

# CHIEF ALBERT LUTHULI LOCAL MUNICIPALITY



## LAND USE SCHEME 2018



# Table of Contents

CHAPTER 1: ADMINISTRATION .....	1
1.1. Title .....	1
1.2. Enactment .....	1
1.3. Land Use Rights.....	1
1.4. Authorised Local Municipality.....	1
1.5. Area of the Scheme.....	1
1.6. Purpose of the Land Use Scheme .....	1
1.7. Components of the Land Use Scheme .....	1
1.8. Application of the Scheme.....	2
1.9. Status of the Land Use Scheme .....	2
1.10. Zoning versus Ownership.....	2
1.11. Rectification of errors on land use scheme map .....	2
1.12. Transitional Arrangements.....	3
1.13. Owner's Responsibility.....	3
1.14. The Municipality's Responsibility .....	3
2. CHAPTER 2: DEFINITIONS.....	5
2.1. Interpretation.....	5
2.2. Definitions.....	5
3. CHAPTER 3: LAND USE ZONES AND DEVELOPMENT RULES .....	38
3.1. Land Use Zones .....	38
4. CHAPTER 4: PARKING AND LOADING REQUIREMENTS.....	62
5. CHAPTER 5: MANAGEMENT ZONES .....	74
6. CHAPTER 6: LAND USE SCHEME MAPS .....	76
7. CHAPTER 7: OVERLAY ZONES.....	77
7.1. Purpose of Overlay Zones .....	77
7.2. Requirements and Procedures .....	77
7.3. Overlay Zone 1: Hydrology.....	77
7.4. Overlay Zone 2: Forestry .....	78
7.5. Overlay Zone 3: Geotechnical: Dolomite .....	78
7.6. Overlay Zone 4: Mining Rights.....	78
7.7. Overlay Zone 5: Environmental Management.....	79
7.8. Overlay Zone 6: Unique Agricultural Land .....	81
7.9. Overlay Zone 7: Heritage Protection .....	81
7.10. Overlay Zone 8: Manage Zone 500m .....	82
8. CHAPTER 8: GENERAL PROVISIONS.....	83
8.1. Building Lines and Restriction Areas .....	83
8.2. Site Development Plans .....	83
8.3. Hazardous Substance.....	84
8.4. Maintenance of Property .....	85

8.5.	Placement of vehicles in residential zones.....	85
8.6.	Splay of Corners .....	85
8.7.	Lines of No Access.....	85
8.8.	Conditions in Townships.....	85
8.9.	Conditions applicable to all properties .....	87
8.10.	Height.....	88
8.11.	Density.....	88
9.	CHAPTER 9: COMPLIANCE AND ENFORCEMENT .....	89
9.1.	Enforcement.....	89
9.2.	Power of entry for enforcement purposes .....	89
9.3.	Serving of Notices .....	89
9.4.	Findings and Appeals.....	89
9.5.	Advertising Signs .....	89
9.6.	Permission Granted Before Approval of this Scheme .....	89
9.7.	Annexures to the Scheme .....	89
9.8.	Contravention of the Scheme.....	90
10.	CHAPTER 10: USE OF BUILDING AND LAND .....	91
10.1.	Zoning .....	91
10.2.	Categories of Uses.....	91
10.3.	Uses not permitted .....	91
10.4.	Protection of Existing Buildings.....	91
10.5.	Uses Permitted .....	91
11.	CHAPTER 11: LAND USE AND LAND DEVELOPMENT APPLICATIONS.....	93
11.1.	Planning Applications .....	93
11.2.	Application for Land Development Requirements .....	93
11.3.	The Land Use Scheme and the Spatial Planning and Land Use Management By-Law, 2016.....	93
11.4.	Land Use and Land Development Applications.....	93
11.5.	Division of functions between Municipal Planning Tribunal and Land Development Officer .....	94
11.6.	Types of applications.....	95
11.7.	High and Low Intensity Land Uses .....	96
11.8.	Conditions Applicable to Land Use Applications in Rural Areas .....	98
12.	CHAPTER 12: MISCELLANEOUS .....	99
12.1.	Appeal against the decision of the Local Municipality .....	99
12.2.	Binding Force of Conditions.....	99
12.3.	Property Description.....	99
12.4.	Use of Annexures and Schedules.....	99
12.5.	Availability of the Land Use Scheme for purposes of inspection .....	99
13.	CHAPTER 13: DEVELOPMENT CONDITIONS.....	100
13.1.	Conditions applicable to the application for permanent or temporary departure.....	100
13.2.	Conditions applicable to businesses in respect of which a license is required .....	100
13.3.	Conditions applicable to businesses excluded from businesses which require a license .....	101

13.4.	Conditions applicable to all use zones .....	101
13.5.	Conditions applicable to a Filling Station.....	102
13.6.	Conditions applicable to the keeping of animals in Residential Zones.....	103
13.7.	Conditions applicable to shops .....	103
13.8.	Conditions applicable to a Funeral Parlour.....	104
13.9.	Conditions applicable to Taverns.....	104
13.10.	Conditions applicable for Consent Use .....	104
13.11.	Conditions for Home Business .....	105
13.12.	Conditions applicable to Bed and Breakfast .....	106
13.13.	Conditions applicable to Guest Houses .....	107
13.14.	Conditions for the establishment of Telecommunications Infrastructure .....	108
13.15.	Conditions applicable to a Builder's Yard.....	110
13.16.	Conditions applicable to Cemeteries .....	110
13.17.	Conditions applicable to Day Care Facilities .....	110
13.18.	Conditions applicable for the approval of Spaza / Tuck Shops .....	110
13.19.	Conditions applicable to dams, rivers and wetlands .....	111
13.20.	Conditions applicable to Environmental Management Areas .....	111
13.21.	Conditions applicable to Protected Areas.....	112
13.22.	Conditions applicable to the establishment of Tourism Areas.....	112
13.23.	Conditions applicable to the establishment of a Temporary Structure.....	113
13.24.	Conditions applicable to the establishment of Truck Stops .....	114
13.25.	Conditions applicable to the establishment of an Additional Dwelling Unit .....	114
13.26.	Conditions applicable to the establishment of Backyard Dwelling .....	116
14.	CHAPTER 14: SCHEDULES .....	117
14.1.	Schedule 1 – List of Noxious Industries.....	117
14.2.	Schedule 2 – Land Use & Zoning Matrix .....	118
15.	Annexure A: Strategy for handling illegal Land Uses .....	118

### **List of tables**

Table 1 Parking & Loading Requirements.....	62
Table 2: Land use guidelines for CBA's and ESA's.....	80
Table 3 High & Low Intensity Developments.....	97

### **Acronyms**

CBA's – Critical Biodiversity Areas

CBD – Central Business District

CPA – Communal Property Association

DAFF – Department of Agriculture Forestry and Fishing

ECD – Early Childhood Development

EIA – Environmental Impact Assessment

ESA's – Ecological Support Areas

F.A.R – Floor Area Ratio

MBSP – Mpumalanga Biodiversity Sector Plan

MTPA – Mpumalanga Tourism and Parks Agency

OZ: Overlay Zone

R.O.W servitude – Right of Way Servitude

RDP's – Reconstruction and Development Plan houses

ROD – Record of Decision

SABS - South African Bureau of Standards

SDF – Spatial Development Framework

## CHAPTER 1: ADMINISTRATION

---

### 1.1. Title

- 1.1.1. This scheme shall be known as the **Chief Albert Luthuli Local Municipality Land Use Scheme, 2018**, promulgated by virtue of Notice No: 28 dated 15 June 2018 in the Mpumalanga Provincial Gazette No: 2937 and shall hereafter be referred to as the "Scheme".

### 1.2. Enactment

- 1.2.1. The Scheme has been prepared in terms of Chapter 5, Section 24 of the Spatial Planning and Land Use Management Act, 2013, (Act No. 16 of 2013) and enacted in terms of Chapter 3, Section 15 of the Chief Albert Luthuli Local Municipality Spatial Planning and Land Use Management (SPLUM) By-Law, 2016.
- 1.2.2. The Scheme shall come into operation on the date determined by the Municipal Manager by the publication of a notice thereof in the Provincial Gazette.

### 1.3. Land Use Rights

- 1.3.1. Whether or not land is registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the land may be used only in accordance with the land use rights held in terms of the Scheme. All conditions included in a title deed of a land parcel within the Local Municipality supersede the land use rights granted by the Chief Albert Luthuli Land Use Scheme.
- 1.3.2. A Register of Land Use Rights shall be the definitive source of the land use and development rights of a property.

### 1.4. Authorised Local Municipality

- 1.4.1. The Chief Albert Luthuli Local Municipality hereafter referred to as the "Municipality", is the authority responsible for enforcing and carrying out the provisions of the Scheme.

### 1.5. Area of the Scheme

- 1.5.1. The Scheme is applicable to the area of jurisdiction of the Chief Albert Luthuli Local Municipality, as proclaimed.

### 1.6. Purpose of the Land Use Scheme

- 1.6.1. In terms of Chapter 5, Section 25 the Spatial Planning and Land Use Management Act, 2013, (Act No. 16 of 2013) and enactment in terms of Chapter 3, Section 16 of the Chief Albert Luthuli Local Municipality Spatial Planning and Land Use Management (SPLUM) By-Law, 2016, a land use scheme must give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote:
- (a) Economic growth
  - (b) Social inclusion
  - (c) Efficient land development; and
  - (d) Minimal impact on public health, the environment and natural resources.
  - (e) Harmonious and compatible land use patterns;
  - (f) Aesthetic considerations;
  - (g) Sustainable development and densification;
  - (h) The accommodation of cultural customs and practices of traditional communities in land use management; and
  - (i) A healthy environment that is not harmful to a person's health

### 1.7. Components of the Land Use Scheme

- 1.7.1. This Land Use Scheme consists of:
- 1.7.1.1. regulations setting out the procedures and conditions relating to the use and development of land in any zone;

- 1.7.1.2. a map indicating the zoning of the municipal area into land use zones;
- 1.7.1.3. a register of all amendments to such land use scheme; and
- 1.7.1.4. a register of all land use rights of all properties.

## **1.8. Application of the Scheme**

- 1.8.1. This Scheme applies to all land within the jurisdiction area of the municipality, including land owned by the State.
- 1.8.2. This Scheme binds every owner and their successor-in-title and every user of land, including the State.

## **1.9. Status of the Land Use Scheme**

- 1.9.1. This Land Use Scheme is prepared in terms of the Spatial Planning and Land Use Management Act of 2013 and is in substitution of the following Schemes previously in operation in the Chief Albert Luthuli Local Municipal area:
  - a) Carolina Dorpsbeplanningskema, 1980;
  - b) Peri-Urban Areas Town Planning Scheme, 1975; and
  - c) Chief Albert Luthuli Land Use Scheme, 2011.
- 1.9.2. The use of all land included in the area of this Land Use Scheme shall be controlled by this Land Use Scheme. No land or building may be used for any purposes other than that permitted in this Land Use Scheme, and it is binding to all persons and the State.
- 1.9.3. Nothing in this Scheme overrides a restrictive condition.

## **1.10. Zoning versus Ownership**

- 1.10.1. Notations on the zoning map are intended to indicate zonings and not land ownership.
- 1.10.2. Land of which the ownership vests in a public authority may only be included in the authority zone if it is utilised for a purpose for which no other zone set out in Schedule 2 is appropriate.
- 1.10.3. If any other zone in Schedule 2 is appropriate, the land must be zoned for that purpose, whether or not it is owned by a public authority.

## **1.11. Rectification of errors on land use scheme map**

- 1.11.1. If the zoning of land is incorrectly indicated on the zoning map or wrongly converted from a zoning map of a former land use scheme, the owner of an affected land may provide prove of such existing land use right by the land owner to the Municipality to correct the error.
- 1.11.2. An owner contemplated in subsection 1.11.1 must apply to the Municipality in the form determined by the Municipality and must-
  - (a) submit a written proof of the lawful land use rights; and
  - (b) indicate the suitable zoning which should be allocated.
- 1.11.3. The onus of proving that the zoning is incorrectly indicated on the land use scheme map is on the owner.
- 1.11.4. The owner is exempted from paying application fees and from liability for the costs of public participation.
- 1.11.5. If the Municipality approves the application, the Municipality must amend the zoning map.
- 1.11.6. The Municipality may refuse an application to correct the zoning map if the owner fails to submit written proof of the lawful use rights.
  - (a) Or find the use to not be in line with the desired land use right;
  - (b) Or if the land use rights are incompatible with the surrounding area or land use directive of the specific area.
- 1.11.7. The Municipality may correct a zoning map if it finds an error on the map after—
  - (a) notifying the owner in writing of its intention to correct the wrong conversion or error;
  - (b) inviting the owner to make representations within a specified period in respect of the proposed correction of the errors on the zoning map; and
  - (c) considering any representations received from the owner.
- 1.11.8. If the Municipality corrects the zoning map, it may only amend the map to show the correct zoning of the property.



## **1.12. Transitional Arrangements**

- 1.12.1. All existing, legal land use rights that were in effect on properties prior to the effective date are deemed to continue in full force and effect and are hereby incorporated into the Scheme.
- 1.12.2. Should a mistake or oversight be made in the recording of an existing land use right, such mistake or oversight shall be rectified in terms of section 1.11.
- 1.12.3. Any application made and accepted in terms of a former zoning scheme or town planning scheme which is still in process at the commencement date shall be assessed and finalised in terms of such former zoning scheme or town planning scheme regulations, except where it has been withdrawn by the applicant in writing or rejected by the municipality as incomplete.
- 1.12.4. Where a rezoning application was approved prior to the commencement of this Land Use Scheme but has not yet been acted on, or where a rezoning was approved within the provisions of a former zoning scheme or town planning scheme, after the commencement of this Scheme, the affected land/s in such approval shall be deemed to be allocated with a corresponding zone in accordance with this Land Use Scheme, where such an approval is acted on.
- 1.12.5. Where a building plan application was formally submitted and accepted:
  - 1.12.5.1. before commencement of this Land Use Scheme and which is still being processed; or
  - 1.12.5.2. after commencement of this Land Use Scheme, with the express purpose to act on a valid approval granted for any application in terms of planning law or in terms of a former zoning scheme; such building plan will be assessed and finalised within the approval granted and the land use restrictions or provisions of the applicable zone in the former zoning scheme.
- 1.12.6. Where an approval in terms of any other planning law or a former zoning scheme has been acted on and constitutes a contravention of any provision in a zone in this Land Use Scheme, for the purposes of this Land Use Scheme it will not be considered to be an offence but a lawful nonconforming use.
- 1.12.7. On the date of the adoption of this Land Use Scheme, all existing town planning schemes operating within the jurisdiction of the municipality will cease to operate.

## **1.13. Owner's Responsibility**

- 1.13.1. A landowner within the Municipal Area and the duly authorized representative of such owner may apply for any approval required in terms of the Act, Spatial Planning and Land Use Management By-law or this Scheme.
- 1.13.2. The fact that land may be used for a specific purpose according to its zoning or in terms of Municipality's consent or approval does not exempt anyone from obtaining the necessary permit, license, authorization, record of decision or approval required in terms of any other legislation.

## **1.14. The Municipality's Responsibility**

- 1.14.1. Public Document
  - 1.14.1.1. This Scheme (i.e. including the zoning maps and the zoning register) must be available for public inspection in the Municipal Offices during normal municipal office hours and extracts from this Scheme are obtainable at the Municipal Offices against payment of the prescribed tariffs to cover administrative expenses by the municipality.
- 1.14.2. Keeping of Register
  - 1.14.2.1. The Municipality is responsible for keeping and maintaining a record of all departures and consent uses approved in terms of this Scheme. Additional records relating to the use of land in terms of this Scheme as required by the Municipality may also be included in the register. The register must be computerized.
- 1.14.3. Updating and Amendments



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

## 2. CHAPTER 2: DEFINITIONS

### 2.1. Interpretation

- 2.1.1. In this Land Use Scheme, annexures, appendices, registers, any note on the zoning map and in any condition imposed in terms of this Land Use Scheme, the words and expressions shall have the meanings assigned to them in accordance with the definitions contained in Section 2.2. except where another interpretation is clear from the context. Interpretation of words not defined in this chapter will have the meanings assigned to them in the 'New Shorter Oxford English Dictionary' published by Oxford University Press, except where another interpretation is clear from the context.

### 2.2. Definitions

**"4X4 Trail"** means a series of roads, tracks, and routes, designed for use by off-road vehicles as a recreation or adventure facility, and includes buildings normally required for the administration and maintenance thereof, but does not include tourist accommodation or tourist facilities.

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

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

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

- a) In the case of land zoned for Residential Zone 1, only one additional Dwelling Unit can be permitted;
- b) In the case of land zoned for Agriculture Zone purposes, additional Dwelling Units can be permitted at a density of one unit per 10 ha to a maximum of 5 additional Dwelling Units;
- c) Consent is sort from the Local Municipality.
- d) Building plans are submitted and approved by the Local Municipality.
- e) The intention is that this definition would include what is commonly known as a "granny flat", but that an "additional dwelling unit" not be limited to a "granny flat".

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

- (a) serving a notice that complies with the provisions as set out in this Scheme
- (b) holding public meetings, whether before or after the submission of an application
- (c) displaying a notice on land
- (d) publishing of a notice in the press
- (e) consultative forums or entering into social compacts before a decision is taken by Council; and "advertisement" has a corresponding meaning.

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

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

**"Adult Entertainment Business"** means a business where, for any form of consideration, films, photographs, books, magazines

or live performances are hired, sold or occur, which are considered as for adult entertainment or for mature audiences. It includes an escort agency and a massage parlour, where massage or manipulation of the human body is administered with the purpose of obtaining an erotic response.

**“Affected Party”** means the Contracting Party or Parties to this Convention likely to be affected by the transboundary impact of a proposed activity.

**“Agricultural Industry”** means an ‘agricultural industry’ means an enterprise for the processing of agricultural products on or close to the land unit where these agricultural products are grown, and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products; and includes a winery and distillery, but does not include a service trade or abattoir

**“Agricultural Use”** means land used for, or a building designed or used for the cultivation of crops or plants, arable land, grazing ground, pig farming, horticulture, poultry farming, dairy farming, breeding and keeping of livestock, operation of a game farm, bee keeping, forestry, mushroom and vegetable farming, floriculture, orchards and any other activities normally regarded as incidental to farming activities or associated therewith, may include farm stalls and farmworker housing.

**“Agri-Village/Farm worker housing”** means a private settlement of restricted size, established and managed as a legal entity, which is situated within an agricultural or rural area and where the residence is restricted to bona fide rural workers and their dependents, of the farms, forestry, or factories.

**“Agroforestry”** means the purposeful combination of perennial woody plants with agricultural systems of crop and/or animal production for improved over-all site productivity, the production of specific products or other ecosystem services.

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

**“Airfield”** means an open stretch of land which has been designated and cleared for the taking off and landing of aircraft, but which, unlike an aerodrome/airport, does not necessarily have terminals or paved runways. An airfield shall be subject to the provisions of the Aviation Act, 1962 (Act 74 of 1962) as amended.

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

**“Ancillary/Ancillary Use”** means a land use, purpose, building, structure or activity which is directly related to, and subservient to, the lawful dominant use of the property; provided that in the case of a dispute, the classification or not, by the Municipality, of an ancillary use shall be decisive and final notwithstanding any other provision of this Land Use Scheme.

**“Animal Refuge”** means property used for the care and protection of domestic animals that have been abused, neglected, or abandoned.

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

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

**“Appeal Authority”** means the executive authority of the Municipality, the Municipal Appeal Tribunal established in terms of the By-Law or any other body or institution outside of the municipality authorised by that Municipality to assume the obligations

of an appeal authority for purposes of appeals lodged in terms of the Spatial Planning and Land Use Management Act, 2013.

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

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

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

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

**“Auction Centre”** means a building where there is the offering for sale of new and used goods by means of a request or invitation for bids, including the storage of goods to be auctioned, but does not include retail sales nor the sale of poultry or livestock.

**“Authority Use”** means a use practised by a public authority, of which the factors relating thereto are such that it cannot be classified or defined under any other uses in these regulations, and includes:

- (a) The National Government uses
- (b) The Provincial Government uses;
- (c) Government purposes such as offices, depots, workshops, stores, communication centres, police stations, post offices, border post, military base, road station, road camp, police station or prison and includes incidental uses such as a cafeteria solely for Government Departments. In the event that the land is utilised for private use, the necessary rezoning should be executed.
- (d) Purposes the Municipality may be authorised to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures, 1998 (Act No. 117 of 1998) and the Local Government Municipal Systems Act, 2000, (Act No. 32 of 2000).
- (e) Municipality services such as fire services, municipal health services, municipal depots, sewage farms, dumping grounds, reservoirs, composting installations and water purification works or other services with related uses (including limited accommodation for staff that is required to be on standby for emergencies):
- (f) Museums;
- (g) Hospital, sanatorium, dispensary or clinic for the treatment of infections or contagious diseases;
- (h) Premises licensed under the relevant Health Act for the detention of mentally handicapped persons;
- (i) A psychiatric hospital.

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

**“Bakery”** means a building in which bread, rusks, biscuits, pies, pastries, confectionery and other flour-based products are produced in bulk for distribution to wholesale trade, shops and warehouses, as well as such retail as may be approved by the Local Municipality;

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

**“Bank”** means a public company provisionally or finally registered as a Deposit-taking Institution in terms of the Deposit-taking Institutions Act 1990 (Act No. 94 of 1990) and also includes an instant bank and automatic teller machines.

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

**“Basement”** means any floor of a building which the greater part of the ceiling is below the average ground level of the area covered by the building.

**“Bed and Breakfast”** means a dwelling unit or additional house which the occupant of the dwelling supplies lodging and meals

for compensation to transient guests who have a permanent residence elsewhere; provided that:

- (a) the dominant use of the dwelling unit concerned shall remain for the living accommodation of one family;
- (b) the use shall not impair the amenity of the adjoining properties and the neighbourhood;
- (c) and the land complies with the requirements contained in this Scheme for a bed and breakfast establishment;

This definition does not include a guest house.

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

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

**"Border Post"** means a trade facilitation tool applied at borders, the concept promotes a coordinated and integrated approach to facilitating trade, the movement of people, and improving security.

**"Botanical Garden"** means an establishment where plants are grown for scientific study and display to the public.

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

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

**"Brickyard"** means a place where bricks are made.

**"Builders' Yard"** means land, which is used for the storage of material:

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

**"Building"** without in any way limiting its ordinary meaning, includes—

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

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

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

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

**"Bulk Retail Trade"** means the wholesale or retail sale of bulky goods from within an enclosed building where the size and

nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Bulk retail includes a storage yard and in-house repair or adjustment facilities for products purchased from the bulk retailer.

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

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

**“Bus Station” or “Bus Terminus”** means a designated place where a bus starts or ends its scheduled route, or where buses that travel long distances stop to let passengers get on and off.

**“By-Law”** means the Chief Albert Luthuli Spatial Planning and Land Use Management By-Law, 2016.

**“Business Premises”** means a building used as an office, warehouse or for other business purposes, but does not include a place of instruction or Place of Entertainment or any building mentioned, whether by way of inclusion in or exclusion from the definition of “institution” or a building designed and used as a shop, place of refreshment, public garage, industrial building or noxious industrial building.

**“Cadastral Line”** means a line representing the official boundary of land as recorded on a diagram or general plan approved by the Surveyor-General and registered in the Deeds Office;

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

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

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

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

**“Canteen”** means a retail trade use of which the floor area does not exceed 100 m<sup>2</sup> including storage space and is provided only on an industrial site and which is a small-scale trade incidental to the needs of the employees working on the site and will not interfere with the surrounding trades.

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

**“Caravan Park”** means land and buildings used for transient guests for the overnight accommodation of caravans, motor homes, and tents and may include ablution facilities, caretaker’s flat, communal kitchen and ancillary and subservient shops and other related buildings.

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

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

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

**“Carwash”** means land and buildings used for the washing, polishing and cleaning of vehicles by means of mechanical

apparatus or by hand.

**“Cemetery”** means land and buildings designed or used for the burial of deceased persons and human ashes, a crematorium, a wall of remembrance, a chapel and offices and storerooms for the management of the cemetery, parking and includes ancillary and subservient uses which the Municipality deems necessary.

**“Chemist”** means an enterprise supplying only medicine as defined in the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), as amended, as prescribed by a registered medical practitioner only and subject to the provisions of Section 22(c), (d) and (e) as well as such other conditions imposed in terms of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) and in any amendments thereof.

