centre, Sawmill, Showrooms, Transport Usage, Truck Stop, Warehousing and Packaging, Wholesale Trade & Workshop	Public garage, Noxious industries, Place of refreshment for own employees only, Scrap yard, Dwelling unit related to but subordinate to main use, Special use, Cafeteria, Canteen, Informal Business, Tavern, Dwelling unit related to but subordinate to main use, Special use & Take-Away	Coal Yard, Wood Yard, Public Garage, Funeral Parlour & Dry Cleaner		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
N/A	75%	2.7	3 Storeys	As approved by the Local Municipality.

RULES REGARDING BUILDING LINES		RULES REGARDING PARKING AND LOADING
Street Boundary:	6 metres	Refer to Chapter 4.
Rear Boundary :	2 metres	
Side Boundary:	2 metres	
OTHER REGULATIONS		
<ol style="list-style-type: none"> 1. Compliance with National and Provincial environmental legislation, 2. Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and Municipality has given approval thereto. 3. Compliance with the Meat Safety Act, 2004 (Act 40 of 2000) for abattoir uses. 4. An atmospheric emission licence in terms of the National Environmental Management: Air Quality Act may be required for some use. 5. All uses that are listed activities in terms of the National Environmental Act, 1998 requires an environmental authorisation including compliance with the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) for processing and storage of waste. 6. Compliance with Mineral and Petroleum Resource Development Act, 2002 (Act 28 of 2002) for all mining related activities. 7. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999). 8. Compliance with Electronic Communication Act, 2005 (Act No. 36 of 2005) 		

Code: I	INSTITUTIONAL	NOTATION	RGB FILL LINE N/A	RGB FILL BACKGROUND R=0; G=230; B=169
<p>Objectives of this Zone:</p> <ul style="list-style-type: none"> To provide an adequate number of accessible social and civic facilities to meet the needs of communities in the fields of health, social and cultural services, which includes public and private service providers and administrative or government functions including education, health, pension offices, museums, libraries, community halls, jails / prisons, juvenile facilities, cemeteries and crematoria. To ensure that such facilities are designed to address the special needs of the physically challenged, elderly, women, and children. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:				Land uses that are prohibited:
Primary Uses:	Written Consent Uses:	Special Consent Uses:		Any use not mentioned under Primary, Written or Special Consent uses.
Institution or Institutional Use, Community Facility, Crèche, Hospital, Place of Assembly, Place of Instruction, Place of Worship & Sport and Recreation.	Dwelling House	Special Usage and Transmission Tower		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	50%	As approved by the Local Municipality.	3 Storeys	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	5 metres		Refer to Chapter 4.	
Rear Boundary:	2 metres			
Side Boundary:	2 metres			
OTHER REGULATIONS				
<ol style="list-style-type: none"> The Municipality may consider utilizing vacant, underutilized or over-provided community facility land for residential infill. Such development shall require an amendment of the Scheme to a suitable zone. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999). 				


Code: M	QUARRYING AND MINING	NOTATION 	RGB FILL LINE R=78; G=78; B=78	RGB FILL BACKGROUND R=225; G=225; B=225
<p>Objectives of this Zone:</p> <ul style="list-style-type: none"> • To provide appropriately located land to allow the extraction of minerals and raw materials and associated business operations. • To ensure that the extraction is carried out in a manner that takes cognizance of its impact on the site and surrounding properties and seeks to minimise the long-term effects of the activity. • To ensure that the relevant environmental considerations are adhered to regarding the actual extraction process, its impact on the environment, and to the rehabilitation of a site or sites once the activity has ceased. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Mining, Mining Activities – Extraction and Beneficiation. Canteen, Dwelling Purposes, Dwelling Units, Laboratory, Fuelling Facility, Utility, Offices, Private Open Space, Public Garage, Public Open Space, Residential Building, Railway Purposes, Place of Education, Place of Instruction, Place of Entertainment, Place of refreshment, Place of public worship, Social Hall, Sport and Recreation Ground & Workshop.	Such uses as may be approved by the Local Municipality	Special Usage.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	10 metres			

Rear Boundary:	5 metres	Refer to Chapter 4.
Side Boundary:	5 metres	
OTHER REGULATIONS		
<ul style="list-style-type: none"> • A mining right, mining permit, exploration right or production right may be required in terms of the Mineral and Petroleum Resources Development Act, 2002, (Act No. 28 of 2002). • National Environmental Management Amendment Act of 2003 requires authorisation in terms of EIA regulations. • A water use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998). • No quarrying for the taking of sand, stone, rock, gravel, clay and soil for any purpose whatsoever shall be conducted on any property unless authorised in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and in any amendments thereof. • Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999). • An atmospheric emission licence in terms of the National Environmental Management: Air Quality Act maybe required for some use. 		


Code: PROS	PRIVATE OPEN SPACE	NOTATION 	RGB FILL LINE R=209; G=255; B=115	RGB FILL BACKGROUND R=112; G=168; B=0
Objectives of this Zone:				
<ul style="list-style-type: none"> To provide adequate numbers of appropriately situated sites of a private nature that are easily accessible for recreational purposes and activities for certain communities. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:		Special Consent Uses:		Any use not mentioned under Primary, Written or Special Consent uses.
Private Clubs, Private Open Spaces, Private Caravan Parks, Places of Refreshment and Sport & Recreation		Transmission Tower and Special Usage.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	As approved by the Local Municipality.		Refer to Chapter 4.	
Rear Boundary:	As approved by the Local Municipality.			
Side Boundary:	As approved by the Local Municipality.			
OTHER REGULATIONS				
<ol style="list-style-type: none"> Only 1 dwelling unit for supervising personnel. National Environmental Management Amendment Act of 2003, requires authorisation in terms of EIA regulations. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999). 				

Code: POS	PUBLIC OPEN SPACE	NOTATION 	RGB FILL LINE N/A	RGB FILL BACKGROUND R=152; G=230; B=0
Objectives of this Zone:				
<ul style="list-style-type: none"> To provide adequate numbers of appropriately situated sites that are easily accessible for recreational purposes and activities for local and wider communities. To ensure that such parks address the special needs of the physically challenged, elderly, women, and children. To ensure that such facilities are located and maintained to attract visitors and tourists. To set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for passive recreational purposes. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:		Special Consent Uses:		Any use not mentioned under Primary, Written or Special Consent uses.
Public Open Space		Transmission Tower		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	As approved by the Local Municipality.		Refer to Chapter 4.	
Rear Boundary:	As approved by the Local Municipality.			
Side Boundary:	As approved by the Local Municipality.			
OTHER REGULATIONS				
<ol style="list-style-type: none"> The Municipality may consider utilizing over-provided public open spaces for residential infill or other uses. Such development will require the amendment of the Scheme to a suitable zone Urban agricultural uses may be considered on larger open space systems, subject to environmental legislation. Such developments will require the amendment of the Scheme to a suitable zone. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999). 				

Code: R1	RESIDENTIAL 1	NOTATION 	RGB FILL LINE N/A	RGB FILL BACKGROUND R=255; G=255; B=0
Objectives of this Zone:				
<ul style="list-style-type: none"> To provide adequate land for residential purposes at a low density. To create integrated, safe and sustainable residential environments for all communities. To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. To protect conservation-worthy buildings as determined by the National Heritage Resources Act, 1999, (Act No. 25 of 1999). 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Dwelling House	Home Occupation, Place of Public Worship, Place of Refreshment, Place of instruction, Recreation Facility, Social Hall & Overnight Accommodation.	Bed & Breakfast, Home Enterprise, Guest House, Additional Dwelling House, Granny flat & Spaza		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
One dwelling unit per erf with additional dwelling unit subject to written consent. 11-20 dwelling units per hectare.	60%	1.5	2 Storeys	As may be approved by the municipality from time to time.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Stand size	Street (m)	Rear (m)	Side (m)	Residential Uses – as per Site Development Plan. For non-residential uses, refer to Chapter 4.
≤ 350m ²	1	1	1	
>350m ² +	3	2	2	
OTHER REGULATIONS				
<p>1. Properties that are ≤ 350m² may have coverage of up to 75%.</p> <p>2. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 1999).</p>				

Code: R2	RESIDENTIAL 2		NOTATION 	RGB FILL LINE R=168 G=168; B=0	RGB FILL BACKGROUND R=230 G=230; B=0
Objectives of this Zone:					
<ul style="list-style-type: none"> To provide adequate land for residential purposes at a medium density. To create integrated, safe and sustainable residential environments for all communities. To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. 					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Written Consent Uses:	Special Consent Uses:		Any use not mentioned under Primary, Written or Special Consent uses.
Dwelling units with or without outbuildings, Duet Dwelling, Dwelling Unit. Flats, Group Housing & Town Houses		Home Occupation, Place of public worship, Place of Refreshment, Recreation Facility, Social hall & Overnight Accommodation.	Home Enterprise, Retirement Village, Bed & Breakfast, Guest House, Kiosk, Tea Garden, Launderette, Place of Education, Place of Instruction & Place of Worship.		
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
Maximum of 40 dwelling units per hectare.	70%	1.00	2 Storeys	As may be approved by the municipality from time to time.	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING		
Street Boundary:	<ul style="list-style-type: none"> 5 metres for municipal streets. 2 metres along internal streets. 		1 covered and 1 uncovered spaces per dwelling unit. For non-residential uses, refer to Chapter 4.		
Rear Boundary:	<ul style="list-style-type: none"> 2 metres for municipal streets. 1 metre along internal boundary 				
Side Boundary:	<ul style="list-style-type: none"> 2 metres for municipal streets. 1 metre along internal boundary. 				
OTHER REGULATIONS					

1. A site development plan shall be submitted.
2. The provision of open space and children's' playgrounds must be to the satisfaction of the council.
3. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 1999).
4. With Group Housing, the following are applicable to public roads: Road to be proclaimed; 3 street names submitted; 13m reserve width at entrance; 8m reserve for road; provision of turning circle for service; paving; should be designed by registered engineer; must be able to carry 8 ton/axle strength and should be maintained by the Local Municipality.
5. In terms of private roads or servitudes, the following are applicable: Road registered as erf with title deed description as R.O.W servitude to all stands served by it; paving; should be designed by registered engineer; service yard for refuse at entrance; maintenance be the responsibility of the residential committee and contained as such in title deed and servitude for municipal sewer, water and electricity over total road area.

Code: R3	RESIDENTIAL 3	NOTATION 	RGB FILL LINE R=115; G=115; B=0	RGB FILL BACKGROUND R=168; G=168; B=0
Objectives of this Zone:				
<ul style="list-style-type: none"> To provide adequate land for residential purposes at a high density. To create integrated, safe and sustainable residential environments for all communities. To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. To protect conservation-worthy buildings as determined by the National Heritage Resources Act, 1999, (Act No. 25 of 1999). 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:				Land uses that are prohibited:
Primary Uses:	Written Consent Uses:	Special Consent Uses:		Any use not mentioned under Primary, Written or Special Consent uses.
Dormitory Establishment, Dwelling Units, Flats, Group Housing, Guest House, Lodge, Overnight Accommodation, Recreation Facility, Residential Building, Residential Hotel & Town Houses	Crèche Day Care Facility, Gymnasium, Kiosk, Launderette & Tuck Shop or Spaza Shop	Early Childhood Development Centres, Place of Assembly, Place of Education, Place of Entertainment, Place of Instruction, Place of Worship & Place of Refreshment		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
Maximum of 100 dwelling units per hectare	70%	0.8	6 Storeys	As may be approved by the municipality from time to time.
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING
Stand size	Street (m)	Rear (m)	Side (m)	Residential Uses – as per Site Development Plan. For non-residential uses, refer to Chapter 4.
≤ 350m ²	1	1	1	
>350m ² +	3	2	2	
OTHER REGULATIONS				


1. Properties that are $\leq 350\text{m}^2$ may have coverage of up to 75%.
2. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 1999).
3. The Liquor Act, 2003, (Act No. 59 of 2003), (administered by the Department of Trade and Industry) requires a liquor license for land uses where liquor is sold.
4. Business Act, 1991, (Act No. 71 of 1991) requires business licenses for the following types of business:
 - 4.1. Food provision
 - 4.2. Turkish baths, saunas and health baths; massage or infra-red treatments; male and female escorts; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult premises.
5. The National Gambling Act, 2004, (Act No. 7 of 2004) may also require a gambling license depending on the nature of gambling activities.
6. In the case of residential buildings, the provision of open space and children's' playgrounds must be to the satisfaction of the Municipal Council.

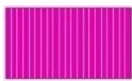
Code: R4	RESIDENTIAL 4			NOTATION 	RGB FILL LINE R=115; G=115; B=0	RGB FILL BACKGROUND R=251; G=234; B=81
Objectives of this Zone:						
<ul style="list-style-type: none"> To provide adequate land for residential purposes for low cost housing (RDPs). To create integrated, safe and sustainable residential environments for all communities. To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. 						
RULES REGARDING THE USE OF LAND AND BUILDINGS						
What land may be used for:				Land uses that are prohibited:		
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.			
Dwelling House	Day Care Centre, Dwelling House Office, Spaza / Tuck Shop & Tavern	Bed and Breakfast, Cultural Heritage Site, Creche, Guest House, Guest Lodge, Lodge, Medical Consulting Rooms & Medical Suites.				
RULES REGARDING THE EXTENT OF DEVELOPMENT						
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:		
Not applicable	70%	1.5	2 Storeys	As may be approved by the municipality from time to time.		
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING		
Stand size	Street (m)	Rear (m)	Side (m)	Residential Uses – as per Site Development Plan. For non-residential uses, refer to Chapter 4.		
≤ 350m ²	1	1	1			
>350m ² +	5	2	2			
OTHER REGULATIONS						
<ol style="list-style-type: none"> Properties that are ≤ 350m² may have coverage of up to 75%. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999). 						


Code: MRD	MIXED RURAL DEVELOPMENT	NOTATION 	RGB FILL R=255; G=235; B=175	RGB FILL BACKGROUND R=137; G=205; B=102
Objectives of this Zone:				
<ul style="list-style-type: none"> To provide adequate land for residential purposes for rural communities. To create integrated, safe and sustainable residential environments for all communities. To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. To protect conservation-worthy buildings as determined by the National Heritage Resources Act, 1999, (Act No. 25 of 1999). To allow only a limited number of ancillary uses so as to protect the primary low density residential or agricultural land use. To ensure that urban agricultural activities are undertaken in a sustainable manner and in accordance with the relevant environmental principles. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:				Land uses that are prohibited:
Primary Uses:	Written Consent Uses:	Special Consent Uses:		Any use not mentioned under Primary, Written or Special Consent uses.
Commonage, Communal Land, Cultural Activities, Cultural Heritage Site, General Residential, Informal Structure, Parsonage, Retirement Village, Residential Building, Residential Use, Shelter, Shop, Small Scale Farming, Traditional Healing Practice & Urban Agriculture.	As approved by the Local Municipality subject to the approval of the Traditional Authority or Community Property Association	As approved by the Local Municipality.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality	70%	As approved by the Local Municipality	2 Storeys	As may be approved by the municipality from time to time.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary	As approved by the Local Municipality.		Residential Uses – as per Site Development Plan. For non-residential uses, refer to Chapter 4.	
Rear Boundary				
Side Boundary				


OTHER REGULATIONS

1. Properties that are $\leq 350\text{m}^2$ may have coverage of up to 75%.
2. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 1999).

Code: R	TOURISM AND ACCOMMODATION	NOTATION 	RGB FILL LINE R=163; G=255; B=115	RGB FILL BACKGROUND R=56; G=168; B=0
Objectives of this Zone:				
<ul style="list-style-type: none"> To accommodate land and buildings used for the purpose of resort facilities in the tourism industry. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:				Land uses that are prohibited:
Primary Uses:	Written Consent Uses:	Special Consent Uses:		As determined by the Municipality.
Amusement facility, Botanical Garden, Dwelling House, Guest House, Guest Lodge, Gymnasium, Nature Reserve, Resort, Restaurant & Tourist Facilities.	As approved by the Local Municipality.	Camping, Caravan Park, Community facility, Conservation Purposes, Dormitory Establishment, Hotel, Office, Nursery, Place of Amusement, Place of Entertainment, Private Open Space, Public Garden, Public Open Space, Public Parking, Public Street, Recreation purposes, Recreation Facility, Residential Building, , Semi-Detached Unit, Showgrounds, Spa/Hydro and Wellness Centre, Sports facilities, Sports ground or sport and recreational grounds & Zoological garden.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality	As approved by the Local Municipality	As approved by the Local Municipality	As approved by the Local Municipality	As approved by the Local Municipality
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	As approved by the Local Municipality.		Refer to Chapter 4.	
Rear Boundary:	As approved by the Local Municipality.			
Side Boundary:	As approved by the Local Municipality.			
OTHER REGULATIONS				
<ol style="list-style-type: none"> There must be compliance with National and Provincial environmental legislation in the development of resorts, land for conservation purposes, cultural heritage sites, protected areas and listed activities. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999). 				

Code: SP	SPECIAL	NOTATION 	RGB FILL LINE R=51; G=0; B=206	RGB FILL BACKGROUND R=255; G=0; B=197
Objectives of this Zone:				
<ul style="list-style-type: none"> To accommodate land uses with special characteristics not catered for under any other use zone. 				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality	As approved by the Local Municipality	As approved by the Local Municipality	As approved by the Local Municipality	As approved by the Local Municipality
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street Boundary:	As approved by the Local Municipality.		Refer to Chapter 4.	
Rear Boundary:	As approved by the Local Municipality.			
Side Boundary:	As approved by the Local Municipality.			
OTHER REGULATIONS				
1. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999).				

Code: T	TRANSPORT		NOTATION 	RGB FILL LINE N/A	RGB FILL BACKGROUND R=255; G=255; B=255
Objectives of this Zone:					
<ul style="list-style-type: none"> To accommodate transportation service functions and land uses such as airports, railway stations, petro-ports and truck stops, bus and taxi ranks and other depots. To ensure that transportation service developments serve the national, provincial and local economy and provide the correct levels of service to both tourists and broader community. To locate these strategic developments such that they provide the catalyst for local economic development. To ensure that the location and development of these sites are undertaken in accordance with EIA requirements and ongoing environmental management monitoring procedures. 					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Written Consent Uses:		Special Consent Uses:	
Airfield, Aerodrome, Bus Bay, Bus Station, Bus Terminus, Occasional Use, Railway & Truck Stop		Advertisement & Advertising Sign		Helicopter Landing Pad	
Any use not mentioned under Primary, Written or Special Consent uses.					
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:		Maximum Coverage:		Maximum FAR:	
As approved by the Local Municipality		As approved by the Local Municipality		As approved by the Local Municipality	
Maximum Height:		Other:			
As approved by the Local Municipality		As approved by the Local Municipality		As approved by the Local Municipality	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING		
Street Boundary:		As approved by the Local Municipality.		Refer to Chapter 4.	
Rear Boundary:					
Side Boundary:					
OTHER REGULATIONS					
<ol style="list-style-type: none"> Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999). Subject to the Civil Aviation Act (Act No. 13 of 2009) and approvals. Compliance with Electronic Communication Act, 2005 (Act No. 36 of 2005) 					

Code: UD	<p style="text-align: center;">UNDETERMINED</p>	<p style="text-align: center;">NOTATION</p> 	<p style="text-align: center;">RGB FILL LINE R=104; G=104; B=104</p>	<p style="text-align: center;">RGB FILL BACKGROUND R=255; G=255; B=255</p>
<p>Objectives of this Zone:</p> <ul style="list-style-type: none"> The objective of this zone is to enable the Municipality to defer a decision regarding a specific land use and development management provisions until the circumstances affecting the land have been properly investigated; or until the owner of the land makes an application for rezoning; or a zoning determination is made by the Municipality. The objective of this zone is furthermore to create a zone to which land could revert back to when rights under current zonings, other than Single Residential Zone I, were not exercised, especially in cases where changes in the planning context occurred since the current zoning was granted. 				
<p>RULES REGARDING THE USE OF LAND AND BUILDINGS</p>				
<p>What land may be used for:</p>			<p>Land uses that are prohibited:</p>	
<p>Primary Uses:</p>	<p>Written Consent Uses:</p>	<p>Special Consent Uses:</p>	<p>Any use not mentioned under Primary, Written or Special Consent uses.</p>	
<p>As approved by the Local Municipality</p>	<p>As approved by the Local Municipality</p>	<p>As approved by the Local Municipality</p>		
<p>RULES REGARDING THE EXTENT OF DEVELOPMENT</p>				
<p>Maximum Density:</p>	<p>Maximum Coverage:</p>	<p>Maximum FAR:</p>	<p>Maximum Height:</p>	<p>Other:</p>
<p>As approved by the Local Municipality</p>	<p>As approved by the Local Municipality</p>	<p>As approved by the Local Municipality</p>	<p>As approved by the Local Municipality</p>	<p>As approved by the Local Municipality</p>
<p>RULES REGARDING BUILDING LINES</p>			<p>RULES REGARDING PARKING AND LOADING</p>	
<p>Street Boundary:</p>	<p>As approved by the Local Municipality.</p>		<p>Refer to Chapter 4.</p>	
<p>Rear Boundary:</p>	<p>As approved by the Local Municipality.</p>			
<p>Side Boundary:</p>	<p>As approved by the Local Municipality.</p>			
<p>OTHER REGULATIONS</p>				
<p>1. Any application which may be subject to compliance with the requirements of the National Heritage Resource Act, 1999 (Act No. 25 of 1999).</p>				

CHAPTER 4: DEVELOPMENT CONTROLS, REGULATIONS AND CRITERIA

4.1. General

- 4.1.1. Maximum Floor Area Ratios, Coverage and Height, Building Lines, Parking and Loading Requirements and Densities shall be determined as set out in the Land Use Zones (chapter 4).

4.2. Height

- 4.2.1. The Municipality may permit the maximum number of storeys to be exceeded if it is satisfied that the greater height is necessary or desirable as a result of the topography and location of the site.
- 4.2.2. Any chimney, ornamental tower, tower-like projection or similar architectural feature or lift servicing room or room wherein mechanical or electrical equipment is installed, shall not be taken into account when calculating the height.
- 4.2.3. Where 75% or more of a floor is used for the parking of vehicles, it shall not be counted as a storey.
- 4.2.4. For the purposes of this clause basements shall not be included in height: Provided further that the floor area ratio as determined in the Scheme is not exceeded; and
- 4.2.5. For the purpose of this clause the maximum height of a storey shall not exceed six (6) m in respect of the ground storey and 4,5m in respect of any other storey, with the exception of any Industrial 1 or 2 buildings, which may not exceed 10m for the ground floor and 5m for subsequent storeys, provided that the total height of the building shall not exceed 15m.

4.3. Coverage

- 4.3.1. For purposes of calculating the coverage on a property structures which are not covered by a roof shall not be taken into account

4.4. Building Lines

- 4.4.1. No buildings or structure, other than boundary walls, fences or temporary buildings or structures which are required in connection with building operations be executed on the property, shall be erected within any building restriction area, except with written consent from the local municipality.

- 4.4.2. Any building line along a proposed new road or widening shall be measured from that boundary of such proposed road or widening which is the common boundary of the road or widening and the remaining part of the property to which the building line applies.
- 4.4.3. The Municipality may on written application by:
- a) an owner, including the State, of the land concerned;
 - b) a person acting as the duly authorised agent of the owner;
 - c) a person to whom the land concerned has been made available for development in writing by an organ of state or such person's duly authorised agent; or
 - d) a service provider responsible for the provision of infrastructure, utilities or other related services.
- 4.4.3.1. permit the erection of a building in the building restriction area in the case of corner erven or if, due to the gradient of the property or of the adjoining land, or the proximity of buildings which have already been erected in front of the building line, complies with the building line requirements will hamper the development of the property to an unreasonable extent;
- 4.4.3.2. permit the erection of a swimming pool or a tennis court within the building restriction area; and
- 4.4.3.3. relax the building line on any boundary other than a street boundary of any erf upon consolidation of such erf with an adjoining erf.

