

# LAND-USE MANAGEMENT SCHEME, 2006

[AS PROCLAIMED]

## Greater Tubatse Municipality



*The* **GTM**

**GREATER TUBATSE  
MUNICIPALITY**

*South Africa's first democratic platinum city*

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## LOCAL AUTHORITY NOTICES PLAASLIKE BESTUURSKENNISGEWINGS

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### LOCAL AUTHORITY NOTICE 228

#### GREATER TUBATSE MUNICIPALITY

#### APPROVAL OF THE TUBATSE LAND USE MANAGEMENT SCHEME 2006

The Greater Tubatse Local Municipality hereby gives notice in terms of section 57 (1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) that town-planning scheme, to be known as the Tubatse Land-Use Management Scheme, 2006, has been approved and adopted, and shall come into operation on the date of publication of this notice.

This town planning scheme is applicable to the entire municipal area of jurisdiction and substitutes the Peri-Urban Areas Town-planning Scheme, 1975, insofar as it was applicable to Burgersfort and environs.

A copy of the Tubatse Land-Use Management Scheme, 2006, will lie for inspection during normal office hours at the offices of the Greater Tubatse Municipality, Director: Corporate Services, cnr. Kort and Eddie Sedibe Streets, Burgersfort.

**S. P. S. MALAPENG, Municipal Manager**

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### PLAASLIKE BESTUURSKENNISGEWING 228

#### GROTER TUBATSE MUNISIPALITEIT

#### GOEDKEURING VAN DIE GRONDGEBRUIK-BESTUURSKEMA, 2006

Die Groter Tubatse Munisipaliteit gee hiermee ingevolge artikel 57 (1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986) dat 'n dorpsbeplanningskema, wat bekend staan as die "Tubatse Land-Use Scheme, 2006", goedgeur en aangeneem is.

Hierdie dorpsbeplanningskema is van toepassing op die hele regsgebied van die munisipaliteit en vervang die Buitestedelike Gebiede Dorpsbeplanningskema, 1975, insoverre dit van toepassing was op Burgersfort en omgewing en tree in werking op datum van publikasie van hierdie kennisgewing.

'n Afskrif van die dorpsbeplanningskema lê ter insae gedurende gewone kantoorure by die kantore van die Direkteur: Koperatiewe Dienste, Groter Tubatse Munisipaliteit, h/v Kort en Eddie Sedibe Strate, Burgersfort.

**S. P. S. MALAPENG, Munisipale Bestuurder**

# TABLE OF CONTENTS

<b>PART I - GENERAL</b> .....	<b>1</b>
1. RESPONSIBLE AUTHORITY .....	1
2. AUTHORITY OF LAND-USE SCHEME .....	1
3. CONTENTS OF THE LAND-USE SCHEME .....	1
3.1 SCHEME CLAUSES .....	1
3.2 THE MAP .....	1
4. TITLE OF LAND-USE SCHEME .....	1
5. AREA OF THE LAND-USE SCHEME .....	1
5.1 AREA .....	1
5.2 ADMINISTRATION OF LAND-USE SCHEME IN AREA .....	1
6. SUBSTITUTION .....	2
7. CONFLICT BETWEEN PROVISIONS OF THIS LAND-USE SCHEME, CONDITIONS OF TITLE AND LEGISLATION .....	2
<b>PART II - DEFINITIONS</b> .....	<b>3</b>
7. DEFINITIONS .....	3
7.1 STATUTORY RELATED DEFINITIONS .....	3
7.2 GENERAL DEFINITIONS .....	4
<b>PART III - GENERAL CONDITIONS APPLICABLE TO ALL PROPERTIES</b> .....	<b>17</b>
8. CONDITIONS APPLICABLE TO ALL PROPERTIES .....	17
8.1 USE OF ALL LAND .....	17
8.2 EXCAVATIONS (EXCLUDING USE ZONE 20) AND BOREHOLES .....	17
8.3 PROTECTION OF LAND AND THE ENVIRONMENT .....	17
8.4 HANDLING AND DRAINAGE OF STORMWATER .....	17
8.5 PLACING AND DEVELOPMENT OF BUILDINGS .....	18
8.6 BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS .....	18
8.7 SCREEN WALLS AND FENCES .....	19
8.8 MAINTENANCE OF BUILDINGS, GARDENS AND SITES .....	19
8.9 EXEMPTION OF EXISTING BUILDINGS .....	20
8.10 BUILDINGS USED FOR MORE THAN ONE PURPOSE .....	20
<b>PART IV -INTERPRETATION OF USE ZONES AND USE OF LAND AND BUILDINGS</b> ..	<b>21</b>
9. STRUCTURES WHICH MAY BE ERECTED IN ANY USE ZONE .....	21
10. ERECTION AND USE OF BUILDINGS OR USE OF LAND .....	21
<b>PART V - SPECIFIC CONDITIONS AND DEVELOPMENT CRITERIA APPLICABLE TO USE ZONES</b> .....	<b>32</b>
11. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 2 .....	32
12. CONDITIONS APPLICABLE TO PUBLIC GARAGE AND FILLING STATION ERVEN .....	32
13. DENSITIES, SUBDIVISION AND OCCUPATION .....	32
14. HEIGHT OF BUILDINGS .....	34
15. COVERAGE OF BUILDINGS .....	34
16. FLOOR AREA RATIOS .....	35
17. SITE DEVELOPMENT PLANS .....	35
18. PARKING AND LOADING ZONES .....	35
19. USE OF ANNEXURES .....	36
<b>PART VI - SPECIAL, WRITTEN AND TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY</b> .....	<b>38</b>

20.	CRITERIA FOR THE CONSIDERATION OF APPLICATIONS .....	38
21.	SPECIAL CONSENT OF THE LOCAL MUNICIPALITY .....	38
22.	WRITTEN CONSENT OF THE LOCAL MUNICIPALITY .....	41
23.	TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY .....	42
24.	CONSENT FOR THE PRACTICE OF A HOUSEHOLD ENTERPRISE .....	43
25.	CONSENT FOR SPECIFIC PURPOSES .....	44
26.	CONVERSION RIGHTS .....	44
27.	REGISTER OF SPECIAL AND WRITTEN CONSENT APPROVALS AND RELEVANT CONDITIONS .....	44
<b>PART VII - APPLICATION OF THE SCHEME AND POWERS OF THE LOCAL MUNICIPALITY .....</b>		<b>45</b>
28.	BINDING FORCE OF CONDITIONS .....	45
29.	ENTRY UPON AND INSPECTION OF PROPERTIES .....	45
30.	SERVING OF NOTICES .....	45
31.	POWERS OF LOCAL MUNICIPALITY IN CASE OF CONTRAVENTION OF LAND- USE SCHEME .....	46
<b>SCHEDULE 1 Noxious Industries .....</b>		<b>i</b>
<b>SCHEDULE 2 Site Development Plan .....</b>		<b>iii</b>
<b>SCHEDULE 3 Activities not permitted in a dwelling place .....</b>		<b>iv</b>

## PART I - GENERAL

### 1. RESPONSIBLE AUTHORITY

The Tubatse Local Municipality or its successor in title shall be the authority responsible for the enforcing and execution of the provisions of this land-use scheme.

### 2. AUTHORITY OF LAND-USE SCHEME

This land-use scheme has been prepared in terms of the provisions of Section 18 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), and will be the only land-use scheme for the municipal area as defined in Proclamation 484 of 28 February 2000, and any future amendment of the municipal area.

### 3. CONTENTS OF THE LAND-USE SCHEME

This land-use scheme is divided into two parts relating to the following matter, viz:

#### 3.1 *SCHEME CLAUSES*

Part I: General.

Part II: Definitions.

Part III: General Conditions applicable to all properties.

Part IV: Interpretation of use zones and use of land and buildings.

Part V: Specific conditions and development criteria applicable to use zones.

Part VI: Special, written and temporary consent of the local municipality.

Part VII: Application of the scheme and powers of the local municipality.

#### 3.2 *THE MAP*

### 4. TITLE OF LAND-USE SCHEME

This scheme shall be known as the Tubatse Land-use Scheme, 2006.

### 5. AREA OF THE LAND-USE SCHEME

#### 5.1 *AREA*

The area to which the land-use scheme applies is the area of the municipality as defined in par. 2 above.

#### 5.2 *ADMINISTRATION OF LAND-USE SCHEME IN AREA*

5.2.1 The land-uses permitted are the use/s as depicted by the notations applicable to use zones on the map and in Part IV of the scheme clauses.

- 5.2.2 All land not depicted by a notation indicating a use zone as referred to in paragraph 5.2.1 above shall be deemed to be zoned and used for Agricultural use; provided that should any owner of land furnish proof of alternative rights obtained in terms of any previous lawful authority, such rights/uses shall be deemed to be legally obtained in terms of this scheme.
- 5.2.3 Clause 5.2.2 above shall be subject to the right of the local municipality to determine the use of land and land-uses, which is deemed to be agricultural in terms of the above, and shall be either a formal rural settlement, an informal rural settlement or a semi formal rural settlement, (where relevant) for which the land-uses to be permitted have not been depicted by notations for the use zones on the map as referred to in paragraph 5.2.1 above.

## **6. SUBSTITUTION**

The Scheme substitutes any existing scheme in operation not specifically listed and include the Peri-Urban Areas Town Planning Scheme,1975 only regarding the relevant area of the Scheme and Regulations.

## **7. CONFLICT BETWEEN PROVISIONS OF THIS LAND-USE SCHEME, CONDITIONS OF TITLE AND LEGISLATION**

A consent granted by the local municipality by virtue of provisions of this scheme does not entitle any person the right to use any land, or to erect or use buildings thereon in any manner or for any purpose which is prohibited by the provisions of any condition registered against the title deed under which such land is held, or imposed by legislation in respect of such land.

## PART II - DEFINITIONS

### 7. DEFINITIONS

In this Scheme, except where the context otherwise requires, or it is otherwise expressly provided, the following words and expressions have the respective meanings assigned to them herein and the plural and alternative gender forms shall denote the same meanings, as follows:

#### 7.1 STATUTORY RELATED DEFINITIONS

- 7.1.1 **"COMMUNAL PROPERTY ASSOCIATION"** - Means an association which is registered or qualifies for registration in terms of Section 8 of the Communal Property Registration Act, No. 28 of 1996.
- 7.1.2 **"CONTROLLING AUTHORITY"** - Means 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 (Act No. 70 of 1998), and other legislation applicable, as far as Town Planning is concerned, within the jurisdictional area of the local municipality as the case may be.
- 7.1.3 **"ENVIRONMENTAL IMPACT ASSESSMENT" (EIA)** - Means a process of examining the environmental effects of development in terms of the requirements of The Environment Conservation Act, (Act No.73 of 1989).
- 7.1.4 **"FACTORY"** - Means a factory as defined in the Act on Machinery and Professional Safety (Act No. 6 of 1983) or any amendment thereof.
- 7.1.5 **"LAND-USE MANAGEMENT" (LUM)** - Means establishing or implementing any statutory or non-statutory mechanism in terms of which the use of land is or may be restricted or in any other way regulated.
- 7.1.6 **"LAND-USE SCHEME"** - Means a scheme which determines and regulates the use and development of land in an area in accordance with the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) and is a component of land-use management.
- 7.1.7 **"LISTED ACTIVITIES"** - Means a development action that is 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, (Act No. 73 of 1989).
- 7.1.8 **"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 (Act No. 32 of 2000).

7.1.9 **"MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK" (SDF)** - Means the spatial development framework that must be included in a municipality's integrated development plan in terms of Section 26(e) of the Municipal Systems Act, (Act No. 32 of 2000).

## 7.2 GENERAL DEFINITIONS

7.2.1 **"ADDITIONAL DWELLING UNIT"** - Means a second dwelling unit on the same property provided that the total coverage does not exceed the prescribed coverage defined in Table "C" of the scheme.

7.2.2 **"AGRICULTURAL USE"** - Means land used or a building designed or used for the purposes such as, but not limited to ploughing, depasturing, horticulture, poultry farming, dairy farming, breeding and keeping of livestock, apiaries, forestry, mushroom and vegetable production, flower production, orchards and any other activity commonly connected with farming or associated therewith, and include the sale of own produced goods. It includes only one main dwelling unit and associated farm settlement.