**“Clinic”** means a hospital for day patients with no overnight accommodation.

**“Coal Yard”** means a property used for the storage and retail sale of coal or charcoal to the public.

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

**“Commercial Use/Purposes”** means a use right for the express purpose of making a profit with no or limited social or charitable objectives; this may include uses such as distribution centres, wholesale trade, storage warehouses, carriage and transport services, laboratories or computer centres, service stations, public garages and may also include offices and retail trade that are usually ancillary to or reasonably necessary in connection with the main use.

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

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

**“Commonage”** means land within the jurisdiction of a traditional council that is currently vacant and available for land allocation for an array of land uses. A commonage has a social and economic upliftment quality and therefor represent communal land shared between various households or a community. Land allocation processes are managed by the traditional council and may include allocating land for small-scale, subsistence farming activities to cultivate fresh produce or to raise small numbers of livestock or poultry for own consumption or resale, but also for residential, business and institutional and other uses as specified within the Land Use Scheme Tables.

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

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

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

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

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

**“Community Facility” or “Community Purposes”** means land or buildings normally or otherwise reasonably associated with the use of land for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums/fitness centres, sports clubs or recreational or other activities where the primary aim is not profit-seeking, excluding a Place of Entertainment.

**“Confectioner”** is a building designed or used for the preparation and baking of bread, cakes, pastries and other baked



products for retail sale to the public.

**“Conference Facility”** means an additional activity to a primary function such as a conference centre, hotel, guest house/ lodge and tourist facilities, where conferences are being held.

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

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

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

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

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

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

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

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

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

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

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

- (a) walls and buildings;
- (b) solid roofs;
- (c) stairs, steps, landings, except entrance landings and steps, galleries, passages and similar features, whether internal or external; and
- (d) canopies, verandas, porches, balconies, terraces and similar features provided that the following portions of buildings must be disregarded in the calculation of coverage, namely—
  - i) stoeps, entrance steps and landings;
  - ii) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of the building;
  - iii) eaves not projecting more than 1,0 metres from the wall of the building; and
  - iv) a basement provided that the basement ceiling does not project above the ground level;

**“Crèche”** means any building or premises maintained or used for the custody and care during the whole or part of the day on all or only some days of the week, for more than 10 children of pre-school going age and which has been registered as a place of care under the Children's Amendment Act, 2007, (Act No. 41 of 2007).

**“Crematorium”** means land and buildings used for the cremation of human or animal tissue, subject to the provision of the Crematoriums Act, 1965 (Act 18 of 1965).

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

**“Cultural Heritage Site”** means all world, national and provincial heritage sites (archaeological sites, graves, forts, rock art sites, battlefields, conservation-worthy buildings as well as monuments, memorials and natural sites).

**“Day Care Facility”** means a building or portion of a dwelling house or outbuildings used by the occupant, to provide day care for young children in the absence of their parents and includes a play group, after school services or instruction for a limited number of infants or children.

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

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

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

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

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

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

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

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

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

**“Distribution Centre”** means a warehouse or other building from where goods are distributed and include a transport depot.

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

**“Dispensing Chemist”** means a chemist’s shop where medicines are prepared and sold

**“Domestic Forest Use”** means the utilisation of natural forests, woodlands or cultivated tree crops for harvesting of wood and non-wood forest produce such for direct domestic consumption, this may include the use of such forests for timber, fuel wood, charcoal, non-timber products and multipurpose woodlots for domestic use (i.e. not primarily for trade), subject to permission from the landowner.

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

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

**“Drive-Thru-Restaurant”** means land or buildings designed or used as a place of refreshment from where food and refreshments are sold and served to clients in vehicles for consumption away from the concerned property provided that the establishment and operation of a Drive-thru-restaurant for the sale or supply to customers of any foodstuff in the form of meals for consumption away from the property shall be subject to a licence in terms of the Business Act, 1991 (Act No. 71 of 1991).

**“Dry Cleaner”** means land and buildings designed and used for the cleaning of clothes and garments utilising a chemical process and processes associated therewith and may include alterations to clothes and garments by an in-house tailoring service.

**“Duet Dwelling”** means a house with two separate free-standing units on one stand.

**“Dwelling House Office”** means an existing dwelling unit that is transformed and used as an office and may include medical

consulting rooms, but excludes banks, insurance companies, building societies and similar commercial/financial institutions, provided that the elevational treatment of the buildings maintain a residential character and appearance complementary to the environment;

**“Dwelling Unit”** means a self-contained inter-leading group of rooms with not more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and permit a Home Business, the letting on a permanent or temporary basis by the owner, of a part of the dwelling unit and/or outbuildings to not more than a total of 4 persons.

**“Eave”** means a portion of a roof projecting beyond the face of a building, including any gutters.

**“Early Childhood Development Centres”** means any building or premises maintained or used, whether or not for gain, for the admission, protection and temporary or partial care of more than six children away from their parents. Centres with 24 children and less are classified as small-scale facilities and those with 25 children and more constitute large-scale centres. Depending on registration, an ECD centre can admit babies, toddlers and/or pre-school aged children. The term ECD centre can refer to a crèche, day care centre for young children, a playgroup, a preschool, after school care etc. ECD centres are sometimes referred to as ECD sites.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**“Family”** means -

- (a) one or more individuals occupying a dwelling who are related through marriage or common law, blood relationship, legal adoption, or legal guardianship and unrelated domestic workers and boarders; or
- (b) a group of not more than 5 unrelated persons including domestic workers or boarders;

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

**“Farm Stall”** means a building on a property zoned “Agricultural” and “Commonage” used for the sale of own agricultural produce.

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

**“Filling Station”** means land and buildings used for:

- (a) The storage of fuels and the retail selling of vehicle fuel and lubricants;
- (b) One working bay for emergency repairs to vehicles but excluding panel beating, spray-painting and major repairs;
- (c) A convenience store including a confectionery and take away facility including a kitchen, with a maximum gross floor area, accessible to the general public, of 250 m<sup>2</sup>, which floor area shall include the floor area accessible to the public as well as any store room, office, fridge area, safe which is used for the operation of the convenience store;
- (d) An automatic teller machine; and
- (e) The sale of LP Gas.

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

**“Flats”** means a building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith; provided that in those zones where flats are permissible, fewer than three dwelling units will also be permissible, whether or not with the special consent of the Council, as the case may be, in a building approved for other purposes than for flats.

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

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

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

- a) Any area, including the basement storey(s), which is reserved solely for covered parking by the tenants or occupants of the building, provided that only 50% of the parking may be reserved for occupants or tenants;
- b) Unroofed structures, open roofs and areas occupied by fire-escapes or staircases, whether inside or outside the building;
- c) Entrance halls, communal corridors and staircases not enclosed by external walls - therefore excluding closed entrance halls and foyers;
- d) Mezzanine or intermediate floor;
- e) Areas used to accommodate lift motors, and other mechanical or electrical equipment necessary for the proper use of the building;
- f) Chimneys, ornamental features, outdoor or uncovered swimming pools, canopies and parking bays covered by shade nets;
- g) Public toilets;
- h) Housing for servants on the roof of the building provided that the floor area thus excluded shall not exceed 3% of the permissible floor area of such building;
- i) All balconies or verandas in a building provided that such veranda or balcony shall not be enclosed except by means of a parapet at most one (1) meter high;
- j) Areas reasonably used for the cleaning, maintenance and care of the building or buildings, excluding dwelling units for supervisors, cleaners and caretakers.

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

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

**Total surface of the land**

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

- (a) any area, including a basement, which is reserved solely for parking or loading of vehicles is excluded;
- (b) external entrance steps and landings, a canopy, a stoep and an area required for external fire escapes are excluded;
- (c) a projection including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1metre beyond the exterior wall or similar support, is excluded;
- (d) any uncovered internal courtyard, light well or another uncovered shaft which has an area in excess of 10 m<sup>2</sup> is excluded;
- (e) any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access, and which is permanently open to the elements on at least the front or long side, is excluded;
- (f) any covered balcony, veranda or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 metres in width, is excluded;
- (g) subject to paragraph (h), any stairs, stairwells and atriums that are covered by a roof is included;
- (h) in the case of multi-level buildings, any stairwells, lift wells, light wells or other wells, and any atrium, is only counted once; and provided further that—
  - (i) floor space is measured from the outer face of the exterior walls or similar supports of the multi-level building; and
  - (j) the total floor space is the sum of the floor space of all the levels of the multi-level building, including that of any basement;

**"Forest Adventure Tourism"** means facilities or sites within the forest environment for the provision/pursuit of challenging physical recreational activities (e.g. tree canopy slides).

**"Forest Burial Site"** means a burial site occurring within forest land/on forest estate or burial facilities established preferentially within a forest environment or planted with trees.

**"Forest Conservation"** means areas and sites that enjoy specific forms of protection in terms of the National Forest Act or other legislation, which are not recognised as Protected Areas in terms of National Environmental Management - Protected Areas Act; or areas of forest/forestry land that are managed for environmental purposes related to water resources, soil, the atmosphere and/or ecosystem processes and services, this may include state forests (NFA s50, s22), controlled forest areas (NFA s17), protected trees [NFA s12(1)(a)(b)], protected woodland [NFA s12 (1)(c)], water catchments/riparian zones, flood regulation forests, forest carbon reserves, amenity forestry, forest rehabilitation areas and land reclamation forestry.

**“Forest Cultural/spiritual use”** means the non-destructive use of forests or sites where trees are key elements of the landscape; for purposes related to culture, mind and/or faith. This may include a forest burial site, memorial tree, sacred forest, forest ritual site and forest retreat, subject to permission from the land-owner.

**“Forestry”** means the management and utilization of forest land and associated land without tree cover for: the commercial production of wood and non-timber forest products; the combination of tree crops with agricultural activities in agroforestry; the conservation of natural resources, including certain forests, trees, soil and water; development and maintenance of forest derived ecosystem services related to environmental processes such as carbon and nutrient cycles; the maintenance and provision of non-consumptive benefits such as related to spiritual, social and cultural expression, forest related eco-tourism and recreation; and research/training/educational activities concerning any of these matters.

**“Forestry Industry”** means the manufacturing of wood and products of wood, including saw milling and planning of wood, preserving timber, other mill products, including wattle bark grinding and compressing, veneer sheets, plywood, laminated board, particle board and other panels and boards, builders’ carpentry and joinery straw and plaiting materials, wooden containers, coffins, and other articles of wood, cork, straw and plaiting materials, including woodcarving and woodturning

**“Forestry Building”** means a building designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the forestry use of the land on which the building is situated and includes warehousing, workshops, but not a forestry industry.

**“Forestry Housing”** means a residential building or dwelling units used only for the accommodation of forestry labourers employed by the owner or lessee of the subject farm or where such labourers are required to work on any forest in the vicinity, which is also owned and/or cultivated by the same farm owner.

**“Forest Park”** means a fairly extensive area, in which natural and/or planted tree cover forms the dominant or co-dominant feature of the vegetation and landscape; which provides some wildlife habitat and accommodates extensive forest recreation activities and is specifically managed for provision of outdoor recreation service

**“Forest Trials”** means demarcated routes through forest/ry land, inclusive of any facilities and its immediate surroundings, that is dedicated towards recreational traverse, e.g.: walking, back packing, horse riding, mountain biking, motor cycling, etc.

**“Forest Recreation Areas”** means a portion of a larger forest management unit; which is dedicated and managed for the provision of a specific or a variety of intensive recreational activities, e.g. picnic, games, etc.; where potable water, waste disposal and ablution facilities are provided.

**“Forest Recreation & Tourism”** means the non-destructive use of forests and trees as key elements of the landscape to be enjoyed for aesthetic, inspirational and recreational purposes, this may include forest parks, forest recreation areas, forest trails, forest adventure tourism.

**“Forest Retreat”** means a place of solitude among trees or in forest that serves to enhance the sense of privacy and isolation (with or without basic accommodation facilities but not for permanent residence)

**“Forestry Research & Education”** means the establishment and maintenance of research trials, monitoring sites, demonstration sites, seed orchards, seed storage facilities and genetic reserve populations, gene banks, arboreta and other facilities related to forestry research and demonstration/education in the subject matter of forestry, subject to permission from the landowner.

**“Forest Ritual Site”** means a site within a forest or a site that was purposefully planted with trees; which is used for ritual purposes (e.g. sites used for cultural rituals associated with transition/progression)

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

**“Funeral Parlour”** means a building used or designated 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: Provided that the establishment and operation of a funeral parlour shall be subject to the provisions of the Regulations relating to Funeral Undertaker’s Premises promulgated in the Government Gazette by virtue of Notice No. R237 on 08 February 1985 in terms of Sections 33 and 39 of the Health Act, 1977 (Act No. 63 of 1977).

**“Forest Nursery”** means

- (a) a production unit that grows planting stock (seedlings and saplings) of forest trees and shrubs.
- (b) an area or place where forest seedlings are grown. There are forest, forest-improvement, and landscape nurseries. In addition, nurseries are categorized as small (up to 3 hectares [ha]), medium (3–20 ha), and large (more than 20 ha).
- (c) a “forest nursery” excludes the distribution or sale of plants, seedlings or bulbs to shops, garden centres or the retail sale to the public on the property.

**“Game Lodge”** means a Game / Nature / Wilderness Lodge (incl. Private Nature Reserves) is a formal accommodation facility providing formal and informal services, located in natural surroundings beyond that of an immediate garden area and located in a natural setting usually, but not always, away from human settlements. Game lodge may include self-catering units.

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

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

**“Garden Centre”** means land and buildings used for the storage, cultivation and sale of plants, bulbs, seed, fish, birds, pots, compost, fertiliser, pesticides, herbicides and may include the sale of ancillary and subservient gardening products and a place of refreshment not exceeding 40 seats.

**“Garden Service Establishment”** means property and buildings used for storage of equipment and the distribution and management of landscaping and garden maintenance services, including the repair and maintenance of equipment. Pool cleaning and maintenance services are also regarded as a garden service establishment.

**“General Plan”** means a general plan approved by the Surveyor-General in terms of the Land Survey Act, Act No. 8 of 1997.

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

**“Granny Flat”** refer to Additional dwelling Unit definition

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

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

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

**“Guest House”** a dwelling house or additional dwelling which is used for the purpose of accommodation and meals to transient guests for compensation without impairing the amenity of the adjoining properties, in an establishment which exceeds the restrictions of a bed and breakfast establishment and may include business meetings or training sessions by and for guests on the property, subject to such requirements contained in this Scheme for a guest house establishment.

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

**“Gymnasium”** means a building used for physical training and exercise with or without apparatus and may include swimming pools, squash courts and other sporting activities, administrative offices, steam baths, Turkish baths, sauna's, and a single place



of refreshment for patrons only not exceeding 100m<sup>2</sup>, as well as a child care/play facility restricted for use by gymnasium members whilst exercising in the gymnasium.

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

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

**“Heavy Vehicle Parking Depot”** means a property or building thereon used only for the temporary storage or ad hoc parking of heavy duty vehicles, long-haul vehicles, trucks, buses and road construction or maintenance vehicles. A heavy vehicle parking depot does not include a fueling facility or a workshop for the servicing or maintenance of any vehicles.

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

- (a) the height of a structure does not include chimneys, flues, masts and antennae;
- (b) elevator motor rooms, satellite dish antennas, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building, are included to determine the height of a structure unless enclosed within the roof or hidden behind parapet walls, not exceeding 2 metres in height; and
- (c) the general provisions regarding these aspects in the by-law also apply;

**“Helicopter Landing Pad”** means land and buildings used and designed for landing and taking off of helicopters and may include a terminal for passengers.

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

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

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

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

**“Heritage Resource”** means any place or object of cultural significance as determined in the National Heritage Resource Act.

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

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

- (a) the dominant use of the property shall remain residential;
- (b) the business shall not exceed a floor area of 40%
- (c) the comments from surrounding owners be obtained;
- (d) the business shall not be noxious; and
- (e) the business shall not interfere with the amenity of the neighbourhood;
- (f) sufficient parking is available as stipulated in terms of Clause 15 for the relevant land use;
- (g) no title condition applicable to the property may be transgressed;
- (h) only the following land uses be considered for the Home Business:
  - i. Spaza
  - ii. Shop
  - iii. Vehicle workshop (restricted to light passenger vehicles with a carrying capacity of 12 passengers or less and light delivery vehicles (LDV) with a gross vehicle mass not exceeding 3 500kg)

- iv. Offices
- v. Dwelling house office
- vi. Service enterprise
- vii. Medical related services
- viii. Commercial (restricted to distribution centres and storage)
- ix. Professional Rooms
- x. Other uses not listed above, to the satisfaction of the municipality

(i) the following uses will be prohibited:

- i. panel beating
- ii. spray painting
- iii. refilling or repair of gas cylinders
- iv. noxious practises
- v. any use that will interfere with the ambience of the surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities any other reason whatsoever.

**“Hospital”** Means a health establishment which is classified as a hospital by the Minister in terms of section 35 of the National Health Act, Act 61 of 2003.

**“Hotel”** means a building which is used as a temporary residence for transient guests, which use exceeds the restrictions of a guest house/lodge where personal services, lodging and meals are provided and may include activities reasonably and ordinary related to a hotel, including conference facilities, lecture rooms, restaurants, tourist facilities, sport and recreation facilities, banquet hall, spa / hydro and wellness centre, and in respect of which a hotel liquor license has been, or is intended to be, issued under the Liquor Act, 1989 (Act No. 27 of 1989), as amended, but excludes any off-sales facilities.

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

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

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

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

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

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

**“Industry”** means the use of land and/or buildings as factory including offices and training that are relevant and secondary

thereto, and also retail trade in goods that are wholly or partly produced, processed or assembled on the property, provided such retail trade is complementary and secondary to the industrial use, provided further that a dwelling unit for supervising personnel may also be erected on the premises;

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

**“Informal Settlement”** means the informal occupation of land by persons none of whom are the registered owner of such land, which persons are using the land for primarily residential purposes and established outside of the provisions of the By-law or any other applicable planning legislation;

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

**“Institution or Institutional use”** means a building or portion of a building used or intended to be used as a social or welfare institution or for the administration thereof, and includes uses such as a counselling centre, nursing home, home for the aged, retired, indigent or handicapped, orphanages or reformatory, frail care, sanatorium, whether private or public, and includes shops, medical offices, laboratories or any other ancillary administrative, health care and support services reasonably connected with such use, but does not include a hospital, clinic or prison. The applicable premises must be registered or licensed under the relevant Health Act for the treatment and accommodation of people.

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

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

**“Intensive Farming”** means Intensive farming is an agricultural intensification and mechanization system that aims to maximize yields from available land through various means, such as heavy use of pesticides and chemical fertilizers.

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

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

**“Kiosk”** - means a building designed and used for the preparation or retail sale of light snacks and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets provided that the establishment and operation of a kiosk for the sale or supply to customers of any foodstuff in the form of light snacks for consumption on or away from the property (excluding a kiosk exclusively used for employees) shall be subject to a licence in terms of the Business Act, 1991 (Act No. 71 of 1991).

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

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

**“Land”** means -

- (a) any erf, agricultural holding or farm portion, and includes any improvements or building on land and any real right in land; and
- (b) the area of communal land to which a household holds an informal right recognized in terms of the customary law applicable in the area where the land to which such right is held is situated and which right is held with the consent of, and adversely to, the registered owner of the land;

**“Land Development”** means the erection of buildings or structures on land, or the change of use of land, including township

establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**“Loading Bay”** means an area which is clearly demarcated for the loading and off-loading of goods from commercial vehicles,

and which has vehicular access to a public street to the satisfaction of the Municipality;

**“Local Municipality”** means a category B municipality envisaged in section 155(1)(h) of the Constitution;

**“Low-Intensity Land Uses”** means land uses that does not change the character of the land/property and does not require licenses, determined rights, approval from another authority etc. from a parallel legislation.

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

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

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

**“Medical Consulting Rooms”** - 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 12m<sup>2</sup> but not uses included in the definition of "Institution".

**“Memorial Tree”** means a tree/trees planted in memory of iconic persons or to commemorate significant events.

**“Mezzanine”** means any mezzanine floor the area of which does not exceed 25% of the floor area below it.

**“Military Base”** means a facility for the storage of military equipment and the training of soldiers

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

**“Mining Purposes”** means land and buildings, that under the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) and any amendments thereof, are used or designated for mining and/or exploitation/prospecting of minerals, or for which purpose a permit has been issued under the aforementioned Act.

**“Mining Rights”** means the approved right to extract coal or other minerals from a piece of land as acquired through the Department of Mineral Resources (DMR) in accordance to the Mineral and Petroleum Resources Development Act (Act No. 28 of 2002).

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

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

**“Mobile Home”** means a factory assembled transportable structure, constructed in accordance with the requirements of the S.A.B.S. specification for Mobile Homes, with the necessary service connections, and designed as a permanent dwelling unit.

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

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

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

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

**“Multi-purpose woodlot for domestic use”** means the management of small planted/naturalised tree stands for provision of various forest products and environmental services mainly for domestic use.

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

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

**“Municipality”** means the Chief Albert Luthuli Local Municipality), and any employee of the Municipality acting in terms of delegated or sub-delegated authority thereof;

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

**“Municipal Planning Tribunal”** means the Chief Albert Luthuli Municipal Planning Tribunal established in terms of the Act or the joint or District Municipality’s Municipal Planning Tribunal if established by the Municipality agreement contemplated in terms of the Act;

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

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

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

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

**“Natural Ground Level”** means

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

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

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

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

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

- (a) proximity within a certain radius;

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

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

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

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

**“Noxious Enterprise Trade” or “Noxious Industry”** means an industry or trade which is dangerous or troublesome to the broad public in Council’s opinion, or which has a disturbing effect on the environment, whether it is due to smell, smoke, noise, flow-off, dust or solid waste and exclude panel beating and spray-painting but includes the following activities:

- (a) the drying or boiling of bones and blood, the sterilizing of animal-hair, the manufacturing of glue or gum, the broiling of fat or melting of fat or talc, or the grinding of any other components of animals;
- (b) the scraping, cleaning or cooking of tripe or intestines;
- (c) the burning of charcoal, coke breeze or lime;
- (d) the salting, braying, tanning or taxidermy of hides and skins;
- (e) the manufacturing of malt;
- (f) the manufacturing of soap and candles;
- (g) the manufacturing of any type of bricks or castings, where sand, stone or cement forms part thereof;
- (h) the manufacturing of yeast;
- (i) the manufacturing of flakes or down; and
- (j) the keeping of poultry older than three weeks and as determined by the Local Municipality, with the provision that the Local Municipality can give permission to keep poultry.

**“Nursery”** means land and buildings used for the storage and cultivation of plants, bulbs and seed for distribution and sale to shops or garden centres and may include the retail sale to the public on the property. as well as a Restaurant, which is subservient to the main use and other ancillary uses.

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

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

**“Objector”** means a person who has lodged an objection with the Municipality to a draft municipal Spatial Development Framework, draft Land Use Scheme or an application;

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

**“Occupant”** in relation to any building, structure or land, includes any person occupying such building, structure or land or legally entitled to occupy it, or anybody having the charge or management thereof, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.

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

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

**“Open Space”** means land which is utilised for informal recreation and the conservation of natural resources or storm water catchment areas including public and private open spaces as social and recreational areas and sports facilities, whether in public



or private ownership.

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

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

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

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

- (a) stipulates development parameters or use rights in addition to the base zoning requirements, which may be more or less restrictive; and
- (b) may include provisions and development parameters relating to primary uses, or consent uses, provisions in the base zone, subdivision and subdivisional areas, development incentives, density limitations, urban form, urban renewal, heritage and environmental protection, management of the urban edge, scenic drives or local areas or any other purpose, as set out in this Land Use Scheme;

**“Owner”** in relation to land, means—

- (a) the person or entity in whose name the land is registered in a deeds registry in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937) or in whom the ownership of the land vests;
- (b) the holder of a registered servitude right or registered lease;
- (c) any successor in title of the owner; and
- (d) a person authorised by a power of attorney to act on behalf of the owner;

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

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

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

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

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

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

**“Parking”** means land intended to be used for the parking of motor vehicles and motorcycles.

**“Parking Bay”** means an area measuring not less than 5 metres x 2, 5 metres for perpendicular or angled parking and 6 metres x 2, 5 metres for parallel parking, which is clearly identified and demarcated for the parking of one motor vehicle and may be

provided in the form of a garage or carport, and which is accessible for easy and safe vehicle movement;

**“Parking Garage”** means a building or part thereof earmarked for the parking of vehicles.

**“Parsonage”** means a dwelling unit for the accommodation of a spiritual leader who is a full-time employee of an organisation, which practises religion in a house of worship, and includes the accommodation of the spiritual leader’s family and includes a monastery or convent.