4.5. Residential Densities

- 4.5.1. The density zoning of a property refers to the maximum number of dwelling units that may be erected.
- 4.5.2. Only one dwelling unit per erf shall be permitted in use zones where dwelling units may be erected and where no density zone is applicable, further provided that in such cases, more dwelling units may be permitted with the consent of the Municipality.
- 4.5.3. In the "Residential 1" use zone where one dwelling unit per erf is the applicable density, the Municipality may, if the permissible coverage is not exceeded, after receipt of a written application, consent to the:
- I. Subdivision of an erf into two portions, provided that no portion thus created shall be smaller than 40% of the average size of the surrounding erven and no portion smaller than 500m².
 - II. Provided that the provisions of the Municipality shall not apply to the subdivision of an erf in the "Residential 1" use zone with a density zoning of one dwelling unit per erf,

where the subdivided portion is to be consolidated with an adjacent property provided that the remainder of the erf shall not be smaller than 40% of the average size of the surrounding erven with a minimum size of 500m²; and

- III. Provided further that for the determination of the average size of the surrounding erven, the original size of the subdivided properties prior to the subdivision thereof shall be employed for calculation purposes and the number of properties applicable adjusted to only reflect the number of properties prior to the subdivisions of any such property;

4.5.4. An owner may erect and use a maximum of one subsidiary dwelling unit on an erf zoned "Residential 1" notwithstanding the density provision of this Scheme subject to the following conditions:

- I. The floor area of a subsidiary dwelling unit shall not exceed 110m² or 50% of the main dwelling house whichever is the lesser;
- II. A subsidiary dwelling unit may only be erected in relation to an existing dwelling house;
- III. The written consent of all adjoining owners shall be obtained which shall include the endorsement of signatures, full names and addresses on the relevant building plans, save that in the event of one or more adjoining owners refusing endorsement followed by receipt by the Municipality of written particulars of the dissenting owner/s, reasons for such refusal within 28 days from date of dispatch by the Municipality of a letter calling for such particulars, the written consent of the Municipality shall be required;
- IV. Parking shall be provided to the satisfaction of the municipality;
- V. No outbuildings may be erected in relation to a subsidiary dwelling unit other than a garage or garages;
- VI. Where an owner of a "Residential 1" property exercised the right of a subsidiary dwelling unit, neither subsidiary dwelling unit nor the main dwelling house may be sectionalised;
- VII. In the event of a subdivision in accordance with the prevailing density guidelines, a newly erected portion may contain the detached subsidiary dwelling unit, which may now be redefined as an existing dwelling house; and
- VIII. When an owner exercises the right for a subsidiary dwelling unit, engineering services contributions shall be payable on submission of the building plan as determined by the Municipality.

4.6. Parking and Loading Requirements

- 4.6.1. Effective and paved on-site parking and loading spaces together with the necessary manoeuvring area shall be provided for a development as set out in Table 1: On-site Parking and Loading requirements.
- 4.6.2. In the case of a discrepancy between Table 1 and the zone with regards the parking and loading requirements, the zone regulation shall have precedence.
- 4.6.3. The Municipality may relax or waive the parking and loading requirements if it is of the opinion that adequate parking already exists in the vicinity of the site; provided further that in the event of such relaxation or waiving the applicant shall pay a cash contribution to the Municipality in lieu of the provision of such parking spaces, provided further that any owner may provide the parking area required in terms of this clause on any alternative site approved by the Municipality and such site shall be notorially bound to the subject site.
- 4.6.4. The owner of a building in respect of which parking spaces are required in terms of this clause shall keep such parking spaces in a proper condition for such purpose to the satisfaction of the Municipality.
- 4.6.5. The gross floor area per parking space shall be calculated on 15m², excluding manoeuvring and road areas, and shall be applicable to all new buildings (except a single dwelling unit) and/or extensions to existing buildings (except a single dwelling unit).
- 4.6.6. The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the Municipality unless the Municipality has provided loading facilities in the street reserve
- 4.6.7. The gross floor area per loading space shall be calculated at 50m² and shall be applicable to new buildings and/or additions.
- 4.6.8. Visitor's parking spaces may not be reserved temporarily or permanently whether it is for payment or not.
- 4.6.9. The on-site parking and loading requirements for developments are set out in Table 1: On-site Parking and Loading Requirements, hereunder. The Municipality may, at its discretion, either decrease or increase the requirements contained in the table for specific developments.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
4X4 Trail	4, 5 Spaces per 100m ² office floor area and sufficient area for parking of the participating	Not applicable.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
	4X4 vehicles and sufficient parking area for spectators.	
Abattoir	5 spaces for the first 1000m ² floor area or part thereof and 2 spaces for every 1000m ² thereafter, or part thereof.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Adult Entertainment Business	6 spaces per 100m ² public floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Additional Dwelling	1 per additional dwelling	Not applicable
Agricultural Industry	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Agri-Village	2 Spaces per every 3 dwelling units.	At least 1 space.
Airfield	2 spaces for the first 100m ² floor area or part thereof and 1 space for every 100m ² thereafter, or part thereof.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Additional House	1 per additional dwelling	Not applicable
Aerodrome / Airport	2 spaces for the first 100m ² floor area or part thereof and 1 space for every 100m ² thereafter, or part thereof.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Agricultural Purposes	1 Space per every 3 dwelling units.	Not applicable
Animal Refuge	3 spaces per 100m ² floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Auction Centre	40% of property reserved for parking and loading requirements	
Bakery	3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
		space per every 1000m ² floor area thereafter.
Bed & Breakfast	1 per bedroom	Not applicable
Boarding House	1 space per room and 1 space for every 3 rooms.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Botanical Garden	3 spaces per hectare or part thereof.	Not applicable.
Brickyard	40% of property reserved for parking and loading requirements.	
Builders' Yard	2 per 100m ² parking gross leasable area	2 per 1000m ² parking per gross leasable area
Bulk Retail Trade	3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Camping Site	1 Space per tent or caravan or mobile dwelling unit site and 4,5 spaces per 100 m ² office floor area and 1 space per 4 seats and 6 spaces per 100m ² place of refreshment public floor area and 6 spaces per 100 m ² retail floor area.	1 Space per first 2000 m ² place of refreshment or retail floor area, or part thereof and 1 space per every 2000 m ² place of refreshment or retail floor area thereafter.
Canteen	2 Spaces per 100 m ² floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Caravan Park	2 per 100m ² parking gross leasable area	2 per 1000m ² parking per gross leasable area
Caretaker's Flat	1 per additional dwelling	Not applicable
Carwash	6 spaces per 100m ² area or part thereof.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Cemetery	40% of property reserved for parking and loading requirements	
Commercial Use	2 per 100m ² parking gross leasable area	2 per 1000m ² parking per gross leasable area
Coal Yard	40% of property reserved for parking and loading requirements	
Commonage	6 Spaces per 100m ² informal trade floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Commune	3 spaces per 100m ² floor area	Not applicable
Confectioner	6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Community Facility	2 per 100m ² parking gross leasable area	Not applicable
Conference Centre	6 spaces per 100m ² floor area and 1 space per 4 seats	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Crematorium	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Crèche	1 space for every 4 children	1 space per first 2000m ² floor area or part thereof and 1 space per every 2000m ² floor area thereafter.
Day Care Facility	1 per 5 children	Not applicable
Dispensing Chemist	3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Distribution Centre	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
		space per every 1000m ² floor area thereafter.
Dwelling units	2 per dwelling	Not applicable
Dormitory Establishment	1 per bedroom	Not applicable
Duet Dwelling	1 per dwelling	Not applicable
Drive-Thru Restaurant	6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Dry Cleaner	3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Dwelling House	1 per dwelling	Not applicable
Dwelling House Office	4,5 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Early Childhood Development Centres	1 space for every 4 children.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Environmental Facilities	6 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Factory	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Factory Shop	6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Farm Stall	6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Filling Station / Service Station	40% of property reserved for parking and loading requirements and 6 spaces per 100m ² retail floor area.	
Flats	2 per dwelling	Not Applicable.
Funeral Parlour	2 per 100m ² parking gross leasable area	1 per erf
Gaming Establishment	6 spaces per 100m ² floor area and 1 space per 4 seats	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Garden Centre	6 spaces per 100m ² display floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Garden Service Establishment	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Government Purposes	4, 5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Group Housing	2 per dwelling	Not Applicable
Guest House	1 space per guest room	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Guest Lodge	2 per dwelling	Not Applicable.
Gymnasium	6 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Heavy Vehicle Parking Depot	40% of property or site reserved for parking and loading requirements	
Helicopter Landing Pad or Heliport	4, 5 Spaces per 100m ² office floor area, 1 space per 100m ² repair facility and 1 space per rotary wing aircraft storage unit.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
High-Intensity Land Uses	40% of property or site reserved for parking and loading requirements	
Home Occupation	2 per 100m ² parking gross leasable area	Not applicable.
Home Enterprise	2 per 100m ² parking gross leasable area	Not Applicable.
Hospital	1 space per bed	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Hotel	1 spaces per room and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Industrial Use	1 per 100m ² Industry & 2 per 100m ² office parking gross leasable area	2 per 1000 m ² parking gross leasable area
Industry	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Institutional Purposes	1 per 100m ² parking gross leasable area or 0, 7 per bed for medical use.	1 medical
Informal Business	3 Spaces per 100m ² floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Informal Structure	1 per dwelling	Not applicable
Institution	6 spaces per 100m ² floor area and 1 spaces per 4 seats	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Jail / Prison	4, 5 Spaces per 100m ² office floor area and 1 space per 10 holding cells.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Kiosk	4 per 1000m ² parking gross leasable area or 1 per 6 seats	Not Applicable.
Laboratory	3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Land	1 per dwelling	Not applicable
Launderette	6 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Light Industry	1 per 100m ² parking gross leasable area for industry & 2 per 100m ² parking gross leasable area for offices.	2 per 1000m ² parking gross leasable area
Liquor Enterprise	4 per 1000m ² parking gross leasable area or 1 per 6 seats	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Lodge	1 space per guest room or suite and 6 spaces per 100m ² public floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Medical Suites	4,5 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Medical Consulting Rooms	6 per 100m ² parking gross leasable area for	Not applicable
Mining Purposes	40% of property or site reserved for parking and loading requirements	
Mobile Dwelling Unit	40% of property reserved for parking and loading requirements	
Mobile Home	1 parking space per mobile home	Not Applicable.
Motel	1 space per guest room or suite and 6 spaces per 100m ² public floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Motor Grave Yard	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Motor Trade	6 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Mortuary	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Municipal Purposes	4, 5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Municipal Services	4, 5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Nature Reserve	1 spaces per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Noxious Industry / Noxious Trade	1 per 100m ² parking gross leasable area for industry & 2 per 100m ² parking gross leasable area for offices.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Nursery	2 per 100m ² parking gross leasable area	1 per erf
Office or Offices	2 per 100m ² parking gross leasable area or 4 per 100m ² parking gross leasable area for medical purposes	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Outbuilding	1 per building.	Not Applicable.
Overnight Accommodation	1 space per guest room	Not Applicable.
Panel Beating	1 per 100m ² parking gross leasable area for industry & 2 per 100m ² parking gross leasable area for offices.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Parsonage	1 per dwelling.	Not Applicable.
Petro-Port	40% of property reserved for parking and loading requirements	
Place of Amusement	1 space per 4 seats and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Place of Assembly	1 per 8 seats	Not applicable
Place of Entertainment	1 per 4 seats or 6 per 100m ² parking gross leasable area	Not applicable
Place of Instruction	1 per 100m ² parking gross leasable area	Not applicable
Place of Education	2 Spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students.	1 drop-off space for buses per 100 students.
Place of Worship	1 space per 6 seats	2 spaces per first 1000m ² floor area, or part thereof and 1

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
		space per every 1000m ² floor area thereafter.
Place of Refreshment	10 spaces per 100m ² public floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Private Club	4 per 100m ² parking gross leasable area	2 per 1000m ² parking gross leasable area
Private Open Space	1 Space per 100m ² sport, recreation or play area.	Not Applicable
Professional Rooms	4 per 100m ² parking gross leasable area	Not Applicable.
Public Garage	4 per 100m ² parking gross leasable area	Not Applicable
Public Garden	2 per 100m ² parking gross leasable area	2 per 1000m ² parking gross leasable area
Public Open Space	1 Space per 100m ² sport, recreation or play area.	Not Applicable
Public Park	4 per 100m ² parking gross leasable area	Not Applicable
Public Square	4 per 100m ² parking gross leasable area	Not Applicable
Railway Purposes	2 per 100m ² parking gross leasable area	2 per 1000m ² parking gross leasable area
Railway Station	4, 5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Recreation Facility	4 per 100m ² parking gross leasable area	2 per 1000m ² parking gross leasable area
Recycling Centre	4 per 100m ² parking gross leasable area	2 per 1000m ² parking gross leasable area
Refuse Room	1 space per room and 1 space for every 3 rooms.	Not Applicable

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Residential Building	2 per dwelling	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Residential Hotel	1 spaces per room and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Residential Use	1 space per room and 1 space for every 3 rooms.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Resort	1 space per room and 6 spaces per 100m ² public floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Restaurant	6 spaces per 100m ² floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Retirement Village	1 per dwelling unit or 1 p/b per 2 or 3 dwelling units 1, 25/ flat and / or 0,7/bedroom	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Recycling Centre	3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Retail Shop	6 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Riding Stables	0,7 spaces per stable	1 Space per first 2000 m ² floor area, or part thereof and 1

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
		space per every 2000 m ² floor area thereafter.
Sawmill	3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Scrap yard	3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Second Dwelling Unit	1 per dwelling	Not Applicable.
Semi-Detached Unit	1 per dwelling	Not applicable
Service Enterprise	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Service Industry	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Service Retail	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Service Trade	1 per 100m ² parking gross leasable area	Not applicable
Service Yard	40% of property reserved for parking and loading requirements	
Sewer Purification Plant / Sewerage Works	40% of property reserved for parking and loading requirements	
Shelter	1 per 100m ² parking gross leasable area	Not Applicable.
Shop	6 per 100m ² parking gross leasable area for Business 1, 2 per 100m ² parking gross leasable area for Business 2.	2 per 1000m ² parking gross leasable area

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Shopping Centre	4 space per 100m ² trade floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Showgrounds	1 space per 4 seats and 6 spaces per 100m ² public floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Showrooms	4 spaces per 100m ² floor area	2 per 1000m ² parking gross leasable area
Site	1 per structure.	2 per 1000m ² parking gross leasable area
Social Hall	2 per 100m ²	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Spa / Hydro and Wellness Centre	1 spaces for every 4 seats and 6 spaces per 100m ² public floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Sports Facilities	1 space per 4 seats and 6 spaces per 100m ² public floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Sports Fields	1 space per 4 seats and 6 spaces per 100m ² public floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Sports Ground / Sports and Recreational Grounds	1 space per 4 seats and 6 spaces per 100m ² public floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Structure	1 per structure	Not Applicable.
Substation	6 spaces per 100m ² floor area	Not Applicable.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Take-Away	1 spaces for every 4 seats and 6 spaces per 100m ² public floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Taxi Rank	4, 5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Tavern	2 spaces per 100m ² floor area	Not Applicable
Teagarden	6 spaces per 100m ² floor area	Not Applicable
Town Houses	2 per dwelling	Not Applicable
Telecommunication Centre	6 spaces per 100m ² floor area	
Totalisator	6 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Tourist Facilities	6 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Traditional Healing Practice	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Transmission Tower	As approved by the Municipality.	As approved by the Municipality.
Transport Usage	As approved by the Municipality.	As approved by the Municipality
Truck Stop	40% of property reserved for parking and loading requirements and 6 spaces per 100m ² retail floor area.	
Tuck / Spaza Shop	1 space on-site.	Not Applicable.
Urban Agriculture	40% of property reserved for parking and loading requirements	
Utility Services	40% of property reserved for parking and loading requirements	

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Vehicle Sales Market / Vehicle Workshop	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Veterinary Clinic	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Wall of Remembrance	3 parking bays for every 20 slots.	Not applicable
Warehouse	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Warehousing and Packaging	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Waste Disposal Site	40% of property reserved for parking and loading requirements	
Wholesale Trade	1 space per 100m ² trade floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Wood Yard	40% of property reserved for parking and loading requirements	
Workshop	6 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Zoological garden	6 spaces per hectare uncovered exhibition floor area and 4, 5 spaces per 100m ² covered exhibition floor area.	1 Space per first 2000 m ² covered or uncovered floor area, or part thereof and 1 space per every 2000 m ² covered floor area thereafter.

4.6.10. Effective and paved parking and loading spaces as indicated under in Table 1 together with the necessary manoeuvring area, disabled parking bays and where applicable emergency parking bays, shall be provided on the property to the satisfaction of the Municipality, provided that:-

a) the Municipality may, on receipt of a written application and an accompanied site plan relax or waive the provisions of this Clause in the Central Business District (CBD) (as demarcated from time to time), if the Municipality is of opinion that adequate parking already exists in the vicinity of the site, provided further that:

I. in the event of such relaxation or waiving, the applicant shall pay a cash contribution to the Municipality in lieu of the provision of such parking spaces, that will be used solely for the provision of parking in the vicinity of the site;

II. which shall be included in a report by a suitably qualified professional:

- Accessibility of the property for private or public transport;
- The availability of existing parking and/or public transport facilities in the vicinity of the property;
- Availability of off-street parking in the vicinity of the property;
- The number of staff members and customers related to the use of the property;
- The socio-economic structure and density of the population which the development serves;
- The size and nature of the proposed development and the size of vehicles likely to be used in connection with the proposed development;
- The likelihood of a reduction in parking provision causing injury to the amenity of the area in which it is, or will be situated including, without prejudice to the generality of the foregoing, increased traffic and parking difficulties;
- The likelihood of parking shared by different land uses;
- The provision of a formal taxi rank provided for on Business 1 and 2 zonings only; or a taxi drop-off bay provided on a Residential 4 zoning;

III. any owner may provide the parking area required in terms of this clause on any alternative site approved by the Municipality.

b) the owner of a building in respect of which parking or loading spaces are required in terms of this Clause shall keep such parking spaces in a proper condition for such purpose to the satisfaction of the Municipality and may erect such parking spaces as required in this Clause and approved by the Municipality at the cost of the applicant, to the satisfaction of the Municipality;

4.6.11. The Municipality may permit the provision of parking spaces to its satisfaction elsewhere than on the property, or a monetary contribution in lieu thereof, which shall be calculated according to the following formula:-

$(Mw \times Po \times Pp) + Pp \times Kk$, in which formula-

Mw = municipal valuation per square metre of the land

Po = parking space area of 25m²

Pp = number of parking spaces the developer has to provide

Kk = construction cost per parking space as determined by the Municipality from time to time.

4.6.12. The Municipality may permit the provision of loading spaces elsewhere than on the property to its satisfaction, or a monetary contribution in lieu thereof, which contribution may be utilised for the provision and building of loading spaces only. Such contribution shall be calculated according to the following formula:-

$(Mw \times Lo \times Lr) + Lr \times Kk$, in which formula-

Mw = municipal valuation per square metre of the land

Lo = loading space area of 30m²

Lr = number of loading spaces the developer has to provide

Kk = construction cost per loading space as determined by the Municipality from time to time

4.6.13. The facilities to be provided for parking in terms of this clause shall not be used for the purposes of exhibition, sale, repair or maintenance of vehicles or for any purpose other than the parking of vehicles.

4.6.14. If additions to any existing building (other than a single dwelling unit) are undertaken which, in the opinion of the Municipality, are not of such extent as to warrant the provision of parking and manoeuvring space, the Municipality may, in its discretion, relax the requirement of Table 1.

4.6.15. The Municipality may, after receipt of building plans submitted in terms of its by-laws, require the owner to submit, for its approval, proposals for the provision of suitable and sufficient facilities on the erf for the loading, unloading, fuelling, parking of vehicles or for the storage of refuse containers.

4.6.16. If the Municipality requires the submission of any proposals in terms of this clause or if the owner submits proposals together with any building plan, the Municipality shall within a reasonable period, either approve the proposals with or without modification or disapprove of them and, in the event of refusal, furnish reasons for such refusal to the applicant in writing.

4.6.17. No owner or occupant of a building in respect of which proposals in terms of this clause are required, shall undertake or knowingly permit the loading, unloading, parking, fuelling of

vehicles or permit the storage of refuse containers other than in accordance with approved proposals unless such requirements have been relaxed or altered by Municipality.

4.6.18. The parking and loading spaces required in terms of this Scheme may be reduced by the Municipality in special circumstances.

4.6.19. Parking for residential purposes in the residential use zones must, except where the Municipality permits otherwise, be provided on the ground floor or in the basement only.

4.6.20. The Municipality may consent to 100 % coverage for the Business 1 and Commercial Zone where the property borders onto the public parking areas in the CBD.

4.6.21. Further parking and site access requirements:

- a) The vehicular access/exit ways will be restricted to not more than one each per site per street abutting the site.
- b) The vehicular access/exit ways will be restricted to a maximum total width of 6 metres where they cross the street boundary.
- c) If the corner at a street intersection is not splayed, vehicular access/exit ways will not be closer than 10 metres to such a corner.
- d) If the corner at a street intersection is splayed, vehicular access/exit ways will not be closer than 10 metres to such a corner or 5 metres measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.
- e) Such parking areas will only be used for the parking of vehicles which are lawfully allowed on them and may not be used for trading or any other purposes.
- f) The way in which it is intended that vehicles should park in and gain access to or exit from such parking areas will be indicated on a plan which should be submitted to the Municipality, who may approve or reject it or lay down any conditions deemed necessary by it.
- g) The Municipality may lay down more restrictive requirements than those mentioned if deemed necessary from a traffic point of view.

CHAPTER 5 MANAGEMENT ZONE

5.1. Context

- 5.1.1. A management zone is used to indicate, regulate and/or manage development issues of concern or importance within the Municipal area such as environmental considerations, development incentives or disincentives, engineering services matters and any other issue regarded as necessary by the Municipality.
- 5.1.2. A management zone may contain any form of regulation regarded as necessary by the Municipality in its endeavour to ensure sustainable and safe development.
- 5.1.3. Management Zones are indicative and do not offer land use rights.
- 5.1.4. Such regulations contained in a management zone shall apply in addition to any other development regulation contained in the Scheme.
- 5.1.5. For any area that has not been proclaimed, the full township process, as contained in the municipal by-law, should be followed.

5.2. Management Zones

The Local Municipality hereby establishes the management zone and regulations contained in this chapter.

5.2.1. Rural Incremental and Informal Settlements Land Use Management Zone

- 5.2.1.1. The incremental introduction of land use management and regulation in rural areas and informal settlements includes:
 - 5.2.1.2. The agreement between the Traditional Leaders, Community and Local Municipality on the following matters.
 - a) The Local Spatial Development Framework for the area.
 - b) Tenure upgrading and formalisation of informal settlements
 - c) The layout of the settlement providing erven within the zone and the land use rights applicable to the erven.
 - 5.2.1.3. The registered owner of an erf or property, abutting a Provincial and/or a National Road shall erect a physical barrier or a barrier of such other material, as may be approved by the relevant Controlling Authority and/or Municipality, in accordance with the standards laid down by the relevant Controlling Authority and/or Municipality, before or during the development of the property along the boundary of the property abutting the National and/or Provincial Road and shall maintain such physical barrier to the satisfaction of the relevant Controlling Authority and/or Municipality.

5.2.2. Mpumalanga Biodiversity Sector Management Zone

5.2.2.1. The primary focus of the MBSMZ is to;

- a) Promote greater integration of biodiversity information into existing Land Use Schemes,
- b) Provide guidance to municipalities who must formulate new land use schemes covering areas where no previous zoning/town planning scheme exist.

5.2.2.2. MBSP introduced the following land use guidelines (Refer to section 5.2.2.2.1 and 5.2.2.2.2)

5.2.2.2.1. The symbols used in the table have the following meanings:

- a) **P** means that the use can be permitted as a primary land use right if it complies with all relevant development standards or requirements of the Scheme;
- b) **C** means that the use should not be permitted unless the relevant Municipality has exercised its discretion by granting Special Consent;
- c) **X** means that the use should not be permitted by the Scheme.