7.2.3 **"ANNEXURES"** - Means documents comprising of provisions, inter alia, special rights and conditions applicable to those properties shown on the A series of the map by encircled figures.

7.2.4 **"AREA OF THE SCHEME"** - Means the area described in Clause 5 of the scheme and as shown on the map.

7.2.5 **"BAKERY"** - Means a building in which bread, rusks, biscuits, pies, pastries, confectionery and other baked products are produced in bulk for distribution to wholesalers and/or retailers, as well as such retail as may be approved by the local municipality.

7.2.6 **"BASEMENT"** - Means any floor of a building situated under the ground floor, beneath the natural horizontal ground level of the area.

7.2.7 **"BIOSPHERE"** - Means land or an area/s of terrestrial ecosystems, or a combination thereof within which land-use and resource management are undertaken to enhance conservation and development objectives.

7.2.8 **"BUILDING"** - Means and includes structures or constructions of any nature whatsoever.

7.2.9 **"BUILDING LINE"** - Means a line indicating the limits of a building restriction area as measured from a street boundary or other boundary of a property which does not border on a street and which, at a fixed distance from such boundary, runs parallel to such boundary.

7.2.10 **"BUILDING RESTRICTION AREA"** - Means an area wherein no building, except those permitted in the scheme, may be erected.



- 7.2.11 **"BUILDERS YARD"** - Means land or buildings which are used for the storage of materials:
- 7.2.11.1 Materials which: -
- (a) are commonly used for building work; or
  - (b) resulted from demolition or excavation works; or
  - (c) are commonly used for other civil engineering works such as installation of services;
- 7.2.11.2 Vehicles and implements necessary or ancillary to the works and services referred to in Clause 7.2.11.1; and
- 7.2.11.3 May include administrative offices incidental to the above-mentioned uses.
- 7.2.12 **"BUSINESS TAVERN"** - means land or a building designed for or a portion of a building used for the purposes of selling and serving liquor, other beverages and prepared food / snacks, to be consumed on the property.
- 7.2.13 **"CARAVAN PARK"** - Means land provided with adequate ablution facilities for the temporary accommodation of mobile caravans and/or tents.
- 7.2.14 **"COMMERCIAL USE"** - Means uses such as distribution centres, wholesale trade, storage, warehouses, cartage and transport services, laboratories and computer centres and may include offices that are subordinate and complementary to the commercial use of the land.
- 7.2.15 **"CONFERENCE FACILITY"** - Means a building designed for use or used as a temporary lecture hall, training facility, conducting of workshops, meetings, conferences, symposiums and related uses, but does not include "Institution" and "Place of Instruction". The area used for a conference facility may be restricted by the local municipality, and is further subject to the policy of the local municipality as amended from time to time.
- 7.2.16 **"CONSENT USE"** - Means the consent of the local municipality in terms of Table "A" to be read in conjunction with Clauses 21, 22 and 24.
- 7.2.17 **"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.
- 7.2.18 **"COVERAGE"** - Means the area of a property covered by buildings as seen vertically from above and expressed as a percentage of the area of the erf, but excluding a structure without a roof or covered by hailnet.
- 7.2.19 **"DISPENSING CHEMIST"** - Means an enterprise supplying only medicine as defined in the Act on the Control of Medicine and Related Material, 1965

(Act No. 101 of 1965), as amended, as prescribed by a registered medical practitioner only.

- 7.2.20 **"DWELLING OFFICE"** - Means an existing dwelling unit that is converted and used as an office, provided that the elevation treatment of the buildings maintain a residential character and appearance complementary to the environment, and is also in accordance with the policy of the local municipality.
- 7.2.21 **"DWELLING UNIT"** - Means an interconnected suite of rooms which does not include more than one kitchen, designed for occupation and use by a single family or extended family and which may include such outbuildings and servants quarters as are ordinarily incidental thereto.
- 7.2.22 **"ERF"** - Means land in an approved township registered in a deeds registry as an erf, lot, plot or stand or as a portion of the remainder of any erf, lot, plot or stand or land indicated as such on the general plan of an approved township, and includes any particular portion of land laid out as a township which is not intended for a public open place, whether or not such township has been recognised, approved or established as such in terms of relevant legislation; as well as any portion of land identifiable by means of boundaries or beacons within rural settlements.
- 7.2.23 **"EXISTING USE"** - Means the otherwise legal use of land and/or buildings exercised on or before the fixed date and which is contradictory to the stipulations of the scheme.
- 7.2.24 **"FILLING STATION"** - Means land used or a building designed or used for fuelling, washing, polishing and lubricating of motor vehicles, as well as for emergency repairs to vehicles, but excluding a "Public Garage", panel beating, spray painting or any major repair work and can include the retail trade of emergency spare parts, as a complimentary subservient service. A Convenience Store not exceeding 250m<sup>2</sup> is permitted as a primary right.
- 7.2.25 **"FIXED DATE"** - Means the date on which the local municipality gives notice in the Provincial Gazette that this scheme is in operation.
- 7.2.26 **"FLAT"** - Means a group of dwelling units contained in a building(s) with a communal entrance.
- 7.2.27 **"FUNERAL PARLOUR"** - Means a building used or designed for use as a mourning or funeral chapel and includes such other buildings designed for use in connection therewith and which is normally ancillary to or reasonably necessary for the business of a funeral undertaker, but shall exclude a crematorium.
- 7.2.28 **"GAME RESERVE"** - Means land or a place reserved for wild life; exclusive occupation and use.

- 7.2.29 **"GROSS FLOOR AREA"** - Means the sum of the total area covered by a building at the floor level of each storey: Provided that in calculating the floor area, the floor area for parking and vehicle manoeuvring area be excluded.
- 7.2.30 **"GROSS LEASIBLE FLOOR AREA"** - Means floor area that is designed for the occupation and control by a tenant, or that is suitable therefore, measured from the centre line of joint partitions and the internal surface of external walls.
- 7.2.31 **"GROUND FLOOR"** - Means the storey of which the floor is on the lowest natural ground level.
- 7.2.32 **"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 Unit", "Residential Building" or "Flat".
- 7.2.33 **"GUEST HOUSE"** - Means a household enterprise which, with the special consent of the local municipality, can be conducted from rooms, or a dwelling unit without a kitchen of its own and which forms part of a permanently occupied dwelling unit, used for the accommodation of not more than six visitors on a temporary basis.
- 7.2.34 **"GYMNASIUM"** - Means a business where people do physical and aerobic exercises with or without apparatus.
- 7.2.35 **"HEIGHT"** - Means the height of the building expressed in the number of storeys.
- 7.2.36 **"HOTEL"** - Means an accommodation enterprise which include places of entertainment and restaurants and are also licensed in terms of the Liquor Act, 2003 (Act No. 59 of 2003) and may also include conference facilities.
- 7.2.37 **"HOUSEHOLD"** - Means a group of persons regarded as a domestic unit in terms of legislation, common law or customary law.
- 7.2.38 **"HOUSEHOLD ENTERPRISE"** - Means a small scale enterprise which is used by the occupant for the conduct of a practice or occupation with the aim of deriving income there from and which is practiced by a maximum of three (3) persons, of which at least one is a full time resident of the property, from a dwelling unit in such a way that the residential character and primary use of the dwelling unit and environment shall not, in the opinion of the local municipality, be in any way harmed or changed. No retail trade is permitted from the property. The activities not permitted in a dwelling place are listed in **Schedule 3** to this scheme. Additional activities may be added by the local municipality from time to time.

- 7.2.39 **"INFORMAL BUSINESS"** - Means the conducting of a business which, with the consent of the local municipality after consultation with the adjacent 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 local municipality.
- 7.2.40 **"INFORMAL STRUCTURE"** - Means a residential shelter of a temporary nature that does not comply with the provisions of the Act on National Building Regulations and Building Standards, 1977 (Act No. 103 of 1977) and any amendments thereof.
- 7.2.41 **"INDUSTRY"** - Means the use of land or a building for a factory, distributing depot, wholesale, storage, warehouse for the storage of wholesale merchandise, carting and transport services, laboratories, workshop and motor workshop and may also include offices which are normally associated with or which are reasonably essential for the main use.
- 7.2.42 **"INSTITUTION"** - Means a building designed to be used as a charitable institution, hospital, nursing home, old age home, clinic, sanatorium, either public or private but excludes institutions used mainly as offices or for administrative work, and may, with the permission of the local municipality include activities which is directly related to and subservient to the main use.
- 7.2.43 **"KENNELS"** - Means land used for the purpose of keeping, breeding, accommodating and lodging any domestic animal.
- 7.2.44 **"KIOSK"** - Means a building designed and use for the preparation or retail sale of meals and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets. Cafeteria has a similar meaning.
- 7.2.45 **"LAND"** - Also includes any improvements on land, any interest in land as well as land covered by water, and property shall have a corresponding meaning.
- 7.2.46 **"LOADING SPACE"** - Means a rectangular area of not less than 3m by 16m in size.
- 7.2.47 **"LOCAL MUNICIPALITY"** - Means the Tubatse Local Municipality and/or any employee in his service to whom the authority is delegated.
- 7.2.48 **"MAP"** - Means the scheme map (also marked Map 3) as amended from time to time.
- 7.2.49 **"MEDICAL CONSULTING ROOMS"** - Means a building designed or adapted as professional rooms for medical practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as veterinary surgeons, and may include a dispensing

chemist not exceeding 20m<sup>2</sup> but not uses included in the definition of "Institution".

- 7.2.50 **"MINING AND QUARRYING PURPOSES"** - Means land where the extracting of minerals occurring naturally, for example solids such as coal and ores; liquids such as crude petroleum and gasses such as natural gas. Mining includes underground and surface mines, quarries and the operation of oil and gas wells and all supplemental activities for dressing and beneficiating ores and other crude materials such as crushing, screening, washing, cleaning, grading, milling, flotation, melting, refining, pelleting, topping and other preparation needed to render the material marketable. It also includes all associated works such as rock dumping, tailing dams, workshops and buildings for mining purposes. Reclamation of minerals from mine dumps and worked out mines is included.
- 7.2.51 **"MINING 2"** - Means land with ore bodies and/or mineral potential/occurrences with or without mining rights in terms of existing mining and mineral legislation. The minerals are therefore likely to be extracted in future.
- 7.2.52 **"MINOR STRUCTURAL CHANGES"** - Means small structural changes to an existing building for which a building plan is not a requirement.
- 7.2.53 **"MOBILE DWELLING UNITS"** - Means a prefabricated mobile unit of an interconnected set of rooms that does not include more than one kitchen and is designed for use by a household and which is moveable.
- 7.2.54 **"MUNICIPAL PURPOSES"** - Means such use of land for which the local municipality is authorised in terms of any law.
- 7.2.55 **"NATIONAL PARK"** - Means a natural area of land designated to:
- (a) protect the ecological integrity of one or more ecosystems for present and future generations;
  - (b) exclude exploitation or occupation inimical to the purposes of designation of the area; and
  - (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.
- 7.2.56 **"NATURAL HERITAGE SITE"** - Means land or an area declared in terms of the relevant Act to protect, preserve, and / or manage localised provincially significant natural features due to their special interest or unique characteristics; these are relatively small areas focused on the protection of specific features, species, natural landscapes and biotic communities occurring on any private, communal or state land.
- 7.2.57 **"NATURE RESERVE"** - Means an area of land possessing some outstanding or representative ecosystems, geological or physiological features and/or species where wild life is left undisturbed by man.