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

**“Petro-Port”** means a facility with direct access from a freeway or major transport route which provides a range of rest, service and fuelling facilities for light motor vehicles, heavy motor vehicles and busses, including emergency vehicle breakdown services, but does not include a truck-stop.

**“Place of Assembly”** means a public hall, hall for social functions, music hall, concert hall, recreational hall, public art gallery, a town or civic centre or exhibition hall which is not directly related to a commercial undertaking, or a town hall or civic centre, but excluding a school hall and a place of entertainment.

**“Place of Instruction”** means place for education or training at pre-school, school or post-school levels, including a crèche, nursery school, primary school, secondary school, college, university or research institute, and ancillary uses such as boarding hostels; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery or museum; or a place of instruction in sport where the main objective is instruction as opposed to participation by the public as either competitors or spectators; but excludes a reformatory, commercial conference facility, gymnasium and in-house business training centre.

**“Place of Entertainment/Amusement”** means land that is used or buildings that are designed and used for sport, recreation and/or entertainment with the intention of making a profit, may include the licensed provision of alcoholic beverages and uses such as a theatre, cinema, dance hall, amusement park, sports centre, billiard-room, skating rink, race track, private club, a place of assembly, machine-games and gambling machines or similar uses and also includes such uses as are ancillary, directly related to and subservient to the main use. This excludes adult entertainment.

**“Place of Refreshment”** includes *inter alia* a restaurant, tearoom or coffee house and means a building which is not a hotel, residential club or boarding house, but which is designed and used for the preparation and serving and/or retail sale of meals and refreshments and may include the retail sale of cold drinks, tobacco, reading material, dainties and sweets.

**“Place of Public Worship”** means a building designed and used for the purposes of a church, synagogue, mosque, temple, chapel or other place for practicing a faith or religion, including any building and a residence (parsonage) associated therewith, but does not include a funeral parlour, cemetery or crematorium with related chapel. A place of worship may provide for a wall of remembrance.

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

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

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

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

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

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

**“Prescribed”** means prescribed in terms of legislation.

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

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

**“Prison”** means a place for the confinement of people accused or convicted of a crime.

**“Private Club”** means land used or a building designed or used as a private meeting place for an association of persons meeting with a common objective. Should liquor be sold or consumed at such premises it must be legalised by means of a liquor license issued, in terms of Section 23 of the Liquor Act, 1989 (Act No. 27 of 1989). It excludes any noxious practices or uses which will interfere with the amenity of the surrounding properties or is of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever.

**“Private Open Space”** means any land zoned in this Scheme for use as private grounds for parks, a square, sports, games, rest, recreation site or ornamental garden.

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

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

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

**“Production Forestry”** means commercial production/harvesting of timber, bamboo, fuelwood, charcoal, biofuels, or non-timber forest products from cultivated tree or perennial cane crops or from natural forests and woodland. This may include ancillary uses that is directly related to the primary use of forestry such as a sawmill, woodlots, a forestry nursery and forestry housing [subject that a sawmill complies with the National Environmental Management Act (Act No. 107 of 1998), the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) and that forestry housing will comply with the maximum density as set out within the Land Use Scheme per Zone).

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

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

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

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

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

**“Public Floor Area”** means means the sum of the total area of all floors contained within the external walls of any building or within the boundaries of any outdoor area available for the use of the general public in association with the activity, excluding any areas used for:

- a. lift wells, including the assembly area outside the lift doors for a maximum depth of 2 metres;
- b. stairwells, including landing areas;
- c. toilets and bathrooms;
- d. parking areas and/or loading areas; and

- e. all areas used exclusively by staff, such as kitchens, storage areas, internal loading areas/unloading areas, rubbish areas, staff rooms/offices and amenities.

**“Public Garage”** - a building used, with a view to profit, 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 convenience store as subservient use but excludes spray-painting, panel beating or a scrapyard, provided that the convenience store and place of refreshment, including storerooms, shall not exceed a total area of 100m<sup>2</sup> (or such other floor area as approved by the Local Municipality with Special Consent, provided that if any other area is stipulated by any approving authority the most prohibitive condition shall prevail.

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

**“Public Open Space”** means any open space as defined and vested in the Local Municipality and land zoned “Public Open Space” to which the general public has right of access.

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

- (a) A piece of land with few or no buildings within or adjoining a town maintained for recreational and ornamental purposes.
- (b) A landscaped city square.
- (c) A large tract of rural land kept in its natural state and usually reserved for the enjoyment and recreation of visitors.

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

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

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

**“Public Road”** means any road or street for public use or any land intended for such purposes.

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

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

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

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

**“Railway Station”** means a place on a railway line where trains stop to pick up or let off passengers or goods, especially one with ancillary services;

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

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

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

**“Recreation Purposes” or Recreational Facility”** means a land use which is aimed at providing recreation or entertainment to the public but which does not fall under the definition of “open space”, “resort” or “sports ground”, and may include a squash

courts or other indoor sports centre, theatre, cinema, amusement park, skating rink or discotheque.

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

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

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

- (a) departures;
- (b) conditions of rezoning that affect the land use right of any land, and
- (c) consent uses and nonconforming uses;

applicable to land as prescribed or required under this Scheme

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

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

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

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

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

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

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

**“Resort”** means a place of rest, holiday place, tenting or camping site, caravan park, game park, pleasure resort or picnic spot intended for public recreation with the view to profit or gain and includes a “Place of refreshment” and other buildings normally related and appurtenant to such a resort, as approved by the Municipality, provided that no facility within the resort shall be occupied by any person for a period exceeding three (3) months within a period of twelve (12) months, except with the consent of the Municipality.

**“Restaurant”** means a building or part of a building used for the preparation and sale of meals and refreshments, as well as confectionery for consumption on the erf or the property and includes entertainment subsidiary to the main use and can include a place of refreshment, as well as a drive-thru restaurant provided that the establishment and operation of a Restaurant for the sale or supply to customers of any foodstuff in the form of meals for consumption on or away from the property shall be subject to a licence in terms of the Business Act, 1991 (Act No. 71 of 1991).

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

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

**“Retirement Village”** means group housing or town housing that conforms to the following additional conditions:

- (a) each dwelling unit may only be occupied by an elderly person or by a family of which at least one member is an elderly person;
- (b) a full spectrum of care and other recreational facilities will be provided to the satisfaction of the Council; and
- (c) other land use restrictions than those applicable in the Residential Zone, as the case may be, may in respect of a retirement village be determined by the Council.

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

**"Riding Stables"** means a place or undertaking for the leasing of horses and/or riding instruction against payment, and includes the care and stabling of such horses.

**"Rights"** means land use rights obtained in terms of this Scheme.

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

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

**"Sawmill"** means an agro-industrial concern directly related to the forestry industry and includes the debarking, sawing and processing of timber as a primary resource into planks, poles, blocks, or pallets for distribution to manufacturing industries. A sawmill may include a wood yard on the premises but does not include the manufacturing of wood products for wholesale trade.

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

**"Sacred Forest"** means an area of forest that is culturally designated as a sacred forest and where access is regulated through customary rules.

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

**"Scheme"** means the Chief Albert Luthuli Local Municipality's Land Use Scheme, 2017 and includes the Scheme Regulations, scheme maps, annexures, schedules, tables and figures to the Scheme.

**"Scheme Area"** means the defined boundaries of the Chief Albert Luthuli Local Municipality which is the area across which the Land Use Scheme is applicable.

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

**"Scheme Regulations"** has the meaning assigned thereto in the By-Law.

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

**"Scrapyard"** means a building or land, which is used for one or more of the following purposes;

- (a) the storing, stacking, depositing or collecting of junk or scrap material or articles of which the value depends entirely or partially on the material out of which they are manufactured whether or not intended for the purpose of disposal or recycling of such waste
- (b) the dismantling or demolition of second-hand vehicles that have been written off or machines to recover components or material; and
- (c) the storing or sale of second-hand pipes, poles, steel sections, wire, lumber, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred.

**"Second Storey"** means the storey above the ground floor.

**"Secondary Use"** means the use of a building or property granted with the consent of the Municipality.

**"Self-Catering Unit/s"** means a sole occupancy unit/s for transient guests consisting of one or more bedrooms or suites and a dining area with cooking facilities. The category requirements for self-catering accommodation includes the minimum cooking facilities of a microwave, two hot plates, saucepans, crockery, cutlery and cooking utensils must be provided. The host/representative must be contactable 24 hours a day, 7 days per week. Bathroom facilities may or may not be en-suite and/or private.

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

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

**“Service Enterprise”** - land and / or buildings used for the supply of personal services and goods incidental thereto for compensation and which is excluded in the definition of "Bakery", "Office", "Institution", "Public Garage", "Noxious Use", "Commercial" and "Medical Consulting Rooms" and include such activities as for example hairdressers, beauty parlours, slimming centres, provided that the provision of personal services as listed in Schedule 1 (Item 2) of the Business Act, 1991 (Act No. 71 of 1991) shall be subject to a licence in terms of the said Act.

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

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

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

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

**“Service trade”** means an enterprise:

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

**“Service Yard”** means a defined screened area providing utility services for, amongst others, residential developments which include facilities such as washing lines;

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

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

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

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

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

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

**“Showgrounds”** means land and buildings designed and used for exhibitions and sale of inter alia agricultural, residential and industrial products, tourist destinations and accommodation, livestock, vehicles, lifestyle products and may include places of entertainment and refreshment ancillary to the exhibition.

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

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

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

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

**“Site Development Plan”** means a scaled and dimensioned plan that shows details of the proposed development including the site layout, positioning of buildings and structures, property access, building designs and landscaping. No activities may commence on the site before such a plan is approved and no deviations from the approved plan may occur without written permission of the Local Municipality. Such plan must reflect at least the following:

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

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

$$\text{Slope} = \text{vertical height as a ratio to horizontal distance}$$

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

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

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

**“Spatial Development Framework”** means the Chief Albert Luthuli Spatial Development Framework prepared and adopted in terms of the Act and the By-Law;

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

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

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



**“Sports Fields or Sports Grounds”** means a pitch or a sports ground as an outdoor playing or practising area for various sports and includes only improvements ancillary to the main use of playing or practising outdoor sports.

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

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

- (a) a basement does not constitute a storey;
- (b) a roof, or dome which forms part of a roof, does not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation or other living or entertainment purposes, in which case it is deemed to be a storey;
- (c) the utilisation of an open roof area, does not constitute a separate storey, however, should any means of coverage or fixtures such as a Jacuzzi, swimming pool or built-in braai be added to the roof of a building in a single residential zone, such area is regarded as an additional storey;
- (d) any storey which is greater than 4 metres, measured from the finished floor level to the finished floor level or to the ceiling in the case of a top storey, but equal to or less than 6 metres in height, is for the purpose of the height measurement, regarded as two storeys, and every additional 4 metres in height or portion thereof, is regarded as an additional storey; and
- (e) in counting the number of storeys of a building, the ground floor is the first storey and the next floor above is the second storey;

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

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

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

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

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

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

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

**“Subdivisional Area”** means an area of land contemplated by

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

has been rezoned as a subdivisional area.

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

**“Subsistence Agriculture/Farming”** means self-sufficiency farming in which the farmers focus on growing enough food to feed

themselves and this may include animal keeping. The output is mostly for local requirements with little or no surplus for trade.

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

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

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

**“Systems Act”** means the national Local Government: Municipal Systems Act, 2000, (Act No 32 of 2000).

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

**“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 subservient prepared food/snacks, to be consumed on the premises but excluding a Place of Entertainment, provided that the establishment and operation of a tavern shall be subject to a licence in terms of the Liquor Act, 1989 (Act No. 27 of 1989) as well as a licence in terms of the Business Act, 1991 (Act No. 71 of 1991) in respect of the sale or supply to consumers of any foodstuff in the form of meals for consumption on the property.

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

**“Tea garden”** - means land and a building designed and used for the preparation or retail sale of meals and refreshments, but does not include a “Restaurant” or “Place of Refreshment”. The area used for a tea garden may be restricted by the Municipality and is further subject to the policy of the Municipality as amended from time to time, provided that the establishment and operation of a tea garden for the sale or supply of any foodstuff in the form of meals for consumption on or away from the property shall be subject to a licence in terms of the Business Act, 1991 (Act No. 71 of 1991).

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

**“Telecommunication Mast”** means a structure in the form of a mast and a base station, which is designed for communication over a distance by means of telephone, radio, television and internet wave technology or other technology as may be permitted in terms of the relevant legislation. Telecommunication masts are regarded as infrastructure and not as a land use.

**“Temporary Building”** or **“Temporary Structure”** - means a building designated as such by the owner after consulting with the Municipality and which is used, or will be used, for a specified period for a specified purpose.

**“Temporary Use/s”** or **“Temporary Conccent”** means land and buildings used temporarily which may conflict with this Land Use Scheme, but which the Municipality has approved for a specific period, provided that such uses shall not constitute a public nuisance, provided that this definition applied to all instances in this Land Use Scheme where the temporary use of a land or buildings is implied. Subject to subsection 13.1.2 of the Land Use Scheme.

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

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

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

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

**“Tourist Facility”** means land or a building used for tourists or day visitors such as a tea garden, farm stall, touch farm, game viewing facilities, gift shop, place of entertainment, outdoor activity, restaurant, wellness centre or a rest room on a scale and combination of uses as determined by Council for the tourist or day visitor industry, fitting with the character of the surrounding area.

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

basements.

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

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

- (a) which are planned, designed and built as a harmonious architectural entity with a number of unit types;
- (b) which are arranged in a varied and orderly fashion within or around a communal open space and with public and/or private access road;
- (c) with a medium-density character;
- (d) with structures which may vary between single- and double storeys and cadastrally subdivided or not;
- (e) of which every single residential unit has a ground floor;

and a town house will have a similar meaning.

**“Township”** means an area of land divided into erven, and may include public places and roads indicated as such on a General Plan;

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

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

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

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

**Transitional settlement:** Means land upon which informal settlements are established by the occupation of land and provision of residential accommodation in the form of self- help structures and some ancillary non-residential uses.

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

**“Transport Purposes”** means purposes normally or otherwise reasonably associated with the use of land primarily for the transportation of goods and people and includes transportation infrastructure such as roads, railways and parking or points for the pick-up or offload of people or goods, including taxi ranks, bus bays, bus stations, bus terminuses, railway stations and may further include any ancillary uses as approved by the Local Municipality.

**“Truck Stop”** means a facility or premises with direct access from a freeway or major transport route which provides overnight facilities primarily for the use of drivers of long haul vehicles, trucks, busses and heavy-duty vehicles or an overnight parking facility for such vehicles containing their own on-board sleeping facilities. Truck stops may also include facilities for the maintenance or repair of commercial vehicles, the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles, wash bays, recreational facilities and restaurant facilities.

**“Tuck Shop” or “Spaza Shop”** means a shop on a residential property, only for the selling of daily convenience goods and prepared and pre-wrapped food, excluding alcoholic beverages, table games or electronic games. A tuck shop is not a general business or retail function on a residential erf and the residential component remains the main use of the erf. The area used for a tuck shop shall not exceed 40% of the area of the property, not exceeding 60m<sup>2</sup> (storage area included), and is further subject to the policy of the Municipality, as amended from time to time. A spaza shop is regarded as a tuck shop and is included in this definition.

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

**“Urban Agriculture”** means the production, processing, marketing and distribution of crops in an urban environment using

resources available in that urban area for the benefit largely of residents from that area.

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

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

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

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

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

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

**“Vehicle Graveyard”** means an area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;

**Vehicle Sales Market or “Vehicle Workshop”** – land used or a building designed or used for the repair of trucks, motor vehicles, motorcycles and other engine driven vehicles.

**“Veterinary Clinic”** means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use and may include a grooming parlour and a retail outlet restricted to the sale of veterinary and animal maintenance products.

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

**“Warehouse”** means a building used for storing goods, which are not dangerous, noxious or unsightly, before distribution to retailers, but does not include a store for goods normally incidental to a shop, business premises or another building. It includes wholesale trade and may also include ancillary office accommodation, which is subsidiary to the main use, but excludes any retail trade on the property of such building unless the special consent of the Local Municipality has been given.

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

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

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

**“Wholesale Trade”** - the sale of goods or produce in large quantities to other retailers and excludes sales to the general public.

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

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

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

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

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

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



**“Zoning”** includes base zoning and overlay zoning;

## 3. CHAPTER 3: LAND USE ZONES AND DEVELOPMENT RULES

---

### 3.1. Land Use Zones

- 3.1.1. A Land Use Zone does not indicate the existing land use rights on a property.
- 3.1.2. A Land Use Zone is a demarcated portion of land or area in terms of which regulations pertaining to the potential use and development of that land are imposed. These regulations are derived from the Municipal Spatial Development Framework and have, as a goal, the implementation of the municipal development objectives through the application of land use control.
- 3.1.3. Even though the Land Use Zones may create an expectation with regards to the development of the land, the need and desirability of any development still have to be proven by way of application and every application will be considered on the individual merits thereof.
- 3.1.4. All developments must comply with the regulations contained in the applicable zone and all applications for land use rights shall be considered against the regulations.
- 3.1.5. The municipal area is divided into the following Use Zones:
  - 3.1.5.1. Aerodrome
  - 3.1.5.2. Agriculture
  - 3.1.5.3. Business 1
  - 3.1.5.4. Business 2
  - 3.1.5.5. Cemetery
  - 3.1.5.6. Commonage
  - 3.1.5.7. Conservation
  - 3.1.5.8. Government
  - 3.1.5.9. Institutional
  - 3.1.5.10. Industrial 1
  - 3.1.5.11. Industrial 2
  - 3.1.5.12. Mining
  - 3.1.5.13. Private Open Space
  - 3.1.5.14. Public Open Space
  - 3.1.5.15. Residential 1
  - 3.1.5.16. Residential 2
  - 3.1.5.17. Residential 3
  - 3.1.5.18. Residential 4
  - 3.1.5.19. Traditional Residential Area
  - 3.1.5.20. Resort
  - 3.1.5.21. Special
  - 3.1.5.22. Transport
  - 3.1.5.23. Undetermined


<b>Code: AE</b>				<b>AERODROME</b>				<b>R=255; G=255; B=255</b>
<b>Objectives of this Zone:</b> <ul style="list-style-type: none"><li>To accommodate air transport service functions.</li></ul>								
<b>RULES REGARDING THE USE OF LAND AND BUILDINGS</b>								
<b>What land may be used for:</b>						<b>Land uses that are prohibited:</b>		
<b>Primary Uses:</b>		<b>Written Consent Uses:</b>		<b>Special Consent Uses:</b>		Any use not mentioned under Primary Uses.		
Aerodrome & purposes such as container site, helicopter landing pad, truck shop, offices, Transport Purposes, shops, Warehouse, places of refreshment directly related and subordinate to the aerodrome, Airfield.		Such uses as may be approved by the Local Municipality		Such uses as may be approved by the Local municipality				
<b>RULES REGARDING THE EXTENT OF DEVELOPMENT</b>								
<b>Maximum Density:</b>		<b>Maximum Coverage:</b>		<b>Maximum FAR:</b>		<b>Maximum Height:</b>		<b>Other:</b>
As approved by the Local Municipality.		As approved by the Local Municipality.		As approved by the Local Municipality.		As approved by the Local Municipality.		As approved by the Local Municipality.
<b>RULES REGARDING BUILDING LINES</b>						<b>RULES REGARDING PARKING AND LOADING</b>		
<b>Street boundary:</b>		As approved by the Local Municipality.				Refer to Chapter 4.		
<b>Rear boundary:</b>		As approved by the Local Municipality.						
<b>Side boundary:</b>		As approved by the Local Municipality.						
<b>OTHER REGULATIONS</b>								
1. Subject to Aviation Act, Act No. 13 of 2009 and approvals								

Code: A	AGRICULTURE				R=233; G=255; B=227
Objectives of this Zone:					
<ul style="list-style-type: none"><li>To utilize agricultural land on a sustainable basis.</li><li>To ensure that land deemed to have high agricultural potential is optimally used.</li><li>To provide mechanisms for the identification and protection of productive agricultural land.</li><li>To ensure that agricultural practices are consistent with environmental considerations and pollution controls.</li></ul>					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:		Special Consent Uses:		Any use not mentioned under Primary, Written or Special Consent uses.
Agricultural Use, Agri-village/Farm worker housing, Agroforestry, Dwelling unit/s, Farm Stall, Forest Recreation and Tourism, Forest Cultural/Spiritual Use, Forest Conservation, Forestry Research and Education, Small Scale Farming, Intensive Farming, Production Forestry.	Authority Use, Day Care Facility, Domestic Forest Use, Home Business.		Agricultural Industry, Bed & Breakfast, Conference Facility, Guest House, Self-Catering Unit/s, Game Lodge, Nursery, Restaurant, Tourist Facility, Airfield, Electrical Purposes, Riding Stables, Place of Assembly, Place of Instruction, Place of Public Worship. Showgrounds, Prospecting & Mining activities < 5 years (Permit).		
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:		Maximum FAR:	Maximum Height:	Other:
1 Dwelling unit per portion and 1 Additional Dwelling Unit at a density of 1 unit per 10 hectares to a maximum of 5 Additional Dwelling Units.*	20%		As approved by the Municipality	3 storeys	As approved by the Municipality
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Street boundary:	10 metres			Refer to Chapter 4.	
Rear boundary:	5 metres				
Side boundary:	5 metres				
OTHER REGULATIONS					
<div>1. Title conditions on farm land shall be applicable.</div> <div>2. All land within this zone is subject to regulation in terms of the Subdivision of Agricultural Land Act, 1970, (Act No. 70 of 1970) unless such land is excluded from the act.</div> <div>3. A mining right, mining permit, exploration right or production right may be required in terms of the Mineral and Petroleum Resources Development Act, 2002, (Act No. 28 of 2002).</div> <div>4. Mining activities can only take place if there is a 5-year permit issued.</div> <div>5. There must be compliance with National and Provincial environmental legislation.</div> <div>6. There must be compliance with the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)</div> <div>7. There must be compliance with the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).</div> <div>8. A water use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998).</div>					



Code: B1	BUSINESS 1			R=230; G=0; B=0
Objectives of this Zone:				
<ul style="list-style-type: none"><li>To provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth.</li><li>The objective of this zone is to provide for the retail sale of goods and services to the public.</li></ul>				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Adult Entertainment Business, Auction Centre, Bakery, Bed & Breakfast, Self-Catering Unit/s, Business, Cafeteria, Canteen, Car Wash, Community Facility/Community Purposes, Confectioner, Container Site, Dispensing Chemist, Drive-Thru Guest House, Drive-thru Restaurant, Dry Cleaner, Factory Shop, Funeral Parlour, Gaming Establishment, Garden Centre, Garden Service Establishment, Home Business, Informal Business, Kiosk, Launderette, Medical Consulting Rooms, Medical Suites, Nursery, Office, Place of refreshment, Private Club, Restaurant, Retail Shop, Service Industry, Service Retail, Service Trade, Shop, Showrooms, Take-Away, Tea Garden, Tuck / Spaza Shop,	Day Care Facility, Dwelling units with or without outbuildings and Tavern	Bank, Bulk Retail Trade, Brickyard, Conference Facility, Distribution Centre, Dwelling unit, Liquor Enterprise, Game Lodge, Gymnasium, Industrial, Industrial Use, Light Industry, Motel, Hotel, Motor Trade, Vehicle Sales Market, Public Garage, Place of Pubic Worship, Place of Instruction, Social Hall, Place of Entertainment, Parking Garage, Commercial Use, Wholesale Trade and Spa/Hydro and Wellness Centre.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	
Maximum of 65 dwelling units per hectare.	70%	3	3 storeys	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres	Refer to Chapter 4.		
Rear boundary:	2 metres			
Side boundary:	2 metres			
OTHER REGULATIONS				
<div>1. The Liquor Act, 2003, (Act No. 59 of 2003), (administered by the Department of Trade and Industry) requires a liquor license for land uses where liquor is sold.</div> <div>2. Business Act, 1991, (Act No. 71 of 1991) requires business licenses for the following types of business:<div><div>Food provision</div><div>Turkish baths, saunas and health baths; massage or infra-red treatments; male and female escorts; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult entertainment business.</div></div></div> <div>3. The National Gambling Act, 2004, (Act No. 7 of 2004) may also require a gambling license depending on the nature of gambling activities.</div> <div>4. In the case of residential buildings, the provision of open space and children’s’ playgrounds must be to the satisfaction of the Municipal Council.</div> <div>5. Must meet the requirements of the Occupational Health and Safety Act (No.85 of 1993)</div> <div>6. Must meet the requirements of the National Environmental Management Act (No. 107 of 1998)</div>				