5.2.2.2.2. Permissibility of land uses in CBA, ESA and Open Space networks;

Table 1: Permissibility of land uses in CBA, ESA and Open Space networks

LAND USE		Open Space Zone II (CBA & ESA)	Open Space Zone III (Parks & Recreation)
1	Abattoir	X	X
2	Additional Dwelling	C	C
3	Adult Entertainment Business	X	X
4	Agricultural Building	X	C
5	Agricultural Enterprise	X	X
6	Agricultural Industry	X	X
7	Agricultural Processing	X	X
8	Agriculture - Extensive	C	C
9	Agriculture - Intensive	X	C
10	Agri-Tourism Facility	X	C
11	Agri-Village	X	X
12	Airfield	X	C
13	Airport	X	X

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LAND USE		Open Space Zone II (CBA & ESA)	Open Space Zone III (Parks & Recreation)
14	Amusement parlour	X	X
15	Animal establishment	X	X
16	Animal husbandry - intensive	X	X
17	Animal Refuge	X	C
18	Aquaculture	X	C
19	Arts and Crafts Workshop	X	X
20	Art Gallery	X	X
21	Automotive/Motor Showroom	X	X
22	Backpacker	C	C
23	Bakery	X	X
24	Bank	X	X
25	Bar	X	X
26	Bed and breakfast	C	C
27	Betting agency	X	X
28	Boarding House	X	X
29	Botanical Garden	C	P
30	Brewery	X	X
31	Builders Yard	X	X
32	Building Material and Storage	X	X
33	Bus Terminus	X	X
34	Cafeteria	X	C
35	Camping Grounds	C	C
36	Camping Site	C	C
37	Canteen	X	C

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LAND USE		Open Space Zone II (CBA & ESA)	Open Space Zone III (Parks & Recreation)
38	Caravan Park	X	C
39	Caretaker's dwelling	C	C
40	Car Park	X	C
41	Car Wash	X	X
42	Cash Management Centre/Bank	X	X
43	Cemetery	X	C
44	Child care premises	X	X
45	Cinema/theatre	X	X
46	Civic use	X	X
47	Clinic	X	X
48	Club premises	X	X
49	Coffee Shop/Tea Garden	X	C
50	Commercial Use	X	X
51	Commonage	X	P
52	Commune	X	X
53	Community Facility	X	X
54	Community Garden	X	P
55	Confectionary	X	X
56	Conference Facility	X	C
57	Conservancy	P	P
58	Conservation	P	P
59	Consulting rooms	X	X
60	Convenience store	X	X
61	Corrective institution	X	X

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LAND USE		Open Space Zone II (CBA & ESA)	Open Space Zone III (Parks & Recreation)
62	Creche	X	X
63	Crematorium	X	X
64	Dispensing Chemist	X	X
65	Distribution Warehouse	X	X
66	Drive-Thru Restaurant	X	X
67	Dry Cleaner	X	X
68	Dumping Ground	X	X
69	Dwelling House	X	X
70	Dwelling Unit	C	C
71	Educational establishment	X	C
72	Electrical Substation	C	C
73	Factory	X	X
74	Farm Stall	X	C
75	Farm Worker Accommodation	X	X
76	Feed-Pan Farming	X	X
77	Filling Station	X	X
78	Fire Services	X	X
79	Flats	X	X
80	Flea Market	X	C
81	Forestry	X	C
82	Fuel depot	X	X
83	Funeral parlour	X	X
84	Game Reserve	P	P
85	Garden centre	X	C

LAND USE		Open Space Zone II (CBA & ESA)	Open Space Zone III (Parks & Recreation)
86	Government Purposes	X	X
87	Green Infrastructure	C	P
88	Greenhouse	X	X
89	Group Housing	X	X
90	Guest house	X	X
91	Gymnasium	X	X
92	Habitable Room	X	X
93	Heavy Vehicle Depot	X	X
94	Helipad/Heliport	X	C
95	Heritage Purposes	C	C
96	Holiday house	X	X
97	Home Enterprise	X	X
98	Homestead	X	X
99	Home office	X	X
100	Horticulture	X	C
101	Hospital	X	X
102	Hostel	X	X
103	Hotel	X	X
104	Impoundment Area	C	C
105	Incinerator	X	X
106	Industry	X	X
107	Industry – extractive	X	X
108	Industry – light	X	X
109	Industry – primary production	X	X

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LAND USE		Open Space Zone II (CBA & ESA)	Open Space Zone III (Parks & Recreation)
110	Informal Trading Place	X	X
111	Institution	X	X
112	Intensive Animal Farming	X	X
113	Internet Café	X	X
114	Kennels	X	C
115	Laboratory	X	X
116	Laundrette	X	X
117	Library	X	X
118	Liquor Enterprise	X	X
119	Livestock Sale Yard	X	C
120	Loading Bay	X	X
121	Lodge	X	X
122	Market	X	C
123	Medical centre	X	X
124	Mining and Quarrying operations	X	X
125	Mortuary	X	X
126	Motor Repair Garage	X	X
127	Motor Showroom	X	X
128	Motor vehicle wash	X	X
129	Municipal Use	X	X
130	Museum	X	C
131	National Park	X	X
132	Nature Reserve	P	P
133	Nursery	X	C

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LAND USE		Open Space Zone II (CBA & ESA)	Open Space Zone III (Parks & Recreation)
134	Nightclub	X	X
135	Office	X	X
136	Parking Garage	X	X
137	Petro-Port	X	X
138	Place of Amusement	X	X
139	Place of Assembly	X	X
140	Place of Entertainment	X	X
141	Place of Instruction	X	C
142	Place of worship	X	X
143	Private Club	X	X
144	Private Open Space	P	P
145	Private Parking	C	C
146	Private Street	C	C
147	Public Open Space	P	P
148	Public Parking	C	C
149	Public Street	C	C
150	Public Utility	X	X
151	Railway	X	X
152	Railway Purposes	X	X
153	Recreation Resort	X	X
154	Rehabilitation Centre	X	X
155	Renewable Energy Facility	X	C
156	Residential Building	X	X
157	Restaurant / Café	X	C

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LAND USE		Open Space Zone II (CBA & ESA)	Open Space Zone III (Parks & Recreation)
158	Retirement Village	X	X
159	Rural home business	X	X
160	Service Enterprise	X	X
161	Service Industry	X	X
162	Shop	X	C
163	Showroom	X	X
164	Social Hall	X	C
165	Solid Waste Facility	X	C
166	Solid Waste Transfer Station	X	X
167	Spa/Hydro/Wellness Centre	X	C
168	Spaza Shop	X	X
169	Special Building	X	C
170	Sport and Recreation Facility	X	C
171	Supermarket	X	X
172	Tavern	X	X
173	Taxi Rank	X	X
174	Telecommunications infrastructure	C	C
175	Tourist Facility	C	C
176	Townhouses	X	X
177	Transmission Tower	C	C
178	Transport Terminus/Depot	X	X
179	Transportation Enterprise	X	X
180	Urban Agriculture	X	C
181	Utility Service	X	X

LAND USE		Open Space Zone II (CBA & ESA)	Open Space Zone III (Parks & Recreation)
182	Veterinary centre	X	X
183	Warehouse/storage	X	X
184	Waste disposal facility	X	X
185	Waste storage facility	X	X
186	Wastewater Treatment Works	X	C
187	Water Purification Works	X	C
188	Wholesale Trade	X	X
189	Wholesale Yard	X	X
190	Wind farm	X	C
191	Winery	X	X
192	Workforce accommodation	C	C

5.2.3. Management Zone 500m

- 5.2.3.1. The purpose of this zone is to protect all community facilities or institutions from land uses that will lead to pollution or cause a nuisance.
- 5.2.3.2. All taverns, mortuaries, noxious uses, bottle stores and waste disposal sites should be discouraged within the 500-meter buffer around places of worship, places of instruction, community facilities, and clinics.
- 5.2.3.3. The following use conditions must be adhered to by properties within this zone:
- 5.2.3.3.1. The National Liquor Act: National liquor policy (Gazette 40321, Notice R1208) licensing requirements entails that liquor premises should be located at least five hundred meters (500m) away from schools, places of worship, recreation facilities, rehabilitation or treatment centres, residential areas and public institutions.
- 5.2.3.3.2. Any new applications for liquor licencing must comply to the National Liquor Policy, 2016, or other relevant policies or agreements by government entities.
- 5.2.3.3.3. Premises already licensed within the 500m radius and premises within high density locations will be accepted if they comply with the Norms and Standards issued occasionally, providing for amongst others, the issue of trading hours, noise, nuisance and pollution. In

this regard, licensing authorities with their discretion may impose tighter trading conditions that trading hours of the outlets should not coincide with lessons during school hours.

- 5.2.3.3.4. Licensing authorities may, to their discretion, impose tighter trading conditions for trading hours of the outlets to not coincide with lessons during school hours.
- 5.2.3.3.5. Non-compliance in existing liquor premises to the use conditions as set out in this Scheme may result in a hefty penalty, suspension and/ or revocation of the registration or licence. However, there should be aggressive communication (corporate leniency for a period of a year) by all tiers of government on this issue.

CHAPTER 6: OVERLAY ZONE

6.1. Purpose of Overlay Zones

- 6.1.1. Overlay zones provide a mechanism for land use management whereby the Municipality may give effect to specific guidelines contained in a spatial development framework or policy plan. These guidelines could promote development, require a limitation to or set additional land use types, stipulate more or less restrictive development rules, or identify specific development rules. It provides a mechanism for elevating specific policy guidelines, as approved by the Municipality, to land use regulations.
- 6.1.2. An overlay zone will apply in addition to the base zone of a property (as stated in Chapter 3). An overlay zone may only be introduced if it complies with the requirements set out in this scheme and may not be introduced for the purposes of promoting, causing or facilitating social exclusion and separation.

6.2. Requirements and Procedures

- 6.2.1. The Municipality may prepare any overlay zone as provided for in this Land Use Scheme.
- 6.2.2. Preparation of an overlay zone shall take into consideration the following requirements where applicable:
- (a) the principles contained in planning law;
 - (b) the Municipality's planning vision and principles as set out in its Spatial Development Framework and Integrated Development Plan;
 - (c) desired spatial form, including but not limited to the development of public and private land, infrastructure investment, utilisation of space, spatial reconstruction, location and nature of development, urban edge, scenic routes, areas of strategic intervention, mitigation of development impacts;
 - (d) the principles as set out in an approved spatial development framework or a policy plan;
 - (e) environmental and heritage protection and conservation; and
 - (f) the principles of co-operative governance and the duties and objectives of local government as set out in the Municipal Systems Act and the National Constitution.
- 6.2.3. An overlay zone must not detract from Municipality's ability to serve the needs of the municipal area as a whole.
- 6.2.4. The Municipality may adopt, replace, amend or recommend overlay zones that provide for development directives by following the rezoning procedures stipulated in planning law.

6.3. Overlay Zone 1: Hydrology

- 6.3.1. This overlay zone is indicated on the Use Zone Map as OZ1: Hydrology.
- 6.3.2. The purpose of this overlay zone is to ensure the sustainability of natural water supply in the Municipality. In addition, residents of the municipality should also be protected from the adverse effects of being located too close to surface water.
- 6.3.3. In the absence of 1:50 year and 1:100-year flood lines, the following development controls apply:
- 6.3.3.1. No development allowed within 100 m of the centre line of a perennial and non-perennial river outside a township boundary, as indicated on the Use Zone Maps.
- 6.3.3.2. No development allowed within 32 m of the centre line of a perennial and non-perennial river within a township boundary, as indicated on the Use Zone Maps.
- 6.3.3.3. No development allowed within 50 m of the outside figure of all inland water bodies outside a township boundary, as indicated on the Use Zone Maps.
- 6.3.3.4. No development allowed within 32 m of the outside figure of all inland water bodies within a township boundary, as indicated on the Use Zone Maps.
- 6.3.3.5. Map depiction:



6.4. Overlay Zone 2: Detrimental Soil Conditions / Dolomites

- 6.4.1. This overlay zone is indicated on the Zoning Map as OZ2: Detrimental Soil Conditions / Dolomites.
- 6.4.2. Conditions applicable to townships or even in dolomite areas or on land with detrimental soil conditions:
- 6.4.2.1. A Feasibility-Level Dolomitic Stability Investigation report must be prepared and must comply with SANS 1936 (2012) part 3, clause 4.2 drawn up by a competent person.
- 6.4.2.2. No French drain shall be permitted on the erf.
- 6.4.2.3. renches and excavations for foundations, pipes cables or for any other purpose, shall be properly refilled with damp soil in layers not thicker than 150 mm, and shall be compacted until the same grade of compaction as that of the surrounding material is obtained to the satisfaction of the Local Municipality,
- 6.4.2.4. All pipes which carry water shall be watertight and shall be provided with watertight flexible couplings.

- 6.4.2.5. The entire surface of the erf shall be drained to the satisfaction of the Local Municipality in order to prevent surface water from damming up, and water from roof-gutters shall be discharged away from the foundations.
- 6.4.3. Proposals to overcome detrimental soil conditions to the satisfaction of the Local Municipality shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Local Municipality.
- 6.4.4. If required, a soil report drawn up by a qualified person acceptable to the Local Municipality indicating the soil conditions of the erf and recommendations as to suitable founding methods and depths shall be submitted to the Local Municipality simultaneously with the submission of building plans prior to the commencement of any building operations on the erf.
- 6.4.5. Geotechnical investigations should be determined / undertaken before construction can ensue within this overlay zone.
- 6.4.6. Map depiction:



6.5. Overlay Zone 3: Mining Rights

- 6.5.1. This overlay zone is indicated on the Zoning Map as OZ3: Mining Rights.
- 6.5.2. Conditions applicable to areas with mining rights:
 - 6.5.2.1. The mining rights overlay depicts those farm portions that currently have an active right to mining.
 - 6.5.2.2. The overlay zone depicts such farm portions that may be subject to an extension of future mining activities.
 - 6.5.2.3. All open cast mines will be depicted within the zoning, however, the remaining farm portion can be subject to underground mining.
 - 6.5.2.4. Applicable inspections and processes should be applied to any formal township establishment application before approval by the Municipal Planning Tribunal.
 - 6.5.2.5. In this approach the mining rights overlay serves as an indication of those parcels with active mining rights and land use decisions should be made with that in mind.
- 6.5.3. The zones in these areas will be split into two; one showing the zoning of the property and the other the mining rights' area.
- 6.5.4. Map depiction:



6.6. Overlay Zone 4: Environmental Management

6.6.1. This overlay zone indicated on the Zoning Map as OZ4: Environmental Management

6.6.2. The overlay zone makes provision for the protection of Critical Biodiversity Areas (CBA's), Ecological Support Areas (ESA's). CBA's are areas required to meet biodiversity targets for ecosystems to function, whereas ESA's play an important role in supporting the ecological functioning of CBA's. The importance of mapping these areas is to guide decision-making to inform land-use planning, environmental assessment and authorisations (SANBI, 2017).

6.6.3. The overlay zone provides a mechanism for the protection of biodiversity which the Municipal Council considers to be conservation-worthy in terms of its environmental protection strategies.

6.6.4. Conditions applicable to the Environmental Management Zone:

6.6.4.1. The overlay zone depicts such farm portions that may be subject to critical terrestrial and freshwater sensitive areas.

6.6.4.2. Applicable processes should be followed subject to any formal township establishment applications.

6.6.4.3. Map depiction:

6.6.4.4. The following table specifies the land use guidelines for land applicable to areas where CBA's and ESA's are relevant:

Column 1 Broad land use (examples) (These should be descriptive of actual land uses at a broad level. Examples below are illustrative – may vary depending on actual land uses in the province or municipality concerned.)		Column 2 Associated SDF category (examples) (These should be taken from the relevant SDF.)	Column 3 Associated land use activities (examples) (These should come from descriptions in the SDF of the SDF categories used in Column 2.)	CBA	ESA1	ESA2
1	Conservation	Environmental Conservation	Conservation management, low-intensity eco-tourism activities and sustainable consumptive activities.	Y	Y	Y
2	Recreation	Tourism and Accommodation	Low Impact Tourism / Recreational and Accommodation.	R	Y	Y
			High Impact Tourism / Recreational and Accommodation (e.g. golf estates).	N	N	R
3	Agricultural Use	Agricultural Use	Extensive Game Farming	Y	Y	Y
			Extensive Livestock Production	Y	Y	Y
			Game Breeding / Intensive Game Farming	N	N	N
			Arable Land - Dryland and Irrigated Crop Cultivation	N	R	Y
			Plantation Forestry: Timber Production.	N	N	R

Column 1 Broad land use (examples) (These should be descriptive of actual land uses at a broad level. Examples below are illustrative – may vary depending on actual land uses in the province or municipality concerned.)		Column 2 Associated SDF category (examples) (These should be taken from the relevant SDF.)	Column 3 Associated land use activities (examples) (These should come from descriptions in the SDF of the SDF categories used in Column 2.)	CBA	ESA1	ESA2
			Agricultural Infrastructure – Intensive Animal Farming (e.g. feedlot, dairy, piggery, chicken battery).	N	N	N
		Municipal Commonage		N	R	Y
4	Rural Settlement	Rural Residential	Low density rural housing or ecoestates.	R	R	R
			Traditional Areas (existing) and Rural Communal Settlement (New).	N	R	R
5	Urban	Residential	Low, low-medium, medium-high, and high density urban residential development. (= NW = Urban & Business Development)	N	N	N
		Business / Urban Influence	An amalgamation of land use zones, including Institutional, Urban Influence, General Mixed Use, Low Impact Mixed Use, Suburban Mixed Use and General Business. (= NW = Urban & Business Development)	N	N	N
		Open Space	Public or Private Open Space, including recreational areas, parks etc.	R	Y	Y
6	Transport	Transport Services	Transportation service land uses e.g. airports, railway stations, petro-ports and truck stops, bus and taxi ranks and other transport depots. = NW = Linear Engineering Structures)	R	R	R
		Roads and Railways	Existing and planned linear infrastructure such as hardened roads and railways, including activities and buildings associated with road construction and maintenance, e.g. toll booths, construction camps and road depot sites. (Linear Engineering Structures)	R	R	R
7	Industrial	Low or High Impact and General Industry	Low Impact, General Industry and High Impact Industry (Urban & Business Development).	N	N	N
8	Mining	Mining and Quarrying	Mining and Quarrying	N	N	N

- 6.6.4.5. The relevant category of CBA or ESA applicable to a portion of land under the Environmental Management Overlay Zone can be requested from the municipality or relevant environmental departments.
- 6.6.4.6. In the last three columns:
- “Y” (Yes) means the land use or activity is compatible with the management objective for the CBA/ESA.
 - “R” (Restricted) means the land use or activity is compatible only if undertaken subject to certain restrictions.
 - “N” (No) means the land use or activity is not compatible, even with restrictions.
 - When an “R” is indicated for permissible land use activities, the developer of the bioregional plan must describe what the restrictions will be. This should be informed by any applicable policy that has been developed by either the Province or the Municipality, whichever is more restrictive (such as the Rural Land Use Guidelines used in the Western Cape). The Y/R/N values in the table are illustrative.

6.7. Overlay Zone 5: Unique Agricultural Land

- 6.7.1. This overlay zone is indicated on the Zoning Map as OZ 5: Unique Agricultural Land
- 6.7.2. The Department of Agriculture, Forestry and Fisheries (DAFF) is currently in the process of developing a dataset which will give a more detailed indication of land to be classified as “unique agricultural land”.
- 6.7.3. Unique agricultural land is land that is important to agriculture and used for the producing of economically viable sustained high quality or high yields of a specific crops due to a special combination of location, terrain, climate and soil properties. This land is usually not prime, but important to agriculture due to a specific combination of attributes that make it highly suited for a specific crop when managed with specific farming or conservation methods (DAFF, 2017).
- 6.7.4. The purpose of this overlay zone is to make provision for the inclusion of unique agricultural land within the Scheme Maps, by means of an overlay zone, anticipating the release of such data by the DAFF. The importance of mapping these areas is to guide decision-making regarding the management of land with agricultural potential.
- 6.7.5. The overlay zone provides a mechanism for the protection of unique agricultural land which the Municipal Council considers to be conservation-worthy.
- 6.7.6. The overlay zone enables the depiction of unique agricultural land on the zoning map.

6.7.7. The objective of this overlay zone is to guide development in such a way that unique agricultural land would be preserved.

6.7.8. Map depiction (Unique Agricultural Land):



6.8. Overlay Zone 6: Heritage Protection

6.8.1. This overlay zone is indicated on the Zoning Map as OZ 6: Heritage Protection

6.8.2. The overlay zone makes provision for the protection of heritage places entered on the heritage register maintained by the provincial heritage resources authority, and for the protection of heritage areas as provided for in terms of the heritage legislation.

6.8.3. The overlay zone provides a mechanism for the protection of heritage places the Municipal Council considers to be conservation-worthy in terms of its heritage strategies.

6.8.4. The overlay zone enables the depiction of such heritage places and heritage areas on the zoning map.

6.8.5. The following heritage places are deemed to be Heritage Protection Overlay Zones and shall be subject to the provisions of this overlay zone.; Any heritage place that has been entered into the register of heritage resources maintained by the provincial heritage resources authority in accordance with heritage legislation;

6.8.6. Any heritage place that has been designated a heritage area in accordance with heritage legislation; and

6.8.7. Any recorded heritage place or resources.

6.8.8. Notwithstanding Section 6.8.1 - 6.8.5, Council may designate any heritage place that it considers to be conservative-worthy in terms of any developed heritage strategy as a Heritage Protection Overlay Zone, and such heritage place shall be subject to the provisions of this overlay zone.

6.8.9. Council shall record all Heritage Protection Overlay Zones, which may include heritage places or categories resources mapped on a digital inventory in terms of the Local Municipality's heritage strategies.

6.8.10. The following land use restrictions apply to properties in this zone: 6.8.1 Primary uses are as stipulated in the base zone;

6.8.11. Additional use rights are as stipulated in the base zone;

6.8.12. Consent uses are as stipulated in the base zone, or any use approved by Council as an incentive in terms of the By-Law.

- 6.8.13. In addition to the development rules that apply to the base zone, the provisions of the Heritage Protection Zone shall, where applicable, apply.
- 6.8.14. Council may approve any use as a consent use in the overlay zone, provided:
- 6.8.15. Such use is consistent with the uses determined to be appropriate in terms of a Council approved Heritage Management Plan, in order to provide the owner with an incentive to preserve the heritage resource;
- 6.8.16. Council may require cessation of the consent use right if the heritage place protected in terms of the Heritage Protection Overlay Zone is not preserved and protected to the requirements stipulated in a Council approved Heritage Management Plan for the property, or as agreed between Council and the owner.
- 6.8.17. Any development rules in terms of a Heritage Protection Overlay Zone that exceed, or are more restrictive than, the limitations of a base zone, shall be deemed to be approved departures from the provisions of the base zone.
- 6.8.18. Map depiction (Heritage Protection):



CHAPTER 7: SCHEME MAPS

1.18 The Land Use Scheme Maps depict—

- 7.1.1. The zoning of land in accordance with the use zone in which the land is located;
- 7.1.2. Overlay zones, if applicable to the land; and
- 7.1.3. Management Zone

1.19 Other Provisions

- 7.1.4. The Municipality must update the Scheme Map within a reasonable time after use rights have been granted or have lapsed.
- 7.1.5. The Municipality may keep the Scheme Map in an electronic format.
- 7.1.6. The Municipality may provide an extract of the Scheme Map to members of the public on payment of a fee determined by the Municipality in terms of the tariff policy of the Municipality.
- 7.1.7. Should uncertainty or disputes arise relative to the precise location of any zone boundary as depicted on a map, the location thereof shall be determined by applying the following rules:
- 7.1.8. Where a zone boundary is shown as approximately following the centre of streets or other public thoroughfares, pipelines, railway lines or servitudes, it shall be deemed to follow the centreline thereof;
- 7.1.9. Where a zone boundary is shown as approximately following the boundary of a property, the property boundary shall be deemed to be the boundary of the zone for that portion of the zone boundary which approximates the property boundary;
- 7.1.10. Where a zone is shown as approximately following the edge or shore line of bodies of water or floodlines, it shall be deemed to follow such lines, and in the event of change in such edge or shorelines or floodlines, it shall be deemed as moving with the same.
- 7.1.11. Where a zone boundary is shown as being parallel to or an extension of features noted above, it shall be so construed;
- 7.1.12. Where a zone boundary is shown as approximately following the topographical contour line or top-of-the-bank line, it shall be deemed to follow such line, and in the event of the change in such line, it shall be deemed as moving with that line, provided further that:
 - (a) Where features on the ground are at a variance with those shown on the relevant map or in other circumstances not mentioned above, the Municipality shall interpret the zone boundaries; and
 - (b) Where a zone boundary is not located in conformity to the above provisions and in effect divides or splits a property, or where a zone boundary does not relate to an erf or other

formal cadastral land parcel, the disposition of such zone boundary shall be determined by dimensions indicated on the relevant map or by measurements directly scaled from the map.