- 7.2.58 **"NOXIOUS INDUSTRY"** - Means an industry which is listed in **Schedule 1** to the scheme.
- 7.2.59 **"NURSERY"** - Means a business where plants or seeds are cultivated, grown and sold, and includes the selling of products or items that are related to horticulture.
- 7.2.60 **"OFFICE"** - Means a building or part thereof, designed or used for administrative, professional and related purposes, including a bank, insurance company, building society, medical consulting rooms and related offices or rooms.
- 7.2.61 **"OCCUPANT"** - Means in relation to any building, structure or land includes the following: Any person actually occupying such building, structure or land or is legally entitled to occupy it, or anybody having the authority to manage such property, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.
- 7.2.62 **"OUTBUILDING"** - Means a building which, in the opinion of the local municipality, is usually functionally necessary but subordinate to the use of another building, permitted as a use in terms of Table "A" on the same property.
- 7.2.63 **"OVERNIGHT ACCOMMODATION"** - Means a residential unit or rooms with or without kitchen, used for provision of temporary accommodation to persons.
- 7.2.64 **"OWNER"** - In relation to the property:
- (a) the registered owner; or
  - (b) where such a person is deceased, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other whatsoever; or
  - (c) the occupant, or the lessee by virtue of a lease which is registered by law; but not for purposes of lodging an application in terms of the provisions of this scheme; or
  - (d) when an owner, as defined above is absent from the area or his address unknown, "owner" shall mean an agent of such an owner or any person that receives rent or that is entitled to rent in respect of the premises;
  - (e) de facto occupant but not for purposes of lodging an application in terms of the provisions of this scheme; or
  - (f) also the holder of any right in land whether registered or unregistered, and may include the interest of a labour tenant and sharecropper, a customary law interest, the interest of a beneficiary under a trust arrangement and beneficial occupation for a continuous period of not less than 10 years prior to the dispossession in question.

- 7.2.65 "PANEL BEATER" - Means the replacement, reparation and/or panel beating of the body and spare parts of vehicles and the spray painting thereof.
- 7.2.66 "PANHANDLE" - Means the access section of a panhandle erf, which section must be at least 3m wide provided that this section is not considered as a part of the erf for the purpose of this scheme.
- 7.2.67 "PARKING AREA" - Means parking and manoeuvring space necessary to provide traffic with access and parking space as well as efficient connection with the adjoining street.
- 7.2.68 "PARKING GARAGE" - Means a building, structure or land exclusively used for the parking of motor vehicles not intended for retail trade.
- 7.2.69 "PLACE OF AMUSEMENT" - Means land used or a building designed for or used as a public hall, theatre, cinema, music hall, concert hall, billiards saloon, sports arena, skating rink, dance hall, or for other recreational purposes, or for trade- or industrial exhibitions or for pinball games with more than three (3) machines.
- 7.2.70 "PLACE OF INSTRUCTION" - Means a building designed for use as a school, college, technical or academic institution, crèche, lecture hall, nursery school, after school care centre, or other educational centre and a hostel in connection therewith and includes a convent or monastery, a library, art gallery and a museum.
- 7.2.71 "PLACE OF REFRESHMENT" - Means a drive-in restaurant, café, tea-room or coffee shop, being a building other than a hotel, residential club, or boarding house, designed and used for the preparation or retail sale of meals and refreshments as well as the retail sale of fresh produce, cold drinks, tobacco, reading material and sweets.
- 7.2.72 "PRIMARY RIGHT": Means the uses permitted in terms of Table "A".
- 7.2.73 "PRIVATE CLUB" - Means land used or a building designed or used for the private gathering of a group of persons being members of that club with a common objective.
- 7.2.74 "PRIVATE OPEN SPACE" - Means land zoned or used as a sport-, play-, rest- and recreational ground or as an ornamental or pleasure garden and a tearoom / restaurant, to which, without permission, the general public has no right of admission.
- 7.2.75 "PROTECTED AREA" - Means land or an area described in terms of the relevant Act that will substantially promote the preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife or the preservation of biotic diversity in general with the nature primarily orientated to support sustained economic activities. Such area may comprise private, communal, or state land or any combination

thereof which is contractually developed and managed with joint resources for conservation, education, recreation and sustainable resource utilisation purposes.

- 7.2.76 **"PUBLIC OPEN SPACE"** - Means any land zoned for use by the general public as an open space, park, garden, recreation site, sport field or square.
- 7.2.77 **"PUBLIC GARAGE"** - Means a building used for the maintenance, repair or fuelling of vehicles and associated purposes, and may include a vehicle workshop, the display and sale of new and used motor vehicles, the cleaning and washing thereof, the sale of spare parts, accessories, fuel and lubricants and may also include a place of refreshment and convenient store as subservient use but excludes spray-painting, panel beating or a scrapyard, provided that the convenience store or place of refreshment, including store rooms, shall not exceed 250m<sup>2</sup>.
- 7.2.78 **"PUBLIC WORSHIP"** - Means a building designed for use or used for religious purposes such as a church, chapel, oratory, prayer house, mosque, synagogue or other place of public devotion, and includes a building designed to be used as a place of religious instruction.
- 7.2.79 **"QUARRYING"** - Means land used for the purposes as described in terms of the definition "Mining and Quarrying purposes".
- 7.2.80 **"RAILWAY TRANSPORTATION SERVICES"** - Means the use of land or a building designed or used for rail and/or incidental or related railway uses.
- 7.2.81 **"RESIDENTIAL BUILDING"** - Means a building, other than a "dwelling unit", group housing, hotel, flat and institution, that is designed for and used as a boarding house, residential club, hostel, residential hotel or rooms to let.
- 7.2.82 **"RESIDENTIAL TAVERN"** - means a building designed for or a portion of a dwelling unit used for the purposes of selling and serving liquor, other beverages and prepared food / snacks, to be consumed on the property, subservient to the residential use of the property remains the primary use of the property. The area used for a tavern shall not exceed a total floor area of 50m<sup>2</sup> and is further subject to the policy of the local municipality as amended from time to time.
- 7.2.83 **"RESORT"** - Means a place frequented by people for relaxation or recreation - for a specified purpose or quality (i.e. health, holiday, mountain resort). Specialised resorts (i.e. youth camps, church, cultural). Picnic resorts, holiday towns and hotels/motels, rest camps, camping. [Nature, water, historically (i.e. mining towns, trading posts, trek routes, old bridges) orientated].
- 7.2.84 **"RESTAURANT"** - Means a building or part of a building used for the preparation and sale of meals and refreshments, confectionery for consumption on the erf of the property and includes entertainment



subsidiary to the main use and can include a place of refreshment, as well as a drive-through restaurant.

7.2.85 "RETAIL TRADE" - Means any trade other than "Wholesale trade" as defined in this scheme.

7.2.86 "RETIREMENT VILLAGE" - Means and includes dwelling units and community facilities such as a dining hall, sick-bay, sport and recreation facilities or such other facilities, approved by the local municipality, for occupancy and use by elderly people.

7.2.87 "RURAL GENERAL DEALER" - means a building or part of a dwelling unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments. The area used for the rural general dealer shall not exceed a total floor area of 30m<sup>2</sup>.

7.2.88 "RIGHTS" - Means land use rights obtained in terms of this scheme.

7.2.89 RURAL SETTLEMENT TYPES:

7.2.89.1 "FARM SETTLEMENT" - Means the use of land for homesteads for people living on a commercial farm and is directly associated with the farming activities related to the particular farm, subject to the policy of the local municipality as amended from time to time.

7.2.89.2 "FORMAL RURAL SETTLEMENT" - Means a settlement which is planned and surveyed (General Plan). A formal rural settlement can be handled in the same manner as a proclaimed township.

7.2.89.3 "INFORMAL RURAL SETTLEMENT" - Means a settlement situated either on private, tribal or state land. Settlement is not planned or surveyed. Management is done by a communal property association or tribal authority or local municipality.

7.2.89.4 "SEMI FORMAL RURAL SETTLEMENT" - Means a settlement situated either on private, tribal or state land. Settlement is planned and surveyed (mostly not a general plan). Management is done by a communal property association or tribal authority or local municipality.

7.2.90 "SCHEDULES" - Means a 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 local municipality. Where any discrepancy exists between the Schedules and the provisions of the Clauses and tables, the most prohibitive conditions shall prevail.

7.2.91 "SCHEME" - Means this land-use scheme in operation and includes the clauses, map 3A and the annexures.

7.2.92 "SCRAPYARD" - Means land or buildings used for the dismantling, stacking, storing or preparing for resale of any used material, waste metal, scrap vehicles, scrap machinery or any other scrap material whether or not such

dismantling or stacking is done with a view to disposal or re-use of such waste.

- 7.2.93 **"SERVICE INDUSTRY"** - Means a use, which, in the opinion of the local 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.
- 7.2.94 **"SHOP"** - Means land used or a building designed or used for the purpose of carrying on retail trade and the necessary accompanying storage and packing and includes any accompanying uses on the same property appurtenant but ancillary to the retail trade being carried on. The following uses are not regarded as appurtenant to a shop: A noxious trade, drive-in-restaurant, place of refreshment, scrapyard, parking garage, public garage, vehicle workshop, filling station and warehouse.
- 7.2.95 **"SITE"** - Shall have the same meaning as "Erf".
- 7.2.96 **"SITE DEVELOPMENT PLAN"** - Means a plan as described in Schedule 2 to the scheme.
- 7.2.97 **"SOCIAL HALL"** - Means 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 non-residential club but excludes a place of amusement.
- 7.2.98 **"SPAZA"** - Means a building designed for or a portion of a residential unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments, where the residential use of the property remains the primary use of the property. The area used for a spaza shall not exceed a total floor area of 30m<sup>2</sup>, and is further subject to the policy of the local municipality as amended from time to time.
- 7.2.99 **"SPECIAL CONSENT"** - Means the consent of the local municipality granted in terms of the provisions of Clause 21.
- 7.2.100 **"SPORT, PLAYGROUNDS AND RECREATION"** - Means any land zoned for use as private or public sport fields, playground and recreation site including any building, structure or facility appurtenant thereto.
- 7.2.101 **"STOREY"** - Means the space in the building between one floor level and the next floor level or ceiling or roof above.
- 7.2.102 **"STREET"** - Means the area or part of any street, road, bridge, subway, avenue, lane, sanitary lane, thoroughfare or right-of-way, as shown on the general plan of a township or in respect of which the public has acquired a

right-of-way by prescription or otherwise and "ROAD" shall have a corresponding meaning.

- 7.2.103 "SURROUNDING OWNERS" - Means the registered owners of the properties directly adjacent to the subject property as well as properties abutting any streets to which the subject property has direct access within such a radius, with the subject property as centre point, as determined by the local municipality and also such other owners or interested parties as the local municipality may specify.
- 7.2.104 "TAXI HOLDING AREA" - Means an area, where mini buses (taxis) hold before proceeding to loading points and where generally there is no passenger activity. A holding area can either be included within or separate from a terminal facility.
- 7.2.105 "TAXI PARKING AREA" - Means a demarcated part of a parking lot which may be used by minibuses (taxis) aiming to provide a public transport service; the provision of parking places for taxis shall form part of the parking spaces for the purposes of determining parking provision on any property.
- 7.2.106 "TAXI RANK" - Means a place usually within the road reserve at which mini buses (taxis) are allowed to wait and / or stop for passengers boarding or alighting.
- 7.2.107 "TEMPORARY BUILDING" - Means a building designated as such by the owner after consulting with the local municipality and which is used, or will be used, for a specified period for a specified purpose, but does not include a building shed.
- 7.2.108 "TEMPORARY CONSENT" - Means the temporary consent of the local municipality envisaged in accordance with the provisions of Clause 23 of the scheme.
- 7.2.109 "TOURISM" - Means the business of providing services to tourists; the practice of travelling for pleasure; organised touring; accommodation and entertainment of tourists as an industry.
- 7.2.110 "TRANSPORT USES" - Means the use of land and/or buildings for the operation of a business consisting of the transportation of goods and/or passengers by rail, air, road and pipelines and includes uses such as stations, transportation amenities and facilities, parking, administrative offices and ancillary uses such as warehouses, container parks, workshops as well as residential uses and amenities for personnel, and may further include any uses such as business, shops or offices which are of service and convenience to passengers, as approved by the local municipality.
- 7.2.111 "VEHICLE SALES LOT" - Means land used or a building designed or used for the display and sale of motor vehicles, which are roadworthy and of good outward appearance.

- 7.2.112 **"WHOLESALE TRADE"** - Means the sale of goods or produce in large quantities to other retailers and excludes sales to the general public.
- 7.2.113 **"WRITTEN CONSENT"** - Means consent granted by the local municipality in terms of Clause 22 of the scheme.
- 7.2.114 **"ZONE"** - Means a part of this scheme, as shown on the map, by means of a distinctive notation or edging or other distinctive manner as depicted in Column 2 of Part IV of this scheme, and use zone has the same meaning.