Code: B2	BUSINESS 2			R=168; G=0; B=0
<b>Objectives of this Zone:</b>				
<ul style="list-style-type: none"><li>To provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth and to provide for the retail sale of goods and services to the public.</li></ul>				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Adult Entertainment Business, Bed & Breakfast, Auction Centre, Bank, Bulk Retail Trade, Canteen, Distribution Centre, Bakery, Brickyard, Builder’s Yard, Dispensing Chemist, Business, Cafeteria, Car Wash, commercial use, Confectioner, Conference Facility, Container Site, Drive-Thru Restaurant, Dry Cleaner, Factory Shop, Filling Station/Service Station, Funeral Parlour, Gaming Establishment, Garden Centre, Motor Workshop, Garden Service Establishment, Guest House, Game Lodge, Home Business, Hotel, Informal Business, Kiosk, Launderette, Medical Consulting Rooms, Medical Suites, Motel, Motor Grave Yard, Motor Trade, Nursery, Offices, Panel Beating, Petro-Port, Place Of Refreshment, Private Club, Recycling Centre, Restaurant, Retail Shop, Riding Stables, Self-Catering Unit/s, Scrapyard, Service Industry, Service Retail, Shop, Showrooms, Take-Away, Tea Garden, Tuck / Spaza Shop, Veterinary Clinic, Warehouse, Workshop, Liquor Enterprise, Spa/Hydro and Wellness Centre, Gymnasium, Service Trade, Shopping Centre, Vehicle Sales Market Or Vehicle Workshop & Wholesale Trade.	Day Care Facility, Place of Public Worship, Place of Instruction, Social Hall, Institution or Institutional use, Public Garage, Parking Garage, Transmission Tower and Tavern	Place of Entertainment, Light Industry, Industrial Use and Noxious Trade / Industry.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	
Maximum of 65 dwelling units per hectare.	70%	2	6 storeys	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres		Refer to Chapter 4.	
Rear boundary:	2 metres			
Side boundary:	2 metres			
OTHER REGULATIONS				
<div>1. The Liquor Act, 2003, (Act No. 59 of 2003), (administered by the Department of Trade and Industry) requires a liquor license for land uses where liquor is sold.</div> <div>2. Business Act, 1991, (Act No. 71 of 1991) requires business licenses for the following types of business:<div><div>Food provision</div><div>Turkish baths, saunas and health baths; massage or infra-red treatments; male and female escorts; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult entertainment business.</div></div></div> <div>3. The National Gambling Act, 2004, (Act No. 7 of 2004) may also require a gambling license depending on the nature of gambling activities.</div> <div>4. In the case of residential buildings, where applicable, the provision of open space and children’s’ playgrounds must be to the satisfaction of the Municipal Council.</div>				

Code: CEM				R=255; G=211; B=127
Objectives of this Zone:				
<ul style="list-style-type: none"><li>The objective of this zone is to provide for cemeteries.</li></ul>				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Cemetery	Wall of Remembrance	Crematorium		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	As may be determined by the Local Municipality.		Refer to Chapter 4.	
Rear boundary:	As may be determined by the Local Municipality.			
Side boundary:	As may be determined by the Local Municipality.			
OTHER REGULATIONS				
<div>1. No land shall be used for the purposes of refuse tipping, sewage disposal, scrap yard, stockyard, ash dump, motor graveyard or cemetery without the consent of the Local Municipality.</div> <div>2. All relevant legislation relating to the establishment of cemeteries will be adhered to as contemplated in National Environmental Management Act, 1998, (Act No. 107 of 1998).</div>				

Code: CM	COMMONAGE			R= 204; G=204; B=204
Objectives of this Zone:				
<ul style="list-style-type: none"><li>To create integrated, safe and sustainable environments for all communities.</li><li>To promote densification in rural settlements.</li><li>To put measures in place to control the expansion of rural settlements.</li><li>To protect grazing and farming land for rural communities.</li></ul>				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			What land may be NOT be used for:	
Primary Uses:		Written Consent Uses:		Any uses not mentioned under Primary or Written Consent uses.
Authority use, Agricultural Use, Bed & Breakfast, Clinic, Commonage, Conservation Purposes, Car wash, Day Care Facility, Farm Stall, Guest House, Home Business, Informal Business, Intensive Farming, Municipal Purposes, Nursery, Shop, Tea Garden, Tuck / Spaza Shop, Wood Yard, Place of Assembly, Social Hall, Early Childhood Development Centre, Place of Instruction, Public Open Space, Private Open Space, Self-Catering Unit/s, Boarding House, Commune, Dormitory Establishment, Duet Dwelling, Dwelling House Office, Dwelling Unit, Flats, Group Housing, Semi-Detached Unit, Parsonage, Professional Rooms, Shelter & Small Scale Farming, Agri-village/Farm worker housing, Agroforestry, Forest Recreation and Tourism, Forest Cultural/Spiritual Use, Forest Conservation, Forestry Research and Education, Production Forestry and Sports Fields or Sports Grounds.		Agricultural Industry, Animal Refuge, Community Facility/Community Purposes, Cultural Heritage Site, Forestry Industry, Informal Structure, Urban Agriculture, Bakery, Builders Yard, Business, Hotel, Retirement Village, Showgrounds, Spa / Hydro & Wellness Centre, Sports Facilities, Tavern, Tourist Facilities & Traditional Healing Practice, Game Lodge, Domestic Forest Use, Place of Public Worship,		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
More than 100 dwelling units per hectare.	As may be determined by the Local Municipality.	As may be determined by the Local Municipality.	As may be determined by the Local Municipality.	As may be determined by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	As may be determined by the Local Municipality.		Refer to Chapter 4.	
Rear boundary:	As may be determined by the Local Municipality.			
Side boundary:	As may be determined by the Local Municipality.			
OTHER REGULATION				
<div>1. The Municipality may consider utilizing over-provided public open spaces for residential infill or other uses. Such development will require the amendment of the Scheme to a suitable zone.</div> <div>2. Urban agricultural uses may be considered on larger open space systems, subject to environmental legislation. Such developments will require the amendment of the Scheme to a suitable zone.</div> <div>3. Must meet the requirements of the National Environmental Management Act (No. 107 of 1998)</div>				

Code: C	CONSERVATION				R=38, G=115, B=0
<b>Objectives of this Zone:</b>					
<ul style="list-style-type: none"><li>To provide adequate measures for the protection of areas deemed for conservation purposes.</li><li>To ensure that such facilities are located and maintained to attract visitors and tourists.</li><li>To set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for passive recreational purposes.</li></ul>					
<b>RULES REGARDING THE USE OF LAND AND BUILDINGS</b>					
<b>What land may be used for:</b>				<b>Land uses that are prohibited:</b>	
<b>Primary Uses:</b>		<b>Special Consent Uses:</b>		Any use not mentioned under Primary, Written or Special Consent Uses.	
All declared / undeclared national, provincial and private Nature Reserves, all other protected areas (including Biospheres), Conservancy, Conservation Purposes, Cultural Heritage Sites, Environmental Facilities, Nature Reserve, Botanical Gardens & Protected Areas.		Agriculture Use, Airport, Bed & Breakfast, Conference Facilities, Filling Station, Guest House, Hotel, Game Lodge, Tourist Facility, Place of Assembly, Place of Entertainment, Self-Catering Unit/s, Shop, Special Usage, Recreational Purposes & Telecommunication Mast.			
<b>RULES REGARDING THE EXTENT OF DEVELOPMENT</b>					
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>	
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	
<b>RULES REGARDING BUILDING LINES</b>				<b>RULES REGARDING PARKING AND LOADING</b>	
<b>Street boundary:</b>	10 metres		Refer to Chapter 4.		
<b>Rear boundary:</b>	As approved by the Local Municipality.				
<b>Side boundary:</b>	As approved by the Local Municipality.				
<b>OTHER REGULATION</b>					
<div>1. There must be compliance with National environmental legislation in the development of nature reserves, land for conservation purposes, cultural heritage sites, protected areas and listed activities.</div> <div>2. Must meet the requirements of the National Environmental Management Act (No. 107 of 1998)</div>					

Code: GOV	GOVERNMENT			R=205; G=170; B=102
Objectives of this Zone:				
<ul style="list-style-type: none"><li>The Government zone provides for utility services such as electrical substations and water reservoirs, which may be supplied by, government or parastatal; and makes provision for government or authority uses, such as prisons, border posts and military bases, that are not covered by another use or zoning category.</li><li>The uses may also include State uses such as military training centres, installations and police stations, Provincial Government uses such as offices, road camps and road stations and Local Municipality uses such as offices, fire services, sewage farms, dumping grounds, reservoirs, composting installations and water purification works and museums;</li></ul>				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Authority use, Border Post, military bases, early childhood development, Offices, Cemetery, Clinic, Electrical Purposes, Hospital, Laboratory, Mortuary, Municipal purposes, Reservoir, Road Reserve, Place of Instruction, Government Offices, Sewerage Works, Substation, Veterinary Clinic, Utility Services, Waste Disposal Site, railway purposes.	Communal Land, Cultural Heritage Site, Retirement Village, Sports Facilities, Taxi Rank, Showgrounds and Sports Fields or Sports Grounds	Botanical Garden, Telecommunication Centre, Telecommunication Mast, Transmission Tower, Dwelling unit, Zoological garden or any other transport purposes as approved by the Local Municipality.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	50%	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	As may be determined by the Local Municipality.		Refer to Chapter 4.	
Rear boundary:				
Side boundary:				
OTHER REGULATIONS				
<ul style="list-style-type: none"><li>Must meet the requirements the National Environmental Management: Air Quality Act, Act 39 of 2004</li></ul>				

Code: I1	INDUSTRIAL 1				R=169; G=0; B=230
Objectives of this Zone:					
<ul style="list-style-type: none"><li>To provide appropriate locations for light and service industries that has limited impact.</li><li>To provide appropriate locations for a range of industrial, warehousing and related activities in specific areas.</li><li>To ensure that the location of industrial development is such that it minimises their impacts on surrounding areas.</li><li>To provide a proper balance for employment and sectoral growth and sustainable development</li><li>To ensure that there is sufficient on-site space to accommodate the proposed uses, traffic and any potential impact resulting from these developments.</li><li>To provide an interface between industrial areas and adjacent residential or other land uses.</li><li>To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located near them.</li></ul>					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Noxious Use and any use not mentioned under Primary, Written or Special Consent uses.		
Abattoir, Agricultural Industry, Brickyard, Industry, Industries, Public garage, Commercial use, Service industry, Factory, Factory Shop, Industrial Use, Industry, Informal Business, Office, Sawmill, Transport purposes, Truck Stop, Workshop, Warehousing and Packaging.	Place of refreshment for own employees only, Dwelling unit related to but subordinate to main use, Heavy Vehicle Parking Depot, Panel beater, Motor Workshop, Builders yard, Coal Yard, shop, Scrapyard, Telecommunication mast, Cafeteria, Canteen, Take-Away, Tavern and Wood Yard.	Helicopter Landing Pad, Special Usage, Transmission Tower and Adult Entertainment Business.			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
N/A	75%	2.7	3 Storeys	As approved by the Local Municipality.	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING		
Street boundary:	6 metres		Refer to Chapter 4.		
Rear boundary:	2 metres				
Side boundary:	2 metres				
OTHER REGULATIONS					
<ol style="list-style-type: none"><li>Compliance with National health and environmental legislation,</li><li>Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and Municipality has given approval thereto.</li><li>Must meet the requirements the National Environmental Management: Air Quality Act, Act 39 of 2004.</li><li>Must meet the requirements of the National Meat Safety Act, Act 40 of 2000</li></ol>					

Code: I2	INDUSTRIAL 2			R=169; G=0; B=230
<b>Objectives of this Zone:</b>				
<ul style="list-style-type: none"><li>The objective of this zone is to accommodate all forms of industry in order to promote the manufacturing sector of the economy. Some allowance is made for nonindustrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.</li></ul>				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Abattoir, Agricultural Industry, Builders yard, Industries, Service industry, Commercial use., Animal Refuge, Auction Centre, Brickyard, Builders’ Yard, Coal Yard, Distribution Centre, Factory, Factory Shop, Garden Service Establishment, Noxious industries, Heavy Vehicle Parking Depot, Industrial Use, Industry, Light Industry, Motor Workshop, Office, Panel Beating, Recycling Centre, Sawmill, Showrooms, Transport purposes, Truck Stop, Warehousing and Packaging, Wood Yard, Wholesale Trade & Workshop	Place of refreshment for own employees only, Scrap yard, Dwelling unit related to but subordinate to main use, Cafeteria, Canteen, Informal Business, Tavern & Take-Away	Electrical Purposes, Public Garage, Funeral Parlour, Scrapyard & Dry Cleaner		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
N/A	75%	2.7	3 Storeys	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	6 metres		Refer to Chapter 4.	
Rear boundary:	2 metres			
Side boundary:	2 metres			
OTHER REGULATIONS				
<div>1. Compliance with National health and environmental legislation,</div> <div>2. Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and Municipality has given approval thereto.</div> <div>3. Must meet the requirements the National Environmental Management: Air Quality Act, Act 39 of 2004.</div> <div>4. Must meet the requirements of the National Environmental Management Act (No. 107 of 1998)</div> <div>5. Must meet the requirements of the National Meat Safety Act, Act 40 of 2000</div>				



Code: I	INSTITUTIONAL			R=0; G=230; B=169
Objectives of this Zone:				
<div><div></div><div>To provide an adequate number of accessible social and civic facilities to meet the needs of communities in the fields of health, social and cultural services, which includes public and private service providers and administrative or government functions including education, health, pension offices, Institutions, libraries, community halls.</div><div></div><div>To ensure that such facilities are designed to address the special needs of the physically challenged, elderly, women, and children.</div></div>				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Institution or Institutional use, Community Facility/Community Purposes, Clinic, Hospital, Place of Assembly, Place of Instruction, Place of Public Worship, Offices, Sports Fields or Sports Grounds, Sports facilities and Educational.	Dwelling unit	Special Usage and Transmission Tower,		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	50%	As approved by the Local Municipality.	4 Storeys	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	5 metres		Refer to Chapter 4.	
Rear boundary:	2 metres			
Side boundary:	2 metres			
OTHER REGULATIONS				
1. The Municipality may consider utilizing vacant, underutilized or over-provided community facility land for residential infill. Such development shall require an amendment of the Scheme to a suitable zone.				

Code: M	MINING			R=178; G=178; B=178
Objectives of this Zone:				
<ul style="list-style-type: none"><li>To provide appropriately located land to allow the extraction of minerals and raw materials and associated business operations.</li><li>To ensure that the extraction is carried out in a manner that takes cognizance of its impact on the site and surrounding properties and seeks to minimise the long-term effects of the activity.</li><li>To ensure that the relevant environmental considerations are adhered to regarding the actual extraction process, its impact on the environment, and to the rehabilitation of a site or sites once the activity has ceased.</li></ul>				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			What land may be NOT be used for:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Mining purposes, Mining Extraction and Beneficiation. Mining Rehabilitation, Canteen, Dwelling Units, Laboratory, Filling/Service station, Facility, Utility, Offices, Private Open Space, Public Garage, Public Open Space, Railway Purposes, Place of Instruction, Place of Entertainment, Place of refreshment, Place of public worship, Social Hall, Sports Fields or Sports Grounds, Quarrying & Workshop.	Such uses as may be approved by the Local Municipality	Special Usage.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	10 metres		Refer to Chapter 4.	
Rear boundary:	5 metres			
Side boundary:	5 metres			
OTHER REGULATIONS				
<p>1. A mining right, mining permit, exploration right or production right may be required in terms of the Mineral and Petroleum Resources Development Act, 2002, (Act No. 28 of 2002).</p> <p>2. Must meet the requirements of the National Environmental Management Act (No. 107 of 1998 as amended); requires authorisation in terms of EIA regulations.</p> <p>3. A water use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998).</p> <p>4. No quarrying for the taking of sand, stone, rock, gravel, clay and soil for any purpose whatsoever shall be conducted on any property unless authorised in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and in any amendments thereof.</p>				

Code: PROS	PRIVATE OPEN SPACE				R=56; G=168; B=0
Objectives of this Zone:					
<ul style="list-style-type: none"><li>To provide adequate numbers of appropriately situated sites of a private nature that are easily accessible for recreational purposes and activities for certain communities.</li></ul>					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:			Land uses that are prohibited:		
Primary Uses:	Special Consent Uses:		Any use not mentioned under Primary or Special Consent uses.		
Private Clubs, Private Open Spaces, Private Caravan Parks, Places of Refreshment and Sports Fields or Sports Grounds	Transmission Tower, Tourist Facility, Sports Facilities, Showgrounds, Recreational Purposes, Sports facilities and Special Usage.				
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING		
Street boundary:	As approved by the Local Municipality.		Refer to Chapter 4.		
Rear boundary:	As approved by the Local Municipality.				
Side boundary:	As approved by the Local Municipality.				
OTHER REGULATION					
<div>1. Only 1 dwelling unit for supervising personnel.</div> <div>2. Must meet the requirements of the National Environmental Management Act (No. 107 of 1998 as amended); requires authorisation in terms of EIA regulations.</div>					

Code: POS	PUBLIC OPEN SPACE				R=152; G=230; B=0
Objectives of this Zone:					
<ul style="list-style-type: none"><li>To provide adequate numbers of appropriately situated sites that are easily accessible for recreational purposes and activities for local and wider communities.</li><li>To ensure that such parks address the special needs of the physically challenged, elderly, women, and children.</li><li>To ensure that such facilities are located and maintained to attract visitors and tourists.</li><li>To set aside areas of land for the provision of parks, botanical gardens, and other open spaces as well as corridor linkages between open areas for passive recreational purposes.</li></ul>					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:		Written Consent Uses:		Any use not mentioned under Primary or Written Consent uses.	
Public Open Space, Botanical Garden, Public Park,		Transmission Tower, Tourist Facility, Showgrounds, Recreational Purposes and Sports Fields or Sports Grounds			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING		
Street boundary:	As approved by the Local Municipality.		Refer to Chapter 4.		
Rear boundary:	As approved by the Local Municipality.				
Side boundary:	As approved by the Local Municipality.				
OTHER REGULATIONS					
<div>1. The Municipality may consider utilizing over-provided public open spaces for residential infill or other uses. Such development will require the amendment of the Scheme to a suitable zone</div> <div>2. Urban agricultural uses may be considered on larger open space systems, subject to environmental legislation. Such developments will require the amendment of the Scheme to a suitable zone.</div>					

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

Code: R2	RESIDENTIAL 2			R=230; G=230; B=0
Objectives of this Zone:				
<ul style="list-style-type: none"><li>To provide adequate land for residential purposes at a medium density.</li><li>To create integrated, safe and sustainable residential environments for all communities.</li><li>To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption.</li></ul>				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:  Any use not mentioned under Primary, Written or Special Consent uses.	
Primary Uses:	Written Consent Uses:	Special Consent Uses:		
Commune, Dwelling units with or without outbuildings, Duet Dwelling, Dwelling Unit. Flats, Semi-Detached Unit, Group Housing & Town Houses	Day Care Facility, Home Business, Place of public worship, Place of Refreshment, Social hall.	Retirement Village, Bed & Breakfast, Guest House, Kiosk, Tea Garden, Launderette, Place of Instruction, Recreational Purposes & Place of Worship, Self-Catering Unit/s.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
Maximum of 40 dwelling units per hectare.	70%	1.00	2 storeys	As may be approved by the municipality from time to time.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	<ul style="list-style-type: none"><li>5 metres for municipal streets.</li><li>2 metres along internal streets.</li></ul>		1 covered and 1 uncovered spaces per dwelling unit.  For non-residential uses, refer to Chapter 4.	
Rear boundary:	<ul style="list-style-type: none"><li>2 metres for municipal streets.</li><li>1 metre along internal boundary.</li></ul>			
Side boundary:	<ul style="list-style-type: none"><li>2 metres for municipal streets.</li><li>1 metre along internal boundary.</li></ul>			
OTHER REGULATIONS				
<ol style="list-style-type: none"><li>A site development plan shall be submitted.</li><li>The provision of open space and children’s’ playgrounds must be to the satisfaction of the council.</li><li>Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 19991).</li><li>With Group Housing, the following are applicable to public roads: Road to be proclaimed; 3 street names submitted; 13m reserve width at entrance; 8m reserve for road; provision of turning circle for service; paving; should designed by registered engineer; must be able to carry 8 ton/axle strength and should be maintained by the Local Municipality.</li><li>In terms of private roads or servitudes, the following are applicable: Road registered as erf with title deed description as R.O.W servitude to all stands served by it; paving; should be designed by registered engineer; service yard for refuse at entrance; maintenance be the responsibility of the residential committee and contained as such in title deed and servitude for municipal sewer, water and electricity over total road area.</li></ol>				

Code: R3	RESIDENTIAL 3				R=191; G=209; B=4
<b>Objectives of this Zone:</b> <ul style="list-style-type: none"><li>To provide adequate land for residential purposes at a high density.</li><li>To create integrated, safe and sustainable residential environments for all communities.</li><li>To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption.</li><li>To protect conservation-worthy buildings as determined by the National Heritage Resources Act, 1999, (Act No. 25 of 1999).</li></ul>					
<b>RULES REGARDING THE USE OF LAND AND BUILDINGS</b>					
<b>What land may be used for:</b>				<b>Land uses that are prohibited:</b>	
<b>Primary Uses:</b>		<b>Written Consent Uses:</b>		Any use not mentioned under Primary, Written or Special Consent uses.	
Boarding House, Commune, Dormitory Establishment, Dwelling Units, Flats, Group Housing, Guest House, Hotel, Self-Catering Unit/s, Semi-Detached Unit, Town Houses		Home Business, Gymnasium, Kiosk, Launderette & Tuck Shop or Spaza Shop			
		<b>Special Consent Uses:</b>			
		Day Care Facility, Early Childhood Development Centres, Place of Assembly, Place of Entertainment, Place of Instruction, Recreation Purposes, Place of Worship & Place of Refreshment.			
<b>RULES REGARDING THE EXTENT OF DEVELOPMENT</b>					
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>	
Maximum of 100 dwelling units per hectare.	70%	0.4	6 storeys	As may be approved by the municipality from time to time.	
<b>RULES REGARDING BUILDING LINES</b>					<b>RULES REGARDING PARKING AND LOADING</b>
<b>Stand size</b>	<b>Street (m)</b>	<b>Rear (m)</b>	<b>Side (m)</b>		
≤ 350m2	1	1	1		
>350m2 +	3	2	2		
<b>OTHER REGULATIONS</b>					
1. Properties that are ≤ 350m² may have coverage of up to 75%.					
2. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 1999).					
3. The Liquor Act, 2003, (Act No. 59 of 2003), (administered by the Department of Trade and Industry) requires a liquor license for land uses where liquor is sold.					
4. Business Act, 1991, (Act No. 71 of 1991) requires business licenses for the following types of business:					
4.1. Preparation, handling or sale of foodstuffs					
4.2. Turkish baths, saunas and health baths; massage or infra-red treatments; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult entertainment business.					
5. The National Gambling Act, 2004, (Act No. 7 of 2004) may also require a gambling license depending on the nature of gambling activities.					
6. In the case of residential purposes, the provision of open space and children’s’ playgrounds must be to the satisfaction of the Municipal Council.					

Code: R4	RESIDENTIAL 4				R=230; G=152; B=0
<b>Objectives of this Zone:</b> <ul style="list-style-type: none"><li>To provide adequate land for residential purposes in for affordable housing.</li><li>To create integrated, safe and sustainable residential environments for all communities.</li><li>To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption.</li></ul>					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:		Special Consent Uses:		Any use not mentioned under Primary, Written or Special Consent uses.
Dwelling unit	Day Care Facility, Dwelling House Office, Spaza / Tuck Shop & Tavern.		Backyard dwellings, Bed and Breakfast, Cultural Heritage Site, Guest House, Medical Consulting Rooms, Medical Suites & Self-Catering Unit/s, Semi-Detached Unit, Additional Dwelling Unit or “Granny Flat”, Place of Instruction.		
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
Not applicable	70%	1.5	2 storeys	As may be approved by the municipality from time to time.	
RULES REGARDING BUILDING LINES				RULES REGARDING PARKING AND LOADING	
Stand size	Street (m)	Rear (m)	Side (m)	Residential Uses – as per Site Development Plan.	
≤ 350m2	1	1	1	For non-residential uses, refer to Refer to Chapter 4.	
>350m2 +	5	2	2		
OTHER REGULATIONS					
1. Properties that are ≤ 350m² may have coverage of up to 75%.					