- 7.1.13. In the case of any conflict between the text or clauses of this Land Use Scheme and any maps or drawings used to illustrate any aspect of this Land Use Scheme, the text or clause of this Land Use Scheme shall prevail;
- 7.1.14. Where any public street is closed, the land contained therein shall thereupon be deemed to carry the same zone as the adjacent land and where such adjacent lands are governed by different zones, the centreline on the public street shall be deemed to be the zone boundary;
- 7.1.15. Where a land use zone is assigned to an area or portion of land other than an erf or formal cadastral land parcel, this shall not be construed as assigning a legal, cadastral status such as an erf, public street or township to the relevant area or property but shall be interpreted to direct the use of the relevant portion of land and buildings thereon.

CHAPTER 8: GENERAL DEVELOPMENT REGULATIONS

8.1. Site Development Plans

- 8.1.1. The applicant shall submit a Site Development Plan for approval where so required by the Municipality, and the Municipality may require that a Site Development Plan be submitted in support of an application for land use rights,
- 8.1.2. The Site Development Plan shall be approved by the Municipality prior to the approval of building plans for the development.
- 8.1.3. The Municipality shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the elevational and architectural treatment of the proposed building or structure.
- 8.1.4. Buildings may be sited contrary to any provision of the local authorities building by-laws, if such siting is in accordance with an approved site development plan.
- 8.1.5. The 1:100 year flood-line, as defined by section 144 of the National Water Act, 1988 (Act 36 of 1988) must be indicated on a site development plan.
- 8.1.6. The Local Municipality may require some or all of the following information for a Site Development Plan;
 - 8.1.6.1. existing bio-physical characteristics of the property;
 - 8.1.6.2. existing and proposed cadastral boundaries;
 - 8.1.6.3. the layout of the property, indicating the use of different portions thereof;
 - 8.1.6.4. the massing, position, use and extent of buildings;
 - 8.1.6.5. sketch plans and elevations of proposed structures, including information about their external appearance;
 - 8.1.6.6. cross-sections of the site and buildings on site;
 - 8.1.6.7. the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
 - 8.1.6.8. the position and extent of private, public and communal space;
 - 8.1.6.9. typical details of fencing or walls around the perimeter of the land and within the property;
 - 8.1.6.10. electricity supply and external lighting proposals;
 - 8.1.6.11. provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
 - 8.1.6.12. external signage details;
 - 8.1.6.13. general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;

- 8.1.6.14. the phasing of a development;
 - 8.1.6.15. the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
 - 8.1.6.16. statistical information about the extent of the proposed development, floor area allocations and parking supply;
 - 8.1.6.17. relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
 - 8.1.6.18. relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
 - 8.1.6.19. illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
 - 8.1.6.20. any other details as may reasonably be required by the Municipality.
- 8.1.7. The Municipality may require that the area covered by a site development plan must extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact.
- 8.1.8. The Municipality may determine the extent of the area covered by a site development plan.
- 8.1.9. An applicant must submit a site development plan to the Municipality if it is required in terms of this Land Use Scheme, before any development on the relevant land may commence.
- 8.1.10. A site development plan may not be rejected if it is consistent with the development parameters of a base zone, overlay zone, or condition of approval.
- 8.1.11. The Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- 8.1.12. The following provisions apply with regard to site development plans:
- (a) an approved building plan must be in accordance with an approved site development plan;
 - (b) if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development;
 - (c) if the Municipality considers it necessary, a stormwater impact assessment or storm water management plan or both may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development.
- 8.1.13. In considering an application for the approval of a site development plan, the Municipality shall take into account any objections, comments and/or representation timeously lodged in writing by any interested party in respect of such application, and when it has taken a decision on such

application, it shall forthwith notify the applicant and any such interested party of such decision in writing.

- 8.1.14. An applicant may at any time before an application has been decided amend the application in writing in accordance with Municipal procedures.

8.2. Building Restriction Areas

- 8.2.1. No building or structure other than boundary walls, fences or temporary buildings or structures that are required in connection with building operations being executed on the property shall be erected within any building restriction area.
- 8.2.2. Any building line along a proposed new road or widening shall be measured from that boundary of such proposed road or widening which is the common boundary of the road or widening and the remaining part of the property to which the building line applies.
- 8.2.3. Except with the written approval of the Local Municipality, no building shall be erected closer to a boundary.
- 8.2.4. The area between the property boundary and the building line applying to such boundary shall be open space and shall allow unobstructed access to authorised persons at all times: Provided that such area may be landscaped and also be used for the parking of motor vehicles.
- 8.2.5. Building lines imposed in terms of the provisions of this Scheme shall not be construed as replacing building lines laid down by title conditions, the controlling authority or stipulated by other legislation.
- 8.2.6. Where shops, service industries, office uses, and (if permitted) commercial uses, light industrial uses and industrial uses erected in any business use zone conform to a building line allowed by the municipality, no goods, merchandise, wares or other obstructions excluding the parking of motor vehicles shall be placed, deposited, kept, stored or displayed, on the area between the street boundary and any such building line.
- 8.2.7. The municipality may permit the erection of a gate house between the building line and the street boundary of an erf between the building line and the road boundary, subject to such conditions as it may deem fit.
- 8.2.8. Except when otherwise indicated on the Map or Schedules the properties adjacent to provincial or national roads shall be subject to the following conditions:
- 8.2.8.1 The registered owner of the erf shall erect and maintain a physical barrier to the satisfaction of the Local Municipality or a fence of such other material as may be approved by the Local Municipality in accordance with the standards prescribed by the

Controlling Authority, prior to or during the development of the property along the boundaries of the property adjacent to the National Road or Provincial Road.

8.2.8.2 Except for the physical barrier referred to in (a) above, a swimming pool or any essential storm water drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf from the boundary of the property adjacent to the National Road or Provincial Road and no alteration or addition to any existing structure or building situated within such distance of the said boundary be made except with the consent in writing of the Controlling Authority.

8.3. Subdivision of Land Inclusive of Township Establishment

8.3.1. The following conditions are applicable and shall be considered when an application for subdivision, including subdivision through township establishment, is evaluated:

- 8.3.1.1. The development intentions of the Municipality on the application property, as contained in the zone,
- 8.3.1.2. The suitability of the land for subdivision,
- 8.3.1.3. The protection of high potential agricultural land,
- 8.3.1.4. The existing use and possible future use or development of the subject and nearby land,
- 8.3.1.5. The impact of the proposed development on the future use of land in the locality e.g. shall it result in pressure for further densification of the locality,
- 8.3.1.6. The availability of subdivided land and/or erven in the area and the need for the creation of further erven or subdivisions,
- 8.3.1.7. The effect of the development on the use or development of other land which has a common means of drainage,
- 8.3.1.8. The subdivision pattern having regard to the physical characteristics of the land including existing vegetation,
- 8.3.1.9. The density of the proposed development,
- 8.3.1.10. The area and dimensions of each erf in the township establishment,
- 8.3.1.11. The layout of roads having regard to their function and relationship to existing roads,
- 8.3.1.12. The movement of pedestrians and vehicles throughout the township and the ease of access to all erven,
- 8.3.1.13. The provision and location of public open space and other community facilities,
- 8.3.1.14. The phasing of the subdivision,
- 8.3.1.15. The design and siting of buildings having regard to safety and the risk of spread of fire,
- 8.3.1.16. The provision of off-street parking,

- 8.3.1.17. The provision and location of common property,
- 8.3.1.18. The functions of anybody corporate,
- 8.3.1.19. The availability and provision of municipal services,
- 8.3.1.20. If the land is not serviced, the capacity of the land to treat and retain sewage within the boundaries of each erf or subdivided land parcel

8.4. Temporary Use of Land

- 8.4.1.1. Notwithstanding anything to the contrary contained in this Scheme, it shall be competent for the Municipality, subject to any environmental procedures and/or authorisations, to consent to the temporary use of any land or building within any zone, for any of the following:
 - 8.4.1.1.1. The erection and use of temporary buildings or the use of existing buildings for purposes of site offices, storerooms, workshops or such other uses as are, in the opinion of the Municipality, necessary during the construction of any permanent building of structure on the land, provided that such consent shall ipso facto lapse upon completion of the permanent building or structure.
 - 8.4.1.1.2. The ad hoc use of land or buildings for concerts, fares, circuses, bazaars or public gatherings.
 - 8.4.1.1.3. The use of land or buildings thereon for state or municipal purposes provided that any such consent shall be for a period not exceeding 12 months which period may be extended by the Municipality for further periods not exceeding 12 months, subject thereto that the total of such period shall not exceed 5 years.

8.5. Transfer of Existing Land Use Rights

When a property is subdivided, the existing land use rights on the original property shall be transferred to the newly created properties only to the extent that the total land use rights created on the new properties shall not exceed the original, except in the case of the land use of "Dwelling Unit", where the land use shall be transferred to all newly created properties, subject to the original development restrictions.

8.6. Hazardous Substances

- 8.6.1. Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless a risk management and prevention plan has been submitted by the owner, and the Municipality has given approval thereto.

8.6.2. The Municipality's approval in terms of Subsection 5.6.1 above does not exempt the owner from applying for permission in terms of other relevant legislation.

8.7. Maintenance of Property

8.7.1. Property must be properly maintained by the owner or occupier and may not:

8.7.1.1. be left in a neglected or offensive state, as may be determined by the Municipality;

8.7.1.2. contain an unsightly accumulation of papers, cartons, garden refuse, rubble or other waste material, as may be determined by the Municipality; (contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary or consent use in terms of this Land Use Scheme;

8.7.1.3. contain outdoor storage of building material, appliances or similar items unless these:

- forms part of a primary or consent use in terms of this Land Use Scheme;
- are temporarily being stored for the purpose of construction in accordance with a valid building plan approval; or
- are being stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

8.8. Placement of Vehicles on Residential Zone

8.8.1. A motor vehicle of an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit, may be parked on the property where the occupant resides, provided that:

- (a) there is adequate space on the property concerned;
- (b) not more than one commercial vehicle per dwelling unit may be parked on the property without prior consent from the municipality; and
- (c) the gross weight of any such commercial vehicle may not exceed 3 500kg.

8.9. Splaying of Corners

8.9.1. Except where shown on the map, the corners of all streets and street junctions shall be splayed from the junction of the street boundaries for a distance of 2 metres (calculated to the nearest metre): Provided that this provision shall not be applied to townships established before the adoption of this Scheme.

8.9.2. In calculating the area of a corner erf, the portions thereof cut off by the splay, shall be included in the area of the erf.

8.10. Lines of No Access

8.10.1. Entrance to and exit from a property from or to a public street or road may be prohibited across any boundary-. Provided that:-

8.10.1.1. the Local Municipality may, on receipt of a written application, relax the access restriction subject to such conditions as it may deem desirable, if as a result of exceptional circumstances, observance of the access restriction would interfere with the development of the property to an unreasonable degree;

8.10.1.2. consent granted in terms of this clause shall not be construed as a relaxation of any restriction on access imposed by any other law, or contained in the title deed of the property or imposed by the controlling authority.

8.11. Development Below Flood Line

8.11.1. No buildings whatsoever may be erected on a property which will probably be flooded by a public stream on average every one-hundred (100) years; provided that the Local Municipality may permit the erection of buildings on such portion if it is convinced that the said portion will no longer be subjected to flooding (also note the provisions of the National Water Act, 1998 (Act 36 of 1998) in this regard.

8.12. Conditions in Townships

8.12.1. An erf in any township established within the area of this Scheme and any erf or other property rezoned hereafter, shall, in addition to any other conditions, which may be specifically imposed, be subject to the following conditions unless any such erf or property is specifically exempted:-

8.12.2. Conditions applicable to all use zones.

8.12.3. Except with the written consent of the Local Municipality and subject to such conditions as it may impose, neither the owner nor any other person shall:-

- have the right, save and except to prepare the erf for building purposes, to excavate any material there from;
- sink any boreholes thereon or abstract any subterranean water there from; or
- make or permit to be made, on the property for any purposes whatsoever, any titles or earthenware pipes or other articles of a like nature. (These conditions shall not apply to Industrial 1 and 2 use zones).

(a) No person shall be permitted to sink any well and water may only be extracted from boreholes with electrical driven pumping equipment.

- (b) Where, in the opinion of the Local Municipality it is impracticable for storm water to be drained from higher lying erven direct to a public street or stream the owner of the lower lying erf shall be obliged to accept and / or permit the passage over the erf of such storm water:- Provided that the owners of any higher lying erven, the storm water from which is discharged over any lower lying erf, shall negotiate point of discharge and shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- (c) If a property is affected by a 1:50 year flood line no building may be erected below the elevation of such flood line unless the Local Municipality has approved specific proposals relating to the manner of construction, siting of buildings, material used, alteration of flood line by raising the natural elevation of the land, etc.
- (d) The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, before, the outbuildings.
- (e) The loading and off-loading of goods shall only take place within the boundaries of the erf to the satisfaction of the Local Municipality unless loading facilities have been provided by the Local Municipality in the street reserve. (This condition shall not apply in the Residential 1 and Residential 4 use zones and neither in the Residential 2 and Residential 3 use zones if subdivision of the land into separate units has been effected.)
- (f) The positioning of buildings, including outbuildings, on the erf and entrances to and exists from the erf, the construction and maintenance of internal roads and landscaping of the erf, where required to a public street system, shall be done in consultation with and to the satisfaction of the Local Municipality.
- (g) A screen wall or walls shall be erected and maintained to the satisfaction of the Local Municipality as and when required by it.
- (h) If the property is fenced, such fence and the maintenance thereof shall be to the satisfaction of the Local Municipality.
- (i) The registered owner is responsible for the maintenance of the whole development of the property. If the Local Municipality is of the opinion that the property, or any portion of the development is not kept in a satisfactory state of maintenance the Local Municipality shall be entitled to undertake such maintenance at the cost of the registered owner.
- (j) No material or goods of any nature whatsoever shall be dumped or placed within the building restriction along any street and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for

a screen wall to be erected on such a boundary this condition may be relaxed by the Local Municipality and subject to such conditions as may be determined by it.

(k) A site development plan, drawn to a scale of 1:500, or such other scale as may be approved by the Local Municipality shall be submitted to the Local Municipality, shall be submitted to the Local Municipality in compliance with section 8.1 for approval prior to the submission of any building plans in any use zone. No building shall be erected on the property before such site development plan has been approved by the Local Municipality and the whole development on the property shall be in accordance with the approved site development plan: Provided that the plan may, from time to time be amended with the written consent of the Local Municipality: Provided further that amendments or additions to buildings which in the opinion of the Local Municipality will have no influence on the total development of the property, shall be deemed to be in accordance with the approved site development plan. Such site development plan shall show at least the following:

- I. the positioning, height, coverage and the floor area ratio of all buildings and structures;
 - II. vehicular entrances and exits to and from the property, internal roads and parking areas;
 - III. the proposed sub divisional lines, if the property is to be subdivided;
 - IV. entrances to buildings and parking areas;
 - V. building restriction areas (if any);
 - VI. parking areas and, where required by the Local Municipality, vehicular and pedestrian traffic systems;
 - VII. the elevational and architectural treatment of all buildings and structures;
 - VIII. the programming of the development of the property if it is not proposed to develop the whole property simultaneously.
 - IX. the Local Municipality may, after receipt of building plans submitted in terms of its by-laws, require the owner to submit, for its approval, proposals for the provision of suitable and sufficient facilities on the erf for the loading, unloading, fuelling, parking of vehicles or for the storage of refuse containers.
 - X. The Local Municipality shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the elevational and architectural treatment of the proposed building or structure.
- (l) Standard servitudes, unless indicated otherwise in this Scheme or the Property Title Deed, which is applicable on all erven:

- I. The erf is subject to a servitude, 2m wide, in favour of the Local Municipality, for sewerage and other municipal purposes, along the midblock (back) boundary and at least one side boundary, depending on the location of municipal services on the property, except in a “Residential 4” use zone, where only one boundary (other than a street boundary), depending on the location of the municipal services on the property is subject to the 2m servitude. Properties in all Business, Industrial and Commercial use zones are not subjected to this proviso. In the case of a pan-handle erf, an additional servitude for municipal purposes, 2m wide, across the access portion of the erf is applicable, if and when required by the Local Municipality: Provided that the Local Municipality may dispense with any such servitude.
- II. No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 2m thereof.
- III. The Local Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose; subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the Local Municipality.

8.13. Conditions Applicable to All Properties

8.13.1. The following conditions shall be applicable to all erven and/or properties:

8.13.1.1. Except with the written consent of the Local Municipality and subject to such conditions as it may impose, nobody shall:

- I. Save and except to prepare the erf for building purposes, excavate therefrom any material;
- II. Sink any wells or boreholes thereon or subtract any subterranean water therefrom.

8.13.2. Where, in the opinion of the Local Municipality it is impracticable for storm water to be drained from higher lying erven direct to a public street system, the owner of the lower lying erf shall be obliged to accept and/or permit the passage over the erf of such stormwater: Provided that the owners of any higher lying erven from which storm water is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of the lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.

- 8.13.3. The siting of buildings, including outbuildings, erected on the property, and entrances to and exits from the property shall be to the satisfaction of the Local Municipality.
- 8.13.4. No material or goods of any nature shall be dumped or stored within the building restriction area along the boundary of any existing or proposed street, and such portion shall not be used for any purpose other than laying out and maintaining lawns, gardens, parking or access.
- 8.13.5. A screen wall shall be erected as and when required by the Local Municipality to its satisfaction.
- 8.13.6. If the property is fenced, the fence shall be erected and maintained to the satisfaction of the Local Municipality.
- 8.13.7. No informal structures may be erected on any property within the area of the land use scheme, provided that the Local Municipality, in consultation with the community, may consent to the erection of an informal structure on "Residential 1" in certain areas.

CHAPTER 9: DEVELOPMENT CONDITIONS

9.1. Conditions applicable to businesses in respect of which a license is required

- 9.1.1. Sale or supply of meals or perishable foodstuffs
- 9.1.2. The carrying on of business by the sale or supply to consumers of -
- (a) any foodstuff in the form of meals for consumption on or off the business premises; or
 - (b) any perishable foodstuff.
- 9.1.3. For the purposes of subitem (9.1.1) "perishable foodstuff" means any foodstuff or category of foodstuffs declared by a Premier by notice in the Official Gazette to be a perishable foodstuff in the Province concerned for the purposes of this item.
- 9.1.4. Provision of certain types of health facilities or entertainment
- 9.1.5. The carrying on of business by –
- (a) providing Turkish baths, saunas or other health baths;
 - (b) providing massage or infra-red treatment;
 - (c) making the services of an escort, whether male or female, available to any other person;
 - (d) keeping three or more mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for the purpose of the playing of any game or for the purpose of recreation or amusement, and the operation of which involves the payment of any valuable consideration, either by the insertion of a coin, token coin or disc therein or in an appliance attached thereto or in any other manner;
 - (e) keeping three or more snooker or billiard tables;
 - (f) keeping or conducting a night club or discothèque;
 - (g) keeping or conducting a cinema or theatre;
 - (h) conducting adult premises referred to in Section 24 of the Films and Publications Act, 1996.
- 9.1.6. Hawking in meals or perishable foodstuffs
- 9.1.7. The carrying on of business, whether as principal, employee or agent, by selling any foodstuff in the form of meals or any perishable foodstuff -
- (a) which is conveyed from place to place, whether by vehicle or otherwise;
 - (b) on a public road or at any other place accessible to the public; or
 - (c) in, or from a movable structure or stationary vehicle, unless the business is covered by a license for a business referred to in item 9.1.1. of this Schedule.
- 9.1.8. For the purposes of subitem (9.1.1.) "perishable foodstuff" means any foodstuff or category of foodstuffs declared under item 9.1.1. of these Conditions to be a perishable foodstuff.
- 9.1.9. Conditions applicable to businesses excluded from businesses without a license

- 9.1.10. A business which is carried on by the State or Local Municipality.
- 9.1.11. A business which is carried on by a charitable, religious, educational, cultural or agricultural association, organisation or institution of a public nature, if all profits derived from the business are devoted entirely to the purpose of that or any other such association, organisation or institution.
- 9.1.12. In the case of a business referred to in Item 1 of the conditions applicable to businesses in respect of which a license is required, such a business which is carried on –
- by a social, sports or recreation club which is a non-proprietary club and restricts the business to the sale or supply to its members and their guests of foodstuffs for consumption on or in the business premises;
 - by or on behalf of an employer for an employee as such of the employer.
- 9.1.13. A business referred to in item 13.1.1. of Conditions Applicable to Businesses in Respect of which a License Is Required., if the meals concerned are prepared and sold in a private dwelling.
- 9.1.14. In the case of a business referred to in Item 9.1.1. of Conditions Applicable to Businesses in Respect of which a License Is Required, the sale of a perishable foodstuff referred to in that item, by a person who belongs to a category of persons which the Minister, in the relevant notice under item 9.1 of that Conditions, has exempted from the provisions of the licensing legislation, read with the said item 9.1 in relation to the perishable foodstuff concerned.

9.2. Conditions applicable to all use zones

- 9.2.1. Nothing in this Land Use Scheme shall be deemed to prevent the Local Municipality: -
- 9.2.1.1. from erecting, maintaining, or using any building or work, or land, in any part of the area of this Scheme for the purpose of any undertaking which it may be empowered to carry out under any legislation; or
- 9.2.1.2. from allowing the occasional letting of a site in the area of this Scheme for the purpose of amusement parks, circuses, church gatherings, sales, etc. subject to such conditions as the Local Municipality may think fit; or
- 9.2.1.3. from allowing the owner of any land or building to temporarily use such land or building for purposes not contemplated for that use zone or by any other provision of this the Scheme, subject to compliance with the provisions of this Scheme relating to the granting of the special consent of the Local Municipality and subject further to such conditions as the Local Municipality may impose: Provided that such consent shall, in addition to any condition imposed by the Local Municipality, be subject to the following conditions:-

- (a) no building or structure of a permanent nature which may hinder the use of the land for the purpose contemplated in the zoning thereof in this scheme shall be erected on the land;
- (b) the Local Municipality shall be entitled to withdraw the approval issued in terms of this sub-clause by a written notice of not less than 28 days to the owner if the use of such property is inconsistent with the purposes for which approval was granted or where the exercising of the approved use adversely affects the amenity of the neighbourhood;
- (c) if the rights obtained by virtue of the grant by the Local Municipality of its consent to the erection and use of a building or for the use of land are not exercised within 24 months of the grant of such consent or, the rights having been exercised, the use permitted thereunder is interrupted for a continuous period of 18 months, the consent shall ipso facto lapse, unless any condition upon which such consent was granted specifically provides otherwise in regard to the lapsing of such consent.
- (d) the period of validity of a consent granted by the Local Municipality to the erection and use of a building shall not extend beyond the life of the building used, or erected for such use, pursuant to the consent and may not be transferred when the property is sold to another owner.

9.2.1.4. from allowing the letting of any part of the house, or separate building not being a second dwelling unit on the same property, in a Residential 1 and 2 zone, to a maximum of six (6) persons, subject to the following conditions:-

- (a) every lessee shall have sufficient access to a closet pan and a washbasin or shower;
- (b) the minimum floor area per person for a bedroom is 3m² (three square metres);
- (c) no kitchen or equipment for the preparation of food, shall be constructed or provided in outbuildings either by the owner or the lessee;
- (d) in addition the Local Municipality may impose any conditions it may deem necessary; and
- (e) shall comply to the Rental Housing Act, 1999, (Act No. 50 of 1999) as amended.

9.2.1.5. From allowing taverns within a 500m buffer from community and institutional facilities without prior consent from the municipality and department of education.

9.2.1.5.1. Consent from abutting property owners must also be obtained

9.3. Conditions applicable to a Filling Station

9.3.1. Site access requirements:

9.3.1.1. The vehicular access and exit ways to and from the premises of a service station or filling station shall not be more than 10m wide where it crosses the street boundary.

9.3.1.2. A wall, fence or landscaping must be erected or provided on the road boundary of the property concerned between such points of access and exit, to the satisfaction of Council in respect of its height and aesthetic appearance.