8. CONDITIONS APPLICABLE TO ALL PROPERTIES

8.1 *USE OF ALL LAND*

Land may only be used in accordance with its approved land-use zone as determined in this land-use scheme.

8.2 *EXCAVATIONS (EXCLUDING USE ZONE 20) AND BOREHOLES*

8.2.1 Except with the written consent of the local municipality and subject to such conditions as it may impose, neither the owner nor occupant (excluding where the local municipality, government or wholly owned government companies is the owner) shall, or allow any other person to -

- (a) excavate any material from an erf or other land within the jurisdictional area of the local municipality save as may be necessary to prepare such erf or land for building purposes;
- (b) sink any wells or boreholes on such erf or other land within the jurisdictional area of the local municipality or extract any underground water there from, save as may be necessary on land where the local municipality is not the service provider; and
- (c) manufacture or permit the manufacturing of tiles or earthenware, pipes or other articles of similar nature for any purpose whatsoever on the erf or other land within the jurisdictional area of the local municipality unless the erf or land falls within Use Zones 7 and 8.

8.3 *PROTECTION OF LAND AND THE ENVIRONMENT*

8.3.1 No person may spoil or damage land in any Use Zone so as to impair its use or the purpose for which it was zoned.

8.3.2 No person may develop land without complying with the requirements of the Environment Conservation Act, (Act 73 of 1989) as amended from time to time and without observing the requirements relating to listed activities.

8.4 *HANDLING AND DRAINAGE OF STORMWATER*

8.4.1 Where, in the opinion of the local municipality, it is impracticable for stormwater to be drained from higher lying erven direct to a public street, the owner of the lower lying erf shall be obliged to accept and permit the passage of such stormwater over the lower lying erf; Provided that the owners of the higher lying erven from where the stormwater is discharged over a lower lying erf, shall be liable to contribute a proportionate share of the cost of any pipeline or drain

which the owner of such lower lying erf may find reasonably necessary to lay or construct for the purpose of leading away the water so discharged over the erf, subject to the approval of the pipeline or drain by the local municipality.

#### *8.5 PLACING AND DEVELOPMENT OF BUILDINGS*

8.5.1 The siting of buildings, including outbuildings erected on the erf, as well as exits and entrances to a public street system shall be to the satisfaction of the local municipality.

8.5.2 No building of any nature shall be erected on that portion of the property which is likely to be inundated by the floodwater of a public stream on an average of 100 years, as determined by the relevant legislation from time to time and the local municipality.

#### *8.6 BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS*

8.6.1 No building or structure other than boundary walls, fences, garden decorations, pergolas or temporary buildings or structures required in connection with building operations on the property, shall be erected within any building restriction area.

8.6.2 The building lines as defined in Table "D" are applicable to all properties according to the use zones as set out therein. Provided that, in addition to the building lines stipulated in Table "D":

- (a) The local municipality has the right to use a 2m strip next to any two boundaries of a property (street boundary excluded) and in case of a panhandle, an additional servitude, 2m wide across the access portion of the erf for the installation of engineering services, and such strips are to be considered as building restriction areas (no building or other structure shall be erected within the foresaid servitude area and no large rooted trees shall be planted within the area).
- (b) The erection of buildings on distances from boundaries other than street boundaries must comply with the Act on National Building Regulations and Building Standards (Act 103 of 1977) and any amendments thereof.
- (c) The local municipality may, after receipt of an application for written consent in terms of Clause 22 from the owner, and subject to such conditions as the local municipality may find expedient -
  - (i) permit the erection of a building in the building restriction area in the case of corner properties or where, due to the slope of the property or adjoining land, or the proximity of buildings already erected, compliance with the building line requirements will hamper development of the property to an unreasonable extent or where the building line is not needed for the installation of services;

- (ii) during consideration of a site development plan, relax the building restriction area for all erven, if it is of the opinion that such relaxation would result in an improvement of the development potential of the erf and the esthetical quality of the building; and
  - (iii) permit the construction of a swimming pool or tennis court in the building restriction area.
- (d) Where an erf or other land borders on a national or provincial road, or if provided otherwise in the conditions of title, the applicable building line shall be the building line prescribed by the Controlling Authority, or the building line indicated in Table "D", Column 15, whichever is the wider, and such building line shall not be relaxed, modified or amended without the written consent of the Controlling Authority.
- (e) For the purpose of this clause a sanitary and pedestrian alley is not considered to be a street or road.

8.6.3 Access to and exit from a property to any public street or road, shall, where prohibited across a boundary line, be indicated by the following symbol on the scheme map:



Provided that the local municipality may, upon receipt of a written application, permit its relaxation upon such conditions as it may deem fit, if, due to extraordinary circumstances, compliance with such restriction of access, will hamper development of the property to an unreasonable extent; Provided further that no relaxation of a restriction on access to or exit from a property, to a provincial or national road, shall be permitted without the consent of the Controlling Authority.

## 8.7 SCREEN WALLS AND FENCES

- 8.7.1 A screen wall or walls shall be erected and maintained to the satisfaction of the local municipality if and when required by it.
- 8.7.2 Where a property has been fenced, such fence shall be maintained to the satisfaction of the local municipality.

## 8.8 MAINTENANCE OF BUILDINGS, GARDENS AND SITES

- 8.8.1 The owner is responsible for the maintenance of the entire development on the property.
- 8.8.2 Where the amenity of any use zone is detrimentally affected by the condition of any garden, yard, building or any development on a property, the local municipality may, by notice served upon the owner or occupant of the premises on which such condition exists, require him to take, within a period of 28 days or such other period the local municipality in his discretion may deem reasonable from the date of service of the notice, such steps as may be necessary to abate

such condition and the measures required to be taken at his expense to abate the condition complained of, shall be set out in such notice.

## *8.9 EXEMPTION OF EXISTING BUILDINGS*

8.9.1 The stipulations of the land-use scheme are not applicable to existing buildings other than existing buildings in accordance with Section 43 of the Ordinance. Where such buildings are altered or added to and where such altered use, alteration, rebuilding or construction is in the opinion of the local municipality substantial, the stipulations of this land-use scheme are considered to be binding and valid in respect of those parts that are changed, altered or rebuilt: Provided that additions and constructions that do not exceed 30m<sup>2</sup> in total (or is of a limited extent such as the removal of non-load bearing internal walls, the erection of moveable partitions, safes and toilets inside an existing building, or repair work inside or outside a building), are not considered to be substantial.

## *8.10 BUILDINGS USED FOR MORE THAN ONE PURPOSE*

8.10.1 Where a building is used, or a proposed building is designed for more than one purpose, it shall, for the purposes of Clauses 13, 14, 15, 16 and 18, (density; height; coverage; floor area ratio and parking), be deemed to be partially used or to have been partially designed, for each such purpose or use: Provided that for the purposes of this clause if more than 75 % of a building is otherwise designed or used for a single use or a single use is predominant in such building, it shall be dealt with as if used or designed for such predominant use. The local municipality shall, in its discretion when considering a building plan, or upon application for this purpose being made by the person in charge of the erection of a building, or proposing to erect a building, decide which use is predominant.

8.10.2 The local municipality shall notify the applicant, within twenty-eight (28) days or such other period the local municipality in his discretion may deem reasonable, after official receipt of the building plan or application in terms of any decision in terms of sub-clause 8.10.1.



9. STRUCTURES WHICH MAY BE ERECTED IN ANY USE ZONE

This land-use scheme does not prohibit the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, boundary walls and fences.

10. ERECTION AND USE OF BUILDINGS OR USE OF LAND

10.1 For the purposes of this clause, the expression "erection and use of a building" includes the use of land and a building, as well as the conversion of a building for that use whether or not it entails the structural alteration thereof.

10.2 The purposes for which buildings and land in each of the use zones:

- (a) may be erected and/or used;
- (b) may be erected and/or used only with the special consent of the local municipality, permanently or for a specified period;
- (c) may be erected and/or used only with the written consent of the local municipality; or
- (d) may not be erected and/or used.

are shown in Table "A"

10.3 No person shall without consent being granted in terms of Clauses 21, 22 or 23 hereof use, or cause or permit to be used, any building or property or part thereof for a purpose other than the purpose for which it was zoned.



10.4 If the use of a building changes because of the rights that have been granted to a property or have already vested in the property, such building and the property shall comply with all the conditions laid down and which are applicable to the use.



10.5 If the use of an existing building changes and it is not in accordance with the rights attached to the property, it shall comply with all the stipulations of the scheme.



10.6 Where the use of land or a building can only be conducted with the permission of the local municipality, the use may not be conducted prior to the consent being given.


10.7 Nothing herein contained shall be deemed to grant exemption from any of the local municipality's by-laws nor any other Act.


**TABLE 1: TUBATSE LAND-USE SCHEME (2006) – USE ZONES**




Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"						TABLE "D"			
		Uses Permitted	Uses/rights permitted only with the special consent of the local municipality (Clause 21)	Uses/rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R.		Building lines		
							Existing rights	Relaxation in terms of (Clause 22)	Relaxation in terms of (Clause 21)	Existing right	Relaxation in terms of (Clause 22)	Existing right	Relaxation in terms of (Clause 21)	Existing Rights		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
1. Residential 1	 Colour: Yellow RGB: 255-245-0	Dwelling unit		Additional dwelling unit	Other uses not permitted in Columns 3, 4 & 5 (Also refer to Schedule 3)	-	1 per erf	2 per erf	30 units/ha	50%	70%	1,0	1,2	>500m <sup>2</sup> =3m	2m	
			Dwelling office		4 per 100m <sup>2</sup> G.L.F.A.											
			Social hall		8 per 100m <sup>2</sup> G.L.F.A.											
			Institution		8 per 100m <sup>2</sup> G.L.F.A.											
			Place of Instruction		8 per 100m <sup>2</sup> G.L.F.A.											
			Place of public worship		8 per 100m <sup>2</sup> G.L.F.A.											
			Residential tavern		1 per tavern for every 50m <sup>2</sup> or portion thereof											
			Guest house		1 dust free per bedroom											
			Residential building		1 dust free per bedroom, in accordance with the local municipality's policy											
			Mobile dwelling unit		1 dust free per mobile dwelling unit, and if required by the local municipality additional parking for visitors											
	Household enterprise		2 per household enterprise													
	Spaza/Kiosk		1 per spaza/kiosk													
2. Residential 2	 Colour: Light Orange RGB: 255-208-45	Dwelling unit/s			Other uses not permitted in Columns 3, 4 & 5 (Also refer to Schedule 4)	1 dust free per dwelling unit, and if required by the local municipality, additional parking for visitors	30 units/ha	None	44 units/ha	60%	70%	1,2	1,4	3m	2m	
			Group Housing													
			Conference facility		8 per 100m <sup>2</sup> G.L.F.A.											
			Household enterprise		2 per household enterprise											
			Institution		8 per 100m <sup>2</sup> G.L.F.A.											
			Mobile dwelling unit		1 dust free per mobile dwelling unit, and if required by the local municipality additional parking for visitors											
			Place of instruction		8 per 100m <sup>2</sup> G.L.F.A.											
			Place of public worship		8 per 100m <sup>2</sup> G.L.F.A.											
			Social hall		8 per 100m <sup>2</sup> G.L.F.A.											
			Residential tavern		1 per tavern for every 50m <sup>2</sup> or portion thereof											
				Residential building		1 dust free per bedroom										
				Retirement village		1 dust free per dwelling unit										
				Spaza/Kiosk		1 per spaza/kiosk										