Code: RR	MIXED RURAL DEVELOPMENT				R=168; G=168; B=0
Objectives of this Zone:					
<ul style="list-style-type: none"><li>To provide adequate land for residential purposes for rural communities.</li><li>To create integrated, safe and sustainable residential environments for all communities.</li><li>To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption.</li><li>To protect conservation-worthy buildings as determined by the National Heritage Resources Act, 1999, (Act No. 25 of 1999).</li><li>To allow only a limited number of ancillary uses so as to protect the primary low density residential or agricultural land use.</li><li>To ensure that urban agricultural activities are undertaken in a sustainable manner and in accordance with the relevant environmental principles.</li></ul>					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:		Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Commonage, Communal Land, Cultural Activities, Cultural Heritage Site, Dwelling Unit, Parsonage, Retirement Village, Shelter, Spaza Shop, Small Scale Farming, Municipal purpose, Government purpose, Traditional Healing Practice & Urban Agriculture.	As approved by the Local Municipality subject to the approval of the Traditional Authority or Community Property Association		As approved by the Local Municipality.		
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by Municipality	70%	As approved by the Local Municipality.	2 storeys	As may be approved by the municipality from time to time.	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING		
Street boundary:		As approved by the Local Municipality.	Residential Uses – as per Site Development Plan. For non-residential uses, refer to Chapter 4.		
Rear boundary:					
Side boundary:					
OTHER REGULATIONS					
<div>1. Properties that are ≤ 350m² may have coverage of up to 75%.</div> <div>2. Conservation worthy buildings must be linked to cultural heritage as per the National Heritage Resources Act, 1999, (Act No. 25 of 1999).</div>					

Code: R	RESORT			R=211; G=255; B=190
<b>Objectives of this Zone:</b> <ul style="list-style-type: none"><li>To accommodate land and buildings used for the purpose of resort facilities in the tourism industry.</li></ul>				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	As determined by the Municipality.	
Bed and Breakfast, Camping Site, Caravan Park, Conservation Purposes, Garden, Dwelling unit, Guest House, Game Lodge, Nature Reserve, Place of Entertainment/Amusement, Private Open Space, Recreational Purposes, Resort, Restaurant & Tourist Facilities.	Botanical Garden, Conference facility, Community Purposes, Dormitory Establishment, Hotel, Office, Nursery, Public Open Space, Public Parking, Public Street, Semi-Detached Unit, Showgrounds, Spa/Hydro and Wellness Centre, Gymnasium, Sports facilities, Sports ground or Sports Fields & Zoological garden.	As determined by the Municipality.		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	As approved by the Local Municipality.		Refer to Chapter 4.	
Rear boundary:	As approved by the Local Municipality.			
Side boundary:	As approved by the Local Municipality.			
OTHER REGULATIONS				
1. There must be compliance with National and Provincial environmental legislation in the development of resorts, land for conservation purposes, cultural heritage sites, protected areas and listed activities.				

Code: SP	SPECIAL				R=255; G=62; B=94
Objectives of this Zone:					
<ul style="list-style-type: none"><li>To accommodate land uses with special characteristics not catered for under any other use zone.</li></ul>					
RULES REGARDING THE USE OF LAND AND BUILDINGS					
What land may be used for:				Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:		Any use not mentioned under Primary, Written or Special Consent uses.	
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.			
RULES REGARDING THE EXTENT OF DEVELOPMENT					
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:	
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING		
Street boundary:	As approved by the Local Municipality.		Refer to Chapter 4.		
Rear boundary:	As approved by the Local Municipality.				
Side boundary:	As approved by the Local Municipality.				
OTHER REGULATIONS					

Code: T	TRANSPORT			R=255; G=255; B=255
<b>Objectives of this Zone:</b> <ul style="list-style-type: none"><li>To accommodate transportation service functions and land uses such as airports, railway stations, petro-ports and truck stops, bus and taxi ranks and other depots.</li><li>To ensure that transportation service developments serve the national, provincial and local economy and provide the correct levels of service to both tourists and broader community.</li><li>To locate these strategic developments such that they provide the catalyst for local economic development.</li><li>To ensure that the location and development of these sites are undertaken in accordance with EIA requirements and ongoing environmental management monitoring procedures.</li></ul>				
RULES REGARDING THE USE OF LAND AND BUILDINGS				
What land may be used for:			Land uses that are prohibited:	
Primary Uses:	Written Consent Uses:	Special Consent Uses:	Any use not mentioned under Primary, Written or Special Consent uses.	
Airfield, Aerodrome, Heavy Vehicle Parking Depot, Truck Stop, Transport Purposes, Parking Garage, petro-ports and Road reserve.	Helicopter Landing Pad	As determined by the Local Municipality		
RULES REGARDING THE EXTENT OF DEVELOPMENT				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.	As approved by the Local Municipality.
RULES REGARDING BUILDING LINES			RULES REGARDING PARKING AND LOADING	
Street boundary:	As approved by the Local Municipality.		Refer to Chapter 4.	
Rear boundary:				
Side boundary:				
OTHER REGULATIONS				

Code: UD	UNDETERMINED																R=225; G=225; B=225
Objectives of this Zone:																	
<ul style="list-style-type: none"><li>The objective of this zone is to make provision for land to be managed until such time as more detailed, permanent zonings are determined.</li></ul>																	
RULES REGARDING THE USE OF LAND AND BUILDINGS																	
What land may be used for:												Land uses that are prohibited:					
Primary Uses:		Written Consent Uses:				Special Consent Uses:						As determined by the Local Municipality					
As determined by the Local Municipality		As determined by the Local Municipality				As determined by the Local Municipality											
RULES REGARDING THE EXTENT OF DEVELOPMENT																	
Maximum Density:		Maximum Coverage:				Maximum FAR:				Maximum Height:				Other:			
As approved by the Local Municipality.		As approved by the Local Municipality				As approved by the Local Municipality				As approved by the Local Municipality				As approved by the Local Municipality			
RULES REGARDING BUILDING LINES										RULES REGARDING PARKING AND LOADING							
Street boundary:		As approved by the Local Municipality.						Refer to Chapter 4.									
Rear boundary:		As approved by the Local Municipality.															
Side boundary:		As approved by the Local Municipality.															
OTHER REGULATIONS																	

## 4. CHAPTER 4: PARKING AND LOADING REQUIREMENTS

- (a) Effective and paved on-site parking and loading spaces together with the necessary manoeuvring area shall be provided for a development as set out in Table 1: On-site Parking and Loading requirements.
- (b) In the case of a discrepancy between Table 1 and the zone with regards the parking and loading requirements, the zone regulation shall have precedence.
- (c) The Municipality may relax or waive the parking and loading requirements if it is of the opinion that adequate parking already exists in the vicinity of the site, provided further that any owner may provide the parking area required in terms of this clause on any alternative site approved by the Municipality and such site shall be notarially bound to the subject site.
- (d) The owner of a building in respect of which parking spaces are required in terms of this clause shall keep such parking spaces in a proper condition for such purpose to the satisfaction of the Municipality.
- (e) The gross floor area per parking space shall be calculated on 15m<sup>2</sup>, excluding manoeuvring and road areas, and shall be applicable to all new buildings (except a single dwelling unit) and/or extensions to existing buildings (except a single dwelling unit).
- (f) The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the Municipality unless the Municipality has provided loading facilities in the street reserve
- (g) The gross floor area per loading space shall be calculated at 50m<sup>2</sup> and shall be applicable to new buildings and/or additions.
- (h) Visitor's parking spaces may not be reserved temporarily or permanently whether it is for payment or not.
- (i) The on-site parking and loading requirements for developments are set out in Table 1: On-site Parking and Loading Requirements, hereunder. The Municipality may, at its discretion, either decrease or increase the requirements contained in the table for specific developments.

**Table 1 Parking & Loading Requirements**

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
<b>4X4 Trail</b>	4, 5 Spaces per 100m <sup>2</sup> office floor area and sufficient area for parking of the participating 4X4 vehicles and sufficient parking area for spectators.	Not applicable.
<b>Abattoir</b>	5 spaces for the first 1000m <sup>2</sup> floor area or part thereof and 2 spaces for every 1000m <sup>2</sup> thereafter, or part thereof.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Adult Entertainment Business</b>	6 spaces per 100m <sup>2</sup> public floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Additional Dwelling Unit</b>	1 per additional dwelling	Not applicable
<b>Agricultural Industry</b>	1 space per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Agri-Village</b>	2 Spaces per every 3 dwelling units.	At least 1 space.
<b>Airfield</b>	2 spaces for the first 100m <sup>2</sup> floor area or part thereof and 1 space for every 100m <sup>2</sup> thereafter, or part thereof.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.

<b>Aerodrome / Airport / Airfield</b>	2 spaces for the first 100m <sup>2</sup> floor area or part thereof and 1 space for every 100m <sup>2</sup> thereafter, or part thereof.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Agricultural Use</b>	1 Space per every 3 dwelling units.	Not applicable
<b>Animal Refuge</b>	3 spaces per 100m <sup>2</sup> floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Auction Centre</b>	40% of property reserved for parking and loading requirements	
<b>Bakery</b>	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Bed &amp; Breakfast</b>	1 per bedroom	Not applicable
<b>Boarding House</b>	1 space per room and 1 space for every 3 rooms.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Botanical Garden</b>	3 spaces per hectare or part thereof.	Not applicable.
<b>Brickyard</b>	40% of property reserved for parking and loading requirements.	
<b>Builders' Yard</b>	2 per 100m <sup>2</sup> parking gross leasable area	2 per 1000m <sup>2</sup> parking per gross leasable area
<b>Bulk Retail Trade</b>	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Camping Site</b>	1 Space per tent or caravan site and 4,5 spaces per 100 m <sup>2</sup> office floor area and 1 space per 4 seats and 6 spaces per 100m <sup>2</sup> place of refreshment public floor area and 6 spaces per 100 m <sup>2</sup> retail floor area.	1 Space per first 2000 m <sup>2</sup> place of refreshment or retail floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> place of refreshment or retail floor area thereafter.
<b>Canteen</b>	2 Spaces per 100 m <sup>2</sup> floor area.	1 Space per first 2000m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Caravan Park</b>	2 per 100m <sup>2</sup> parking gross leasable area	2 per 1000m <sup>2</sup> parking per gross leasable area
<b>Caretaker's Flat</b>	1 per additional dwelling	Not applicable
<b>Carwash</b>	6 spaces per 100m <sup>2</sup> area or part thereof.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Cemetery</b>	40% of property reserved for parking and loading requirements	
<b>Commercial Use</b>	2 per 100m <sup>2</sup> parking gross leasable area	2 per 1000m <sup>2</sup> parking per gross leasable area
<b>Coal Yard</b>	40% of property reserved for parking and loading requirements	

<b>Commonage</b>	6 Spaces per 100m <sup>2</sup> informal trade floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Commune</b>	3 spaces per 100m <sup>2</sup> floor area	Not applicable
<b>Confectioner</b>	6 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Community Facility/Purpose</b>	2 per 100m <sup>2</sup> parking gross leasable area	Not applicable
<b>Conference Facility</b>	6 spaces per 100m <sup>2</sup> floor area and 1 space per 4 seats	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Crematorium</b>	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Day Care Facility</b>	1 parking off-street parking bay, plus one additional parking bay which is suitable for parents to drop-off or collect their children	Not applicable
<b>Dispensing Chemist</b>	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Distribution Centre</b>	6 spaces per 100m <sup>2</sup> floor area and 1 space per 4 seats	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Dwelling units</b>	1 covered space per dwelling unit and 1 uncovered space per 2 dwelling units	1 Space per 10 dwelling units.
<b>Dormitory Establishment</b>	1 per bedroom	Not applicable
<b>Duet Dwelling</b>	1 per dwelling	Not applicable
<b>Drive-Thru Restaurant</b>	6 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Dry Cleaner</b>	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Dwelling House Office</b>	4,5 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Dwelling Unit</b>	1 covered space per dwelling unit and 1 uncovered space per 2 dwelling units	1 Space per 10 dwelling units.
<b>Early Childhood Development Centres</b>	1 space for every 4 children.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Environmental Facilities</b>	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.



<b>Factory</b>	6 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Factory Shop</b>	6 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Farm Stall</b>	6 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Filling Station / Service Station</b>	40% of property reserved for parking and loading requirements and 6 spaces per 100m <sup>2</sup> retail floor area.	
<b>Flats</b>	1 spaces per room and 6 spaces per 100m <sup>2</sup> public floor area	Not Applicable.
<b>Funeral Parlour</b>	2 per 100m <sup>2</sup> parking gross leasable area	1 per erf
<b>Gaming Establishment</b>	6 spaces per 100m <sup>2</sup> floor area and 1 space per 4 seats	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Garden Centre</b>	6 spaces per 100m <sup>2</sup> display floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Garden Service Establishment</b>	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Authority Use</b>	4, 5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Group Housing</b>	1 spaces per room and 6 spaces per 100m <sup>2</sup> public floor area	Not Applicable.
<b>Guest House</b>	1 space per guest room	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Game Lodge</b>	2 per dwelling	Not Applicable.
<b>Gymnasium</b>	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Habitable Room</b>	1 per building.	Not Applicable.
<b>Heavy Vehicle Parking Depot</b>	40% of property or site reserved for parking and loading requirements	
<b>Helicopter Landing Pad or Heliport</b>	4, 5 Spaces per 100m <sup>2</sup> office floor area, 1 space per 100m <sup>2</sup> repair facility and 1 space per rotary wing aircraft storage unit.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>High-Intensity Land Uses</b>	40% of property or site reserved for parking and loading requirements	
<b>Home Business</b>	2 per 100m <sup>2</sup> parking gross leasable area	Not Applicable.

<b>Hospital</b>	1 space per bed	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Hotel</b>	1 spaces per room and 6 spaces per 100m <sup>2</sup> public floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Industrial Use</b>	1 per 100m <sup>2</sup> Industry & 2 per 100m <sup>2</sup> office parking gross leasable area	2 per 1000 m <sup>2</sup> parking gross leasable area
<b>Industry</b>	1 space per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Informal Business</b>	3 Spaces per 100m <sup>2</sup> floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Informal Structure</b>	1 per dwelling	Not applicable
<b>Institution or Institutional use</b>	6 spaces per 100m <sup>2</sup> floor area and 1 spaces per 4 seats	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Jail / Prison</b>	4, 5 Spaces per 100m <sup>2</sup> office floor area and 1 space per 10 holding cells.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Kiosk</b>	4 per 1000m <sup>2</sup> parking gross leasable area or 1 per 6 seats	Not Applicable.
<b>Kitchen</b>	1 per unit	1 per unit.
<b>Laboratory</b>	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Launderette</b>	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Light Industry</b>	1 per 100m <sup>2</sup> parking gross leasable area for industry & 2 per 100m <sup>2</sup> parking gross leasable area for offices.	2 per 1000m <sup>2</sup> parking gross leasable area
<b>Liquor Enterprise</b>	4 per 1000m <sup>2</sup> parking gross leasable area or 1 per 6 seats	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Medical Suites</b>	4,5 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Medical Consulting Rooms</b>	6 per 100m <sup>2</sup> parking gross leasable area for	Not applicable
<b>Mining Purposes</b>	40% of property or site reserved for parking and loading requirements	
<b>Mobile Home</b>	1 parking space per mobile home	Not Applicable.

<b>Motel</b>	1 space per guest room or suite and 6 spaces per 100m <sup>2</sup> public floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Motor Grave Yard</b>	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Motor Trade</b>	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Mortuary</b>	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Municipal Purposes</b>	4, 5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Municipal Services</b>	4, 5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Nature Reserve</b>	1 spaces per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Noxious Industry / Noxious Trade</b>	1 per 100m <sup>2</sup> parking gross leasable area for industry & 2 per 100m <sup>2</sup> parking gross leasable area for offices.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Nursery</b>	2 per 100m <sup>2</sup> parking gross leasable area	1 per erf
<b>Office or Offices</b>	2 per 100m <sup>2</sup> parking gross leasable area or 4 per 100m <sup>2</sup> parking gross leasable area for medical purposes	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Outbuilding</b>	1 per building.	Not Applicable.
<b>Panel Beating</b>	1 per 100m <sup>2</sup> parking gross leasable area for industry & 2 per 100m <sup>2</sup> parking gross leasable area for offices.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Parsonage</b>	1 per dwelling.	Not Applicable.
<b>Petro-Port</b>	40% of property reserved for parking and loading requirements	
<b>Place of Entertainment/Amusement</b>	1 space per 4 seats and 6 spaces per 100m <sup>2</sup> public floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Place of Assembly</b>	1 per 8 seats	Not applicable
<b>Place of Instruction</b>	2 Spaces per 100m <sup>2</sup> office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students.	1 drop-off space for buses per 100 students.

<b>Place of Worship</b>	1 space per 6 seats	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Place of Refreshment</b>	10 spaces per 100m <sup>2</sup> public floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Private Club</b>	4 per 100m <sup>2</sup> parking gross leasable area	2 per 1000m <sup>2</sup> parking gross leasable area
<b>Private Open Space</b>	1 Space per 100m <sup>2</sup> sport, recreation or play area.	Not Applicable
<b>Professional Rooms</b>	4 per 100m <sup>2</sup> parking gross leasable area	Not Applicable.
<b>Public Garage</b>	4 per 100m <sup>2</sup> parking gross leasable area	Not Applicable
<b>Public Open Space</b>	1 Space per 100m <sup>2</sup> sport, recreation or play area.	Not Applicable
<b>Public Park</b>	4 per 100m <sup>2</sup> parking gross leasable area	Not Applicable
<b>Public Square</b>	4 per 100m <sup>2</sup> parking gross leasable area	Not Applicable
<b>Railway Purposes</b>	2 per 100m <sup>2</sup> parking gross leasable area	2 per 1000m <sup>2</sup> parking gross leasable area
<b>Railway Station</b>	4, 5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Recreation Purpose</b>	4 per 100m <sup>2</sup> parking gross leasable area	2 per 1000m <sup>2</sup> parking gross leasable area
<b>Recycling Centre</b>	4 per 100m <sup>2</sup> parking gross leasable area	2 per 1000m <sup>2</sup> parking gross leasable area
<b>Refuse Room</b>	1 space per room and 1 space for every 3 rooms.	Not Applicable.
<b>Residential Use</b>	1 space per room and 1 space for every 3 rooms.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Resort</b>	1 space per room and 6 spaces per 100m <sup>2</sup> public floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Restaurant</b>	4 per 1000m <sup>2</sup> parking gross leasable area or 1 per 6 seats	1 per erf
<b>Retirement Village</b>	1 per dwelling unit or 1 p/b per 2 or 3 dwelling units 1, 25/ flat and / or 0,7/bedroom	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Recycling Centre</b>	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.

<b>Retail Shop</b>	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Retirement Village</b>	1 covered space per unit and 1 uncovered space per 2 units	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Riding Stables</b>	0,7 spaces per stable	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Sawmill</b>	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
<b>Scrapyard</b>	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter
<b>Self-Catering Unit/s,</b>	1 per bedroom	Not applicable
<b>Semi-Detached Unit</b>	1 per dwelling	Not applicable
<b>Service Enterprise</b>	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Service Industry</b>	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Service Retail</b>	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Service Trade</b>	1 per 100m <sup>2</sup> parking gross leasable area	Not applicable
<b>Service Yard</b>	40% of property reserved for parking and loading requirements	
<b>Sewerage Works</b>	40% of property reserved for parking and loading requirements	
<b>Shelter</b>	1 per 100m <sup>2</sup> parking gross leasable area	Not Applicable.
<b>Shop</b>	6 per 100m <sup>2</sup> parking gross leasable area for Business 1 and 2 per 100m <sup>2</sup> parking gross leasable area for Business 2.	2 per 1000m <sup>2</sup> parking gross leasable area
<b>Shopping Centre</b>	1 space per 100m <sup>2</sup> trade floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter
<b>Showgrounds</b>	1 space per 4 seats and 6 spaces per 100m <sup>2</sup> public floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Showrooms</b>	6 spaces per 100m <sup>2</sup> floor area	2 per 1000m <sup>2</sup> parking gross leasable area
<b>Site</b>	1 per structure.	2 per 1000m <sup>2</sup> parking gross leasable area

<b>Social Hall</b>	2 per 100m <sup>2</sup>	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Spa / Hydro and Wellness Centre</b>	1 spaces for every 4 seats and 6 spaces per 100m <sup>2</sup> public floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Sports Facilities</b>	1 space per 4 seats and 6 spaces per 100m <sup>2</sup> public floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Sports Fields</b>	1 space per 4 seats and 6 spaces per 100m <sup>2</sup> public floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Sports Ground / Sports and Recreational Grounds</b>	1 space per 4 seats and 6 spaces per 100m <sup>2</sup> public floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Structure</b>	1 per structure	Not Applicable.
<b>Substation</b>	6 spaces per 100m <sup>2</sup> floor area	Not Applicable.
<b>Take-Away</b>	1 spaces for every 4 seats and 6 spaces per 100m <sup>2</sup> public floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Taxi Rank</b>	4, 5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Tavern</b>	2 spaces per 100m <sup>2</sup> floor area	Not Applicable
<b>Tea Garden</b>	6 spaces per 100m <sup>2</sup> floor area	Not Applicable.
<b>Town Houses</b>	2 per dwelling	Not Applicable
<b>Telecommunication Centre</b>	6 spaces per 100m <sup>2</sup> floor area	
<b>Totalisator</b>	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Tourist Facilities</b>	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Traditional Healing Practice</b>	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Transmission Tower</b>	As approved by the Municipality.	As approved by the Municipality.
<b>Transport Purposes</b>	As approved by the Municipality.	As approved by the Municipality
<b>Truck Stop</b>	40% of property reserved for parking and loading requirements and 6 spaces per 100m <sup>2</sup> retail floor area.	
<b>Tuck / Spaza Shop</b>	1 space on-site.	Not Applicable.
<b>Urban Agriculture</b>	40% of property reserved for parking and loading requirements	

<b>Utility Services</b>	40% of property reserved for parking and loading requirements	
<b>Vehicle Sales Market / Vehicle Workshop</b>	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Veterinary Clinic</b>	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Wall of Remembrance</b>	3 parking bays for every 20 slots.	Not applicable
<b>Warehouse</b>	1 space per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter
<b>Waste Disposal Site</b>	40% of property reserved for parking and loading requirements	
<b>Wholesale Trade</b>	1 space per 100m <sup>2</sup> trade floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter
<b>Wood Yard</b>	40% of property reserved for parking and loading requirements	
<b>Workshop</b>	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
<b>Zoological garden</b>	6 spaces per hectare uncovered exhibition floor area and 4, 5 spaces per 100m <sup>2</sup> covered exhibition floor area.	1 Space per first 2000 m <sup>2</sup> covered or uncovered floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> covered floor area thereafter.