9.3.1.3. The vehicular access and exit ways to and from the premises of a filling station shall, where they cross the boundary, must be not less than:

- (a) 30m of the nearest intersection of a primary distributor or district distributor road or any other road of a similar status;
- (b) 30m of the nearest intersection where traffic is controlled or is proposed to be controlled by a traffic signal or traffic island; and
- (c) 10m of any other intersection not referred to in sub-section (a) or (b) in the case of a splayed or unsplayed corner or 5m from the point where the line of splay meets the road boundary.

9.3.2. Storage

9.3.2.1. Any part of the premises of a filling station which is used for the storage of empty containers (such as oil drums and packing cases) or any other scrap whatsoever shall be enclosed with a suitable brick or concrete screen wall at least 2m high.

9.3.2.2. A Site Development Plan.

9.3.2.3. All applications for a service station and filling station shall be accompanied by a site development plan.

9.3.2.4. Site Development Plan must indicate the following:

- (a) Vehicular access.
- (b) Risk management in respect of fuel pumps and fuel storage areas.
- (c) Screening of any storage area.
- (d) Minimising any visual intrusion or operational disturbance with adjoining properties.
- (e) The extent of the various activities.

9.3.2.5. Council also require an EIA if necessary to determine the risk involved to the surrounding environment and to determine contingency plans in place.

9.3.2.6. No major repairs or services of motor vehicles, panel beating and spray painting will be allowed on the site.

9.4. Conditions applicable to the keeping of animals

- 9.4.1. No animals may be kept for business purposes on a residential land.
- 9.4.2. Horses and donkeys may be kept only for the personal use of the owner or occupier of a land and his dependants; provided that:
- 9.4.2.1. no horses or donkeys may be kept on a land which is less than 8 000 m² in extent, unless Council is satisfied that special factors exist (e.g. the availability of suitable land in the vicinity for grazing and exercising);
- 9.4.2.2. such owner or occupier annually applies and obtains a permit from Council to keep horses or donkeys; provided that such permit shall not be renewed if the applicant has given cause for justifiable and substantial complaint relating to the keeping of horses or donkeys, from neighbours or residents living in the area;
- 9.4.2.3. the applicant must submit plans of stables, obtains municipal building plan approval and must construct the stables to the Council's satisfaction;
- 9.4.2.4. stables are properly maintained and manure is dealt with to the Council's satisfaction, so as not to create any public nuisance;
- 9.4.2.5. Poultry, rabbits and other small animals may be raised for domestic, non-commercial use in residential areas, subject to any Council by-law relating to the keeping of poultry and animals;
- 9.4.2.6. No person shall keep or be permitted to keep on any land unit, cattle, sheep, goats, pigs, indigenous mammals or other wild animals (except on farm portions and agricultural holdings without creating nuisance to adjacent owners), without the prior written permission of Council, irrespective whether such animals are kept for commercial or domestic purposes.

9.5. Conditions applicable to shops

- 9.5.1. Where shops, service industries, office uses, and (if permitted) commercial uses, light industrial uses and industrial uses erected in any business use zone conform to a building line adopted by the Municipality, no goods, merchandise, wares or other obstructions excluding the parking of motor vehicles shall be placed, deposited, kept, stored or displayed, on the area between the street boundary and any such building line.
- 9.5.2. Dry cleaners and laundrettes may be established in Business zones 1 and 2 provided that they comply with the following provisions.
- 9.5.2.1. The floor area of the shop for receiving and returning clothes, the workshop and the space used for the clothes- rack together will not exceed 275 m².

- 9.5.2.2. Only gas, electricity, illuminating paraffin, or other approved liquid fuel may be used for the production of steam or hot water.
- 9.5.2.3. The solution used in the cleaning process must be non-flammable.
- 9.5.2.4. The combined capacity of the dry cleaning machines that may be installed may not exceed 20 kg dry weight of clothing or other articles per cleaning operation per half hour cycle.
- 9.5.2.5. The combined capacity of the washing machines that may be installed may not exceed 27 kg dry weight of clothing or other articles per washing operation.
- 9.5.2.6. Each individual application for the establishment of a launderette or a dry cleaner in this zone must be submitted to the Council for its special consent and the council must be furnished with full information as to the maximum and minimum capacities of the machines to be operated and floor space to be occupied.
- 9.5.2.7. If the council is of the opinion that the site of a proposed dry cleaner or launderette is unsuitable on the ground of possible nuisance, danger to public health, etc., it will submit the application, together with its view, recommendations and the reasons therefore, to the MEC whose decision will be final.

9.6. Conditions applicable to a Funeral Parlour

- 9.6.1. No funeral parlour with a chapel may be permitted on a site abutting a street of less than 12, 5 m in width.
- 9.6.2. No funeral parlour with a chapel may be permitted nearer than 100 m from:
 - 9.6.2.1. the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provision of Section 146 of the Divisional Council's Ordinance, 1952 (Ordinance No. 15 of 1952) apply with any other street of like status;
 - 9.6.2.2. any traffic light whether existing or provided for in the land use scheme; and
 - 9.6.2.3. any intersection where traffic is controlled, or is proposed to be controlled in terms of the Land Use Scheme, by a traffic island.

9.7. Conditions applicable to Taverns

- 9.7.1. In the case of any permission or consent granted by the municipality to utilize properties for purposes of a tavern, it is subject to the following conditions in addition to the conditions set out in the definition and the base use zone:

- i. A non-transparent screen wall at least 1,8 meters high, must be erected around the entire perimeter of the site and shall comply to National Building Regulations SABS 0040, 1990 as revised;
- ii. The public and residential areas on the site must be separated effectively;
- iii. If food is served it may be prepared in the residential kitchen and served through a lockable service hatch and shall comply with National Health Regulations and any other applicable legislation
- iv. Separate toilets and ablution facilities for males and females must be provided in the tavern;
- v. A suitable storeroom must be provided for all liquor and container stock not required for immediate sale;
- vi. A properly constructed drinking area must be provided;
- vii. If liquor is served in the garden, then dividing walls must be erected to ensure the effective separation of the public and residential areas;
- viii. Name boards shall be non-illuminated and not be bigger than 2000 mm (horizontal) x 1500 mm (vertical);
- ix. Sufficient parking, as determined by the Local Municipality, shall be provided on site;
- x. Smoking in the premises should adhere to the regulations of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993
- xi. It shall exclude any noxious practices or uses which will interfere with the amenity of the surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever;
- xii. The Liquor Act, 2003, (Act No. 59 of 2003), the Department of Trade and Industry's National Liquor Norms and Standards as well as the Mpumalanga Province's liquor policy are applicable to all taverns; and
- xiii. The Mpumalanga Liquor Board determines the hours and days of business.

9.8. Conditions applicable for Consent Use

9.8.1. Procedure and Application for Special Consent.

9.8.1.1. An applicant may apply to the Municipality for a consent use provided for in the land use scheme in the manner provided for in Chapter 6 of the municipal By-Law.

9.8.1.2. Where the development parameters for the consent use that is being applied for are not defined in an applicable land use scheme, the Municipality must determine the development parameters that apply to the consent use as conditions of approval contemplated in section 54 of the municipal By-Law.

- 9.8.1.3. A consent use may be granted permanently or for a specified period of time in terms of conditions of approval contemplated in section 54 of the municipal By-Law.
- 9.8.1.4. A consent use granted for a specified period of time contemplated in subsection (3) must not have the effect of preventing the property from being utilised in the future for the primary uses permitted in terms of the zoning of the land.
- 9.8.1.5. A consent use contemplated in subsection (1) lapses after a period of two years or such shorter period as the Municipality may determine calculated from the date that the approval comes into operation if, within that the two-year period –
- 9.8.1.6. the consent use is not utilised in accordance with the approval thereof; or
- 9.8.1.7. the following requirements, if applicable, are not met:
- a) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and
 - b) commencement with the construction of the building contemplated in subparagraph (i).
- 9.8.1.8. The Municipality may grant extensions to the period contemplated in subsection (5) and the granting of an extension
- 9.8.1.9. may not be unreasonably withheld by the Municipality which period together with any extensions that the Municipality grants, may not exceed five years.

9.9. Conditions for Home Occupation

- 9.9.1. The following conditions apply if a portion of a dwelling house is used for purposes of a home occupation:
- a. The dwelling house, flat or residential building or any portion thereof may not be used for purposes of an industry or noxious trade.
 - b. Goods for sale may not be displayed on the land in such a manner that it is visible from a public street.
 - c. The only advertising signs permitted are non-illuminated signs or notices not projecting over a street, not exceeding 650mm (horizontal) X 450mm (vertical) and indicating only the name and profession or occupation of the occupant.
 - d. No activity which is or may be a source of disturbance or nuisance to occupants of other dwelling houses (e.g. noise pollution, traffic congestion, air pollution, the congregation of people, excessive traffic generation, etc.) are permitted.
 - e. The primary use of the property is still for residential purposes and should be occupied by the person practicing the home occupation.

- f. Medical practitioners are exempt from the requirement that they have to occupy the dwelling house in which a home occupation is conducted.
- g. A maximum of 3 people may be employed at a time.
- h. A home occupation is regarded as an as-of-right use, subject to compliance with the provisions listed above.
- i. The floor area used for a home occupation may not exceed 40m² of the dwelling unit. If a larger floor area is required, the application must be made for approval to carry on a home occupation.

9.9.2. The following activities will not be permitted in a dwelling unit:

- A funeral undertaking and/or funeral parlour and/or crematorium and/or any related activity;
- A visitor's information bureau;
- A building society agency;
- Kennels;
- An escort agency;
- A place of amusement;
- A tow-in service;
- A motor workshop;
- A medical rescue (paramedic) service;
- A slimming clinic;
- A car wash;
- A cash loan business;
- A panel-beater;
- A parcel delivery service;
- A gymnasium, except a gymnasium for private use by household occupying the dwelling unit;
- A shooting range;
- A blasting contractor;
- A butcher;
- A spray-painter;
- A taxi business;
- A pet salon;
- A fish-fryer;
- A vehicle sales lot for the hiring and selling of vehicles and/or trailers;
- Manufacturing and or storage of concrete products;
- A packaging contractor;
- A transport undertaking;
- A plumber business;
- A building contractor business;
- A builder's yard and/or storage of building equipment;
- Firefighting business;
- Security company and vehicle tracing agents.

9.10. Conditions applicable to Bed And Breakfast

9.10.1. The maximum floor area will be restricted to the current existing dwelling unit(s) on the erf:
Provided that any addition, extension, alteration or modification to an existing building shall

- only be permitted in accordance with an approved site plan and with consideration to the character and architecture of the existing building(s);
- 9.10.2. The Bed & Breakfast shall be managed and used as a permanent residence by the owner;
- 9.10.3. Any refreshment room on the premises may only be used by the occupants or overnight guests, with the understanding that conference, entertainment and restaurant facilities are not approved and that no activity will be permitted which is likely to create a public nuisance;
- 9.10.4. A site development plan shall be submitted to the Local Municipality for approval, prior to any operational activity ancillary to a guesthouse;
- 9.10.5. Demarcated, paved parking spaces and ancillary vehicle manoeuvre area, shall be provided to the satisfaction of the Local Municipality. Provided that at least 1 parking space shall be provided per bedroom;
- 9.10.6. All surfaces on the erf that will accommodate vehicle movement shall be paved, drained and maintained to the satisfaction of the Local Municipality;
- 9.10.7. Ingress to and egress from the erf will be placed, constructed and maintained by the owner, subject to the prior approval of such ingress or egress by the Local Municipality's Chief of Civil Services and Chief of Traffic and Licenses;
- 9.10.8. Loading and off-loading shall only be permitted on the erf;
- 9.10.9. A maximum of 4 rooms for a maximum of 8 occupants shall be permitted, although application may be made to the Local Municipality for a relaxation thereof;
- 9.10.10. Name boards should not be bigger than 650mm (horizontal) X 450mm (vertical); and should not restrict pedestrian movement or visibility whatsoever along the street reserves and should be non-illuminated and provided on the stand.
- 9.10.11. The municipal health department's approval must be obtained before operation can commence;
- 9.10.12. Council can instruct the owner/ operator to mitigate the impact of the activity and impose such conditions it deems appropriate. Should such conditions not be complied with, Council may instruct the owner / operator to cease the activity forthwith.

9.11. Conditions applicable to Guest Houses

- 9.11.1. This use may be conducted from a converted dwelling house or a purpose built facility that may consist of a single structure for guest house purposes or free standing or linked units for lodge purposes and includes facilities that are normally associated therewith (e.g. conference facilities and lecture rooms).
- 9.11.2. Not more than 32 people or 16 rooms are permitted per land, whichever is the most restrictive; provided that the Municipality may restrict such numbers if considered necessary in the interest of the area or neighbourhood.

- 9.11.3. Parking must be provided in any event not less than at a ratio of 1 parking bay per guest bedroom and that no vehicles be permitted to park in public areas.
- 9.11.4. The land use may not create a public nuisance or, in the Municipality's opinion, detract from the residential character or amenity of the neighbourhood.
- 9.11.5. The minimum size of a land used for a guest house / guest lodge is 740m².
- 9.11.6. Meals and beverages may be supplied to transient guests only.
- 9.11.7. A site development plan, indicating the layout and number of rooms and units, entertainment areas, communal areas, parking, landscaping, signage and streetscape, must accompany applications to Municipality.
- 9.11.8. The municipality must assess the potential impact of the proposed land use on the character of the surrounding area, before granting its special consent.
- 9.11.9. In assessing an application, Municipality must ensure that the potential impact of the development will not materially detract from residential character and amenities of the street and neighbourhood.
- 9.11.10. The owner / manager can live either off-site or in a separate area on-site.
- 9.11.11. A guest lodge may include self-catering units.
- 9.11.12. Ancillary activities include a restaurant (not for the general public) and conference facilities for use by transient guests only.

9.12. Conditions for the establishment of Telecommunications Infrastructure

- 9.12.1. In considering locational criteria for telecommunications infrastructure, the Municipality will consider that such uses will not be favoured:
- (a) in residential zones,
 - (b) in environmentally sensitive areas, such as:
 - An area with rivers, streams, wetlands and pans,
 - An area within the 1:100 year floodline of a water body,
 - A bird sanctuary or adjoining,
 - A proclaimed nature reserve or adjoining,
 - An environmentally protected area,
 - An area with ridges or koppies, particularly if the mast may break the skyline,
 - An area identified as an area of conservation significance or environmental importance as regarded by the authorities,
 - (c) in areas of culturally significant heritage,
 - (d) in localities where the use is likely to have a significant visual impact,
 - (e) in localities where it may affect air traffic or vehicular movement,

- (f) in close proximity to architectural landmarks, such as monuments or historical buildings,
 - (g) in close proximity to town squares, formal open spaces or cityscapes, and
 - (h) along scenic routes.
- 9.12.2. Must be in compliance with Electronic Communication Act, 2005 (Act No. 36 of 2005).
- 9.12.3. Nor will the locality of such facilities be favoured unless it is clear that the developer has made reasonable efforts to co-locate with other users on existing or proposed sites in the vicinity of the proposed installation.
- 9.12.4. If the proposal is contrary to any of the above, the applicant will have to demonstrate that the installation is of strategic importance.
- 9.12.5. The Municipality encourages the establishment of masts and antennas in the following manner:
- (a) The co-location of masts, antennas and other infrastructure, not only at the same site but also on the same structure, such as combining satellite dishes, radio antennas and cell masts on one structure, supported by a certificate on the expected emissions from the site, prepared by a suitably qualified individual,
 - (b) The incorporation of noise reduction measures, especially if generators will be employed,
 - (c) Making use of “stealth masts”, thereby camouflaging the mast as a tree or other natural feature,
 - (d) Erecting masts on- or in close proximity to other unsightly structures such as power lines, building rooftops, water towers, highway lampposts, overpasses, bridges and smokestacks,
 - (e) All structures will be fenced or walled with a locked gate to limit public access and access to the support structure,
 - (f) Erecting masts in close proximity to natural features such as trees in order to shield the visual impact, and
 - (g) If lighting will be installed for security or other reasons, lights must be screened in such a way as to prevent light pollution.
- 9.12.6. The following visual guidelines will aid the Municipality when considering applications for the establishment of telecommunication infrastructure
- 9.12.7. General Design Principles
- (a) The following principles should be kept in mind when assessing applications for telecommunication masts:
 - (b) Scenic Integrity: the preservation of landscape features, particularly skylines, scenic corridors, important view sites and historic precincts.
 - (c) Site Responsiveness: the siting of structures in accordance with visual absorption capacity and screening capabilities of the land

- (d) Compatibility: the provision of installations that are in harmony with the surrounding buildings and uses.
- (e) Appropriateness: the design and detailing of installations in terms of a sympathetic architectural theme.
- (f) Sense of Place: a response in the siting and design installations to the particular natural, rural, urban or historic qualities of the place.
- (g) Local Character: the use of indigenous plants, local materials and design idiom that are an expression of the locality or region.

9.12.8. General Guidelines

- (a) Use existing masts or buildings to carry antennae where possible, to avoid the need for separate masts.
- (b) Consider the possible multiple use of masts for viewing towers, landmark structures etc. Take the particular needs and character of the area into account. Obtain urban design expertise where necessary.
- (c) Ensure that the design of the mast and base station allows for future sharing. Avoid duplication of tall masts within a 3km radius. Phase out the existing duplication of masts as these come to the end of their operational life, or are replaced.
- (d) Ensure that the design of masts, structures and fences is in keeping with the character of the area in order to retain the particular visual quality or ambience of a place. Obtain architectural expertise where necessary.
- (e) Disguise antennae by using flat panels on buildings, and slender „branch“ type aerials among trees, where possible.
- (f) Use a light grey or natural metal colour where masts are viewed against the sky, and dark green for masts against a backdrop of trees.
- (g) Minimise general clutter on masts and container buildings such as platforms, struts and cables, etc.
- (h) Conceal ducts and cabling where possible, and preferably locate these underground. Avoid overhead ducts, wires and cabling, as these add to untidy clutter.
- (i) Accommodate base station equipment within buildings, where possible, instead of using separate containers.
- (j) Accommodate kiosks, distribution boards and air conditioners within the container structure. Design these to be integral or flush with the structure surface. Avoid free standing kiosks or other mechanical plant.
- (k) Attach signage to buildings to minimise clutter. Avoid free standing signboards or signs that are visible against the skyline.

- (l) Signs should be discreet, and bold advertising signage generally avoided in visually sensitive areas.
- (m) Use planting to visually absorb or screen masts and base stations use only appropriate plant species. Obtain landscape architectural expertise where necessary.
- (n) Ensure that methods of disguising masts and containers are appropriate in the local and regional context, e.g. "palm tree" type masts should be typical of palms found in a particular area.

9.12.9. Guidelines for Urban Areas

- (a) Consider using tall structures such as church steeples, fire station tower etc. where these are available to attach antennae, instead of separate mast structures.
- (b) Investigate the possibility of using proposed new buildings in a particular area to make provision for antennae and equipment as an integral part of the building design.
- (c) Ensure that planners and architects of new developments are aware of the needs of the communication industry, so that early provision is made for masts or antennae.
- (d) Ensure that the type of mast is appropriate to the urban context. For example, historical precincts would have a different design theme to that of an industrial area.
- (e) Avoid masts super-imposed on top of buildings, particularly where these clutter the skyline. Integrate antennae with the architecture of the building.
- (f) Attach antennae to the sides of the building, and avoid panels projecting above the roof line or parapet. Colour-match the antennae with the building where appropriate.

9.12.10. Guidelines for Rural Areas

- (a) Ensure that the type of mast is appropriate to the rural context. This may vary from a natural or pastoral setting to that of industrialised farming activity.
- (b) Avoid siting masts in stark open fields, particularly on hill crests. Relate the mast to other structures or clumps of trees in the area.
- (c) Avoid siting masts in close proximity to historically important farmsteads or "werf" enclosures. Consult National Monuments
- (d) Council where buildings are more than 50 years old.
- (e) Use artificial "tree" forms only where similar trees exist nearby, or where the particular "tree" type is appropriate to the region.
- (f) Consider attaching antennae to windmills, silos etc. where possible, instead of separate mast structures. The "windmill" prototype mast may be an appropriate symbol in some areas.
- (g) Avoid kitsch disguises for the containers as these are often not appropriate. Consider using simple farm shed forms in proximity to farmsteads.

- (h) Ensure that the disguised containers area appropriate in the site context, e.g. artificial „rock“ forms should only be used where similar rocks can be expected in the environment.
- (i) Ensure that the impact of access roads and power or telephone lines are minimised. Roads should be carefully constructed to blend in with the terrain.
- (j) Utility lines should be located underground, where possible. Where overhead lines cannot be avoided, these should not be visible against the skyline.

9.13. Conditions applicable to a Builder’s Yard

- 9.13.1. No building or erf may be used for the establishment of a builder’s yard, coal yard, timber yard and carrier business in any other zone excluding the Industrial zones.
- 9.13.2. The erf shall be fenced along all boundaries to the satisfaction and prescribed height of the Council.

9.14. Conditions applicable to Cemeteries

- 9.14.1. No land shall be used for the purposes of refuse tipping, sewage disposal, scrap yard, stock yard, ash dump, motor graveyard without the special consent of the Local Municipality.
- 9.14.2. All relevant legislation relating to the establishment of cemeteries will be adhered to as contemplated in Environmental Conservation Act.
- 9.14.3. A geotechnical and geo-hydrological investigation should be carried out.
- 9.14.4. Land or portion of land selected for a cemetery should be certified by a geo-hydrologist that that the water table is at least 2,5m below ground level.
- 9.14.5. The design of the cemetery and grave or burial plot sizes should be to the satisfaction of the municipality.
- 9.14.6. The cemetery should have adequate parking and accessibility.

9.15. Conditions applicable to Day Care Facilities

- 9.15.1. Appropriate and adequate sanitary facilities must be provided on the premises to the Municipality’s satisfaction, at a ratio of 1 water closet for every 10 people of the same sex. Such toilets must be provided with adequate and approved enclosing walls and must be clearly allocated and marked.
- 9.15.2. The use of land may not create a public nuisance, and it must at all times be maintained in a clean condition.
- 9.15.3. Buildings must be furnished in a manner, which adequately reduces noise emanating from the activities within the buildings.

- 9.15.4. A site development plan must be submitted to Municipality for approval in respect of any proposed new buildings or extensions and / or alterations to existing buildings.
- 9.15.5. Parking as required in terms of Table 1.
- 9.15.6. Playing areas are to be provided in accordance with the following guidelines:
- i. Outdoors - 2m² per child
 - ii. Indoors - 2m² per child
- 9.15.7. The maximum number of children cared for on a land is 35.
- 9.15.8. The Municipality's consent is required to care for more than 15 children.
- 9.15.9. Municipality's approval must be obtained for a "Place of Education" to permit more than 35 children.
- 9.15.10. The minimum number of children for a written consent use of day-care is 5.
- 9.15.11. The dominant use of the building must remain for residential purposes for a single family.
- 9.15.12. Properties utilised for day care facilities must comply with the minimum physical standards as contained in the Children's Amendment Act, 2007, (Act No. 41 of 2007).

9.16. Conditions applicable for the approval of Spaza / Tuck Shops

- 9.16.1. A spaza / tuck shop must be operated from a building or associated immovable structure, approved, in terms of the National Building Regulations Act. Any person who wishes to establish a temporary structure for the use of a tuck shop must have written permission from the Municipality approving the type of structure to be used, the placement of the structure, and the duration for which the structure is allowed.
- 9.16.2. The applicant shall obtain written comments from the surrounding neighbours. The Municipality will determine the affected neighbours.
- 9.16.3. The amenity of the neighbourhood must not unduly be interfered with by the proposed use.
- 9.16.4. In accordance with the stipulations of Section 24 of the Constitution of the RSA (Act 200 of 1993), the permission shall be withdrawn without payment of any compensation whatsoever, where the general amenity of the neighbourhood is harmed in the opinion of the Local Municipality or a nuisance is created.
- 9.16.5. The main use of the property shall remain residential and the occupant shall reside only in the dwelling unit.
- 9.16.6. The size of a spaza / tuck shop shall not exceed prescribed extent as determined by the Local Municipality.
- 9.16.7. Tuck shops that sell perishable goods and flammable substances must comply with health and fire regulations and bylaws. The availability of suitable and adequate storage facilities is of utmost importance in this regard.