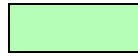
Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"						TABLE "D"			
		Uses Permitted	Uses/rights permitted only with the special consent of the local municipality (Clause 21)	Uses/rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R.		Building lines		
							Existing rights	Relaxation in terms of (Clause 22)	Relaxation in terms of (Clause 21)	Existing right	Relaxation in terms of (Clause 22)	Existing right	Relaxation in terms of (Clause 21)	Existing Rights		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
3. Residential 3	 Colour: Dark Orange RGB: 255-178-98	Dwelling unit/s				1 dust free per dwelling unit, and if required by the local municipality, additional parking for visitors	44 units/ha	64 units/ha	More than 64 units/ha	60%	80%	1,8	>1,8	3m	3m	
		Group housing														
		Flats														
		Retirement village														
		Residential building					1 dust free per bedroom									
			Conference facility				8 per 100m <sup>2</sup> G.L.F.A.									
			Hotel				1 dust free per bedroom plus 6 per 100m <sup>2</sup> public room area									
			Place of instruction				8 per 100m <sup>2</sup> G.L.F.A.									
			Household enterprise				2 per household enterprise									
			Institution				8 per 100m <sup>2</sup> G.L.F.A.									
			Place of public worship				8 per 100m <sup>2</sup> G.L.F.A.									
	Social hall				8 per 100m <sup>2</sup> G.L.F.A.											
				Spaza/Kiosk	1 per spaza/kiosk											
4. Business 1	 Colour: Dark Red RGB: 255-0-0	Dwelling unit/s			Other uses not permitted in Columns 3, 4 & 5	1 dust free per dwelling unit, and if required by the local municipality, additional parking for visitors	64 units/ha	-	More than 64 units/ha	90%	100%	3,0	>3,0	2m	2m	
		Flats														
		Hotel					1 dust free per bedroom plus 6 per 100m <sup>2</sup> public room area									
		Offices/Medical consulting rooms					4 per 100m <sup>2</sup> G.L.F.A.									
		Place of instruction					4 per 100m <sup>2</sup> G.L.F.A.									
		Place of public worship					4 per 100m <sup>2</sup> G.L.F.A.									
		Parking garage					-									
		Restaurant					4 per 100m <sup>2</sup> G.L.F.A.									
		Residential building					1 dust free per bedroom, in accordance with the local municipality's policy									
		Shops					4 per 100m <sup>2</sup> G.L.F.A.									
		Social hall					4 per 100m <sup>2</sup> G.L.F.A.									
		Business tavern					4 per 100m <sup>2</sup> G.L.F.A.									
		Vehicles sales lot					4 per 100m <sup>2</sup> G.L.F.A.									
			Wholesale trade				4 per 100m <sup>2</sup> G.L.F.A.									
			Commercial use				4 per 100m <sup>2</sup> G.L.F.A.									
			Conference facility				8 per 100m <sup>2</sup> G.L.F.A.									
			Filling station				70% of the uncovered site									
	Public garage				70% of the uncovered site											
		Bakery			4 per 100m <sup>2</sup> G.L.F.A.											
		Dry cleaner			4 per 100m <sup>2</sup> G.L.F.A.											
		Funeral parlour			4 per 100m <sup>2</sup> G.L.F.A.											
		Informal business			-											
		Place of amusement			4 per 100m <sup>2</sup> G.L.F.A.											
		Service industry			4 per 100m <sup>2</sup> G.L.F.A.											
	Telecommunication mast				-											

Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"						TABLE "D"		
		Uses Permitted	Uses/rights permitted only with the special consent of the local municipality (Clause 21)	Uses/rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R.		Building lines	
							Existing rights	Relaxation in terms of (Clause 22)	Relaxation in terms of (Clause 21)	Existing right	Relaxation in terms of (Clause 22)	Existing right	Relaxation in terms of (Clause 21)	Existing Rights	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
5. Business 2	 Colour: Light Red RGB: 255-182-193	Dwelling unit/s Flats			Other uses not permitted in Columns 3, 4 & 5	1 dust free per dwelling unit, and if required by the local municipality, additional parking for visitors	64 units/ha	-	More than 64 units/ha	60%	70%	1,2	1,8	2m	2m
		Offices/medical consulting rooms				3 per 100m <sup>2</sup> G.L.F.A.									
		Shops				6 per 100m <sup>2</sup> G.L.F.A.									
		Residential building				1 dust free per bedroom, in accordance with the local municipality's policy									
		Restaurant				6 per 100m <sup>2</sup> G.L.F.A.									
		Business tavern				6 per 100m <sup>2</sup> G.L.F.A.									
			Place of amusement			8 per 100m <sup>2</sup> G.L.F.A.									
			Place of instruction			8 per 100m <sup>2</sup> G.L.F.A.									
			Place of public worship			8 per 100m <sup>2</sup> G.L.F.A.									
			Social hall			8 per 100m <sup>2</sup> G.L.F.A.									
				Bakery		6 per 100m <sup>2</sup> G.L.F.A.									
				Dry cleaner		6 per 100m <sup>2</sup> G.L.F.A.									
		Informal business		-											
		Telecommunication mast		-											
6. Business 3	 Colour: Dark Pink RGB: 255-130-255	Dwelling unit/s Flats			Other uses not permitted in Columns 3, 4 & 5	1 dust free per dwelling unit, and if required by the local municipality, additional parking for visitors	30 units/ha	44 units/ha	64 units/ha	60%	70%	0,8	1,4	3m	2m
		Offices/Medical consulting rooms				3 per 100m <sup>2</sup> G.L.F.A.									
			Conference facility			8 per 100m <sup>2</sup> G.L.F.A.									
			Kiosk			3 per 100m <sup>2</sup> G.L.F.A.									
			Telecommunication mast			-									

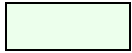



Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"						TABLE "D"		
		Uses Permitted	Uses/rights permitted only with the special consent of the local municipality (Clause 21)	Uses/rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R.		Building lines	
							Existing rights	Relaxation in terms of (Clause 22)	Relaxation in terms of (Clause 21)	Existing right	Relaxation in terms of (Clause 22)	Existing right	Relaxation in terms of (Clause 21)	Existing Rights	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
7. Industrial 1	 Colour: Dark Purple RGB: 200-130-255	Commercial use			Other uses not permitted in Columns 3, 4 & 5	1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area	-	-	-	80%	90%	1,0	1,2	3m	2m
		Bakery				2 per 100m <sup>2</sup> G.L.F.A.									
		Dry cleaner				2 per 100m <sup>2</sup> G.L.F.A.									
		Funeral parlour including a crematorium				2 per 100m <sup>2</sup> G.L.F.A.									
		Industries				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area									
		Service industries				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area									
		Warehouse				2 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area									
		Public Garage				40% of the uncovered area must be dust free									
		Place of refreshment (only own employees)				-									
			Place of refreshment			2 per 100m <sup>2</sup> G.L.F.A.									
			Builders yard			1 per 100m <sup>2</sup> G.L.F.A.									
			Panel beaters			1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area									
			Scrap yard			1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area									
				Dwelling unit related to but subordinate to the main use		-									
			Telecommunication mast			-									





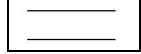
Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"				TABLE "D"				
		Uses Permitted	Uses/rights permitted only with the special consent of the local municipality (Clause 21)	Uses/rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R.		Building lines	
							Existing rights	Relaxation in terms of (Clause 22)	Relaxation in terms of (Clause 21)	Existing right	Relaxation in terms of (Clause 22)	Existing right	Relaxation in terms of (Clause 21)	Existing Rights	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
8. Industrial 2	 Colour: Light Purple RGB: 222-178-240	Commercial use			Other uses not permitted in Columns 3, 4 & 5	1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area	-	-	-	85%	100%	1,0	1,2	3m	2m
		Bakery				2 per 100m <sup>2</sup> G.L.F.A.									
		Builders yard				1 per 100m <sup>2</sup> G.L.F.A.									
		Dry cleaner				2 per 100m <sup>2</sup> G.L.F.A.									
		Funeral parlour including a crematorium				2 per 100m <sup>2</sup> G.L.F.A.									
		Industries				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area									
		Panel beaters				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area									
		Place of refreshment (only own employees)				-									
		Public garage				40% of the uncovered site area must be dust free									
		Service industries				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area									
		Scrap yard				1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area									
		Warehouses				2 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area									
			Noxious industries [also refer to Schedule 1]			1 per 100m <sup>2</sup> G.L.F.A. as well as an additional 1 per 100m <sup>2</sup> office floor area									
			Place of refreshment			2 per 100m <sup>2</sup> G.L.F.A.									
				Dwelling unit related to but subordinate to main use		-									
		Telecommunication mast				-									



Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"						TABLE "D"				
		Uses Permitted	Uses/rights permitted only with the special consent of the local municipality (Clause 21)	Uses/rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R.		Building lines			
							Existing rights	Relaxation in terms of (Clause 22)	Relaxation in terms of (Clause 21)	Existing right	Relaxation in terms of (Clause 22)	Existing right	Relaxation in terms of (Clause 21)	Existing Rights			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16		
9. Institutional	 Colour: Dark Blue RGB: 0-178-255	Dwelling unit/s related to the main use			Other uses not permitted in Columns 3, 4 & 5	1 dust free per dwelling unit	-	-	-	60%	100%	1,0	1,2	3m	2m		
		Institutions				8 per 100m <sup>2</sup> G.L.F.A.											
		Place of instruction				8 per 100m <sup>2</sup> G.L.F.A.											
		Place of public worship				8 per 100m <sup>2</sup> G.L.F.A.											
			Place of amusement				8 per 100m <sup>2</sup> G.L.F.A.										
			Social hall				8 per 100m <sup>2</sup> G.L.F.A.										
				Place of refreshment			2 per 100m <sup>2</sup> G.L.F.A.										
	Telecommunication mast				-												
10. Educational	 Colour: Light Blue RGB: 224-255-255	Place of instruction			Other uses not permitted in Columns 3, 4 & 5	8 per 100m <sup>2</sup> G.L.F.A.	-	-	-	60%	100%	1,0	1,2	3m	2m		
		Place of public worship				8 per 100m <sup>2</sup> G.L.F.A.											
		Dwelling unit/s related to the main use				1 dust free per dwelling unit											
			Institutions				8 per 100m <sup>2</sup> G.L.F.A.										
				Place of refreshment			2 per 100m <sup>2</sup> G.L.F.A.										
	Telecommunication mast				-												
11. Municipal	 Colour: Dark Grey RGB: 211-211-211	Dwelling unit			Other uses not permitted in Columns 3, 4 & 5	1 dust free per dwelling unit	-	-	-	50%	70%	1,0	1,2	3m	2m		
		Aerodrome				-											
		Agricultural use					-										
		Caravan park					-										
		Cemetery					-										
		Dumping site					-										
		Municipal purposes					-										
		Nature conservation area					-										
		Reservoir					-										
		Recreation					-										
		Sewerage farm					-										
		Community hall	Taxi rank		Informal business		-										
			Telecommunication mast				-										

Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"						TABLE "D"				
		Uses Permitted	Uses/rights permitted only with the special consent of the local municipality (Clause 21)	Uses/rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R.		Building lines			
							Existing rights	Relaxation in terms of (Clause 22)	Relaxation in terms of (Clause 21)	Existing right	Relaxation in terms of (Clause 22)	Existing right	Relaxation in terms of (Clause 21)	Existing Rights			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16		
12. Agricultural	 Colour: Light Brown RGB: 255-222-178	Dwelling unit		Additional dwelling unit	Uses not permitted in Columns 3, 4 & 5	-	1 per erf/portion	2 per erf/portion	-	30%	50%	0,3	0,5	Erf= 3m Ptn= 5m	Erf=3 Ptn=5 m		
		Agricultural use				-											
		Farm settlement					-										
		Nature conservation area					-										
		Guest house					1 dust free per bedroom										
		Institution					8 per 100m <sup>2</sup> G.L.F.A.										
		Kennels					2 per 100m <sup>2</sup> G.L.F.A.										
		Nursery					In accordance with the local municipality's policy										
		Place of instruction					8 per 100m <sup>2</sup> G.L.F.A.										
		Place of public worship					8 per 100m <sup>2</sup> G.L.F.A.										
		Place of refreshment					8 per 100m <sup>2</sup> G.L.F.A.										
		Recreation					In accordance with the local municipality's policy										
		Social hall					8 per 100m <sup>2</sup> G.L.F.A.										
						Household enterprise		2 per household enterprise									
		Farm stall						6 per 100m <sup>2</sup> G.L.F.A.									
				Rural general dealer		1 per dealer											
Teagarden						6 per 100m <sup>2</sup> G.L.F.A.											
Telecommunication mast						-											
13. Public Garage	 Colour: Dark Brown RGB: 222-98-0	Parking garage			Other uses not permitted in Columns 3, 4 & 5	-	-	-	-	90%	100%	1,0	2,0	5m	2m		
		Public garage					70% of the uncovered area must be dust free	-	-	-	60%	80%	0,6	0,8	5m	3m	
		Filling station					70% of the uncovered area must be dust free										
						Place of refreshment		2 per 100m <sup>2</sup> G.L.F.A.									
				Dwelling unit for caretaker		-											
14. Public Open Space	 Colour: Dark Green RGB: 182-255-185	Gardens			Other uses not permitted in Columns 3,4 & 5	-	-	-	-	-	-	-	-	5m	2m		
		Parks					-										
		Place of refreshment					-										
		Playgrounds					-										
		Public open space					-										
		Squares					-										
		Recreation grounds					-										
		Public sport grounds					-										
		Caravan park						In accordance with the local municipality's policy									
						Place of amusement		-									
				Municipal purposes		-											
				Informal business		-											



Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"						TABLE "D"				
		Uses Permitted	Uses/rights permitted only with the special consent of the local municipality (Clause 21)	Uses/rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R.		Building lines			
							Existing rights	Relaxation in terms of (Clause 22)	Relaxation in terms of (Clause 21)	Existing right	Relaxation in terms of (Clause 22)	Existing right	Relaxation in terms of (Clause 21)	Existing Rights			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16		
15. Private Open Space	 Colour: Light Green RGB: 235-255-235	One dwelling unit for caretaker			Other uses not permitted in Columns 3, 4 & 5	-	1 per erf	-	-	30%	60%	-	-	5m	2m		
		Caravan park				In accordance with the local municipality's policy											
		Private open space				-											
		Recreation					In accordance with the local municipality's policy										
			Private club				In accordance with the local municipality's policy										
			Informal business				-										
				Nursery			In accordance with the local municipality's policy										
				Nursery													
				Place of refreshment													
16. Government	 R.S.A.	Government uses			Other uses not permitted in Columns 3, 4 & 5	-											
17. Nature Reserve	 Colour: Green Hatching RGB: 255-0-0 "Hatch Area" 10-45°-0	Nature reserve			Other uses not permitted in Columns 3, 4 & 5	-											
		Caravan park															
		Dwelling units directly associated with the reserve & used for temporary accommodation					1 dust free per dwelling unit										
		Farm settlement					-										
		Nursery					In accordance with Council Policy										
		Place of refreshment					2 per 100m² G.L.F.A.										
		Recreation					In accordance with Council Policy										
			Conference facility					6 per 100m² G.L.F.A.									
			Place of amusement					6 per 100m² G.L.F.A.									
			Restaurant					6 per 100m² G.L.F.A.									
				Curio shop		-											
				Telecommunication mast		-											
18. Game Reserve	 Colour: Green Cross Hatching RGB: 0-178-0 "Cross Hatch Area" 10 10 - 45° - 0	Game reserve			Other uses not permitted in Columns 3, 4 & 5	-											
		Agricultural use															
		Farm settlement															
			Caravan park					In accordance with Council Policy									
			Nursery					In accordance with Council Policy									
			Place of refreshment					2 per 100m² G.L.F.A.									
						Curio shop		2 per 100m² G.L.F.A.									
				Guest house		1 dust free per bedroom											
				Telecommunication mast		-											

Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"						TABLE "D"		
		Uses Permitted	Uses/rights permitted only with the special consent of the local municipality (Clause 21)	Uses/rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R.		Building lines	
							Existing rights	Relaxation in terms of (Clause 22)	Relaxation in terms of (Clause 21)	Existing right	Relaxation in terms of (Clause 22)	Existing right	Relaxation in terms of (Clause 21)	Existing Rights	
1	2	3	4	5	6	8	9	10	11	12	13	14	15	16	
19. Resort	 Colour: Dark Blue Hatching RGB: 0-0-255 "Hatch Area" 10-60°-0	Resort			Other uses not permitted in Columns 3, 4 & 5	-									
		Dwelling units directly associated with the resort & used for temporary accommodation				1 dust free per dwelling unit									
		Caravan park					-								
		Curio shop					2 per 100m <sup>2</sup> G.L.F.A.								
		Recreation					In accordance with Council Policy								
		Restaurant					6 per 100m <sup>2</sup> G.L.F.A.								
			Conference facility				6 per 100m <sup>2</sup> G.L.F.A.								
			Shops				4 per 100m <sup>2</sup> G.L.F.A.								
		Place of amusement			6 per 100m <sup>2</sup> G.L.F.A.										
	Telecommunication mast					-									
20. Rural Settlement	 Colour: Orange RGB: 222-187-0	Informal rural settlement			Other uses not permitted in Columns 3, 4 & 5	-									
		Semi-formal rural settlement					-								
21. Mining 1 & Quarrying	 Colour: Purple Cross Hatching RGB: 178-0-222 "Cross Hatch Area" 10-60°-0	Mining purposes			Other uses not permitted in Columns 3, 4 & 5	-									
		Quarrying purposes					-								
			Dwelling units only for key staff					-							
		Offices related to, but sub-ordinate to the main use						-							
		Kiosk						-							
		Social hall						-							
22. Mining 2	 Colour: Purple RGB: 178-0-222 "Hatch Area" 10-60°-0		[Also refer to definition of Mining 2]		Other uses not permitted in Columns 3, 4 & 5	-									
			Dwelling units only for key staff				-								
		Agriculture					-								
		Game reserve					-								
			Telecommunication mast					-							
23. Existing Public Roads		Street or road				-									
				Informal business			In accordance with the local municipality's policy								

Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"						TABLE "D"			
		Uses Permitted	Uses/rights permitted only with the special consent of the local municipality (Clause 21)	Uses/rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R.		Building lines		
							Existing rights	Relaxation in terms of (Clause 22)	Relaxation in terms of (Clause 21)	Existing right	Relaxation in terms of (Clause 22)	Existing right	Relaxation in terms of (Clause 21)	Existing Rights		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
24. Rail Transportation Services	 Spoom- 25-0-0-0°	Railway purposes (Transnet)				-										
25. Special	 Spes-25-3.75-0-45°	Uses not defined or provided for under any other use zone as per relevant annexure			Uses permitted under Use Zones 1 to 24	-	As per approved Site Development Plan and in accordance with the relevant Annexure									
		Private streets				-										
		Security and access control infrastructure					-									
		Municipal infrastructure				-										

**PART V - SPECIFIC CONDITIONS AND DEVELOPMENT CRITERIA APPLICABLE TO  
USE ZONES**

**11. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 2**

11.1 Subject to the general conditions in Clause 8, the following additional conditions will apply to the erven in Use Zone 2 (Residential 2):

- (a) The requirements as set out in Table "A" to "D".
- (b) A site development plan shall be submitted, as set out in Clause 17.
- (c) The erf or any group of erven shall not be subdivided into plots with single dwelling units thereon, before full implementation of the proposals embodied in the site development plan relating to the particular erf or group of erven have been fully implemented or the local municipality has granted written consent thereto. If it is not the intention to develop the whole of the erf or any group of erven simultaneously the grouping of the dwelling units and programming of the development must be shown clearly on the site development plan.
- (d) The internal roads on the property shall be constructed and maintained by the owner as required by the local municipality.

**12. CONDITIONS APPLICABLE TO PUBLIC GARAGE AND FILLING STATION ERVEN**

12.1 Subject to the general conditions in Clause 8, the following additional conditions will apply to erven used for public garages or filling stations:

- (a) The requirements as set out in Table "A" to "D".
- (b) A site development plan shall be submitted, as set out in Clause 17.
- (c) No material or equipment of any nature whatsoever may be stored or stacked to a height greater than the height of the screen wall.
- (d) No repair work to vehicles or equipment of any nature, shall be performed outside the garage building, except in an area screened off for the purpose to the satisfaction of the local municipality.
- (e) No material or equipment of any nature whatsoever shall be stored or stacked outside the garage building, except in an area screened off for the purpose.
- (f) The local municipality may relax conditions in Clauses 12.1(c), 12.1(d) and 12.1(e) by written consent in terms of Clause 22.

**13. DENSITIES, SUBDIVISION AND OCCUPATION**

13.1 Table "C" Columns 8, 9 and 10 stipulates density in terms of the maximum number of dwelling units per netto hectare or per erf,

attached to the erf as a primary right, as well as the extent to which it may be relaxed by special consent in terms of Clause 21, or written consent in terms of Clause 22 by the local municipality, as the case may be.

- 13.2 The local municipality will compile a policy on residential densities permissible in different townships and rural villages and/or residential neighbourhoods to guide decisions with applications for the relaxation of densities by special consent in terms of Clause 21, or written consent in terms of Clause 22 by the local municipality, as the case may be.
- 13.3 The local municipality may, upon application being made for its special consent in terms of Clause 21, or its written consent in terms of Clause 22 as the case may be, amend the density of an erf in accordance with the local municipality's policy on density and as amended from time to time.
- 13.4 Where a dwelling unit has been erected on a "Residential 1" and "Agricultural" zoned property, the owner may apply in terms of Clause 22 to erect an additional dwelling unit on such property.
- 13.5 The local municipality will not consent to the subdivision of land or an erf if such subdivision does not comply with the density stipulations as set out in Table "C" or any other reasonable conditions the local municipality may require.

Notwithstanding any conditions that are applicable regarding the subdivision of erven in terms of the Ordinance or this scheme, the following further conditions are applicable to panhandle subdivisions:-

- (a) the panhandle shall provide access from a street to the panhandle portion;
- (b) the panhandle shall not be less than 3m wide along its whole length, unless the local municipality otherwise grants written consent;
- (c) the area of the panhandle portion, excluding the panhandle, shall be in accordance with the density requirements of this scheme;
- (d) except with the written consent of the local municipality the slope of the panhandle shall not exceed 1:8;
- (e) a panhandle shall provide access only to the erf of which it forms a part as well as the property in favour of which a servitude of right of way has been registered over the panhandle, except where the local municipality otherwise determines;
- (f) the registered owner of the panhandle portion shall, when required by the local municipality, at his own expense pave the panhandle to the satisfaction of the local municipality prior to or simultaneously with the erection of any building on the erf

and such roadway shall thereafter be maintained dust free to the satisfaction of the local municipality;

- (g) the registered owner of the panhandle portion shall, when required by the local municipality, erect screen walls or dense barriers along the boundaries of the panhandle to the satisfaction of the local municipality. The extent, material, design, height, position and maintenance of such screen walls or barriers shall be to the satisfaction of the local municipality.
- (h) No buildings or structures except such walls and barriers envisaged in sub-clause 13.5(g) shall be erected in the panhandle.

13.6 Not more than one household, together with two other persons, or a maximum of eight (8) persons may live on a permanent basis in one dwelling unit. If the number of persons exceeds above-mentioned, written consent in terms of Clause 22 must be obtained.

#### **14. HEIGHT OF BUILDINGS**

14.1 Dwelling unit/s or residential buildings in the "Residential 1 and 2" use zone shall not exceed two storeys in height, except in accordance with the written consent of the local municipality, obtained in terms of Clause 22, prior to the erection of any new building.

14.2 If a dwelling unit or residential building in the "Residential 1 and 2" use zones exceeds 1 storey and due to the topography of the area may impair on the privacy, aesthetics, or view of adjacent properties a site development plan may be required for approval, by the local municipality.

14.3 Buildings in other use zones excluding those mentioned in Clause 14.1 shall not exceed five (5) storeys in height.

14.4 No building, other than those mentioned in Clause 14.1, may exceed five (5) storeys in height, except in accordance with written consent of the local municipality obtained in terms of Clause 22, prior to the erection of new buildings or additions to existing buildings.

#### **15. COVERAGE OF BUILDINGS**

15.1 Table "C", Columns 11 and 12 contains respectively, the coverage which may be implemented on a property and the extent to which the coverage may be relaxed.

15.2 Coverage of buildings shall not exceed the coverage stipulated in Table "C" except in cases where the written consent of the local municipality in terms of Clause 22 had been obtained, and then only on condition that the total number of parking spaces required in terms of Clause 18, read together with Table "B", Column 7 can be made available.

## 16. FLOOR AREA RATIOS

- 16.1 Table "C", Columns 13 and 14 contains the floor area ratio as a ratio of the area of an erf and the extent to which the floor area ratio may be relaxed.
- 16.2 The floor area ratio shall apply to all new buildings and/or additions or alterations to existing buildings as set out in Table "C", Columns 13 and 14.
- 16.3 The floor area ratio may not be exceeded except with special consent of the local municipality obtained in terms of Clause 21 read together with Table "C", prior to the erection of new buildings or additions to existing buildings.