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

- I. the Municipality may, on receipt of a written application and an accompanied site plan relax or waive the provisions of this Clause in the Central Business District (CBD) (as demarcated from time to time), if the Municipality is of opinion that adequate parking already exists in the vicinity of the site, provided further that:
  - any owner may provide the parking area required in terms of this clause on any alternative site approved by the Municipality.
  - the owner of a building in respect of which parking or loading spaces are required in terms of this Clause shall keep such parking spaces in a proper condition for such purpose to the satisfaction of the Municipality and may erect such parking spaces as required in this Clause and approved by the Municipality at the cost of the applicant, to the satisfaction of the Municipality;

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

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

Mw = municipal valuation per square metre of the land

Po = parking space area of 12,5m<sup>2</sup>

Pp = number of parking spaces the developer has to provide

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

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

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

Mw = municipal valuation per square metre of the land

Lo = loading space area of 30m<sup>2</sup>

Lr = number of loading spaces the developer has to provide

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

- (m) The facilities to be provided for parking in terms of this clause shall not be used for the purposes of exhibition, sale, repair or maintenance of vehicles or for any purpose other than the parking of vehicles.
- (n) If additions to any existing building (other than a single dwelling unit) are undertaken which, in the opinion of the Municipality, are not of such extent as to warrant the provision of parking and manoeuvring space, the Municipality may, in its discretion, relax the requirement of Table 1.
- (o) The Municipality may, after receipt of building plans submitted in terms of its by-laws, require the owner to submit, for its approval, proposals for the provision of suitable and sufficient facilities on the erf for the loading, unloading, fuelling, parking of vehicles or for the storage of refuse containers.
- (p) If the Municipality requires the submission of any proposals in terms of this clause or if the owner submits proposals together with any building plan, the Municipality shall within a reasonable period, either approve the proposals with or without modification or disapprove of them and, in the event of refusal, furnish reasons for such refusal to the applicant in writing.
- (q) No owner or occupant of a building in respect of which proposals in terms of this clause are required, shall undertake or knowingly permit the loading, unloading, parking, fuelling of vehicles or permit the storage of refuse containers other than in accordance with approved proposals unless such requirements have been relaxed or altered by Municipality.
- (r) The parking and loading spaces required in terms of this Scheme may be reduced by the Municipality in special circumstances.
- (s) Parking for residential purposes in the residential use zones must, except where the Municipality permits otherwise, be provided on the ground floor or in the basement only.
- (t) The Municipality may consent to 100 % coverage for the Business 1 and Business 2 where the property borders onto the public parking areas in the CBD. Further parking and site access requirements:
  - i. The vehicular access/exit ways will be restricted to not more than one each per site per street abutting the site.
  - ii. The vehicular access/exit ways will be restricted to a maximum total width of 6 metres where they cross the street boundary.
  - iii. If the corner at a street intersection is not splayed, vehicular access/exit ways will not be closer than 10 metres to such a corner.
  - iv. If the corner at a street intersection is splayed, vehicular access/exit ways will not be closer than 10 metres to such a corner or 5 metres measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.
  - v. Such parking areas will only be used for the parking of vehicles which are lawfully allowed on them and may not be used for trading or any other purposes.
  - vi. The way in which it is intended that vehicles should park in and gain access to or exit from such parking areas will be indicated on a plan which should be submitted to the Municipality, who may approve or reject it or lay down any conditions deemed necessary by it.
  - vii. The Municipality may lay down more restrictive requirements than those mentioned if deemed necessary from a traffic point of view.
- (u) Disabled Parking Bays; Wheelchair Parking Bays & Disks are for persons who use wheelchairs and drive themselves or who are transported in a vehicle. These Wheelchair Parking Bays are set aside for wheelchair users & persons with disabilities. They are not only close to the entrance but are also wider than the average parking bay. Wheelchair Parking Bays are traditionally 3500mm wide to cater for a wheelchair user who needs the extra space to enter or exit the vehicle. This extra space helps these transfers to be done safely for the wheelchair user & helps prevent the vehicle in the parking space nearby from getting damaged. Persons who use these parking bays need to apply for a disabled parking permit, also known as a handicapped permit, disabled placard or disabled badge, which is displayed on the vehicle upon parking it in one of these bays.
  - i. According to Section 137 of the Road Traffic Act 29 of 1989, Municipalities provide for special parking spaces for people with prescribed disabilities or persons who transport them, by drivers with disabilities when they have to obtain the parking discs which allow them to use these spaces. If you have a disabled parking disc, you need to display the disc clearly in your windscreen.



- ii. These parking spaces can be identified by a vertical sign showing the international symbol for disability, which is also clearly painted on the road surface. The permit allows exemption from street-parking charges in some places and is used to park within dedicated disabled parking spaces reserved for people who have satisfied requirements to receive the placard.
- iii. The QuadPara Association of South Africa (QASA), however is adamant that if you don't use a wheelchair, then don't use the wheelchair parking facilities, says Ari Seirlis, CEO of QASA. The extra space helps transfers into and out of the vehicle to be done safely for the wheelchair user & helps:
  - a wheelchair user to transfer into their wheelchair from their car.
  - The helper of a person who uses a wheelchair, to park the wheelchair next to the car so that they can lift the person from the car and place them into the wheelchair.
  - The helper of a person who uses a wheelchair, to offload a person from a kombi in a wheelchair down ramps or with a wheelchair lift.

## 5. CHAPTER 5: MANAGEMENT ZONES

### 5.1. Context

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

### 5.2. Management Zones

- 5.2.1. The Municipality hereby establishes the management zones and regulations contained in this chapter.

#### 5.2.2. Mixed Use Management Zone

- 5.2.2.1. The General Plans of the following areas cannot be traced:

- Aloe Falls;
- Aloe Falls Extension 1;
- Patkamp;
- Elukwatini BA Extension 1; and
- Silobela Extension 4.

- 5.2.2.2. Patkamp and Silobela Extension 4 requires zoning and formal layout plans.

- 5.2.2.3. These aforementioned areas were formalised in terms of the Less Formal Township Establishment Act, 1991, (Act No. 113 of 1991) and the Development Facilitation Act, 1995, (Act No. 67 of 1995) and approved by the Mpumalanga Provincial Government.

- 5.2.2.4. The aforementioned pieces of legislation have since been repealed by the Spatial Planning and Land Use Management Act, 2013, (Act No. 16 of 2013).

- 5.2.2.5. The layout plans have been redrawn without information pertaining to the approved General Plans.

- 5.2.2.6. The following land uses have been identified in the areas:

- "Industrial 1";
- "Institution";
- "Residential 1";
- "Residential 4";
- "Private Open Space";
- "Public Open Space";
- "Special"; and
- "Transport"

#### 5.2.3. Rural Incremental Land Use Management Zones

- 5.2.3.1. The incremental introduction of land use management and regulation in rural areas and areas under the administration of traditional leadership includes:

- 5.2.3.2. The agreement between the Traditional Authority, Community and Local Municipality on the following matters.

- a) The Local Spatial Development Framework for the area.
- b) The layout of the settlement providing erven within the zone and the land use rights applicable to the erven.
- c) The formalisation of the land use rights
- d) Tenure rights

- 5.2.3.3. The registered owner of an erf or property, abutting a Provincial and/or a National Road shall erect a physical barrier or a barrier of such other material, as may be approved by the relevant Controlling Authority and/or Municipality, in accordance with the standards laid down by the relevant Controlling Authority and/or Municipality, before or during the development of the property along the boundary of the property abutting the National and/or Provincial Road and shall maintain such physical barrier to the satisfaction of the relevant Controlling Authority and/or Municipality.

## 6. CHAPTER 6: LAND USE SCHEME MAPS

- 6.1. The Land Use Scheme Maps depict—
  - a) The zoning of land in accordance with the use zone in which the land is located; and
  - b) Overlay zones, if applicable to the land.
- 6.2. The Municipality must update the Scheme Map within a reasonable time after use rights have been granted or have lapsed, but not later than 6 months.
- 6.3. The Municipality may keep the Scheme Map in an electronic format.
- 6.4. The Municipality may provide an extract of the Scheme Map to members of the public on payment of a fee determined by the Municipality in terms of the tariff policy of the Municipality.
- 6.5. Should uncertainty or disputes arise relative to the precise location of any zone boundary as depicted on a map, the location thereof shall be determined by applying the following rules:
  - 6.5.1. Where a zone boundary is shown as approximately following the centre of streets or other public thoroughfares, pipelines, railway lines or servitudes, it shall be deemed to follow the centreline thereof;
  - 6.5.2. Where a zone boundary is shown as approximately following the boundary of a property, the property boundary shall be deemed to be the boundary of the zone for that portion of the zone boundary which approximates the property boundary;
  - 6.5.3. Where a zone is shown as approximately following the edge or shore line of bodies of water or floodlines, it shall be deemed to follow such lines, and in the event of change in such edge or shorelines or floodlines, it shall be deemed as moving with the same.
  - 6.5.4. Where a zone boundary is shown as being parallel to or an extension of features noted above, it shall be so construed;
  - 6.5.5. Where a zone boundary is shown as approximately following the topographical contour line or top-of-the-bank line, it shall be deemed to follow such line, and in the event of the change in such line, it shall be deemed as moving with that line, provided further that:
    - Where features on the ground are at a variance with those shown on the relevant map or in other circumstances not mentioned above, the Municipality shall interpret the zone boundaries; and
    - Where a zone boundary is not located in conformity to the above provisions and in effect divides or splits a property, or where a zone boundary does not relate to an erf or other formal cadastral land parcel, the disposition of such zone boundary shall be determined by dimensions indicated on the relevant map or by measurements directly scaled from the map.
  - 6.5.6. In the case of any conflict between the text or clauses of this Land Use Scheme and any maps or drawings used to illustrate any aspect of this Land Use Scheme, the text or clause of this Land Use Scheme shall prevail;
  - 6.5.7. Where any public street is closed, the land contained therein shall thereupon be deemed to carry the same zone as the adjacent land and where such adjacent lands are governed by different zones, the centreline on the public street shall be deemed to be the zone boundary;
  - 6.5.8. Where a land use zone is assigned to an area or portion of land other than an erf or formal cadastral land parcel, this shall not be construed as assigning a legal, cadastral status such as an erf, public street or township to the relevant area or property but shall be interpreted to direct the use of the relevant portion of land and buildings thereon.

## 7. CHAPTER 7: OVERLAY ZONES

### 7.1. Purpose of Overlay Zones

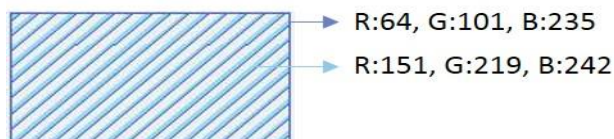
- 7.1.1. Overlay zones provide a mechanism for land use management whereby the Municipality may give effect to specific guidelines contained in a spatial development framework or policy plan. These guidelines could promote development, require a limitation to or set additional land use types, stipulate more or less restrictive development rules, or identify specific development rules. It provides a mechanism for elevating specific policy guidelines, as approved by the Municipality, to land use regulations.
- 7.1.2. An overlay zone will apply in addition to the base zone of a property (as stated in Section 0). An overlay zone may only be introduced if it complies with the requirements set out in this scheme, and may not be introduced for the purposes of promoting, causing or facilitating social exclusion and separation.

### 7.2. Requirements and Procedures

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

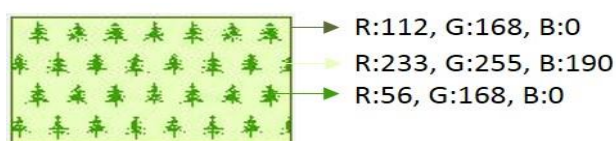
### 7.3. Overlay Zone 1: Hydrology

- 7.3.1. This overlay zone is indicated on the Use Zone Map as OZ1: Hydrology.
- 7.3.2. The purpose of this overlay zone is to ensure the sustainability of natural water supply in the Municipality. In addition, residents of the municipality should also be protected from the adverse effects of being located too close to surface water.
- 7.3.3. In the absence of 1:50 year and 1:100-year flood lines, the following development controls apply:
- 7.3.3.1. No development shall be allowed within 200 m of the centre line of a perennial river, as indicated on the Use Zone Maps.
  - 7.3.4. No development shall be allowed within 100 m of the centre line of a non-perennial river or stream, as indicated on the Use Zone Maps.
  - 7.3.5. No development shall be allowed within 200 m of the outside figure of all inland water bodies, as indicated on the Use Zone Maps.
  - 7.3.6. Hydrology Overlay boundaries may be amended on properties subject to a detailed approved floodline study.
  - 7.3.7. Map depiction:



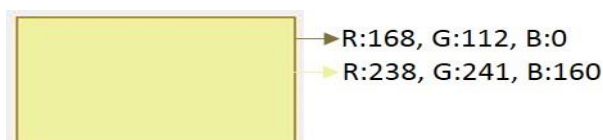
## 7.4. Overlay Zone 2: Forestry

- 7.4.1. This overlay zone is indicated on the Use Zone Map as OZ2: Forestry.
- 7.4.2. The overlay zone makes provision for the protection and management of the special natural and environmental characteristics of environmentally-sensitive places and areas, or those that are worthy of protection in order to ensure that development responds sensitively to these characteristics, that impacts are mitigated, and to promote sustainable development for the benefit of the general public, including tourists.
- 7.4.3. In addition to the primary and consent use rights of the specific use zones, properties within this overlay zone are further subject to the following:
- 7.4.3.1. The Municipality may approve any appropriate use as a consent use in terms of this overlay zone provided that:
- (a) it considers such use to be desirable or justified in order to provide the owner with an incentive to preserve the environmental resource, and
  - (b) the Municipality may require cessation of the consent use right if the environmental resource is not properly maintained and protected to Municipality's satisfaction
- 7.4.4. Map depiction:



## 7.5. Overlay Zone 3: Geotechnical: Dolomite

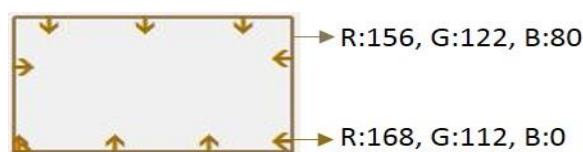
- 7.5.1. This overlay zone is indicated on the Zoning Map as OZ4: Dolomite.
- 7.5.2. Conditions applicable to townships or erven in dolomite areas or on land with detrimental soil conditions:
- 7.5.2.1. No French drain shall be permitted on the erf.
- 7.5.2.2. Trenches and excavations for foundations, pipes cables or for any other purpose, shall be properly refilled with damp soil in layers not thicker than 150 mm, and shall be compacted until the same grade of compaction as that of the surrounding material is obtained to the satisfaction of the Local Municipality,
- 7.5.2.3. All pipes which carry water shall be watertight and shall be provided with watertight flexible couplings.
- 7.5.2.4. The entire surface of the erf shall be drained to the satisfaction of the Local Municipality in order to prevent surface water from damming up, and water from roof-gutters shall be discharged away from the foundations.
- 7.5.3. Proposals to overcome detrimental soil conditions to the satisfaction of the Local Municipality shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Local Municipality.
- 7.5.4. If required, a soil report drawn up by a qualified person acceptable to the Local Municipality indicating the soil conditions of the erf and recommendations as to suitable founding methods and depths shall be submitted to the Local Municipality simultaneously with the submission of building plans prior to the commencement of any building operations on the erf.
- 7.5.5. Geotechnical investigations should be determined / undertaken before construction can ensue within this overlay zone.
- 7.5.6. Map depiction:



## 7.6. Overlay Zone 4: Mining Rights

- 7.6.1. This overlay zone is indicated on the Zoning Map as OZ5: Mining Rights.
- 7.6.2. Conditions applicable to areas with mining rights:

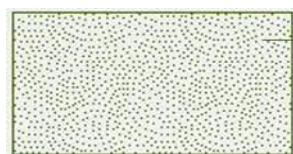
- 7.6.2.1. The mining rights overlay depicts those farm portions that currently have an active right to mining.
- 7.6.2.2. The overlay zone depicts such farm portions that may be subject to an extension of future mining activities.
- 7.6.2.3. All open cast mines will be depicted within the zoning, however, the remaining farm portion can be subject to underground mining.
- 7.6.2.4. Applicable inspections and processes should be applied to any formal township establishment application before approval by the Municipal Planning Tribunal.
- 7.6.2.5. In this approach the mining rights overlay serves as an indication of those parcels with active mining rights and land use decisions should be made with that in mind.
- 7.6.2.6. A holder of a mining right shall comply with Mineral and Petroleum Resources Development Act (MPRDA)(Act No. 28 of 2002), specific focus on the rights and obligations as stipulated within Section 25 of the MPRDA.
- 7.6.3. The zones in these areas will be split into two; one showing the zoning of the property and the other the mining rights' area.
- 7.6.4. Future applications for mining rights on land shall comply with the MPRDA, specific focus on Section 10, Section 16(4)(b) and Section 54 of the MPRDA.
- 7.6.5. If such future mining rights are approved in line with the MPRDA it shall be updated and included on the land use scheme maps.
- 7.6.6. Map depiction:



## 7.7. Overlay Zone 5: Environmental Management

- 7.7.1. Critical Biodiversity Areas (CBA & ESA) is the collection of sites that are required to meet the region's biodiversity targets, it is thus important that they are maintained in the appropriate condition for their category. Maintaining an area in a natural or near-natural state can include a variety of biodiversity-compatible land uses and resource uses. The following strategies apply to CBA's
- Further loss of natural habitat should be avoided in these areas
  - Consider protection in terms of the land use scheme for these areas
  - Degraded or disturbed CBA 1s and CBA 2s should be prioritized for rehabilitation through programmes such as Working for Water and Working for Wetlands.
  - Control of illegal activities, such as hunting and dumping, which impact on biodiversity, should be prioritized in these areas.
  - The introduction and breeding of invasive alien species should not be permitted in CBAs and ESAs.
  - The restriction of animal movement (e.g. cheetah, African wild dog) due to impenetrable fences should be discouraged.
- 7.7.2. This overlay zone indicated on the Zoning Map as OZ6: Environmental Management
- 7.7.3. The overlay zone makes provision for the protection of Critical Biodiversity Areas (CBA's), Ecological Support Areas (ESA's). CBA's are areas required to meet biodiversity targets for ecosystems to function, whereas ESA's play an important role in supporting the ecological functioning of CBA's. The importance of mapping these areas is to guide decision-making to inform land-use planning, environmental assessment and authorisations (SANBI, 2017).
- 7.7.4. The overlay zone provides a mechanism for the protection of biodiversity which the Municipal Council considers to be conservation-worthy in terms of its environmental protection strategies.
- 7.7.5. Conditions applicable to the Environmental Management Zone:
- 7.7.5.1. The overlay zone depicts such farm portions that may be subject to critical terrestrial and freshwater sensitive areas.
- 7.7.5.2. Applicable processes should be followed subject to any formal township establishment applications.

## 7.7.5.3. Map depiction:



R:76, G:215, B:0

**Table 2: Land use guidelines for CBA's and ESA's**

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

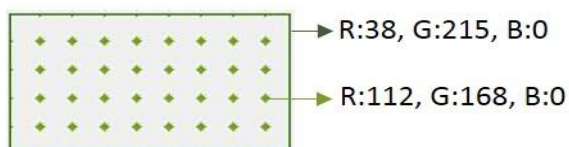


Column 1 Broad land use (examples) (These should be descriptive of actual land uses at a broad level. Examples below are illustrative – may vary depending on actual land uses in the province or municipality concerned.)		Column 2 Associated SDF category (examples) (These should be taken from the relevant SDF.)	Column 3 Associated land use activities (examples) (These should come from descriptions in the SDF of the SDF categories used in Column 2.)	CBA	ESA1	ESA2
7	Industrial	Low or High Impact and General Industry	Low Impact, General Industry and High Impact Industry (Urban & Business Development).	N	N	N
8	Mining	Mining and Quarrying	Mining and Quarrying	N	N	N

7.7.6. The relevant category of CBA or ESA applicable to a portion of land under the Environmental Management Overlay Zone can be requested from the municipality or relevant environmental departments.

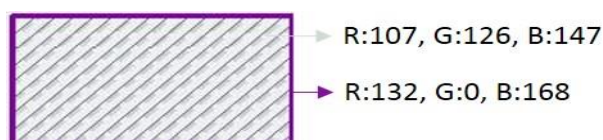
## 7.8. Overlay Zone 6: Unique Agricultural Land

- 7.8.1. This overlay zone is indicated on the Zoning Map as OZ 7: Unique Agricultural Land
- 7.8.2. The Department of Agriculture, Forestry and Fisheries (DAFF) is currently in the process of developing a dataset which will give a more detailed indication of land to be classified as "unique agricultural land".
- 7.8.3. Unique agricultural land is land that is important to agriculture and used for the producing of economically viable sustained high quality or high yields of a specific crops due to a special combination of location, terrain, climate and soil properties. This land is usually not prime, but important to agriculture due to a specific combination of attributes that make it highly suited for a specific crop when managed with specific farming or conservation methods (DAFF, 2017).
- 7.8.4. The purpose of this overlay zone is to make provision for the inclusion of unique agricultural land within the Scheme Maps, by means of an overlay zone, anticipating the release of such data by the DAFF. The importance of mapping these areas is to guide decision-making regarding the management of land with agricultural potential.
- 7.8.5. The overlay zone provides a mechanism for the protection of unique agricultural land which the Municipal Council considers to be conservation-worthy.
- 7.8.6. The overlay zone enables the depiction of unique agricultural land on the zoning map.
- 7.8.7. The objective of this overlay zone is to guide development in such a way that unique agricultural land would be preserved.
- 7.8.8. Map depiction (Unique Agricultural Land):



## 7.9. Overlay Zone 7: Heritage Protection

- 7.9.1. Map depiction (Heritage Protection):



- 7.9.2. This overlay zone is indicated on the Zoning Map as OZ 5: Heritage Protection
- 7.9.3. The overlay zone makes provision for the protection of heritage places entered on the heritage register maintained by the provincial heritage resources authority, and for the protection of heritage areas as provided for in terms of the heritage legislation.
- 7.9.4. The overlay zone provides a mechanism for the protection of heritage places the Municipal Council considers to be

conservation-worthy in terms of its heritage strategies.

- 7.9.5. The overlay zone enables the depiction of such heritage places and heritage areas on the zoning map.
- 7.9.6. The following heritage places are deemed to be Heritage Protection Overlay Zones and shall be subject to the provisions of this overlay zone:
  - 7.9.6.1. Any heritage place that has been entered into the register of heritage resources maintained by the provincial heritage resources authority in accordance with heritage legislation;
  - 7.9.6.2. Any heritage place that has been designated a heritage area in accordance with heritage legislation; and
  - 7.9.6.3. Any recorded heritage place or resources.
- 7.9.7. Notwithstanding Section 7.9.6.1. - 7.9.6.3, Council may designate any heritage place that it considers to be conservative-worthy in terms of any developed heritage strategy as a Heritage Protection Overlay Zone, and such heritage place shall be subject to the provisions of this overlay zone.
- 7.9.8. Council shall record all Heritage Protection Overlay Zones, which may include heritage places or categories resources mapped on a digital inventory in terms of the Local Municipality's heritage strategies.
- 7.9.9. The following land use restrictions apply to properties in this zone:
  - 7.9.9.1. Primary uses are as stipulated in the base zone;
  - 7.9.9.2. Additional use rights are as stipulated in the base zone;
  - 7.9.9.3. Consent uses are as stipulated in the base zone, or any use approved by Council as an incentive in terms of the By-Law.
  - 7.9.9.4. In addition to the development rules that apply to the base zone, the provisions of the Heritage Protection Zone shall, where applicable, apply.
- 7.9.10. Council may approve any use as a consent use in the overlay zone, provided:
  - 7.9.10.1. Such use is consistent with the uses determined to be appropriate in terms of a Council approved Heritage Management Plan, in order to provide the owner with an incentive to preserve the heritage resource;
  - 7.9.10.2. Council may require cessation of the consent use right if the heritage place protected in terms of the Heritage Protection Overlay Zone is not preserved and protected to the requirements stipulated in a Council approved Heritage Management Plan for the property, or as agreed between Council and the owner.
- 7.9.11. Any development rules in terms of a Heritage Protection Overlay Zone that exceed, or are more restrictive than, the limitations of a base zone, shall be deemed to be approved departures from the provisions of the base zone.

## 7.10. Overlay Zone 8: Manage Zone 500m

- 7.10.1. This overlay zone is not depicted on the scheme maps, however any new applications must comply to the National Liquor Policy, 2016, or otherwise stated in the municipal tavern policy or other agreements by relevant government entities.
- 7.10.2. Any liquor premises should be located at least five hundred meters (500m) away from schools, places for worship; recreation facilities, rehabilitation or treatment centres, residential areas and public institutions.
- 7.10.3. The purpose of this overlay zone is to protect all community facilities as to prevent land uses that will lead to pollution or cause a nuisance.
- 7.10.4. Premises already licensed within the 500m radius and premises within high density locations will have to comply with the Norms and Standards issued from time to time providing for amongst others, the issue of trading hours, noise, nuisance and pollution.
- 7.10.5. Premises previously licensed before the 500m came into operation will be acceptable if they comply with the Norms and Standards issued from time to time providing for amongst others, the issue of trading hours, noise, nuisance and pollution.
- 7.10.6. Licensing authorities with their discretion may impose tighter trading conditions that trading hours of the outlets should not coincide with lessons during school hours.
- 7.10.7. Non-compliant in existing liquor premises may result in a hefty penalty, suspension and/ or revocation of the registration or licence. However, there should be aggressive communication (corporate leniency for a period of a year) by all tiers of government on this issue.