- 9.16.8. The activity shall not interfere with or negatively influence the amenities of the surrounding area.
- 9.16.9. All vehicular and pedestrian access shall be to the satisfaction of the Local Municipality.
- 9.16.10. No stock delivery by heavy delivery trucks will be allowed and the owner must collect stock from the depots themselves.
- 9.16.11. The applicant must indicate how parking would be provided in a manner that does not disturb traffic flow and/or cause inconvenience to the neighbours.
- 9.16.12. No food shall be prepared and sold on the erf unless such is approved by the Health Services Department.
- 9.16.13. The Local Municipality may impose any other condition/s that is deemed necessary to protect the amenities of the area or neighbourhood.
- 9.16.14. No alcohol drinks/beverages shall be sold from spaza / tuck shops.
- 9.16.15. A notice or sign displayed on the property to indicate and advertise the business being conducted from the dwelling shall be to the satisfaction of the Local Municipality in terms of size, position and design.
- 9.16.16. A trading license must be obtained from the relevant Department where applicable.
- 9.16.17. All health by-laws shall be adhered to and complied with.
- 9.16.18. A spaza / tuck shop shall be used for the sale of convenience goods to the local community.
- 9.16.19. No tobacco products shall be sold to persons under the age of 18.
- 9.16.20. Adequate facilities for the disposal of waste must be provided and provision shall be made for the recycling of cans and bottles.
- 9.16.21. All sale or supply of meals or perishable foodstuffs, or any business that requires a license, shall be in terms of Schedule 1 of the Business Act, 1991, (Act No. 71 of 1991).

9.17. Conditions applicable to areas with Wetlands

- 9.17.1. No physical development of any property shall occur within:
- (a) a wetland habitat;
 - (b) the 1: 100 year floodline of a river or stream;
 - (c) the 32 metre buffer zone from the edge of a riparian zone of a river within the urban edge;
 - (d) the 100 metre buffer zone from the edge of a riparian zone of a river outside the urban edge;
 - (e) the 30 metres buffer zone from the outer edge of the temporary zone of a wetland within urban edge
 - (f) the 50 metres buffer zone from the outer edge of the temporary zone of a wetland outside urban edge

- 9.17.2. Wetlands shall not be modified or transformed through landscaping.
- 9.17.3. No development shall take place within hydromorphic grassland.
- 9.17.4. The control and eradication of exotic and invasive species shall be implemented within wetland systems by the owner of such property.

9.18. Conditions applicable to High Biodiversity Areas

- 9.18.1. Development within high and medium to high hyper diversity areas, important habitat types identified and areas with a vast number of species with a high conservation status as indicated on the Spatial Development Framework of the Municipality shall be subject to the following:
 - (a) a full ecological investigation in which functional and compositional aspects are dealt with;
 - (b) an alien and invasive vegetation investigation as stated in the National Environmental Management: Biodiversity Act, 2004 (Section 71(41)) and in any amendments thereof and should include:
 - i. detailed list and descriptions of alien and invasive species;
 - ii. description of infested sites;
 - iii. assessment of extent of infestation;
 - iv. status report on efficiency of previous control methods and future eradication measures.
- 9.18.2. The information referred to in Clauses 9.18.1 (a) and (b) shall be submitted to the Department of Environmental Affairs and Tourism (Mpumalanga Province) or its successor in title for evaluation and commenting purposes.
- 9.18.3. In addition to the requirements set out in Clause 13.18.1, development within an area of high hyper-diversity, as indicated on the Spatial Development Framework (SDF) of the Municipality, shall be subject to the following:
 - (a) the area within which the habitat type occurs shall be zoned as a potential conservation and protection area;
 - (b) identify taxon species lists;
 - (c) identify which taxon (organism group – herpe to fauna, mammals, flora, avifauna, Lepidoptera, aquatic fauna) exhibits high or medium to high biodiversity;
 - (d) a specialist within the field of the identified taxon must execute a full investigation on the taxon – including the identification of possible / current threats and perceived impacts of the development on the species in the taxon;
 - (e) for a taxon with a low confidence level, a full investigation should be performed;
 - (f) if any species of high conservation status is recorded in the area, a full Red Data assessment will be required.

- 9.18.4. The information referred to in Clauses 13.18.3 (a) to (f) shall be submitted to the Department of Economic Development, Environment and Tourism (Mpumalanga Province) or its successors in title and should comply with the methodology as prescribed by the Mpumalanga Department of Economic Development, Environment and Tourism or its successor in title.
- 9.18.5. Spatial Development Framework (SDF) of the Municipality may indicate land uses deemed appropriate in the various biodiversity category areas.

9.19. Conditions applicable to Protected Areas

- 9.19.1. The following additional conditions will apply to properties used for "Protected Areas":
- (a) All listed activities in terms of the National Environmental Management Act, 107 of 1998 and any amendments thereof must be subject to a full Environmental Impact Assessment (EIA) and an Environmental Management Plan;
 - (b) The use of land shall be restricted to environmental related activities;
 - (c) No mining or prospecting activities are allowed;
 - (d) Spatial Development Framework (SDF) of the Municipality may indicate the land uses deemed appropriate in the areas designated as Protected Areas.

9.20. Conditions applicable to the establishment of Tourism Areas

- 9.20.1. The applicant will demonstrate the need for such use,
- 9.20.2. The applicant will demonstrate the desirability of such use,
- 9.20.3. A range of well-designed and located tourist facilities including integrated resorts, hotel accommodation and smaller scale operations such as host farms, bed and breakfast establishments and other tourism oriented facilities will be encouraged,
- 9.20.4. Retail and other tourist orientated uses such as conference facilities may be allowed if such use will result in increased convenience and amenity to the tourist and is ancillary to and subservient to the main use,
- 9.20.5. Tourism establishments and facilities should be accessible via suitable transport and road infrastructure, inclusive of public transport,
- 9.20.6. Tourism establishments and facilities should be provided with adequate services of high quality that are appropriate to the development,
- 9.20.7. Tourism establishments and facilities should build upon the assets and qualities of surrounding urban and rural activities and cultural and natural attractions, and
- 9.20.8. The land parcel should possess significant and sufficient primary and/or secondary aesthetical and recreational value.

9.21. Conditions applicable to the establishment of a Temporary Structure

- 9.21.1. Structures included are caravans, containers, marquees, wendy houses and trailers.
- 9.21.2. Any person who wishes to establish a temporary structure must have written permission from the Municipality approving the type of structure to be used, the placement of the structure, and the duration for which the structure is allowed.
- 9.21.3. Temporary structures will only be allowed where infrastructure is adequate.
- 9.21.4. Aesthetical considerations will be regarded when an application is considered. All temporary structures shall be painted and maintained to the satisfaction of the Municipality,
- 9.21.5. In the case of Municipal owned property, the consent of the service provider must be submitted before an application for a kiosk will be considered and the first person to provide the consent will be granted the lease. However, the Municipality may grant different leases on the same property to different service providers,
- 9.21.6. Lease agreements entered into with the Municipality will be valid for 24 months, after which it may be extended,
- 9.21.7. A maximum of two temporary structures will be allowed per applicant,
- 9.21.8. The temporary structure must be erected within 6 months from the date of approval of the application, failing which the rights shall lapse,
- 9.21.9. The on-site placement of the temporary structure must be verified by the Municipality,
- 9.21.10. The Municipality will be under no obligation to provide any engineering service to the temporary structures
- 9.21.11. Temporary structures should not obstruct or block:
 - i. pedestrians in sidewalks
 - ii. vehicular traffic
 - iii. pedestrian crossings
 - iv. parking / loading bays
 - v. facilities for vehicular and pedestrian traffic
 - vi. road traffic signs
 - vii. access to street furniture
 - viii. building entrances and exits
 - ix. a fire hydrant;
 - x. displayed goods in shops from view
- 9.21.12. The structures should not be on a verge next a formal business that sells the same goods without consent of that business owner.

9.21.13. Temporary structures shall not be placed for purposes of trading in a public garden or park.

9.21.14. The following locational criteria exist:

(a) CBD

- Container trading is restricted, it shall only be allowed and exempted by Thembisile Hani Local Municipality due to the demand and need for the goods and services; the suitability of the temporary structure and/ or any other valid concern. Temporary structures allowed in the CBD must be mobile, and removed at the end of each business day.

(b) Taxi Ranks

- Temporary structure trading is permitted in designated areas inside or next to taxi ranks. The approval of trading sites should be done in consultation with Thembisile Hani Municipality. Taxi ranks in the CBD areas should be treated as restricted areas that require Municipal exemption.

(c) Residential Town Areas

- Temporary structures are permitted in designated areas and should be in line with the requirements for issuing sites.

(d) Residential property

- The Land Use Scheme approves the placement of temporary structures on residential property as a Discretionary Use.
 - Approval for these structures should be linked with the municipal process of approving building plans.

(e) Rural Areas

- Temporary structures will be permitted per municipal discretion on certain sites.

9.22. Conditions applicable to the establishment of Truck Stops

9.22.1. An application for the establishment of a truck-stop must include the following supportive documents and reports:

9.22.2. Approval from the relevant roads authorities for access to the truck stop along national or provincial roads;

9.22.3. A feasibility study to illustrate the economic viability of a truck-stop on the application property, with special reference to the fuelling component or filling station, as well as the impact of such a facility on other similar uses, filling stations or service stations in close proximity to the application property

9.22.4. Official support from an oil company for the fuelling component or filling station, as part of the truck-stop on the application property

- 9.22.5. A Record of Decision (ROD) in terms of the provisions of the Environmental Conservation Act, 1989, authorizing the establishment of a truck-stop on the application property
- 9.22.6. The workshop or vehicle servicing areas must be screened of to the satisfaction of the Municipality.
- 9.22.7. Parking and fuelling facilities for heavy-duty vehicles, long haul vehicles, trucks and busses shall be separated from parking and fuelling facilities for light motor vehicles.

9.23. Conditions applicable to the establishment of Second Dwelling Units

- 9.23.1. An application for the erection of a second dwelling unit, usually relates to the owner of land, who applies for the permission to erect a second dwelling on properties zoned Residential 1 or Residential 4, or may be an agricultural holding or farm portion.
- 9.23.2. An applicant wishing to apply for permission to erect a second dwelling unit shall do so by submitting a building plan in accordance with the requirements of the National Buildings Regulations and Building Standards Act, 1977 to the municipality and shall pay the normally prescribed application fee required for the submission of such building plan.
- 9.23.3. Upon approval of such building plan to erect a second dwelling unit, the property concerned shall forfeit the rebate on assessment rates, typically applicable to appropriately zoned erven, used solely for residential purposes. The rebate on assessment rates shall only be re-instated upon request by the owner, and after the confirmation that no second dwelling unit has been erected.
- 9.23.4. In the case of any permission or consent granted by the municipality, the erection of second dwelling units shall be subject to the following conditions in addition to the conditions set out in the definition and the base use zone:
- (a) Number of units:
- One additional dwelling unit shall be allowed per erf (or subdivided erf), with a minimum erf area of 500 m². Erven with an area of 500 m² and smaller on which a second dwelling unit has been erected, will not be allowed to be subdivided and all other development controls must be adhered to.
 - Second dwelling units erected in terms of these conditions shall not be sold by means of sectional title.
- (b) Size of units:
- No second dwelling unit shall exceed the gross floor area of more than 100 m², excluding other outbuildings or garages.
- (c) Coverage:

- The coverage of the first and second dwelling unit combined shall not exceed the maximum coverage allowed in terms of Section 3 of this document (60% coverage on Residential 1 zoned erven or 70% coverage on Residential 4 zoned erven).
- (d) Floor Area Ratio:
- The Floor Area Ratio of the first and second dwelling combined shall not exceed the maximum FAR allowed in terms of this document.
- (e) Height:
- No second dwelling units shall be higher than 2 storeys or be built on a level higher than the second storey of the first dwelling unit.
- (f) Side spaces:
- No second dwelling unit that is more than one storey in height shall be erected closer than 2 meters from any side boundary of the property, or in contravention of this Land Use Scheme.
- (g) Building restriction line:
- As per this document.
- (h) Parking:
- An additional two parking spaces shall be provided on the erf for the use of the occupants of the second dwelling unit, provided that the second dwelling unit has only one bedroom, only one parking space will be required.
- (i) Services connections:
- Electricity supply for the second dwelling unit must be taken from the main dwelling as only one sewerage, water and electricity connection shall be provided per erf (or subdivided erf, agricultural holding or farm portion). The applicant is to apply for an electrical connection upgrade if the existing supply is inadequate for both dwellings.

9.24. Conditions applicable to the establishment of Backyard Dwelling

9.24.1. These conditions are only intended as a temporary solution to managing “backyard dwellings” and should favourably be replaced by a researched policy derived by the municipality based on the specific type of backyard dwellings applicable within the jurisdiction of the municipality.

9.24.2. An applicant who wishes to develop a backyard unit/s on any zoned property, other than Residential 2 or Residential 3, should do so by applying at the Local Municipality.

9.24.3. In the case of any permission or consent granted by the municipality to utilize properties for purposes of a backyard unit/s, it is subject to the following conditions in addition to the conditions set out in the definition and the base use zone:

- (a) Number of units:

- Shall not exceed 2 backyard dwellings per property. Backyard dwellings erected in terms of these conditions shall not be sold by means of sectional title.
- (b) Size of units:
- No backyard dwelling unit shall be less than the minimum gross floor area of 30 m². The minimum floor area per person for a bedroom is 6 m² (six square meters).
- (c) Coverage:
- The coverage of the first dwelling unit and all backyard dwelling units combined shall not exceed the maximum coverage allowed in terms of Section 3 of this document (60% coverage on Residential 1 zoned erven or 70% coverage on Residential 3 zoned erven).
- (d) Height:
- No backyard dwelling units shall be higher than 2 storeys or be built on a level higher than the second storey of the first dwelling unit.
- (e) Side spaces:
- No backyard dwelling unit that is more than one storey in height shall be erected closer than 2 meters from any side boundary of the property, or in contravention of this Land Use Scheme.
- (f) Services connections:
- All backyard dwelling/s shall have access to sewer, water and electrical connections up to minimum standards and as deemed adequate by the municipality. Electricity supply for backyard dwelling unit/s must be taken from the main dwelling as only one sewerage, water and electricity connection shall be provided per erf. The applicant is to apply for an electrical connection upgrade if the existing supply is inadequate for both dwellings.
- (g) Additional Conditions:
- All backyard dwellings shall be constructed from conventional building materials (brick) or as otherwise approved by the municipality.
 - The renting of such properties shall be allowed according to conditions set out in a formal (written) or informal (verbal) agreement. The renting of such backyard dwellings should comply with the Rental Housing Act, 1999, (Act No. 50 of 1999)
 - Shall take cognisance of health and safety with the constructions of such backyard dwelling/s as deemed adequate by the municipality.

CHAPTER 10: COMPLIANCE AND ENFORCEMENT

10.1. Enforcement

10.1.1. The Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this land use scheme as determined by the section of the by-law that deals with enforcement.

10.2. Complaints on suspected unlawful activities:

10.2.1. Any member of the public may lodge a complaint to the municipality regarding a suspected unlawful activity or contravention of this land use scheme.

10.2.2. All complaints should be in writing in a manner prescribed by the municipality.

10.2.3. The municipality may not accept or investigate a verbal or telephonic complaint from any person or anonymous person unless it is convinced by valid reason to do so.

10.2.4. The municipality shall acknowledge receipt of a complaint within a reasonable time and noncompliance or action to be taken on the reported case.

10.3. Power of Entry for Enforcement Purposes

10.3.1. An authorised employee may, with the permission of the occupier or owner of land, at any reasonable time, and without a warrant, and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this land use scheme.

10.3.2. An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of this land use scheme.

10.3.3. 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.

10.4. Serving of Notices

10.4.1. Any order, notice or other document required or authorised to be served under the land use scheme, may be signed by the Municipal Manager or other official authorised thereto, as determined by the section of the by-law that deals with the serving of the notices.

10.5. Findings and Appeals

10.5.1. Any objector or the applicant who is aggrieved by the decision of the Local Municipality or any condition of such decision, can appeal against the decision or condition in the manner prescribed in the section of appeals in the By-Law.

10.6. Advertising Signs

- 10.6.1. No advertising sign or display board that is visible from the outside of the property, may be displayed or erected without the consent of the Municipality.
- 10.6.2. The Municipality will disallow such application if it is convinced that the proposed sign or board will be injurious to the amenity of the neighbourhood. Provided further that this Clause does not prohibit the display of a name-plate not exceeding 300mm x 450mm on a fence, entrance, entrance hall or front door of a property or building in use zone “Residential 1” provided that such name-plate be utilised exclusively to indicate the name and vocation of the occupant.

10.7. Permission Granted Before Approval of this Scheme

- 10.7.1. Any consent granted for the use of land, or the erection of, alteration of or addition to any building or the carrying out of any works in terms of the provisions of the previous Thembisile Hani Town Planning Scheme prior to the approval of this Scheme shall be deemed to be a consent granted in terms of the relevant provisions of this Scheme.

10.8. Annexures to the Scheme

- 10.8.1. The land use, restrictions, requirements, conditions and provisions as set out in the scheme are subject to the conditions as set out below:
- (a) Where an entry has not been made in the use zones and development parameters Tables, the Municipality may in its discretion specify a restriction when granting its special consent to an application;
 - (b) Special rights, conditions and restrictions that may apply to any property within any use zone, may be indicated in an Annexure to the Scheme.
 - (c) The special conditions and restrictions referred to in sub-clause (b) shall:
 - i. be in addition to the general conditions, restrictions and other provisions of the Scheme; and
 - ii. prevail should they conflict with any such other condition, restriction or provisions as set out in this Scheme.
 - (d) An annexure contemplated in sub-clause (b) shall consist of:
 - i. a sheet upon which is inscribed the number of such annexure, a description of the property to which it applies, the special rights, conditions and restrictions applying to the property and the number and name of the relevant Scheme in terms of which the annexure was prepared;
 - ii. a diagram of the property concerned, which diagram shall accord with the layout shown on the Map; and

- iii. the number of the relevant annexure sheet that will be inscribed in a double circle within or next to the figure of the relevant property on the Zoning Map and if it be inscribed next to such figure, it shall be joined to the figure by means of a line.
- (e) Upon approval of an amendment scheme the effected property or building shall, in addition to the requirements of the Scheme, be entitled to the use and further be subject to special conditions, restrictions, densities, floor area ratio, open space requirements, height, coverage, building lines and parking and loading requirements as shown on the relevant Annexures to the Scheme, if any.

10.9. Contravention of the Scheme

- 10.9.1. Any person who contravenes, or deliberately allows the contravention of any stipulation or conditions of the Scheme, or the provisions of any notice or directive by virtue of any stipulation of the Scheme, is guilty of an offence and punishable under the Act.

CHAPTER 11: USE OF LAND AND BUILDINGS

11.1. Zoning

- 11.1.1. All properties within the area of the Scheme have been allocated a zone indicated on the Scheme Map.
- 11.1.2. A property may be zoned as follows:
- (a) With a single zoning;
 - (b) With split zoning;
 - (c) With an overlay zoning over and above the zoning referred in (a) and (b)

11.2. Categories of Uses

11.2.1. Permitted Uses

- 11.2.1.1. The use of land or buildings for a purpose which is stipulated as a primary use in a relevant use zone is permissible without any approval from the Municipality.

11.2.2. Special Consent Uses

- 11.2.2.1. Special consent use as listed under a relevant use zone in the Scheme is permitted if the Municipality grants such approval.

11.2.3. Written Consent

- 11.2.3.1. Written consent use as listed under a relevant use zone in the Scheme is permitted with the written consent of the Municipality.

11.2.4. Prohibited Uses

- 11.2.4.1. Subject to any provisions to the contrary in the Act, land or buildings subject to this Scheme shall not be used for any purpose which is not specified in this Scheme.

11.3. Protection Of Existing Buildings

- 11.3.1. Save that the rebuilding or addition to existing buildings, with the exception of any structural alteration which is of a limited extent; such as the removal of non-weight bearing internal walls, the erection of removable partitioning, safes and toilets inside an existing building, or repair work inside or outside a building, shall conform to the provisions of the Scheme.
- 11.3.2. Existing buildings shall not be affected by the provisions of the Scheme which would otherwise make such buildings illegal: Provided that in cases where alterations of or additions to existing buildings are not of a limited extent, the provisions of the Scheme shall apply only to the parts of the building which are being altered or extended.

11.4. Uses Permitted

- 11.4.1. No person shall use or cause or permit any building or portion thereof to be used for a purpose other than that for which it has been erected unless the necessary consent of the Municipality has been obtained therefore.
- 11.4.2. Nothing herein contained shall be deemed to grant exemption from any of the Municipality's by-laws inconsistent herewith.
- 11.4.3. Notwithstanding anything to the contrary in this Scheme, no land in a residential use zone may be used for the purposes of parking, storage or garaging of more than one (1) commercial vehicle (which may include inter alia a bus with more than 12 seats, light delivery van, tractor, construction machine and truck with a carrying capacity of more than 3 ton) or taxi, except with the special consent of the Municipality;
- 11.4.4. Notwithstanding anything to the contrary in this Scheme, no land in a residential use zone may be used for the purposes of parking, storage or garaging of any motor vehicle of which the gross vehicle mass exceeds 3500kg except with the special consent of the Municipality provided that the Municipality may grant special consent in respect of the parking, storage or garaging of a motor vehicle or an articulated motor vehicle of which the gross vehicle mass exceeds 3500kg but does not exceed 5000kg; provided that no vehicle parked, stored or garaged in terms of Clause 15.3 and 15.4 shall carry hazardous materials or flammable substances.
- 11.4.5. No land shall be used for the purposes of refuse tipping, sewage disposal, scrap yard, stock yard, ash dump, motor grave yard or cemetery without the special consent of the Municipality.
- 11.4.6. The removal of soil, sand, clay or stone from any property shall not be permitted except with the special consent of the Municipality and subject to such requirements and guarantees that the surface shall be restored satisfactory as the Municipality may determine.
- 11.4.7. Notwithstanding anything to the contrary in this Scheme, application may be made to establish kennels, an animal hospital, a horse riding school or a nursery, on any property in an agricultural zone.

CHAPTER 12: LAND USE AND LAND DEVELOPMENT APPLICATIONS

12.1 Planning Application

12.1.1 Application in terms of this land use scheme may be submitted by:

- a) Application in terms of this land use scheme may be submitted by:
- b) an owner, including the State, of the land concerned;
- c) a person acting as the duly authorised agent of the owner;
- d) a person to whom the land concerned has been made available for development in writing by an organ of state or such person's duly authorised agent; or
- e) a service provider responsible for the provision of infrastructure, utilities or other related services

12.1.2 Should there be a change in ownership of the erf or site, either during or after the approval of the application, the new owner shall be deemed to take over the rights as granted or be deemed to be the applicant, in the latter instance, the owner shall notify the Municipality in writing of the said change.

12.1.3 No person may use or commence with, carry on or cause the commencement with or carrying on of land development which is not permitted in the land use scheme or for which an approval is granted in terms of this By-Law.

12.1.4 When an applicant or owner exercises a use right granted in terms of an approval he or she must comply with the conditions of the approval and the applicable provisions of the land use scheme, site development plan, building plans and any other applicable legislation.

12.2 Division of functions between Municipal Planning Tribunal and Land Development Officer

12.2.1 Categories of applications for purposes of section 35(3) of the Act.

- a) The Council must, subject to subsection 35(4), by resolution, categorise applications to be considered by the Land
- b) Development Officer and applications to be referred to the Municipal Planning Tribunal.
- c) When categorising applications contemplated in subsection 35(1), the Council must take cognisance of the aspects referred to in regulation 15(2) of the Regulations.
- d) If the Council does not categorise applications contemplated in subsection 35(1), regulation 15(1) of the Regulations apply.
- e) If the municipality is a member of a joint or district Municipal Planning Tribunal by virtue of an agreement concluded in terms of section 34 of the Act, and the agreement does

not contain a categorisation as contemplated in section 35(3) of the Act, the Council must, by resolution, categorise applications to be considered by the Land Development Officer and applications to be referred to the Municipal Planning Tribunal.

12.2.2 Designation and functions of Land Development Officer

- a) The Municipality must, in writing, determine that the incumbent of a particular post on the Municipality's post establishment is the Land Development Officer of the Municipality.
- b) The Land Development Officer must:
 - assist the Municipality in the management of applications submitted to the Municipality;
 - consider and determine categories of applications contemplated in section 31(1) of the Act.
- c) The Land Development Officer may refer any application that he or she may decide in terms of section 31 of the Act, to the Municipal Planning Tribunal.