## 17. SITE DEVELOPMENT PLANS

- 17.1 A site development plan shall be prepared for all erven on which buildings are erected or extended in Use Zones 2 to 10, 13, 15 and 17 to 19.
- 17.2 A site development plan shall be submitted to the local municipality prior to submission of any building plans. No building may be erected on the erf before approval of such site development plan by the local municipality and the entire development on the erf 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 alterations or additions to buildings, which in the opinion of the local municipality, will have no influence on the overall development of the erf, may be exempted from written consent procedures as referred to supra.
- 17.3 The local municipality shall use its best endeavours to consider a site development plan, submitted in terms of Clause 17.2 hereof, within 60 (sixty) days after submission thereof.

## 18. PARKING AND LOADING ZONES

- 18.1 The parking requirements are indicated in Column 7, Table "B":
  - (a) Effective parking and manoeuvring space for the various use zones and uses shall be provided, laid out, constructed and maintained on all properties in accordance with the requirements stipulated in Table "B", to the satisfaction of the local municipality by and at the cost of the person who intends to erect a building.
  - (b) The number of parking spaces to be provided according to Table "B", shall be determined by the local municipality and

shall be applicable to all existing and/or new buildings (excluding a single dwelling unit) and to extensions to existing buildings (excluding a single dwelling unit).

- (c) The local municipality may consent to a maximum of thirty (30) percent of the required parking and manoeuvring space, as stipulated in Table "B", not being provided on the property: Provided that the owner shall in this event be liable for payment of a cash contribution to the local municipality in lieu of the provision of parking spaces for all parking spaces required to be supplied on the property in terms of sub-clause 18.1(a). Such contribution for parking shall be used solely for the provision of parking areas
- (d) The owner of a building in respect of which parking spaces are required in terms of sub-clause 18.1(a) shall keep such parking spaces in a proper condition for such purposes to the satisfaction of the local municipality.

18.2 Loading areas shall be provided as follows:

18.2.1 The local municipality may, upon application being made for approval of building plans submitted in terms of the National Building Regulations and Building Standards Act (Act 103 of 1977) and any amendments thereof, require the owner to in terms of Clause 17 submit proposals for the provision on the property of appropriate and sufficient facilities for loading and off-loading of goods, which proposals shall, indicate positions for parking, stopping or fuelling of service vehicles.

18.2.2 No owner or occupant of a building in respect whereof proposals in terms of this clause are required, may undertake or permit the loading, off-loading, parking or fuelling of vehicles otherwise than in accordance with a written approval from the local municipality and in accordance with the conditions imposed in this regard.

18.3 In every "Business 1 and 2" and "Industrial 1 and 2" use zone there shall be provided, if required by the local municipality, over and above parking, one loading area per erf, regardless of the size of the building erected thereon. Additional loading areas may be required by the local municipality depending on the size of the development.

## 19. USE OF ANNEXURES

19.1 Special rights, conditions and restrictions applicable to any property within any use zone, may be stipulated in an Annexure to this land-use scheme.

19.2 The special conditions and restrictions referred to in Clause 19.1 shall:



- (a) apply in addition to the general conditions, restrictions and other provisions of this land-use scheme; and
- (b) prevail, in case of conflict between such special condition and any other condition, restriction or provision of this land-use scheme.

19.3 An Annexure contemplated in Clause 19.1 shall consist of:

- (a) 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 applicable to the property, as well as the name and number of the scheme in terms whereof the Annexure was prepared; and
- (b) a diagram of the property concerned which diagram shall correspond with the layout shown on the map.

19.4 The number of the Annexure concerned shall be inscribed inside a double circle within or adjacent to the figure of the relevant property on map 3A and, if adjacent to such figure, shall be joined thereto by means of a line.

19.5 The local municipality shall not, except as provided for in any of the conditions contained in an Annexure, grant any consent in terms of this land-use scheme.

**PART VI - SPECIAL, WRITTEN AND TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY**

**20. CRITERIA FOR THE CONSIDERATION OF APPLICATIONS**

20.1 Subject to the provisions of Clauses 21, 22 and 23 hereof, the local municipality may, when application is made for its special, written or temporary consent in terms of this scheme refuse or grant such consent subject to such conditions as it may think fit, with due consideration of:

- (a) the amenities of the area;
- (b) health and safety of the area;
- (c) the character of other uses in the area;
- (d) the need and desirability of the use concerned; and
- (e) the Integrated Development Plan (IDP) and the Municipal Spatial Development Framework and any review thereof.

20.2 The local municipality may upon the granting of any consent contemplated in clauses 21 and 22 of this scheme, impose conditions regarding the payment of contributions for the provision of services, open spaces and parks, as envisaged in Section 20(2)(c) of the Ordinance, for which purposes the provisions of Section 63 of the Ordinance shall *mutatis mutandis* apply.

**21. SPECIAL CONSENT OF THE LOCAL MUNICIPALITY**

21.1 (a) Any owner (hereinafter referred to as "the applicant") intending to apply to the local municipality for special consent for:

- (i) the erection and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the special consent of the local municipality in terms of Column 4, Table "A";
- (ii) an increase in the density of an erf (see Column 10, Table "C"); and
- (iii) an increase in the floor area ratio (See column 14 Table "C").

shall submit such application to the local municipality in writing, in the prescribed manner.

(b) An application shall include a report to the local municipality, containing full particulars on the criteria referred to in Clause 20.1, as well as particulars appearing in notices as set out in Clause 21.1(d) or any other relevant particulars which may be required by the local municipality.

(c) The applicant shall:

- (i) At his own expense publish a notice twice (for two consecutive weeks) in a local newspaper/s, circulating in the area of the application;
  - (ii) such notice shall be in any two of the official languages of which one should be in English;
  - (iii) display a notice, referred to in sub-clauses 21.1(c)(i) and (ii) and maintain same, for a period of not less than 14 consecutive days from date of first publication, in a conspicuous position, visible from the street on each separate portion of the land to which such consent will apply.
  - (iv) Refer the application to any other person or body that may be required by the local municipality.
- (d) The notice referred to:
- (i) in sub-clause 21.1(c)(i) and (iii) shall contain the name and address of the applicant; the description, address and locality of the property as well as particulars of the existing zoning and the purpose for which the land and buildings will be used and shall state that it lies for inspection at the local municipality offices and that any objection to or representation in connection with such application shall be lodged simultaneously with the local municipality and the applicant within a period of 28 days calculated from the day when the notice was first published and displayed on the site; and
  - (ii) the notice in sub-clause 21.1(c)(iii) shall not be less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.
- (e) The applicant shall within twenty-eight (28) days from the date of the first publishing and posting up of the notice on site as mentioned in sub-clauses 21.1 (c)(i) and (iii), lodge the application with the local municipality, failing which shall be deemed as non-compliance with the application procedures, save that the local municipality shall have the right to condone filing outside the 28 day time period, on good cause shown.
- (f) The applicant shall lodge, simultaneously with the application, an affidavit confirming that the notice referred to in sub-clause 21.1(c)(iii), was properly displayed and maintained.
- (g) The applicant shall submit proof that the application referred to in sub-clause 21.1(c)(i), was published twice.

21.2 The local municipality shall consider and hear any objection or representation received within the aforementioned period of twenty-

eight (28) days, at a hearing arranged by the local municipality within a reasonable time period.

- 21.3 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 21.2 above.
- 21.4 Should any objection to, or representation against, the application be received by the local municipality, it shall set a time and place for the hearing of such objection or representation in a manner complying with the requirements of the administrative justice, and shall give written notice thereof, by registered post or by electronic communication or facsimile, at least 14 days prior to the hearing, to the applicant and/or his duly authorised agent and all objectors.
- 21.5 Where the objections or representations contemplated in Clause 21.2 of more than one person are contained in one document, it shall be deemed sufficient compliance with the provisions of Clause 21.4 if the person who has lodged the document or is a signatory thereto is notified as contemplated in the latter clause.
- 21.6 The local municipality shall after due consideration of any objections and the criteria stipulated in Clause 20 hereof, in writing notify the applicant and every person who has lodged an objection or had made representations, of such decision.
- 21.7 The decision of the local municipality shall (where any objection to this application was received) not come into operation before expiry of fifty-six (56) days calculated from the date of notification of the parties in writing envisaged in Clause 21.6 hereof.
- 21.8 The applicant may note an appeal in terms of the provisions of the Ordinance if the application is refused by the local municipality.
- 21.9 Every applicant shall, after approval by the local municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in the month, during which the applicant was notified of such an approval as envisaged in Clause 21.6, to the satisfaction of the local municipality, submit an affidavit in confirmation of *inter alia* the fact that the conditions pertaining to such approval and use, are fully complied with.
- 21.10 Granting of special consent for a noxious industry shall be considered: Provided that there is proof of compliance with the Environment Conservation Act (Act 73 of 1989) and a certificate be issued by the Medical Officer of Health of a local municipality certifying that the process proposed to be used in connection with any of the industries or factories listed in Schedule 1 of this scheme, will effectively eliminate any nuisance or health hazard in the vicinity of the property due to:

- (a) vapours, smoke or odours;
- (b) fluids or effluent originating on the property; and in the event of it being proposed to dispose of such materials by land treatment, the nature, slope and surface of the land concerned, as well as its location in relation to streams or water courses shall be disclosed; and
- (c) solid waste matter.

## 22. WRITTEN CONSENT OF THE LOCAL MUNICIPALITY

22.1 Any owner (hereinafter referred to as "the applicant") intending to apply to the local municipality for consent to:

- 22.1.1 erect and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the written consent of the local municipality (see Column 5, Table "A").
- 22.1.2 the carrying on of a household enterprise from a dwelling unit in a "Residential 1" or "Agricultural" use zone in terms of Clause 24;
- 22.1.3 the use of a dwelling unit for a spaza or kiosk (see Column 5, Table "A");
- 22.1.4 relaxation of height (see Clause 14);
- 22.1.5 relaxation of coverage (see Clause 15);
- 22.1.6 relaxation of building lines (see Clause 8.6.2(c));
- 22.1.7 amendment of a site development plan (see Clause 17);
- 22.1.8 relaxation of lines of no access (see Clause 8.6.3); and
- 22.1.9 consents as envisaged in Clauses 8.2.1, 11.1(c), 12.1 (f), 13(3), 13(4), 13(5), 13(6) and 18.2.2.

shall do so in writing in the prescribed manner (where applicable) to the local municipality.

22.2 An application shall include a report to the Local Municipality, containing full particulars on the criteria referred to in Clause 20.1 of the proposed uses, as well as:

- (i) the name and address of the applicant;
- (ii) the description, address and the locality of the subject property;
- (iii) existing zoning of the property; and
- (iv) a complete description of the proposed use of the land and/or building.

22.3 No written consent shall be granted in terms of this clause until the applicant has, to the satisfaction of the local municipality, obtained the written comments of the surrounding owners, as envisaged in Clause 22.4.

22.4 The applicant shall:

- (i) procure a form, as prescribed by the local municipality for the consent referred to in Clause 22.3, to be completed by every occupant or owner of land or his duly authorized agent, who resides or conducts or owns a business undertaking on any property situated within a radius of 50m or such other distance as determined by the local municipality from the closest point of the property in respect of which an application is made; and
- (ii) supply full particulars and a description of the nature and extent of the intended use; relaxation required; the property description; the owner; and record therein that none of the persons referred to in sub-clause 22.4(i), notwithstanding their being aware of their right in terms of Clause 22.5 to object or to make representations against the application, has any objection thereto and such form shall be signed by, and disclose the name, street address and telephone number of, every person mentioned in sub-clause 22.4(i).

22.5 The local municipality shall consider any objection received and hear any representation made at a hearing arranged by the local municipality within a reasonable time period for which purpose the provisions of Clauses 21.3, 21.4 and 21.5 and 21.6 shall apply *mutatis mutandis*.

22.6 The local municipality shall notify in writing, the applicant, and if applicable to the objectors within a reasonable time of its decision.

22.7 Every applicant shall, after approval by the local municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in the month, during which the applicant was notified of such an approval as envisaged in Clause 22.6, to the satisfaction of the local municipality, submit an affidavit in confirmation of *inter alia* the fact that the conditions pertaining to such approval and use, are fully complied with.