## 8. CHAPTER 8: GENERAL PROVISIONS

### 8.1. Building Lines and Restriction Areas

- 8.1.1. No building or structure other than boundary walls, fences or temporary buildings or structures that are required in connection with building operations being executed on the property shall be erected within any building restriction area.
- 8.1.2. Any building line along a proposed new road or widening shall be measured from that boundary of such proposed road or widening which is the common boundary of the road or widening and the remaining part of the property to which the building line applies.
- 8.1.3. Except with the written approval of the Local Municipality, no building shall be erected closer to a boundary.
- 8.1.4. The area between the property boundary and the building line applying to such boundary shall be open space and shall allow unobstructed access to authorised persons at all times: Provided that such area may be landscaped and also be used for the parking of motor vehicles.
- 8.1.5. Building lines imposed in terms of the provisions of this Scheme shall not be construed as replacing building lines laid down by title conditions, the controlling authority or stipulated by other legislation.
- 8.1.6. Where shops, service industries, office uses, and (if permitted) commercial uses, light industrial uses and industrial uses erected in any business use zone conform to a building line allowed by the municipality, no goods, merchandise, wares or other obstructions excluding the parking of motor vehicles shall be placed, deposited, kept, stored or displayed, on the area between the street boundary and any such building line.
- 8.1.7. The municipality may permit the erection of a gate house between the building line and the street boundary of an erf between the building line and the road boundary, subject to such conditions as it may deem fit.
- 8.1.8. Except when otherwise indicated on the Map or Schedules the properties adjacent to provincial or national roads shall be subject to the following conditions:
- 8.1.9. The registered owner of the erf shall erect and maintain a physical barrier to the satisfaction of the Local Municipality or a fence of such other material as may be approved by the Local Municipality in accordance with the standards prescribed by the Controlling Authority, prior to or during the development of the property along the boundaries of the property adjacent to the National Road or Provincial Road.
- 8.1.10. Except for the physical barrier referred to in (a) above, a swimming pool or any essential storm water drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf from the boundary of the property adjacent to the National Road or Provincial Road and no alteration or addition to any existing structure or building situated within such distance of the said boundary be made except with the consent in writing of the Controlling Authority.

### 8.2. Site Development Plans

- 8.2.1. In addition to the zones that specifically require a site development plan, the Municipality may require a site development plan in respect of the following development types:
  - 8.2.1.1. "Aerodrome"
  - 8.2.1.2. "Business 1"
  - 8.2.1.3. "Business 2"
  - 8.2.1.4. "Cemetery"
  - 8.2.1.5. "Conservation"
  - 8.2.1.6. "Government"
  - 8.2.1.7. "Industrial 1"
  - 8.2.1.8. "Industrial 2"
  - 8.2.1.9. "Institutional"
  - 8.2.1.10. "Mining"
  - 8.2.1.11. "Residential 2"
  - 8.2.1.12. "Residential 3"
  - 8.2.1.13. "Resort"
  - 8.2.1.14. "Transport"
  - 8.2.1.15. "Special"

or as determined by the Local Municipality.

- 8.2.2. The Local Municipality may require some or all of the following information for a Site Development Plan;
- 8.2.2.1. Existing and proposed services and servitudes
  - 8.2.2.2. existing bio-physical characteristics of the property;
  - 8.2.2.3. existing and proposed cadastral boundaries;
  - 8.2.2.4. the layout of the property, indicating the use of different portions thereof;
  - 8.2.2.5. the massing, position, use and extent of buildings;
  - 8.2.2.6. sketch plans and elevations of proposed structures, including information about their external appearance;
  - 8.2.2.7. cross-sections of the site and buildings on site;
  - 8.2.2.8. the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
  - 8.2.2.9. the position and extent of private, public and communal space;
  - 8.2.2.10. typical details of fencing or walls around the perimeter of the land and within the property;
  - 8.2.2.11. electricity supply and external lighting proposals;
  - 8.2.2.12. provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
  - 8.2.2.13. external signage details;
  - 8.2.2.14. general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
  - 8.2.2.15. the phasing of a development;
  - 8.2.2.16. the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
  - 8.2.2.17. statistical information about the extent of the proposed development, floor area allocations and parking supply;
  - 8.2.2.18. relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
  - 8.2.2.19. relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
  - 8.2.2.20. illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
  - 8.2.2.21. any other details as may reasonably be required by the Municipality.
- 8.2.3. The Municipality may require that the area covered by a site development plan must extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact.
- 8.2.4. The Municipality may determine the extent of the area covered by a site development plan.
- 8.2.5. An applicant must submit a site development plan to the Municipality if it is required in terms of this Land Use Scheme, before any development on the relevant land may commence.
- 8.2.6. A site development plan may not be rejected if it is consistent with the development parameters of a base zone, overlay zone, or condition of approval.
- 8.2.7. The Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- 8.2.8. The following provisions apply with regard to site development plans:
- (a) an approved building plan must be in accordance with an approved site development plan;
  - (b) if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development;
  - (c) if the Municipality considers it necessary, a stormwater impact assessment or storm water management plan or both may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development.
- 8.2.9. In considering an application for the approval of a site development plan, the Municipality shall take into account any objections, comments and/or representation timeously lodged in writing by any interested party in respect of such application, and when it has taken a decision on such application, it shall forthwith notify the applicant and any such interested party of such decision in writing.
- 8.2.10. An applicant may at any time before an application has been decided amend the application in writing in accordance with Municipal procedures.

### 8.3. Hazardous Substance

- 8.3.1. Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not

permitted, unless a risk management and prevention plan has been submitted by the owner, and the Municipality has given approval thereto.

- 8.3.2. Conditions applicable to Waste Management Licences, must be compliant with the National Environmental Management: Waste Act, Act No.59 of 2008
- 8.3.3. The Municipality's approval in terms of Subsection 8.3.1. above does not exempt the owner from applying for permission in terms of other relevant legislation.

## **8.4. Maintenance of Property**

- 8.4.1. Property must be properly maintained by the owner or occupier and may not:
  - 8.4.1.1. be left in a neglected or offensive state, as may be determined by the Municipality;
  - 8.4.1.2. contain an unsightly accumulation of papers, cartons, garden refuse, rubble or other waste material, as may be determined by the Municipality; (contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary or consent use in terms of this Land Use Scheme;
  - 8.4.1.3. contain outdoor storage of building material, appliances or similar items unless these:
    - forms part of a primary or consent use in terms of this Land Use Scheme;
    - are temporarily being stored for the purpose of construction in accordance with a valid building plan approval; or
    - are being stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

## **8.5. Placement of vehicles in residential zones**

- 8.5.1. A motor vehicle of an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit, may be parked on the property where the occupant resides, provided that:
  - (a) there is adequate space on the property concerned;
  - (b) no more than one commercial vehicle per dwelling unit may be parked on the property; and
  - (c) the gross weight of any such commercial vehicle may not exceed 3 500kg.

## **8.6. Splay of Corners**

- 8.6.1. Except where shown on the map, the corners of all streets and street junctions shall be splayed from the junction of the street boundaries for a distance of 3,5 metres: Provided that this provision shall not be applied to townships established before the adoption of this Scheme.
- 8.6.2. In calculating the area of a corner erf, the portions thereof cut off by the splay, shall be included in the area of the erf.

## **8.7. Lines of No Access**

- 8.7.1. Entrance to and exit from a property from or to a public street or road may be prohibited across any boundary-. Provided that:-
  - 8.7.1.1. the Local Municipality may, on receipt of a written application, relax the access restriction subject to such conditions as it may deem desirable, if as a result of exceptional circumstances, observance of the access restriction would interfere with the development of the property to an unreasonable degree;
  - 8.7.1.2. consent granted in terms of this clause shall not be construed as a relaxation of any restriction on access imposed by any other law or contained in the title deed of the property or imposed by the controlling authority.

## **8.8. Conditions in Townships**

- 8.8.1. An erf in any township established within the area of this Scheme and any erf or other property rezoned hereafter, shall, in addition to any other conditions, which may be specifically imposed, be subject to the following conditions unless any such erf or property is specifically exempted: -
- 8.8.2. Conditions applicable to all use zones.

- 8.8.2.1. Except with the written consent of the Local Municipality and subject to such conditions as it may impose, neither the owner nor any other person shall:-
- have the right, save and except to prepare the erf for building purposes, to excavate any material there from;
  - sink any boreholes thereon or abstract any subterranean water there from; or
  - make or permit to be made, on the property for any purposes whatsoever, any titles or earthenware pipes or other articles of a like nature. (These conditions shall not apply to Industrial 1 and 2 use zones).
- a) No person shall be permitted to sink any well and water may only be extracted from boreholes with electrical driven pumping equipment.
  - b) Where, in the opinion of the Local Municipality it is impracticable for storm water to be drained from higher lying erven direct to a public street or stream the owner of the lower lying erf shall be obliged to accept and / or permit the passage over the erf of such storm water:- Provided that the owners of any higher lying erven, the storm water from which is discharged over any lower lying erf, shall negotiate point of discharge and shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
  - c) If a property is affected by a 1:100 year flood line no building may be erected below the elevation of such flood line unless the Local Municipality has approved specific proposals relating to the manner of construction, siting of buildings, material used, alteration of flood line by raising the natural elevation of the land, etc.
  - d) The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, before, the outbuildings.
  - e) The loading and off-loading of goods shall only take place within the boundaries of the erf to the satisfaction of the Local Municipality unless loading facilities have been provided by the Local Municipality in the street reserve. (This condition shall not apply in the Residential 1 and Residential 4 use zones and neither in the Residential 2 and Residential 3 use zones if subdivision of the land into separate units has been effected.)
  - f) The positioning of buildings, including outbuildings, on the erf and entrances to and exists from the erf, the construction and maintenance of internal roads and landscaping of the erf, where required to a public street system, shall be done in consultation with and to the satisfaction of the Local Municipality.
  - g) A screen wall or walls shall be erected and maintained to the satisfaction of the Local Municipality as and when required by it.
  - h) If the property is fenced, such fence and the maintenance thereof shall be to the satisfaction of the Local Municipality.
  - i) The registered owner is responsible for the maintenance of the whole development of the property. If the Local Municipality is of the opinion that the property, or any portion of the development is not kept in a satisfactory state of maintenance the Local Municipality shall be entitled to undertake such maintenance at the cost of the registered owner.
  - j) No material or goods of any nature whatsoever shall be dumped or placed within the building restriction along any street and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such a boundary this condition may be relaxed by the Local Municipality and subject to such conditions as may be determined by it.
  - k) A site development plan, drawn to a scale of 1:500, or such other scale as may be approved by the Local Municipality shall be submitted to the Local Municipality for approval prior to the submission of any building plans in any use zone. No building shall be erected on the property before such site development plan has been approved by the Local Municipality and the whole development on the property shall be in accordance with the approved site development plan: Provided that the plan may, from time to time be amended with the written consent of the Local Municipality: Provided further that amendments or additions to buildings which in the opinion of the Local Municipality will have no influence on the total development of the property, shall be deemed to be in accordance with the approved site development plan. Such site development plan shall show at least the following:
    - i. the positioning, height, coverage and the floor area ratio of all buildings and structures;
    - ii. vehicular entrances and exits to and from the property, internal roads and parking areas;
    - iii. the proposed sub divisional lines, if the property is to be subdivided;
    - iv. entrances to buildings and parking areas;
    - v. building restriction areas (if any);
    - vi. parking areas and, where required by the Local Municipality, vehicular and pedestrian traffic systems;
    - vii. the elevational and architectural treatment of all buildings and structures;
    - viii. the programming of the development of the property if it is not proposed to develop the whole property

- simultaneously.
  - ix. the Local Municipality may, after receipt of building plans submitted in terms of its by-laws, require the owner to submit, for its approval, proposals for the provision of suitable and sufficient facilities on the erf for the loading, unloading, fuelling, parking of vehicles or for the storage of refuge containers.
  - x. The Local Municipality shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the elevational and architectural treatment of the proposed building or structure.
- l) Standard servitudes, unless indicated otherwise in this Scheme or the Property Title Deed, which is applicable on all erven:
- i. The erf is subject to a servitude, 3m wide, in favour of the Local Municipality, for sewerage and other municipal purposes, along the midblock (back) boundary and at least one side boundary, depending on the location of municipal services on the property, except in a "Residential 4" use zone, where only one boundary (other than a street boundary), depending on the location of the municipal services on the property is subject to the 2m servitude. Properties in all Business, Industrial and Commercial use zones are not subjected to this proviso. In the case of a pan-handle erf, an additional servitude for municipal purposes, 2m wide, across the access portion of the erf is applicable, if and when required by the Local Municipality: Provided that the Local Municipality may dispense with any such servitude.
  - ii. No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 2m thereof.
  - iii. The Local Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose; subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the Local Municipality.

## 8.9. Conditions applicable to all properties

8.9.1. The following conditions shall be applicable to all erven and/or properties:

8.9.1.1. Except with the written consent of the Local Municipality and subject to such conditions as it may impose, nobody shall:

- i. Save and except to prepare the erf for building purposes, excavate therefrom any material;
- ii. Sink any wells or boreholes thereon or subtract any subterranean water therefrom.

8.9.1.2. Where, in the opinion of the Local Municipality it is impracticable for storm water to be drained from higher lying erven direct to a public street system, the owner of the lower lying erf shall be obliged to accept and/or permit the passage over the erf of such stormwater: Provided that the owners of any higher lying erven from which storm water is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of the lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.

8.9.1.3. The siting of buildings, including outbuildings, erected on the property, and entrances to and exits from the property shall be to the satisfaction of the Local Municipality.

8.9.1.4. No material or goods of any nature shall be dumped or stored within the building restriction area along the boundary of any existing or proposed street, and such portion shall not be used for any purpose other than laying out and maintaining lawns, gardens, parking or access.

8.9.1.5. A screen wall shall be erected as and when required by the Local Municipality to its satisfaction.

8.9.1.6. If the property is fenced, the fence shall be erected and maintained to the satisfaction of the Local Municipality.

8.9.1.7. No informal structures may be erected on any property within the area of the land use scheme, provided that the Local Municipality, in consultation with the community, may consent to the erection of an informal structure on "Residential 4" and "Mixed Rural Development" in certain areas.



## 8.10. Height

- 8.10.1. No building shall be higher than the number of storeys set out by the Municipality in Chapter 3 provided that:
- 8.10.1.1. the maximum height of the ground storey shall not exceed 6,0 metres and any other storey shall not exceed 4,5 metres;
  - 8.10.1.2. a building shall have only one ground storey and, save for a building consisting of only one storey, the building plans of a building shall indicate which storey is the ground storey;
  - 8.10.1.3. all storeys below the natural ground level shall be indicated as basement storeys on building plans and shall comply with the provision as set out in the definition of "Basement";
  - 8.10.1.4. any chimney, ornamental tower or similar projection, telecommunication mast or lift servicing room or room wherein mechanical or electrical equipment is installed or similar architectural features shall be included for the purpose of this clause;
  - 8.10.1.5. the Municipality may, after receipt of a written application, consent to the relaxation of the height restriction if in its opinion such consent shall result in a more desirable development of the property and will not harm the amenity of the area; and
  - 8.10.1.6. basements shall be excluded for the purpose of this clause.

## 8.11. Density

- 8.11.1. The density zoning of a property refers to the maximum number of dwelling units that may be erected.
- 8.11.2. The density zoning of a property is related to its land use zoning and is stipulated in Chapter 3.
- 8.11.3. Only one dwelling unit per erf shall be permitted in use zones where dwelling units may be erected and where no density zone is applicable, further provided that in such cases, more dwelling units may be permitted with the consent of the Municipality.
- 8.11.4. In the "Residential 1" use zone where one dwelling unit per erf is the applicable density, the Municipality may, if the permissible coverage is not exceeded, after receipt of a written application, consent to the:
  - i. Subdivision of an erf into two portions, provided that no portion thus created shall be smaller than 40% of the average size of the surrounding erven and no portion smaller than 500m<sup>2</sup>.
  - ii. Provided that the provisions of the Municipality shall not apply to the subdivision of an erf in the "Residential 1" use zone with a density zoning of one dwelling unit per erf, where the subdivided portion is to be consolidated with an adjacent property provided that the remainder of the erf shall not be smaller than 40% of the average size of the surrounding erven with a minimum size of 500m<sup>2</sup>; and
  - iii. Provided further that for the determination of the average size of the surrounding erven, the original size of the subdivided properties prior to the subdivision thereof shall be employed for calculation purposes and the number of properties applicable adjusted to only reflect the number of properties prior to the subdivisions of any such property;
- 8.11.5. An owner may erect and use a maximum of one subsidiary dwelling unit on an erf zoned "Residential 1" notwithstanding the density provision of this Scheme subject to the following conditions:
  - i. The floor area of a subsidiary dwelling unit shall not exceed 110m<sup>2</sup> or 50% of the main dwelling unit whichever is the lesser;
  - ii. A subsidiary dwelling unit may only be erected in relation to an existing dwelling unit;
  - iii. The written consent of all adjoining owners shall be obtained which shall include the endorsement of signatures, full names and addresses on the relevant building plans, save that in the event of one or more adjoining owners refusing endorsement followed by receipt by the Municipality of written particulars of the dissenting owner/s, reasons for such refusal within 28 days from date of dispatch by the Municipality of a letter calling for such particulars, the written consent of the Municipality shall be required;
  - iv. Parking shall be provided to the satisfaction of the municipality;
  - v. No outbuildings may be erected in relation to a subsidiary dwelling unit other than a garage or garages;
  - vi. Where an owner of a "Residential 1" property exercised the right of a subsidiary dwelling unit, neither subsidiary dwelling unit nor the main dwelling unit may be sectionalised;
  - vii. In the event of a subdivision in accordance with the prevailing density guidelines, a newly erected portion may contain the detached subsidiary dwelling unit, which may now be redefined as an existing dwelling unit; and
  - viii. When an owner exercises the right for a subsidiary dwelling unit, engineering services contributions shall be payable on submission of the building plan as determined by the Municipality.



## 9. CHAPTER 9: COMPLIANCE AND ENFORCEMENT

### 9.1. Enforcement

- 9.1.1. The Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this land use scheme as determined by the section of the by-law that deals with enforcement.

### 9.2. Power of entry for enforcement purposes

- 9.2.1. An authorised employee may, with the permission of the occupier or owner of land, at any reasonable time, and without a warrant, and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this land use scheme.
- 9.2.2. An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of this land use scheme.
- 9.2.3. An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.
- 9.2.4. If the owner of land refuses access to the property a warrant can be obtained by the authorised official.

### 9.3. Serving of Notices

- 9.3.1. Any order, notice or other document required or authorised to be served under the land use scheme, may be signed by the Municipal Manager or other official authorised thereto, as determined by the section of the by-law that deals with the serving of the notices.

### 9.4. Findings and Appeals

- 9.4.1. Any objector or the applicant who is aggrieved by the decision of the Local Municipality or any condition of such decision, can appeal against the decision or condition in the manner prescribed in the section of appeals in the By-Law.

### 9.5. Advertising Signs

- 9.5.1. No advertising sign or display board that is visible from the outside of the property, may be displayed or erected without the consent of the Municipality.
- 9.5.2. The Municipality will disallow such application if it is convinced that the proposed sign or board will be injurious to the amenity of the neighbourhood. Provided further that this Clause does not prohibit the display of a name-plate not exceeding 300mm x 450mm on a fence, entrance, entrance hall or front door of a property or building in use zone "Residential 1" provided that such name-plate be utilised exclusively to indicate the name and vocation of the occupant.

### 9.6. Permission Granted Before Approval of this Scheme

- 9.6.1. Any consent granted for the use of land, or the erection of, alteration of or addition to any building or the carrying out of any works in terms of the provisions of the previous Chief Albert Luthuli Town Planning Scheme prior to the approval of this Scheme shall be deemed to be a consent granted in terms of the relevant provisions of this Scheme.

### 9.7. Annexures to the Scheme

- 9.7.1. The land use, restrictions, requirements, conditions and provisions as set out in the scheme are subject to the conditions as set out below:
- Where an entry has not been made in the use zones and development parameters Tables, the Municipality may in its discretion specify a restriction when granting its special consent to an application;
  - Special rights, conditions and restrictions that may apply to any property within any use zone, may be indicated in an Annexure to the Scheme.
  - The special conditions and restrictions referred to in sub-clause (b) shall:

- i. be in addition to the general conditions, restrictions and other provisions of the Scheme; and
  - ii. prevail should they conflict with any such other condition, restriction or provisions as set out in this Scheme.
- d) An annexure contemplated in sub-clause (b) shall consist of:
  - i. a sheet upon which is inscribed the number of such annexure, a description of the property to which it applies, the special rights, conditions and restrictions applying to the property and the number and name of the relevant Scheme in terms of which the annexure was prepared;
  - ii. a diagram of the property concerned, which diagram shall accord with the layout shown on the Map; and
  - iii. the number of the relevant annexure sheet that will be inscribed in a double circle within or next to the figure of the relevant property on the Zoning Map and if it be inscribed next to such figure, it shall be joined to the figure by means of a line.
- e) Upon approval of an amendment scheme the effected property or building shall, in addition to the requirements of the Scheme, be entitled to the use and further be subject to special conditions, restrictions, densities, floor area ratio, open space requirements, height, coverage, building lines and parking and loading requirements as shown on the relevant Annexures to the Scheme, if any.

## **9.8. Contravention of the Scheme**

- 9.8.1. Any person who contravenes, or deliberately allows the contravention of any stipulation or conditions of the Scheme, or the provisions of any notice or directive by virtue of any stipulation of the Scheme, is guilty of an offence and punishable under the Act.

## **10. CHAPTER 10: USE OF BUILDING AND LAND**

---

### **10.1. Zoning**

- 10.1.1. All properties within the area of the Scheme have been allocated a zone indicated on the Scheme Map.
- 10.1.2. A property may be zoned as follows:

- a) With a single zoning;
- b) With split zoning;
- c) With an overlay zoning over and above the zoning referred in (a) and (b)

### **10.2. Categories of Uses**

- 10.2.1. Primary uses
  - 10.2.1.1. The use of land or buildings for a purpose which is stipulated as a primary use in a relevant use zone is permissible without any approval from the Municipality.
- 10.2.2. Special Consent
  - 10.2.2.1. Special consent use as listed under a relevant use zone in the Scheme is permitted if the Municipality grants such approval.
- 10.2.3. Written Consent
  - 10.2.3.1. Written consent use as listed under a relevant use zone in the Scheme is permitted with the written consent of the Municipality.

### **10.3. Uses not permitted**

- 10.3.1. Subject to any provisions to the contrary in the Act, land or buildings subject to this Scheme shall not be used for any purpose which is not specified in this Scheme or on the relevant Title Deed.

### **10.4. Protection of Existing Buildings**

- 10.4.1. Save that the rebuilding or addition to existing buildings, with the exception of any structural alteration which is of a limited extent; such as the removal of non-weight bearing internal walls, the erection of removable partitioning, safes and toilets inside an existing building, or repair work inside or outside a building, shall conform to the provisions of the Scheme.
- 10.4.2. Existing buildings shall not be affected by the provisions of the Scheme which would otherwise make such buildings illegal: Provided that in cases where alterations of or additions to existing buildings are not of a limited extent, the provisions of the Scheme shall apply only to the parts of the building which are being altered or extended.

### **10.5. Uses Permitted**

- 10.5.1. No person shall use or cause or permit any building or portion thereof to be used for a purpose other than that for which it has been erected unless the necessary consent of the Municipality has been obtained therefore.
- 10.5.2. Nothing herein contained shall be deemed to grant exemption from any of the Municipality's by-laws inconsistent herewith.
- 10.5.3. Notwithstanding anything to the contrary in this Scheme, no land in a residential use zone may be used for the purposes of parking, storage or garaging of more than one (1) commercial vehicle (which may include inter alia a bus with more than 12 seats, light delivery van, tractor, construction machine and truck with a carrying capacity of more than 3 ton) or taxi or any vehicle of which the gross vehicle mass exceeds 3500kg except with the special consent of the Municipality; provided that the vehicle does not exceed 5000kg and provided that no vehicle parked, stored or garaged in shall carry hazardous materials or flammable substances.;
- 10.5.5. No land shall be used for the purposes of refuse tipping, sewage disposal, scrap yard, stock yard, ash dump, motor

grave yard or cemetery without the special consent of the Municipality.

10.5.6 The removal of soil, sand, clay or stone from any property shall not be permitted except with the special consent of the Municipality and subject to such requirements and guarantees that the surface shall be restored satisfactory as the Municipality may determine.

10.5.7 Notwithstanding anything to the contrary in this Scheme, application may be made to establish kennels, an animal hospital, a horse riding school or a nursery, on any property in an agricultural zone.

10.5.8 Notwithstanding the land use category of the property in question, by written consent the Municipality may permit the use of land for temporary purposes such as: bazaars, church tents, circuses, concerts, emergency services, fairs, informal trading, meetings, parking, Places of Entertainment or public gatherings for a period not exceeding 30 days.