12.3 Criteria for the consideration of applications

12.3.1 When the Municipal Planning Tribunal or Land Development Officer considers an application submitted in terms of the By-Law or the Land Use Scheme, it, he or she must have regard to the following:

- (a) the application submitted in terms of the By-law or the Scheme;
- (b) the procedure followed in processing the application;
- (c) the need and desirability of the proposed utilisation of land and any guidelines issued by the Member of the Executive Council regarding proposed land uses;
- (d) the comments in response to the notice of the application and the comments received from organs of state and internal departments;
- (e) the response by the applicant to the comments referred to in paragraph (d);
- (f) investigations carried out in terms of other laws which are relevant to the consideration of the application;
- (g) a written assessment by a professional planner as defined in Section 1 of the Planning Profession Act, 2002, in respect of land development applications to be considered and determined by the Municipal Planning Tribunal;
- (h) the integrated development plan and municipal spatial development framework;
- (i) the applicable local spatial development frameworks adopted by the Municipality;
- (j) the applicable structure plans;
- (k) the impact on the environment in the locality,
- (l) the existing and planned bulk engineering services for the area.
- (m) the character of other uses in the area
- (n) the applicable policies of the Municipality that guide decision-making;

- (o) the provincial spatial development framework;
- (p) where applicable, the regional spatial development framework;
- (q) the policies, principles, planning and development norms and criteria set by national and provincial government;
- (r) the matters referred to in Section 42 of the Act;
- (s) the relevant provisions of the land use scheme.

12.3.2 When the Municipal Planning Tribunal or Land Development Officer approves an application subject to conditions, the conditions must be reasonable conditions and must arise from the approval of the proposed utilisation of land.

12.3.3 Conditions imposed in accordance with Clause 10.7.1. 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 or the registration of public places in the name of the municipality, and the transfer of ownership to the municipality of land needed for other public purposes;
- (n) the implementation of a subdivision in phases;
- (o) requirements of other organs of state;
- (p) the submission of a construction management plan to manage the impact of a new building on the surrounding properties or on the environment;
- (q) agreements to be entered into in respect of certain conditions;

- (r) the phasing of a development, including lapsing clauses relating to such phasing;
- (s) the delimitation of development parameters or land uses that are set for a particular zoning;
- (t) the setting of validity periods, if the Municipality determined a shorter validity period as contemplated in the By-law;
- (u) the setting of dates by which particular conditions must be met;
- (v) the circumstances under which certain land uses will lapse;
- (w) requirements relating to engineering services as contemplated in Chapter 7 of the By-Law;
- (x) requirements for an occasional use that must specifically include –
 - I. parking and the number of ablution facilities required;
 - II. maximum duration or occurrence of the occasional use; and
 - III. parameters relating to a consent use in terms of the land use scheme.

12.4 Applications in terms of the Scheme / Land Use Applications

Types of applications that shall be submitted, admitted and decided in terms of the Scheme are:

12.4.1 Application for Permitted Uses:

12.4.1.1 An application for one or more land uses specified as “Permitted Use” in the applicable Land Use Zone, subject to restrictions with regards to bulk (coverage, FAR, height), density, aesthetics, site development and other conditions.

12.4.1.2 When the Scheme categorises a certain land use as “Development Permit” use, it does not mean that the land use will automatically, on application, be approved by the Municipality.

12.4.2 Application for Written Consent:

12.4.2.1 An application for one or more land uses specified as “Written Consent Use” in the applicable Land Use Zone, subject to restrictions with regards to bulk (coverage, FAR, height), density, aesthetics, site development and other conditions.

12.4.2.2 When the Scheme categorises a certain land use as “Written Consent Use”, it does not mean that the land use will automatically, on application, be approved by the Municipality.

12.4.3 Application for Special Consent Uses

12.4.3.1 An application for one or more land uses specified as “Special Consent Use in the applicable Land Use Zone, subject to restrictions with regards to bulk (coverage, FAR, height), density, aesthetics, site development and other conditions.

12.4.3.2 When the Scheme categorises a certain land use as “Special Consent Use”, it does not mean that the land use will automatically, on application, be approved by the Municipality.

12.4.4 Application for Variance

12.4.4.1 Where an application proposes an inconsistency with or deviation from any regulation contained in the Scheme, and the inconsistency or deviation is found to be minor, the Municipality may approve an application by granting a variance to the specific regulation e.g.

- (a) relaxation in the density of an erf
- (b) relaxation of coverage
- (c) relaxation of floor area ratio
- (d) relation of height

12.4.4.2 When deciding on an application for a variance the Municipality shall have due regard to the spirit and intent of the Scheme and the particular development under consideration.

12.4.4.3 An inconsistency shall be regarded as minor if and when:

- (a) The expected impact of the proposed use is not significantly different than that expected for the use as foreseen by the zone, and
- (b) The proposed development is a "once-off" deviation and is not likely to lead to further deviations of the land use scheme, and
- (c) The proposed development is still consistent with the development objectives and strategies of the Municipality as set out in the current Spatial Development Framework.

12.4.5 Application for Non-Conforming Land Use Rights

12.4.5.1 Existing land use rights, or components thereof, that do not conform to the development regulations contained in the scheme shall be regarded as non-conforming land use rights which shall remain in effect, subject to section 10.7.1.

12.4.5.2 Should a non-conforming land use right not be exercised or conducted for a sum period of 15 months within a consecutive period of 36 months, or if such use is destroyed or damaged to the extent of at least 75% of its value, or after a period of 15 years after the effective date, such land use right shall lapse, unless extraordinary circumstances are shown, in which case the Municipality may agree to the continuation of the non-conforming land use right.

12.4.5.3 The further extension of a non-conforming land use right shall be restricted to the extent that such use may, on application, be extended once only, and then by no more than 10% of the existing right, subject thereto that if such existing use has a detrimental impact on the surrounding land uses or the environment, such extension will be refused by the Municipality.

12.4.5.4 If applicable, a non-conforming right may be made to conform and/or be extended by applying for a variance to the relevant regulation or by applying for an amendment of the relevant zone or other regulation.

12.4.5.5 This section shall also apply to existing land use rights that do not conform to the development regulation of the scheme due to the amendment of the Scheme after the approval of the land use rights.

12.4.6 Application for Temporarily Use

Notwithstanding any other provision of this scheme, the local municipality may, upon receipt of a written request, give its consent to the temporary use of any land or building within any use zone, for any of the following purposes:

12.4.6.1 The erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; provided that such consent shall ipso facto lapse upon completion of the permanent structure or on the expiry date thereof as determined by the local municipality.

12.4.6.2 The occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall.

12.4.6.3 The use of land or buildings thereon for state or municipal purposes.

12.4.6.4 The use of land or the erection of buildings necessary for the purpose of informal retail trade.

12.4.6.5 Any temporary consent granted in terms of this clause shall not be granted for any period in excess of 12 months, which period may however be extended by the local municipality for further periods of 12 months each, subject to a maximum period of 5 years in aggregate.

12.4.7 Subsequent Application

Should an application be refused by either the Municipality or the appeal authority, no application containing similar proposals than that refused, may be submitted on the same land within a period of two years from date of refusal, unless the applicant demonstrates that conditions have changed to such an extent that a new application, containing similar proposals, may be approved.

12.4.8 Application for Relaxation of Building Line or Building Restriction Area

12.4.8.1 An application for relaxation of building line or building restriction area, shall be submitted and decided in terms of the scheme.

12.4.9 Application for Approval of a Site Development Plan

10.4.8.2. An application for the approval of a site development plan, shall be submitted and decided in terms of the scheme.

12.5 Applications in terms of the By-Law / Land Development Applications

Types of applications that shall be submitted, admitted and decided in terms of the By-Law and other applicable legislation are:

12.5.1 Application for Establishment of a Township or the Extension of Township Boundaries

12.5.1.1 An application for, or intention of, the establishment of a township or the extension of boundaries of an approved township shall be submitted and decided in terms of Section 59 of the By-Law, as applicable.

12.5.2 Application for Division or Phasing of a Township

12.5.2.1 An application for, or intention of, the division on an approved township into two or more separate townships shall be submitted and decided in terms of Section 60 of the By-Law

12.5.3 Application for Amendment or Cancellation in Whole or in Part of a General Plan of a Township

12.5.3.1 An application for, or intention of, the alteration, amendment or cancellation of the general plan of an approved township shall be submitted and decided in terms of the provisions of the By-Law

12.5.4 Application for Amendment of the Scheme

12.5.4.1 Application for the amendment of the Scheme shall be submitted and decided in terms of Section 66 as of the By-law and consist of the following:

- (a) An application for the amendment of the Land Use Zone Map,
- (b) An application for the addition or amendment of Land Use Zones (rezoning),
- (c) A proposal for the addition or amendment of one or more Definitions contained in the Scheme,
- (d) A proposal for the addition, relaxation or amendment of a Development Condition,
- (e) A proposal for the addition, relaxation or amendment of a Development Regulation,
- (f) A proposal for the amendment of the Application Procedures part of the Scheme.

12.5.5 Application for Development on or change to Land Use Purposes or Communal Land

12.5.5.1 An application for, or intention of, the development or change to land use on communal land shall be submitted and decided in terms of Section 81 of the By-Law.

12.5.6 Application for Removal, Amendment or Suspension of a Restrictive or Obsolete Condition, Servitude or Reservation Registered Against the Title of the Land

12.5.6.1 An application for, or intention of, the removal, amendment or suspension of restrictive title conditions, servitudes or reservation register against the title of the land shall be submitted and decided in terms of Section 67 of the By-Law

12.5.7 Application for Subdivision or Consolidation of Erven

12.5.7.1 An application for the subdivision or consolidation of an erf or erven in an approved township shall be submitted and decided in terms of Section 71 and 77 of the By-law.

12.5.8 Application for Permanent Closure of Public Place

12.5.8.1 An application for, or intention of, the permanent closure of a public place shall be submitted and decided in terms of Section 79 of the By-Law.

12.5.9 Subdivision or consolidation of farm land excluded from the jurisdiction or provisions of the Subdivision of Agricultural Land Act, 1970 (Act no 70 of 1970)

12.5.9.1 An application for the subdivision or consolidation of farm-land shall be submitted, administered and decided in terms of the Subdivision of Land Ordinance, 1986 (Ordinance 20 of 1986).

12.5.10 Subdivision or consolidation of farm land included in the jurisdiction or provisions of the Subdivision of Agricultural Land Act, 1970 (Act no 70 of 1970)

12.5.10.1 An application for the subdivision or consolidation of farm-land shall be submitted, administered and decided in terms of the Subdivision of Agricultural Land Act, 1970 (Act no 70 of 1970).

12.5.10.2

12.5.11 Subdivision or consolidation of agricultural holdings

12.5.11.1 An application for the subdivision or consolidation of a registered agricultural holding shall be submitted, administered and decided in terms of:

- the Subdivision of Land Ordinance, 1986 (Ordinance 20 of 1986), and
- the Agricultural Holdings Registration Act, 1919 (Act 19 of 1919).

12.6 Applications Guidelines

12.6.1 Simultaneous Applications

An applicant may lodge simultaneously different applications when all applications thus lodged are related with regards to either the proposed development sought or properties concerned.

12.6.2 Applications in Process

12.6.2.1 When either the Municipal IDP and SDF or Scheme is amended while there is an application pending, the application shall be further administered, considered and decided as if such amendment did not take place, unless:

- (a) The amended municipal IDP or SDF or Scheme specifically prohibits the development sought,
- (b) The development will defeat the development objectives of the amended municipal IDP or SDF, or
- (c) The application was submitted more than 12 months previous to the date of the amendment of the municipal IDP, SDF or Scheme,

12.6.2.2 In which case, the application shall be considered and decided in terms of the amended municipal IDP, SDF or Scheme, subject thereto that the applicant has had fair notification of the amendment and opportunity to make representations and/or objections which, if made, were fairly and procedurally considered.

12.6.3 New Applicant

Where the owner of land in respect of which an application has been made, has changed, and the new owner of such land notifies the Municipality in writing that he wishes to continue with the application, the Municipality may, if the application has not lapsed, consent to the continuation of the application subject to any condition it may deem expedient, and the owner who continues with the application shall be deemed to be the applicant.

12.6.4 Consent for Specific Purpose

12.6.4.1 Without prejudice to any powers of the local municipality derived from any law, or the remainder of this scheme, nothing in the foregoing provisions of this scheme shall be construed as prohibiting or restricting the following:

- (a) The exploitation of minerals on any land not included in an approved township by underground or surface working;
- (b) The use of land or the erection of buildings required for the purposes of reaction on payment of a fee.

- (c) The letting of a dwelling house or dwelling unit in such a manner that a maximum of one family with two other persons are accommodated therein.

12.6.4.2 The occasional use of a place of public worship, place of instruction or institution, as a place of amusement or social hall.

12.6.5 Transfer of Existing Land Use Rights When Subdividing Properties

12.6.5.1 When subdividing a property into two or more portions, the existing land use rights shall be divided between the new properties in terms of the approved Site Development Plan, as applicable. If no such plan has been approved, the land use rights shall be divided proportionately between the new properties in relation to their sizes. The resulting sum of land use rights shall not exceed the land use rights held on the original property.

12.6.5.2 Notwithstanding subsection 10.6.5.1, when a property is subdivided and the existing land use rights include a dwelling house, such land use right for a dwelling house and related conditions and development restrictions shall be transferred to the newly created properties.

12.6.6 Existing Land Use Rights when Consolidating Properties

Two or more properties may only be consolidated when the land use rights on the properties to be consolidated are similar.

12.6.7 Register of Approvals and Relevant Conditions

The local municipality shall keep a complete register of all applications approved by it in terms of this scheme, or granted through the verdict of appeals, as well as conditions imposed in such approvals. Such register together with the scheme will be available for inspection at any reasonable time to any interested person or body.

12.6.8 Procedures and Requirements for Land Use Applications in Rural Areas.

12.6.8.1 An applicant who wishes to develop on or change the land use purpose of communal land located in the area of a traditional council where such development will have a high impact on the community or such change requires approval in terms of the land use scheme applicable to such area, must apply to the Municipality in the manner provided for in the By-Law.

12.6.8.2 The application must be accompanied by –

- (a) a Tribal Resolution from the responsible Tribal Council; and
- (b) proof of a decision taken by the majority of the community members who will be affected by such development who are present at a meeting, of which they have been

given sufficient notice and in which they have had a reasonable opportunity to participate, that was convened for the purpose of considering whether their informal right to land maybe disposed of as a result of such high intensity development, and the provisions of the municipal by-law apply to that application.

12.6.8.3 An applicant who submits an application for a low intensity development is exempt from the payment of application fees.

12.6.8.4 Where applicable, the applicant should submit the following;

- (a) proof of consent from such owners of abutting properties that are determined by the Municipality;
- (b) a Site Development Plan or sketch sufficient for the Land Development Officer to make a decision; and
- (c) Minutes and an attendance register, signed off by a municipal official in attendance, of a public meeting held to consider the proposed development.

12.6.8.5 An application for a low intensity development is exempt from the payment of application fees where applicable.

12.6.8.6 The Local Municipality must develop shortened procedures for such applications.

12.6.8.7 The Local Municipality has, in its land use scheme, identified and defined each of the activities that it considers to be a high intensity development and a low intensity development that will be subject to an application contemplated in the by-law.

12.6.8.8 An applicant who is desirous to change the land use purpose of communal land prior to the adoption of a land use scheme in terms of the Act and the municipal by-law, whether or not such change will result in a high intensity development or a low intensity development, must apply to the Local Municipality for approval thereof and the provisions of the by-law applies to such an application.

12.6.8.9 The Municipality has, in its land use scheme, made provision for the incremental upgrading of an informal area (other than what is provided for in the municipal by-law).

12.6.8.10 The Traditional Council must keep and update a land use register. This register should be made available to the Local Municipality from time to time.

12.6.9 **High and Low Intensity Land Use Uses with regards to Development on Communal Land.**

12.6.9.1 These high and low intensity land uses apply only to communal land, land under traditional / tribal leadership / council and/or unsurveyed State Land.

12.6.9.2 The following land uses are deemed as high and low intensity land uses. Any applicant who aims to develop any high intensity land uses on communal land should apply to the Local Municipality for approval:

High Intensity Land Uses	Low Intensity
Abattoir; Aerodrome / Airport; Agricultural Industry; Airfield; Authority Use; Boarding House; Builders' Yard; Butchery Cemetery; Crematorium and Funeral Parlour;; Community services, including Educational Institutions and Health Care Facilities; Conference Facility; Distribution Centre; Dumping/Landfill site; Electrical Power Station; Factory; Filling Station and Public Garage; High density residential; Hotel; Industry & Light Industry; Intensive Feed Farming. Manufacturing, Micro-Manufacturing, Retail Selling and Distribution as contemplated in the Liquor Act, 2003 (Act No. 59 of 2003); Multi-Purpose Community Centre; Mining Purposes; Motor Grave Yard; Nature Reserve; Noxious Use Office; Panel Beating; Prospecting and Mining activities < 5 years (Permit). Public Garage; Railway Purposes; Renewable energy. Retail Service, including a Shopping Complex and Supermarket; Resort; Restaurant; Scrap yard; Sewerage Works; Showgrounds;	Additional Dwelling Unit/s Crèches; Day Care Facility. Duet Dwelling. Home Enterprise/Occupation. Nursery. Place of Assembly Small Scale Agriculture. Spaza Shops, & Tribal Offices.

Special Usage; Taxi Rank; Tavern; Tourist Facilities; Transmission Tower; Urban Agriculture; Warehouse; Wholesale Trade; and Any other development which may require a specialist report, including a geotechnical report or environmental impact assessment	
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12.6.9.3 The expansion of settlement boundaries are also considered to be of a high impact and should be approved by the Local Municipality.

CHAPTER 13: APPLICATION PROCEDURES

The procedures contained in this chapter are applicable to all applications in terms of the Scheme, specified in section 10.4 of the Scheme. The procedures shall also apply to all applications submitted for consideration and decision by the Municipality, which includes the applications specified in section 105 of the Scheme, in addition to or in conjunction with the procedures prescribed in Chapter 6 of the Thembisile Hani By-Law on Spatial Planning and Land Use Management 2015, or any relevant legislation.

13.1. Application

13.1.1. Any owner (hereinafter referred to as “the applicant”) intending to apply to the local municipality:

- (a) shall submit such application to the local municipality in writing, in the prescribed manner.
- (b) shall pay the prescribed application fees with the submission of the application.

13.1.2. The municipality may determine in relation to any application:

- (a) information specifications relating to matters such as size, scale, colour, hard copy, number of copies, electronic format and file format;
- (b) the manner of submission of an application

13.2. Information Required

13.2.1. Any application in terms of the scheme or the by-law must be completed on a form approved by the Council, signed by the applicant and submitted to the Municipality.

13.2.2. Any application referred to in section 11.2.1, must be accompanied by:

- (a) if the applicant is not the owner of the land, a power of attorney signed by the owner authorising the applicant to make the application on behalf of the owner and if the owner is married in community of property a power of attorney signed by both spouses;
- (b) if the owner of the land is a company, closed corporation, body corporate or owners’ association, proof that the person is authorised to act on behalf of the company, closed corporation, body corporate or owners’ association;
- (c) if the owner of the land is a trust, the application must be signed by all the trustees;
- (d) a written motivation for the application based on the criteria for consideration of the application; and
- (e) proof of payment of application fees.

13.2.3. In addition to the documents referred to in subsection 11.2.2, an application referred to in subsection 11.2.1, must be accompanied by the following documents:

- (a) in the case of an application for the establishment of a township or the extension of the boundaries of a township, the documents contemplated in Schedule 6 of the By-Law;
- (b) in the case of an application for the amendment of an existing scheme or land use scheme by the rezoning of land, the documents contemplated in Schedule 7 of the By-Law;
- (c) in the case of an application for the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land, the documents contemplated in Schedule 8 of the By-Law;
- (d) in the case of an application of the amendment or cancellation in whole or in part of a general plan of a township, such plans, diagrams and other documents contemplated in Schedule 9 of the By-Law;
- (e) in the case of an application for the subdivision of any land, the documents contemplated in Schedule 10 of the By-Law;
- (f) in the case of an application for the consolidation of any land, the documents contemplated in Schedule 11 of the By-Law;
- (g) in the case of the permanent closure of any public place, the documents contemplated in Schedule 12 of the By-Law;
- (h) in the case of an application for 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, the documents contemplated in Schedule 13 of the By-Law;
- (i) in the case of an application for the permanent or temporary departure from the land use scheme, the documents contemplated in Schedule 14 of the By-Law.

13.3. Receipt of Application and Request for Further Information

The Municipality must:

- 13.3.1. record the receipt of an application in writing or by affixing a stamp on the application on the day of receipt and issue proof of receipt to the applicant;
- 13.3.2. notify the applicant in writing of any outstanding or additional plans, documents, other information or additional fees that it may require within 30 days of receipt of the application or the further period as may be agreed upon, failing which it is regarded that there is no outstanding information or documents; and
- 13.3.3. if the application is complete, notify the applicant in writing that the application is complete within 30 days of receipt of the application.
- 13.3.4. The applicant must provide the Municipality with the information or documentation required for the completion of the application within 30 days of the request therefor or within the further period agreed to between the applicant and the Municipality.

- 13.3.5. The Municipality may refuse to consider the application if the applicant fails to provide the information within the timeframes contemplated in section 11.3.4.
- 13.3.6. The Municipality must notify the applicant in writing of the refusal to consider the application and must close the application.
- 13.3.7. An applicant has no right of appeal to the appeal authority in respect of a decision contemplated in section 11.3.6 to refuse to consider the application.
- 13.3.8. If an applicant wishes to continue with an application that the Municipality refused to consider under section 11.3.6, the applicant must submit a new application and pay the applicable application fees.

13.4. Acknowledgement and Confirmation of a Complete Application

- 13.4.1. The Municipality shall acknowledge the application with regards the:
- (a) validity and clarity of the application,
 - (b) completeness, with regard to the required supporting documents/information and or motivations,
 - (c) notify the applicant in writing that notices may be placed as contemplated or in manner or extent as determined by the municipality , within 21 days of receipt of the additional plans, documents or information required by it or if further information is required as a result of the furnishing of the additional information.
 - (d) The Municipality shall forthwith provide the applicant with the acknowledgement report and include the reference number of the application in the report if further processing is allowed.

13.5. Notification of Application

13.5.1. Notices

The applicant shall, if required by the Municipality, give notice of the application in terms of Chapter 6 of the By-Law, which may include any or all of the following methods:

- (a) publishing a notice of the application on his /her expense, in one newspaper that is circulated in the municipal area in at least two of the official languages determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act; 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.

- (c) Post, display and maintain an on-site notice of a size of at least 60 cm by 42 cm (A2 size) on the frontage of the erf concerned or at any other conspicuous and easily accessible place on the erf ,for a minimum of 21 days during the period that the public may comment on the application;
- (d) By either hand delivering or posting by registered post a notice in the form prescribed to every landowner or lessee of land adjacent to the application property or any landowner or lessee of land likely to be affected by proposals contained in the application. Service of such notice shall be affected on or before the date of the commencement of the period for objections.

13.5.2. The Municipality may, on prior written request and motivation by an applicant, determine that:

- (a) a public notice procedure carried out in terms of another law in respect of the application constitutes public notice for the purpose of an application made in terms of the By-Law; or
- (b) notice of an application made in terms of the By-law may be published in accordance with the requirements for public notice applicable to a related application in terms other legislation.

13.6. Content of Notice

13.6.1. When notice of an application must be given in terms of section 11.5, the notice must contain the following information:

- (a) the name, identity number, physical address and contact details of the applicant;
- (b) identify the land or land to which the application relates by giving the property description (erf number) and the physical address (street name and number);
- (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 contact details of the relevant municipal employee;
- (f) invite members of the public to submit written comments or objections together with the reasons therefor in respect of the application;
- (g) state in which manner comments or objections may be submitted;
- (h) state the date by when the comments or objections must be submitted which must not be less than 30 days from the date on which the notice was given;
- (i) state that any person who cannot write may during office hours attend at an address stated in the notice where a named staff member of the Municipality will assist that person to transcribe that person's objections or comments.