## 23. TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY

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:

23.1 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.

- 23.2 The occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall.
- 23.3 The use of land or buildings thereon for state or municipal purposes.
- 23.4 The use of land or the erection of buildings necessary for the purpose of informal retail trade.
- 23.5 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 3 years in aggregate in cases falling within the ambit of Clauses 23.1, 23.2 and 23.3.

#### **24. CONSENT FOR THE PRACTICE OF A HOUSEHOLD ENTERPRISE**

- 24.1 In addition to any conditions imposed by the local municipality in the granting of a special or written consent, the exercise of a household enterprise, from a dwelling unit, shall be subject to the following:
- (a) No title condition applicable to the property may be transgressed.
  - (b) The applicant may practice his occupation in any trade form subject thereto that he is personally on a day-to-day basis in charge of the enterprise and holds the majority interest in the business.
  - (c) The residential character and function of the dwelling unit must be maintained, and not more than 20% of the floor area of the dwelling unit, outbuildings excluded, or a maximum floor area of 75m<sup>2</sup> may be used for such practice.
  - (d) Should more than the prescribed number of persons be accommodated on the premises where the household enterprise is conducted or, if more than 20% of the dwelling unit, outbuildings excluded or more than the maximum floor area of 75m<sup>2</sup>, is to be used for the household enterprise, the special consent of the local municipality must be obtained in terms of Clause 21.
  - (e) For the purposes of this clause, an agent or representative of the applicant will be considered an employee of such applicant.
  - (f) The necessary building plans to indicate the change in use must be submitted if required by the local municipality. Parking is to be provided to the satisfaction of the local municipality in accordance with Table "B".
  - (g) No goods may be displayed in public, in a window or in any other manner.
  - (h) No notice or sign except such notice or sign as is normally displayed at the dwelling unit, to reflect the name of the applicant and the nature of the household enterprise, may be

displayed provided that the size of such notice shall not exceed 600mm by 450mm.

- (i) The amenity of the area may not be prejudiced.

## **25. CONSENT FOR SPECIFIC PURPOSES**

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:

- 25.1 the exploitation of minerals on any land not included in a proclaimed township;
- 25.2 the letting of a dwelling unit for occupancy of only one family; and
- 25.3 the letting of not more than two rooms of a dwelling unit.

## **26. CONVERSION RIGHTS**

26.1 Where land is already zoned as "Mining 1 and Quarrying" or "Mining 2", the Mining Rights holder shall consequent upon complying with any relevant requirements prescribed in terms of Mining and Environmental legislation such as The Environmental Conservation Act, 1989 (Act No. 73 of 1989) with its amendments, and The Mineral and Petroleum Resources Development Act 2002 (Act No. 28 of 2002); such rights holder shall have the right to convert the zoning to "Mining 1 and Quarrying".

26.2 The mining company must provide the local municipality with:

- a) Written notification; and
- b) Maps indicating the area of which the status has changed as indicated above.

26.3 Upon delivery of the documentation in paragraph 26.2, "Mining and Quarrying Purposes" rights shall commence forthwith.

## **27. REGISTER OF SPECIAL AND WRITTEN CONSENT APPROVALS AND RELEVANT CONDITIONS**

27.1 The local municipality shall keep a complete register of amendments, special and written consents approved by it in terms of this land-use scheme, or granted through the verdict of appeals, as well as conditions imposed in such approvals. Such register together with the land-use scheme will be available for inspection at any reasonable time to any interested person or body.



<b>PART VII - APPLICATION OF THE SCHEME AND POWERS OF THE LOCAL MUNICIPALITY</b>
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**28. BINDING FORCE OF CONDITIONS**

Where consent to erect a building, or to execute any works, or to use any building or land for a particular purpose, in terms of this land-use scheme is granted, subject to conditions, such conditions shall have the same legal force as if incorporated in this land-use scheme and shall be regarded as though they were part of this scheme.

**29. ENTRY UPON AND INSPECTION OF PROPERTIES**

29.1 The local municipality may, through its authorized officials, enter upon any property at all reasonable times to conduct any inspection which the local municipality or its representative may consider necessary or desirable for the application of this scheme.

29.2 No person shall in any manner hinder, obstruct or interfere with the execution of any duties by any authorized officer of the local municipality, or in so far as it may fall within his power, permit such official to be hindered, obstructed or interfered with.

**30. SERVING OF NOTICES**

30.1 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 local 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 30.1(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 30.1(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.

30.2 Where any service is effected in accordance with the provision of sub-clause 30.1(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.

- 30.3 Any directive, notice or other document which in terms of the provisions of this land-use 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.

### **31. POWERS OF LOCAL MUNICIPALITY IN CASE OF CONTRAVENTION OF LAND-USE SCHEME**

- 31.1 Where any person, in conflict with any provision of the land-use scheme in operation -

- (a) Undertakes or proceeds with erection or alteration of or addition to a building or causes it to be undertaken or proceeded with;
- (b) Performs, undertakes or proceeds with any other work or causes it to be performed, undertaken or proceeded with;
- (c) Uses any land or building or causes it to be used;

The local municipality shall direct such person in writing:

- (i) to discontinue such erection, alteration, addition or other work or to discontinue such use or cause it to be discontinued; and
- (ii) at his own expense to:
  - (aa) remove such building or other work or cause it to be removed;
  - (bb) to cause such building or other work or such use to comply with the provisions of the scheme.

- 31.2 Any person who contravenes the provisions of this scheme or fails to comply with an instruction issued in terms of Clause 31.1 commits an offence.

- 31.3 If a person fails to comply with a directive issued in terms of Clause 31.1, the local municipality may irrespective of the fact that such a person has criminally been charged or prosecuted, remove the building or other works at the expense of such a person, obtain a court order to remove the building or other work or cause, the building or other work to comply with the provisions of its land-use scheme and to recover all expenditure incurred in connection therewith, from such person.

- 31.4 Whenever any person is required to perform any act to the satisfaction of the local municipality:
- (a) the local municipality shall have the right to inspect the property or works under question to satisfy itself of compliance;
  - (b) if the local municipality is not satisfied that compliance is taking place it shall:
    - (i) send a notice to such a person informing the person of non-compliance, giving such a person 14 days or such an extended period as may be required to ensure compliance; and
    - (ii) failing which the stipulations of Clause 31.2 and 31.3 shall apply mutatis mutandis to this clause.
- 31.5 any act or omission, being an offence in terms of clause 31.2 above, is triable in a Magistrates' Court created in terms of the MAGISTRATES COURTS ACT 1944 (Act 32 of 1944) and upon conviction, is punishable with a fine not exceeding R 5000,00.

## SCHEDULE 1

### NOXIOUS INDUSTRIES

The use of buildings or land for any of the following purposes:

- (1) Asbestos-processing
- (2) The burning of building bricks
- (3) Chromium-plating
- (4) Cement production
- (5) Carbonization of coal in coke ovens
- (6) Charcoal-burning
- (7) Converting, reheating, annealing, hardening or carburizing, forging or casting of iron or other metals
- (8) Crushing or screening of stone or slag or plants for the preparation of road-surfacing material
- (9) Distilling, refining or blending of oils
- (10) Galvanizing
- (11) Lime and dolomite-burning
- (12) Lead-smelting
- (13) Pickling and treatment of metal in acid
- (14) Recovery of metal from scrap
- (15) Smelting, calcining, sintering or other reduction of ores or minerals
- (16) Salt glazing
- (17) Sintering of sulphur-bearing materials and viscose works

The use of buildings or land for the production of or the employment in any process of:

- (1) Carbon bisulphide, cellulose lacquers, hot pitch bitumen, pyridine, or pulverised fuel (except when used for a spray-painting trade)
- (2) Cyanogen or its compounds
- (3) Liquid or gaseous sulphur dioxide
- (4) Sulphur chlorides or calcium carbide

The use of buildings or land for the production of:

- (1) Amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, hexamine, iodoform, B-naphthol, 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, calendaring, moulding, shaping or extrusion)
- (2) Paint or varnish manufacture (excluding mixing, milling and grinding)
- (3) Rubber from scrap
- (4) Ultra marine, zinc chloride and oxide

For the purpose of:

- (1) An abattoir, animal bristle sterilizing and storing, and animal charcoal manufacture
- (2) A bacon factory, a brewery or distillery, blood-albumen making, blood-boiling, bone-boiling, -steaming, -burning, -storing, or bone-

- grinding, breeding of maggots from putrescible matter
- (3) Candle-making, catgut manufacture, boiling of chitterlings of pigs or other animals which are not subsidiary to a retail business or trade
  - (4) 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)
  - (5) Fellmongery, fat-smelting or -extracting, fish-curing (other than a subsidiary to the business or trade as a fishmonger), fish-skin dressing or scraping, fish-canning
  - (6) Glue-making, gut-cleaning or -scraping
  - (7) A knacker's yard
  - (8) Leather-dressing
  - (9) 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
  - (10) Parchment-making, a paper mill
  - (11) Size-making, skin-drying, -storing and -curing, soap-boiling, a slaughter house, a sugar-mill or -refinery
  - (12) Tallow-melting or -refining, tanning, tripe-boiling or -cleaning
  - (13) Wool-scouring, wattle-bark grinding or extracting, or
  - (14) Yeast-making.

## SCHEDULE 2

### SITE DEVELOPMENT PLAN

Site Development Plan means a plan on a scale of 1:500 or such other scale as the local municipality may approve, showing the proposed development and any salient features of a property. Such site development plan shall at least indicate the following where applicable:

- (a) entrances to the property and entrances for emergency vehicles (emergency exists shall be shown);
- (b) building lines, servitudes and other limitations (e.g. flood lines), side spaces, back spaces, road widenings and corner splays. Topographical features, outcrops of rock, trees, bushes and the like. Earthworks, berm walls and their proposed treatment;
- (c) internal roads (also for pedestrians with a maximum fall of 1 in 8) and kerb lines;
- (d) parking areas (visitors, open and covered), type of paving material (show slope gradient) and kerb lines shall be shown;
- (e) open areas (walking trails, recreation area, private gardens, children's playgrounds and the like);
- (f) siting of all buildings (distinctively marked and recognizable respectively). Also existing buildings or buildings to be demolished. Distances between buildings and from property boundaries shall be shown;
- (g) municipal sewers, connections, internal layout, stormwater, catchment pits and stormwater layout or method of disposal. (For group housing the services shall be shown on separate drawings);
- (h) phasing of development (especially group housing);
- (i) the following town planning control factors shall be shown on the plan in tabular form (for group housing only the areas of the units and the number of units per hectare shall be shown):

CONTROL FACTOR	REQUIRED/ PERMISSIBLE	SUPPLIED
<i>Coverage</i>		
<i>Floor area</i>		
<i>Floor area ratio</i>		
<i>Parking</i>		

- (j) erf boundaries and other cadastral information (proposed subdivisional lines in case of group housing) and proposed road closures and/or park closures;
- (k) contours and ground level heights (1,0 metre contour intervals);
- (l) street names, adjoining properties (buildings in outline) and true north position;
- (m) position, height, material and trim of fences, boundary walls, screen walls, retaining walls and gates;
- (n) loading and offloading areas;
- (o) surfaces (tar) of existing roads and new roads (show kerbstone lines accurately);
- (p) the positions of firehose valves and firehose reels; and
- (q) landscaping.

### SCHEDULE 3

#### ACTIVITIES NOT PERMITTED IN A DWELLING-PLACE

The following activities are not permitted in terms of a written consent in any dwelling-place:

- (1) A funeral undertaking; a visitors' information bureau; a building society agency; a bank agency; kennels; an escort agency; a tow-in service; an institution; a motor workshop; a car wash; a place of instruction for more than 10 persons; a panel-beater; a parcel delivery service; a radio control/telephone exchange; a travel agency; a shooting range; a blasting contractor; a butcher; a spray-painter; a taxi business; a pet salon; a fish-fryer; hiring and selling of vehicles and/or trailers; a place of amusement; manufacturing of concrete products; a packaging contractor; a place of refreshment; a transport undertaking; hairdressers with more than one hairdresser; beauticians with more than one beautician; slimming clinics; fire fighting business; security company and vehicle tracing agents; brokers with more than 3 personnel; a builder's yard and/or storage of building equipment.