13.7. Notice by Municipality

13.7.1. The Municipality may, at its discretion, give further notice of the applications as it may deem necessary, including the placing of a notice on the municipal notice board and/or website.

13.8. Participation

13.8.1. The Municipality may, in its sole discretion, instruct the applicant to take any reasonable measures to ensure that all persons and/or institutions likely to be affected by the proposals in the application will receive fair notice of the intended development.

13.8.2. The Municipality may, in its sole discretion, instruct the applicant to take any reasonable measures to ensure that all persons and/or institutions likely to be affected by the proposals contained in the application will have fair opportunity to make representations to and/or objections against the application, which includes holding a community meeting, which purpose shall be to:

- (a) Present the proposals contained in the application to the land owners, persons, institutions and communities most affected thereby,
- (b) Ensure that the proposed amendment are accommodating of local development desires and needs,
- (c) Facilitate consultative planning, and
- (d) Ensure that the proposed amendment has the approval of the majority of landowners, persons, institutions and communities most affected thereby.

13.9. Comments

13.9.1. The applicant shall request, on or before the date of the commencing of the period of objections in the form prescribed, the comment from any or all of the persons, bodies or institutions mentioned below:

- (a) The respective Traditional Authority and Ward Councillor of the area of jurisdiction within which the property is located.
- (b) The provincial Department of Agriculture and Land Administration, when a township is established, agricultural land is affected or a development is proposed that may have an impact on surrounding Municipalities areas of jurisdiction,
- (c) The Provincial Department of Roads and Transport, when the proposed amendment is likely to impact on Provincial roads,

- (d) The Provincial and/or National Department of Public Works if any provincially or State owned properties are affected,
- (e) The National Department of Transport, when the proposed amendment is likely to impact on National roads,
- (f) The National Department of Agriculture when agricultural land is affected,
- (g) Everybody providing any engineering service to the land concerned or to the municipality,
- (h) The Department of Minerals and Energy and any person holding mineral, mining or prospecting rights on the land, and
- (i) Any other department or division of the Mpumalanga Provincial Government, any other National Department which or any other person who, in the opinion of the municipality, may have an interest in the application.

13.10. Serving of Notices

13.10.1. Any directive, notice or other document which in terms of this scheme, requires or is authorized to be served, shall be signed by the Municipal Manager or another official authorized thereto by the municipality, and shall be served in any of the following ways:

- (a) On the person concerned, in person, or on his authorized representative.
- (b) If service cannot be effected in the manner contemplated in sub-clause (a), at his residence or place of business or place of employment, on a person apparently not less than 16 years of age and apparently residing or employed there.
- (c) If no such person can be found on the property mentioned in sub-clause (b), by affixing such directive, notice or other document at a conspicuous place on the premises and by dispatching a copy of such directive, notice or other document by pre-paid registered post to the last known place of residence, business, employment or post box of the person concerned
- (d) If such person upon whom a notice is to be served has chosen a domicilium et executandi, on such domicilium.

13.10.2. Where any service is effected in accordance with the provision of sub-clause (c), such service shall be deemed to have been effected at the time when a letter containing such directive, notice or other document would have been delivered in the ordinary course of postal deliveries and proof that such directive, notice or other document was properly addressed and registered, shall be deemed sufficient proof of service thereof.

13.10.3. Any directive, notice or other document which in terms of the provisions of this scheme is required to be given to the owner or occupant of any particular premises, may be addressed to the "owner" or "occupant" of such premises in respect whereof the directive, notice or other

document is given, without any further name or description, and shall be deemed to be in compliance with the provisions of this clause.

13.11. Mineral Rights

If the holder, usufructuary or lessee of the mineral rights cannot be traced, the applicant shall publish, in a national newspaper, a notice to the effect that an application has been lodged on the subject portion of land, specifying the proposed development, and that the holder, usufructuary or lessee of the mineral rights may, within 28 days of the date of the notice, submit, in writing to the municipality and the applicant, a representation or objection on the proposed development.

13.12. Proof of Notification

Before the lapsing of the period for objections, the applicant shall provide proof to the municipality that all persons, bodies or institutions as prescribed were notified or requested for comment as directed by the Municipality and in accordance with the provisions of the Scheme.

13.13. Notice Period

- 13.13.1. A reference to days in the periods for notification shall mean calendar days and shall be counted by excluding the first day and including the last, except when either the first or last day is a Sunday or Public Holiday, in which case, additional days will be added to the period to compensate for the Sunday/s and /or Public Holiday/s.
- 13.13.2. Members of the public or any institution, wishing to make representations or to object to the application, shall be allowed a period of 28 days from the date of notification in the newspaper of the application.
- 13.13.3. Affected stakeholders, persons or institutions, having been requested for comment, shall provide the applicant and municipality with their comment, shall provide the applicant and municipality with their comment within a period of 60 days from being requested, or such further period as allowed by the Municipality.

13.14. Comments, Representations and Objections

- 13.14.1. The local municipality shall consider and hear any objection or representation (in writing or record in writing the oral representations) received within the aforementioned period of twenty-eight (28) days, at a hearing arranged by the local municipality within a reasonable time period.
- 13.14.2. A reasonable time period referred to above shall be deemed to be 90 days calculated as from lapsing of 28 days referred to in paragraph 13.14.1 above.

13.14.3. The Municipality shall issue acknowledgements of receipt of objections and/or representations to all persons making such submissions on or before the date of the end of the period for objections.

13.14.4. After the lapsing of the period allowed for the submission of comments, or such further period as granted by the municipality, the applicant shall submit at the municipality:

13.14.5. A copy of every comment received and his reply thereto,

- (a) an indication of the requests for comments not responded to, and
- (b) In the latter case, proof of the manner and extent of follow-up work done in trying to obtain the comment from the concerned person, body or institution.

13.15. Handling of Objections and/or Representations

13.15.1. The municipality shall direct the applicant with regards to the comments outstanding, which directions may:

- (a) Extend the period allowed for the providing of comment;
- (b) Entail the issuing of a final notice or request for comment to the concerned person, body or institution, and/or
- (c) Entail the disregard of comment from the concerned person, body or institution.

13.15.2. The municipality shall within 21 days of the lapsing of the period for making objections and representations, provide a copy of each representation and objection received to the applicant.

13.15.3. Should a comment received from a person, body or institutions constitute objections against the application, the municipality shall request the applicant to submit a written reply to such comment.

13.15.4. The applicant shall, within 21 days of receipt of copies of the objections or representations;

- (a) Submit to the municipality a written reply to such objections or representations and/ or comments and/or
- (b) Amend his or her application, subject to such conditions as the Municipality may impose in respect of service or notification of the amended application.

13.16. Consideration of the Application

13.16.1. After the proceedings of section 11.15, have been finalized, the application shall be deemed to be a complete application to be considered.

13.16.2. The municipality shall forthwith consider the application and, if so required, shall hold a hearing before making a decision on the application.

13.16.3. Notice of the hearing shall take place not less than 14 days before the date set therefore and where the objections, representations and/or comments from more than one person, body or

institution are contained in one document, it shall be deemed sufficient notification if the person who is the signatory, or his duly authorized representative, is notified.

13.16.4. Every party concerned in the hearing, or their duly authorized representative, must appear in person at the hearing, failing which shall invalidate the objection, representation or comment.

13.16.5. At the hearing, every party concerned, or his duly authorized representative, may set out the grounds for his objection, representation and/or comment

13.16.6. having duly considered the application, the Municipality may:

- (a) Approve the application subject to any amendment which it may, after consultation with the applicant, deem fit, or refuse it,
- (b) Postpone a decision on the application, either wholly or in part,
- (c) Refer the matter to mediation and/or

13.16.7. Within 21 days of taking a decision, the municipality shall, in writing, inform the applicant and all parties to the hearing of the decision and the reasons therefore.

13.17. Appeal against the decision of the Municipality

13.17.1. The applicant, or any party having been informed of the decision of the municipality may, within a period of 21 days of being thus informed, appeal against the decision to the Municipal Appeal Tribunal in a manner provided for in the By-Law.

13.18. Consideration of appeal

13.18.1. The Municipal Appeals Tribunal shall consider and decide on the application as provided for in the By-Law

13.19. Implementation of Approved Application

13.19.1. Having approved an application, but not before the time periods allowed for an appeal, or having been notified of a decision by the Municipal Town Planning Tribunal having the effect of approving of the application, for the Municipality shall forthwith:

- (a) Issue to the applicant the documents of approval,
- (b) Register the approved rights and conditions in the Register of Land Use Rights, and the amendment shall come into operation on the date specified in the approval documents.

13.19.2. The municipality shall provide a copy thereof to every third party to the appeal.

13.20. Amendment of Application

While the application is pending before the Municipality the applicant may of his own accord and with the consent of the Municipality, or at the request of the Municipality after the payment of

the prescribed fees, amend his application: provided that where the amendment is, in the opinion of the Municipality, substantial, is shall instruct the applicant to give such notice of the amendment as it may deem necessary.

CHAPTER 14: APPLICATION CONTENT AND FORMAT

SUPPORTING DOCUMENTS

14.1. Applications in terms of the Scheme

14.1.1. An application in terms of the Scheme must in addition to the information referred to in section 11.2, be accompanied by:

14.1.1.1. Application for land use rights, either Permitted Land Use, Special Consent Use or a Non-Conforming Land Use:

- (a) Application form, signed by the applicant,
- (b) Application fees, as prescribed by the Municipality,
- (c) Applicable Power of Attorney/Company Resolution or resolution from the Traditional Authority or Community.
- (d) A motivating memorandum in support of the application, with specific reference to:
 - the Land Use Zone and Management Zone and other regulation in terms of the Scheme on the property/ies,
- (e) A copy of the Title Deed to every property concerned, if registered,
- (f) A copy of the SG Diagram to every property concerned, if registered,
- (g) A Locality Plan on an applicable scale,
- (h) Description of all existing and proposed servitudes and/or services on the subject properties,
- (i) A copy of the Land Use Rights Certificate on every property concerned,
- (j) A copy of the approved and proposed Site Development Plan, if requested by the Municipality,
- (k) A copy of the approved and proposed Landscape plan, if requested by the Municipality,
- (l) A copy of the approved and proposed Urban Design Plan, if requested by the Municipality
- (m) The bondholder's consent,
- (n) The mineral rights holder's consent (if applicable),
- (o) A Land Use Plan, on an applicable scale, showing the existing land uses on the subject and surrounding properties, and
- (p) In the case of non-conforming land use rights, a copy of the existing land use rights.

14.1.1.2. Application for Variance:

- (a) Application form, signed by the applicant,

- (b) Application fees, as prescribed by the Municipality,
- (c) Applicable Power of Attorney/Company Resolution or resolution from the Traditional Authority or Community.
- (d) Motivating memorandum in support of the application, with specific reference to:
 - The Land Use and Management Zones and other regulation in terms of the Scheme on the subject property/ies,
 - A discussion on the inconsistency or deviation proposed in relation to the applicable regulation,
 - A motivation to the effect that the proposed variance is considered to be minor, as discussed in section 11.2.2.3 of the Scheme,
- (e) Locality Plan on an applicable scale,
- (f) A Land Use Zone Plan, in colour and on an applicable scale, showing the current zones on the application and surrounding properties, and
- (g) A copy of the Land Use Rights Certificate on every property concerned.

14.1.1.3. Application for a subsequent application:

- (a) Application form, signed by applicant,
- (b) Application fees, as prescribed by the municipality,
- (c) Applicable Power of Attorney or Company Resolution or resolution from the Traditional Authority or Community..
- (d) Motivating memorandum in support of the application, with specific reference to:
 - Date and details of the application previously refused,
 - The reasons for the refusal of the application,
 - The changed circumstances that may result in an approval of the subsequent application.
- (e) Locality Plan on an applicable scale,
- (f) A copy of the Land Use Rights Certificate on every property concerned.

14.1.1.4. Application for Approval of Site Development Plan, Land Landscape Plan or Urban Design:

- (a) Application form, signed by applicant,
- (b) Applicable fees prescribed by the Municipality,
- (c) Applicable Power of Attorney or Company Resolution or resolution from the Traditional Authority or Community.
- (d) A copy of the Title Deed to every property concerned,
- (e) A copy of SG Diagram to every property concerned,
- (f) Locality Plan on an applicable scale,

- (g) A copy of the Land Use Rights Certificate on every property concerned,
- (h) The proposed Site Development Plan, Landscape Plan or Urban Design Plan, as applicable.

14.1.1.5. Application for Relaxation of Building Line or Building Restriction Area:

- (a) Application form, signed by applicant,
- (b) Application fees prescribed by the Municipality,
- (c) Applicable Power of Attorney or Company Resolution or resolution from the Traditional Authority or Community.
- (d) A copy of the Title to the subject property,
- (e) A copy of the SG Diagram applicable on the properties,
- (f) A copy of every servitude diagram applicable on the properties,
- (g) Motivating memorandum in support of the application, with specific reference to:
 - The need and purpose of the proposed relaxation of building line,
 - Applicable conditions and/or regulations that may be contained in the Scheme,
- (h) A conceptual Site Development Plan, showing:
 - The existing structures on the application property/ies,
 - The proposed structures on the application property/ies,
 - All current building lines on the application property/ies,
 - All existing servitudes on the application property/ies, and
 - The existing structures and building lines on all adjacent properties.
- (i) The Municipality may, at its discretion, request the applicant to submit a Site Development Plan as detailed in section 8 of the Scheme in support of the application, and
- (j) A Locality Plan on an application scale.

14.2. Applications in terms of the By-Law / Land Development Applications

14.2.1. An application in terms of the By-Law / Land Development Application must in addition be accompanied by:

14.2.1.1. Application for establishment of a township or extension of township boundaries:

- (a) A certified copy of the title deed of the land;
- (b) A copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;
- (c) A locality plan on an appropriate scale;
- (d) A layout plan in the scale approved by the Council and containing the information as considered necessary by the Municipality;

- (e) Draft conditions of establishment for the proposed township in the format approved by the Council;
- (f) A copy of the appropriate zoning of the applicable land;
- (g) An engineering geological investigation and report compiled by a suitably qualified professional;
- (h) An undermining stability report, where applicable, compiled by a suitably qualified professional
- (i) If the land is encumbered by a bond, the consent of the bondholder'
- (j) Confirmation whether or not a mining or prospecting right or permit over the land is held or is being applied for in terms of the Mineral and Petroleum Resources Development Act, 2002;
- (k) Other limited real rights on the property;
- (l) Confirmation and details of any land claims on the property;
- (m) A conveyancer's certificate;
- (n) In the case of the extension of the boundaries of a township, the consent from the Surveyor-General to the proposed extension of boundaries.
- (o) Motivation containing at least the following information:
 - The development intentions of the Municipality on the application property; as contained in the spatial development
 - framework and other municipal policies;
 - Compliance with applicable norms and standards and development principles in the Municipality;
 - The existing land use rights on the property;
 - The need and desirability of the proposed land development;
 - The effect of the development on the use or development of other land which has a common means of drainage;
 - Any environmental implications of the proposed land development;
 - An indication whether an application must be made for an environmental authorization in terms of the National Environmental Management Act (Act 107 of 1998);
 - The density of the proposed development
 - The area and dimensions of each erf in the proposed township;
 - The layout of roads having regard to their function and relationship to existing roads;
 - The provision and location of public open space and other community facilities;
 - Any phased developments;
 - If the land is not serviced and no provision has been made for a waterborne sewer system, the capacity of the land to

- treat and retain all sewage and sullage within the boundaries of each erf or subdivided land parcel; and
- The applicable regulations as contained in the land use scheme.

14.2.1.2. Application for the amendment of an existing scheme or land use scheme by the rezoning of land:

- (a) a certified copy of the title deed of relevant land;
- (b) a copy of the diagram of every application property or, where such diagram is not available, a plot diagram to every piece of land being the subject of the application;
- (c) a locality plan on an appropriate scale;
- (d) a zoning plan or land use rights plan, in colour and on an appropriate scale, of the application surrounding properties;
- (e) the amendment scheme map and schedule approved by the Council;
- (f) if the land is encumbered by a bond, the consent of the bondholder,
- (g) Motivation containing at least the following information:

- An indication of the persons, communities and institutions likely to be affected by the amendment and the likely impact on them;
- The interest of the applicant in bringing the application;
- A discussion on the content of the scheme prior to the proposed amendment and the need for the amendment;
- A discussion on the proposed amendment;
- The expected impact on the current, adopted municipal spatial development framework and integrated development plan;
- The possible impact of the amendment on the environment and probable mitigating elements;
- An indication whether an application must be made for an environmental authorization in terms of the National Environmental Management Act, 1998;
- An indication of the persons, communities and institutions likely to be affected by the amendment and the likely impact on them.

14.2.1.3. Application for the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land:

- (a) A certified copy of the title deed of the land;

- (b) A certified copy of the notarial deed of servitude;
- (c) A copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;
- (d) A copy of the servitude diagram approved by the Surveyor-General;
- (e) A locality plan on an appropriate scale;
- (f) A description of all existing and proposed servitudes and services on the land; and
- (g) If the land is encumbered by a bond, the consent of the bondholder.
- (h) The motivation contemplated must make specific reference to the applicable condition or servitude, as well as a motivation on the necessity and desirability of the application.

14.2.1.4. Application for amendment or cancellation in whole or in part of a general plan:

- (a) Copies of the relevant sheet of the general plan which may be reduced copies of the original;
- (b) Copies of a plan of the township showing the posed alteration or amendment or, if partial cancellation is applied for, the portion of the plan cancelled;
- (c) Copy of the title deed which is registered in the Deeds Office at the time when the application is submitted of the land affected by the alteration, amendment or total or partial cancellation;
- (d) If the land is encumbered by a bond, the bondholder's consent;
- (e) Motivation must stating the reasons for the posed alteration or amendment.

14.2.1.5. Application for subdivision of land:

- (a) A certified copy of the title deed of the land;
- (b) A copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;
- (c) The appropriate consent where required in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970);
- (d) A locality plan on an appropriate scale;
- (e) A layout plan in the scale approved by the Council and containing the information as considered necessary by the Municipality;
- (f) Draft conditions of establishment for the proposed subdivision;
- (g) A copy of the appropriate zoning of the applicable land;
- (h) If the land is encumbered by a bond, the consent of the bondholder.
- (i) Motivation containing at least the following information:

- The development intentions of the Municipality on the application property, as contained in the spatial development framework and other municipal policies;
- The need and desirability of the proposed subdivision;
- A justification on the suitability of the land for subdivision;
- A traffic impact assessment of the proposed development;
- An assessment of the social impact of the proposed land development;
- The impact of the proposed land development on the future use of land in the locality;
- The impact of the proposed subdivision on the future use of land in the locality;
- The availability of subdivided land in the area and the need for the creation of further erven or subdivisions;
- The effect of the development on the use or development of other land which has a common means of drainage;
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation;
- The density of the proposed development;
- The area and dimensions of each erf;
- The layout of roads having regard to their function and relationship to existing roads;
- The existing land use rights on the property;
- The movement of pedestrians and vehicles throughout the development and the ease of access to all erven;
- The provision and location of public open space and other community facilities;
- The phasing of the subdivision;
- The provision and location of common property;
- The functions of any body corporate;
- The availability and provision of municipal services;
- If the land is not serviced and no provision has been made for a waterborne sewer system, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each erf or subdivided land parcel;
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas;
- An indication whether an application must be made for an environmental authorization in terms of the National Environmental Management Act, 1998;
- The existing land use rights on the property; and

- The applicable regulations as contained in the land use scheme.

14.2.1.6. Application for consolidation of land:

- (a) A certified copy of the title deed of the land;
- (b) A copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;
- (c) A locality plan on an appropriate scale;
- (d) A layout plan in the scale approved by the Council;
- (e) Draft conditions of establishment for the proposed consolidation;
- (f) A copy of the appropriate zoning of the applicable land;
- (g) If the land is encumbered by a bond, the consent of the bondholder.

14.2.1.7. Application for permanent closure of a public place :

- (a) A copy of the relevant general plan;
- (b) A copy of the approved conditions of establishment of the existing township;
- (c) A locality plan on an appropriate scale;
- (d) A layout plan in the scale approved by the Council;
- (e) Motivation must explain and motivate the application

14.2.1.8. Application for temporary use :

- (a) A power of attorney from the registered owner of the land if the applicant is not the registered owner;
- (b) If the land is encumbered by a bond, the bondholder's consent'
- (c) A locality plan;
- (d) A copy of the title deed which is registered in the Deeds Office at the time when the application is submitted;
- (e) A copy of the zoning certificate, including any notices published in terms of this By-law which has the purpose of changing the land use rights which may be applicable.
- (f) Motivation must contain at least the following information:
 - Reference to the objective and principles contained in this By-law;
 - Reference to the Integrated Development Plan and Municipal Spatial Development Framework and its components and any other policies, plans or frameworks with specific reference on how this application complies with it or deviated from it;

- The need and desirability of the application;
- Discuss the application in terms of the Development Principles, norms and standards as referred to in Chapter 2 of the Act.

CHAPTER 15: SCHEDULES

15.1. Schedule 1 – List of Noxious Industries

15.1.1. The use of buildings or land for any of the following purposes:

- (a) asbestos-processing;
- (b) the burning of building bricks;
- (c) chromium-plating;
- (d) cement production;
- (e) carbonisation of coal in coke ovens;
- (f) charcoal-burning;
- (g) converting, reheating, annealing, hardening or carburizing, forging or casting of iron or other metals;
- (h) crushing or screening of stone or slag or plants for the preparation of road-surfacing material;
- (i) distilling, refining or blending of oils;
- (j) galvanising;
- (k) lime- and dolomite-burning;
- (l) lead-smelting;
- (m) pickling and treatment of metal in acid;
- (n) recovery of metal from scrap;
- (o) smelting, calcining, sintering or other reduction of ores or minerals;
- (p) salt glazing; and
- (q) sintering of sulphur-bearing materials and viscose works.

15.1.2. The use of buildings or land for the production of or the employment in any process of:

- (a) carbon bisulphide, cellulose lacquers, hot pitch bitumen, pyridine, or pulverised fuel (except when used for a spray-painting trade);
- (b) cyanogen or its compounds;
- (c) liquid or gaseous sulphur dioxide; and
- (d) sulphur chlorides or calcium carbide.

15.1.3. The use of buildings or land for the production of:

- (a) amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, hexamine, iodoform, Bnaphthol, salicylic acid, lamp-black, sulphurated organic compounds, sulphur dyes, glass and resin products (except synthetic resins, plastic-moulding or extrusion compositions and plastic

sheets, rods, tubes, filaments or optical components produced by casting, calendering, moulding, shaping or extrusion);

- (b) paint or varnish manufacture (excluding mixing, milling and grinding);
- (c) rubber from scrap; and
- (d) ultra marine, zinc chloride and oxide.

15.1.4. For the purpose of:

- (a) an abattoir, animal bristle sterilizing and storing, and animal charcoal manufacture;
- (b) a bacon factory, a brewery or distillery, blood-albumen making, blood-boiling, bone-boiling, -steaming, -burning, -storing or -grinding, breeding of maggots from putrescible matter;
- (c) candle-making, catgut manufacture, boiling of chitterlings of pigs or other animals which are not subsidiary to a retail business or trade;
- (d) dealing in rags or bones (including receiving, storing or manipulating of rags in, or likely to become in, an offensive condition, or any bones, rabbit skins, fat or putrescible animal products of a like nature):
- (e) fellmongery, fat-melting or -extracting, fish-curing (other than a subsidiary to the business or trade as a fishmonger), fish-skin dressing or scraping, fish-canning;
- (f) glue-making, gut-cleaning or -scraping;
- (g) a knacker's yard;
- (h) leather-dressing;
- (i) the making of meal for feeding poultry, dogs, cattle or other animals from any fish, blood, bone, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia, manufacturing or storing of manure from bones, fish, fish offal, blood, spent hops, beans or other putrescible animal or vegetable matter, manufacturing of malt;
- (j) parchment-making, a paper mill;
- (k) size-making, skin-drying, -storing and -curing, soap-boiling, a slaughter-house, a sugar-mill or -refinery;
- (l) tallow-melting or -refining, tanning, tripe-boiling or -cleaning;
- (m) wool-scouring, wattle-bark grinding or extracting;
- (n) yeast-making; and
- (o) taxi demist

15.2. Schedule 2 – Land Use and Zoning Matrix

15.3. Annexure A: Illegal Land Use Strategy