10.5.9 The following uses are not considered as a land use but may need to comply with other legislation.

(a) The use or erection of structures for advertising purposes, subject to the provisions of the approved Municipal and Provincial policies.

(b) Public phones and post-boxes.

(c) Access control in terms of temporary road closures.

(d) A guard house shall be regarded as an ancillary use in all use zones.

(e) The placing of public recycling collection bins is permitted on all erven, except on Residential 1, 2, 3 and 4 zoned erven.

(f) The erection of alternative energy generation equipment, this may include generators, solar panels and wind turbines.

(g) Refuse removal points.

10.5.10 A cellular mast shall not be considered as a land use, but may only be erected by means of Written Consent of the Municipality, except when:

(a) An existing mast is being replaced by a new mast, or

(b) An additional antenna is being added to an existing mast or site, or

(c) A public participation process in terms of the National Environmental Management Act 1998 (Act 107 of 1998) has already been undertaken.

10.5.11 Notwithstanding the above, no lattice cellular mast may be erected on erven zoned Residential 1, 2 or 4, except where the dominant land use is not residential in nature. In exceptional cases and where there is no other suitable property within a 200m radius, only rooftop or flagpole cellular masts may be considered on Residential 1 and 2 zoned properties. A base station erected to serve a mast shall comply with all requirements of the given Use Zone Building Lines.

## **11.CHAPTER 11: LAND USE AND LAND DEVELOPMENT APPLICATIONS**

---

### **11.1. Planning Applications**

11.1.1. Application in terms of this land use scheme may be submitted by:

- a) The registered owner of land, including the State or Municipality, in terms of land owned by it;
- b) An authorised agent acting on behalf of the owner of the property;
- c) And the executor of the estate of the deceased land owner.

11.1.2. Should there be a change in ownership of the erf or site, either during or after the approval of the application, the new owner shall be deemed to take over the rights as granted or be deemed to be the applicant, in the latter instance, the owner shall notify the Municipality in writing of the said change.

### **11.2. Application for Land Development Requirements**

11.2.1. Application for land development requires that:

11.2.1.1. No person may commence with a land development application without the approval of the Municipality as legislated by the Chief Albert Luthuli Local Municipality Spatial Planning and Land Use Management By-Law, 2016.

11.2.1.2. When an applicant or owner exercises a use right granted in terms of an approval he or she must comply with the conditions of the approval and the applicable provisions of the land use scheme, site development plan, building plans and any other applicable legislation.

### **11.3. The Land Use Scheme and the Spatial Planning and Land Use Management By-Law, 2016.**

11.3.1. The Chief Albert Luthuli Land Use Scheme of 2017 divides the municipal area of Chief Albert Luthuli into zones and provides information as to what and may and may not be used for in any of the zones.

11.3.2. The Chief Albert Luthuli Local Municipality Spatial Planning and Land Use Management By-Law of 2016 is legislation applicable to the municipal area that provides for all spatial planning and use management activities.

### **11.4. Land Use and Land Development Applications**

11.4.1. The distinction is made between land development and land use applications. Land Development Applications are considered by the Municipal Planning Tribunal and are explained in the By-Law.

11.4.2. Land Use Applications are applications for other compatible rights that the land does not yet possess but which are permitted in terms of the land use scheme and which may be obtained by lodging an application with the Municipality.

11.4.2.1. Land Use Applications-

- a) The subdivision of any land where such subdivision is expressly provided for in a land use scheme;
- b) The consolidation of any land;
- c) The simultaneous subdivision, under circumstances contemplated in paragraph (a) and consolidation of land;
- d) The consent of the municipality for any land use purpose or departure or variance in terms of a land use scheme or existing scheme which does not constitute a land development application;
- e) The removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation; and
- f) A temporary use application.

11.4.2.2. Land Development Applications are applications for:

- a) the establishment of a township or the extension of the boundaries of a township;
- b) the amendment of an existing scheme or land use scheme by the rezoning of land;
- c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered

- against the title of the land;
- d) the amendment or cancellation in whole or in part of a general plan of a township;
- e) the subdivision and consolidation of any land other than a subdivision and consolidation which is provided for as an application;
- f) permanent closure of any public place;
- g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
- h) instances where the Municipality acting on its own accord wishes to remove, amend a restrictive or obsolete condition, servitude or reservation registered against the title deed of a property or properties which may also arise out of a condition of establishment of a township or any other legislation;
- i) any consent or approval provided for in a provincial law; and
- j) any development on communal land that will have a high impact on the community

## **11.5. Division of functions between Municipal Planning Tribunal and Land Development Officer**

11.5.1. The Council must, by resolution, categorise applications to be considered by the Land Development Officer and applications to be referred to the Municipal Planning Tribunal.

11.5.2. The Land Development Officer must:

- i. Assist the Municipality in the management of applications submitted to the Municipality;
- ii. Consider and determine categories of applications contemplated in Clause 11.4.1.

11.5.3. The Land Development Officer may refer any application that he or she may decide in terms of Clause 11.4.1. to the Municipal Planning Tribunal.

11.5.4. When the Municipal Planning Tribunal or Land Development Officer considers an application submitted in terms of the By-Law, it, he or she must have regard to the following:

- a) the application submitted in terms of the By-law;
- b) the procedure followed in processing the application;
- c) the desirability of the proposed utilisation of land and any guidelines issued by the Member of the Executive Council regarding proposed land uses;
- d) the comments in response to the notice of the application and the comments received from organs of state and internal departments;
- e) the response by the applicant to the comments referred to in paragraph (d);
- f) investigations carried out in terms of other laws which are relevant to the consideration of the application;
- g) a written assessment by a professional planner as defined in Section 1 of the Planning Profession Act, 2002, in respect of land development applications to be considered and determined by the Municipal Planning Tribunal;
- h) the integrated development plan and municipal spatial development framework;
- i) the applicable local spatial development frameworks adopted by the Municipality;
- j) the applicable structure plans;
- k) the applicable policies of the Municipality that guide decision-making;
- l) the provincial spatial development framework;
- m) where applicable, the regional spatial development framework;
- n) the policies, principles, planning and development norms and criteria set by national and provincial government;
- o) the matters referred to in Section 42 of the Act;
- p) the relevant provisions of the land use scheme.

11.5.5. When the Municipal Planning Tribunal or Land Development Officer approves an application subject to conditions, the conditions must be reasonable conditions and must arise from the approval of the proposed utilisation of land.

11.5.6. Conditions imposed in accordance with Clause 11.5.5. may include conditions relating to—

- a) the provision of engineering services and infrastructure;
- b) the cession of land or the payment of money;
- c) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
- d) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;

- e) settlement restructuring;
- f) agricultural or heritage resource conservation;
- g) biodiversity conservation and management;
- h) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
- i) energy efficiency;
- j) requirements aimed at addressing climate change;
- k) the establishment of an owners' association in respect of the approval of a subdivision;
- l) the provision of land needed by other organs of state;
- m) the endorsement in terms of Section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality or the registration of public places in the name of the municipality, and the transfer of ownership to the municipality of land needed for other public purposes;
- n) the implementation of a subdivision in phases;
- o) requirements of other organs of state;
- p) the submission of a construction management plan to manage the impact of a new building on the surrounding properties or on the environment;
- q) agreements to be entered into in respect of certain conditions;
- r) the phasing of a development, including lapsing clauses relating to such phasing;
- s) the delimitation of development parameters or land uses that are set for a particular zoning;
- t) the setting of validity periods, if the Municipality determined a shorter validity period as contemplated in the By-law;
- u) the setting of dates by which particular conditions must be met;
- v) the circumstances under which certain land uses will lapse;
- w) requirements relating to engineering services as contemplated in Chapter 7 of the By-Law;
- x) requirements for an occasional use that must specifically include –
  - i. parking and the number of ablution facilities required;
  - ii. maximum duration or occurrence of the occasional use; and
  - iii. parameters relating to a consent use in terms of the land use scheme.

## 11.6. Types of applications

11.6.1. A person may make an application for the following in terms of the By-Law –

- a) establishment of a township or the extension of the boundaries of a township;
- b) division or phasing of a township;
- c) amendment or cancellation in whole or in part of a general plan of a township;
- d) amendment of an existing scheme or land use scheme by the rezoning of land, including rezoning to an overlay zone;
- e) removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
- f) subdivision of land;
- g) consolidation of land;
- h) amendment or cancellation of a subdivision plan;
- i) permanent closure of any public place;
- j) consent use;
- k) development on communal land that will have a high impact on the traditional community concerned;
- l) permanent or temporary departure from land use scheme
- m) extension of the period of validity of an approval;
- n) exemption of a subdivision from the need for approval in terms of the By-Law as contemplated in Section 75;
- o) determination of a zoning;
- p) amendment, deletion or addition of conditions in respect of an existing approval granted or deemed to be granted in terms of the By-Law;
- q) approval of the constitution of an owners' association or an amendment of the constitution of the owners' association;
- r) any other application provided for in the By-Law;
- s) any other application which the Council may determine in terms of the By-Law.
- t) any combination.

## 11.7. High and Low Intensity Land Uses

- 11.7.1. These high and low intensity land uses apply only to communal land, land under traditional / tribal leadership / council and/or unsurveyed State Land.
- 11.7.2. The following land uses are deemed as high and low intensity land uses. Any applicant who aims to develop any high intensity land uses on communal land should apply to the Local Municipality for approval:



**Table 3 High & Low Intensity Developments**

HIGH INTENSITY	LOW INTENSITY
<p> <i>Abattoir;</i>  <i>Aerodrome / Airport;</i>  <i>Airfield</i>  <i>Agricultural Industry;</i>  <i>Airfield;</i>  <i>Authority Use;</i>  <i>Boarding House;</i>  <i>Builders' Yard;</i>  <i>Butchery</i>  <i>Cemetery;</i>  <i>Crematorium and Funeral Parlour;</i>  <i>Community services, including Educational Institutions and Health Care Facilities;</i>  <i>Conference Facility;</i>  <i>Distribution Centre;</i>  <i>Electrical Power Station;</i>  <i>Factory;</i>  <i>Filling Station and Public Garage;</i>  <i>High density residential;</i>  <i>Hotel;</i>  <i>Industry &amp; Light Industry;</i>  <i>Intensive Farming.</i>  <i>Manufacturing, Micro-Manufacturing, Retail Selling and Distribution as contemplated in the Liquor Act, 2003 (Act No. 59 of 2003);</i>  <i>Multi-Purpose Community Centre;</i>  <i>Mining Purposes;</i>  <i>Municipal Purposes;</i>  <i>Motor Grave Yard;</i>  <i>Nature Reserve;</i>  <i>Noxious Use</i>  <i>Office;</i>  <i>Panel Beating;</i>  <i>Place of Instruction</i>  <i>Prospecting and Mining activities &lt; 5 years (Permit).</i>  <i>Public Garage;</i>  <i>Railway Purposes;</i>  <i>Renewable energy.</i>  <i>Retail Service, including a Shopping Centre and Supermarket;</i>  <i>Resort;</i>  <i>Restaurant;</i>  <i>Scrapyard;</i>  <i>Sewerage Works;</i>  <i>Showgrounds;</i>  <i>Mall;</i>  <i>Special Usage;</i>  <i>Taxi Rank;</i>  <i>Tavern;</i>  <i>Tourist Facilities;</i>  <i>Transmission Tower;</i>  <i>Urban Agriculture;</i>  <i>Waste Disposal Site</i>  <i>Warehouse;</i>  <i>Wholesale Trade; and</i>  <i>Any other development which may require a specialist report, including a geotechnical report or environmental impact assessment and any other uses as determined by the Local Municipality.</i> </p>	<p> <i>Additional Dwelling Unit/s</i>  <i>Day Care Facility.</i>  <i>Duet Dwelling.</i>  <i>Home Business/Occupation.</i>  <i>Nursery.</i>  <i>Place of Assembly</i>  <i>Small Scale Farming.</i>  <i>Spaza Shops, &amp;</i>  <i>Tribal Offices.</i> </p>

- 11.7.3. The expansion of settlement boundaries is also considered to be of a high impact and should be approved by the Local Municipality.

## **11.8. Conditions Applicable to Land Use Applications in Rural Areas**

- 11.8.1. An applicant who wishes to develop on or change the land use purpose of communal land located in the area of a traditional council where such development will have a high impact on the community or such change requires approval in terms of the land use scheme applicable to such area, must apply to the Municipality in the manner provided for in the By-Law.
- 11.8.2. The application must be accompanied by –
- i. a Tribal Resolution from the responsible Tribal Council; and
  - ii. proof of a decision taken by the majority of the community members who will be affected by such development who are present at a meeting, of which they have been given sufficient notice and in which they have had a reasonable opportunity to participate, that was convened for the purpose of considering whether their informal right to land maybe disposed of as a result of such high intensity development,
- and the provisions of the municipal by-law apply to that application.
- 11.8.3. An applicant who submits an application for a low intensity development is exempt from the payment of application fees.
- 11.8.4. Where applicable, at the discretion of the municipality, the applicant should submit the following;
- i. proof of consent from such owners of abutting properties that are determined by the Municipality;
  - ii. a Site Development Plan or sketch sufficient for the Land Development Officer to make a decision; and
  - iii. Minutes and an attendance register, signed off by a municipal official in attendance, of a public meeting held to consider the proposed development.
  - iv. The ward councillor and representatives of the relevant traditional council should be invited to the community meeting
- 11.8.5. An application for a low intensity development is exempt from the payment of application fees where applicable.
- 11.8.6. The Local Municipality must develop shortened procedures for such applications.
- 11.8.7. The Local Municipality has, in its land use scheme, identified and defined each of the activities that it considers to be a high intensity development and a low intensity development that will be subject to an application contemplated in the by-law.
- 11.8.8. An applicant who is desirous to change the land use purpose of communal land prior to the adoption of a land use scheme in terms of the Act and the municipal by-law, whether or not such change will result in a high intensity development or a low intensity development, must apply to the Local Municipality for approval thereof and the provisions of the by-law applies to such an application.
- 11.8.9. The Municipality has, in its land use scheme, made provision for the incremental upgrading of an informal area (other than what is provided for in the municipal by-law).
- 11.8.10. The Traditional Council must, from time to time, submit to the municipality the list of land allocations and their uses made to their community members.

## **12. CHAPTER 12: MISCELLANEOUS**

---

### **12.1. Appeal against the decision of the Local Municipality**

- 12.1.1. Appeals may be lodged, in terms of the by-law, against any decision of the Local Municipality.

### **12.2. Binding Force of Conditions**

- 12.2.1. Where permission to erect any building or execute any works or to use any buildings or land for a particular purpose granted in terms of the Scheme and conditions have been imposed, the conditions shall have the same force and effect as if they were part of the Scheme and shall be regarded as though they were part of this Scheme.

### **12.3. Property Description**

- 12.3.1. The property descriptions referred to in the Scheme Map(s) or in any Schedule(s) to the Scheme are allocated either by the Surveyor-General or by the Local Municipality irrespective of whether such property has been registered as such in a Deeds Registry or not.

### **12.4. Use of Annexures and Schedules**

- 12.4.1. Special rights, conditions and restrictions which may apply to any property within a use zone, may be indicated in an Annexure and / or a Schedule and / or Figure to the Scheme.

### **12.5. Availability of the Land Use Scheme for purposes of inspection**

- 12.5.1. The Local Municipality shall permit any interested person to inspect at any reasonable time the Land Use Scheme available in the offices of the Local Municipality.

## 13. CHAPTER 13: DEVELOPMENT CONDITIONS

### 13.1. Conditions applicable to the application for permanent or temporary departure

13.1.1. An application for a temporary departure from the provisions of the land use scheme is an application that does not result in an amendment of the land use scheme provisions applicable to land, and includes:

- a) The relaxation of development parameters such as building line, height, coverage, density and/or Floor Area Ratio (FAR); and
- b) the departure from any other provisions of a land use scheme that will result in the physical development or construction of a permanent nature on land.

13.1.2 An application for a temporary departure from the provisions of the land use scheme is an application that does not result in an amendment of the land use scheme provisions applicable to land, and includes:

- a) prospecting rights granted in terms of the Mineral and Petroleum Resources Development Act, 2002;
- b) the erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; Provided that such consent shall ipso facto lapse upon completion of the permanent structure or on the expiry date thereof as determined by the Municipality;
- c) the occasional use of land or buildings for public religious exercises, place of instruction, institution, Place of Entertainment or social hall;
- d) the use of land or buildings thereon for State or Municipal purposes;
- e) the use of land or the erection of buildings necessary for the purpose of informal retail trade;
- f) any other application to utilise land on a temporary basis for a purpose for which no provision is made in the land use scheme in respect of a particular zone.

13.1.3 An applicant may apply for a departure in the manner provided for in the By-Law.

13.1.4 The Municipality may grant approval for a departure

- a) contemplated in subsection (13.1.2)(a) for the period of validity of the prospecting license after which period the approval lapses; and
- b) contemplated in subsection (13.1.2)(b) for the period requested in the application or the period determined by the Municipality after which period the approval lapses.

13.1.5 The Municipality may grant extensions to the period that it determines in terms of subsection (13.1.4)(b), which period together with any extensions that the Municipality grants, may not exceed five years and the granting of the extension may not be unreasonably withheld by the Municipality.

13.1.6 A temporary departure contemplated in subsection (13.1.2) may or may not be granted at the discretion of the municipality in respect of a particular use on a specific portion of land.

13.1.7 A temporary departure contemplated in subsection (13.1.2)(b) may not include the improvement of land that is not temporary in nature and which has the effect that the land cannot, without further construction or demolition, revert to its previous lawful use upon the expiry of the period contemplated in subsection (13.1.1)(b).

### 13.2. Conditions applicable to businesses in respect of which a license is required

#### 13.2.1. Sale or supply of meals or perishable foodstuffs

13.2.1.1. The carrying on of business by the sale or supply to consumers of -

- (a) any foodstuff in the form of meals for consumption on or off the business premises; or
- (b) any perishable foodstuff.

13.2.1.2. For the purposes of subitem (13.2.1.1) "perishable foodstuff" means any foodstuff or category of foodstuffs declared by a Premier by notice in the Official Gazette to be a perishable foodstuff in the Province concerned for the purposes of

this item.

### **13.2.2. Provision of certain types of health facilities or entertainment**

13.2.2.1. The carrying on of business by –

- c) providing Turkish baths, saunas or other health baths;
- d) providing massage or infra-red treatment;
- e) making the services of an escort, whether male or female, available to any other person;
- f) keeping three or more mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for the purpose of the playing of any game or for the purpose of recreation or amusement, and the operation of which involves the payment of any valuable consideration, either by the insertion of a coin, token coin or disc therein or in an appliance attached thereto or in any other manner;
- g) keeping three or more snooker or billiard tables;
- h) keeping or conducting a night club or discothèque;
- i) keeping or conducting a cinema or theatre;
- j) conducting adult entertainment business referred to in Section 24 of the Films and Publications Act, 1996.

### **13.2.3. Hawking in meals or perishable foodstuffs**

13.2.3.1. The carrying on of business, whether as principal, employee or agent, by selling any foodstuff in the form of meals or any perishable foodstuff –

- a) which is conveyed from place to place, whether by vehicle or otherwise;
- b) on a public road or at any other place accessible to the public; or
- c) in, or from a movable structure or stationary vehicle,

unless the business is covered by a license for a business referred to in item 13.2.1. of this Schedule.

13.2.3.2. For the purposes of subitem (13.2.1.) "perishable foodstuff" means any foodstuff or category of foodstuffs declared under item 13.2.1.1. of these Conditions to be a perishable foodstuff.

## **13.3. Conditions applicable to businesses excluded from businesses which require a license**

- 13.3.1. A business which is carried on by the State or Local Municipality.
- 13.3.2. A business which is carried on by a charitable, religious, educational, cultural or agricultural association, organisation or institution of a public nature, if all profits derived from the business are devoted entirely to the purpose of that or any other such association, organisation or institution.
- 13.3.3. In the case of a business referred to in 13.2.1 of the conditions applicable to businesses in respect of which a license is required, such a business which is carried on –
  - by a social, sports or recreation club which is a non-proprietary club and restricts the business to the sale or supply to its members and their guests of foodstuffs for consumption on or in the business premises;
  - by or on behalf of an employer for an employee as such of the employer.
- 13.3.4. A business referred to in item 13.2.1. of Conditions Applicable to Businesses in Respect of which a License Is Required., if the meals concerned are prepared and sold in a private dwelling.
- 13.3.5. In the case of a business referred to in Item 13.2.1. of Conditions Applicable to Businesses in Respect of which a License Is Required, the sale of a perishable foodstuff referred to in that item, by a person who belongs to a category of persons which the Minister, in the relevant notice under item 13.2 of that Conditions, has exempted from the provisions of the licensing legislation, read with the said item 13.2 in relation to the perishable foodstuff concerned.

## **13.4. Conditions applicable to all use zones**

13.4.1. Nothing in this Land Use Scheme shall be deemed to prevent the Local Municipality: –

- 13.4.1.1. from erecting, maintaining, or using any building or work, or land, in any part of the area of this Scheme for the purpose of any undertaking which it may be empowered to carry out under any legislation; or
- 13.4.1.2. from allowing the occasional letting of a site in the area of this Scheme for the purpose of amusement parks, circuses, church gatherings, sales, etc. subject to consent from direct adjacent neighbouring properties and such conditions as the Local Municipality may think fit; or
- 13.4.1.3. from allowing the owner of any land or building to temporarily use such land or building for purposes not contemplated for that use zone or by any other provision of this the Scheme, subject to compliance with the provisions of this Scheme relating to the granting of the special consent of the Local Municipality and subject further to such conditions as the Local Municipality may impose: Provided that such consent shall, in addition to any condition imposed by the Local Municipality, be subject to the following conditions:-
  - a) no building or structure of a permanent nature which may hinder the use of the land for the purpose contemplated in the zoning thereof in this scheme shall be erected on the land;
  - b) the Local Municipality shall be entitled to withdraw the approval issued in terms of this sub-clause by a written notice of not less than 28 days to the owner if the use of such property is inconsistent with the purposes for which approval was granted or where the exercising of the approved use adversely effects the amenity of the neighbourhood;
  - c) if the rights obtained by virtue of the grant by the Local Municipality of its consent to the erection and use of a building or for the use of land are not exercised within 24 months of the grant of such consent or, the rights having been exercised, the use permitted thereunder is interrupted for a continuous period of 18 months, the consent shall ipso facto lapse, unless any condition upon which such consent was granted specifically provides otherwise in regard to the lapsing of such consent.
  - d) the period of validity of a consent granted by the Local Municipality to the erection and use of a building shall not extend beyond the life of the building used, or erected for such use, pursuant to the consent and may not be transferred when the property is sold to another owner.
- 13.4.1.4. from allowing the letting of any part of the house, or separate building not being an Additional Dwelling Unit on the same property, in a Residential 1 and 2 zone, to a maximum of six (6) persons, subject to the following conditions:-
  - a) every lessee shall have sufficient access to a closet pan and a washbasin or shower;
  - b) the minimum floor area per person for a bedroom is 3m<sup>2</sup> (three square metres);
  - c) no kitchen or equipment for the preparation of food, shall be constructed or provided in outbuildings either by the owner or the lessee;
  - d) in addition, the Local Municipality may impose any conditions it may deem necessary; and
  - e) shall comply to the Rental Housing Act, 1999, (Act No. 50 of 1999) as amended.

## 13.5. Conditions applicable to a Filling Station

- 13.5.1. Site access requirements:
  - 13.5.1.1. The vehicular access and exit ways to and from the premises of a service station or filling station shall not be more than 10m wide where it crosses the street boundary.
  - 13.5.1.2. A wall, fence or landscaping must be erected or provided on the road boundary of the property concerned between such points of access and exit, to the satisfaction of Council in respect of its height and aesthetic appearance.
  - 13.5.1.3. The vehicular access and exit ways to and from the premises of a filling station shall, where they cross the boundary, must be not less than:
    - a) 30m of the nearest intersection of a primary distributor or district distributor road or any other road of a similar status;
    - b) 30m of the nearest intersection where traffic is controlled or is proposed to be controlled by a traffic signal or traffic island; and
    - c) 10m of any other intersection not referred to in sub-section (a) or (b) in the case of a splayed or unsplayed corner or 5m from the point where the line of splay meets the road boundary.
- 13.5.2. Storage
  - 13.5.2.1. Any part of the premises of a filling station which is used for the storage of empty containers (such as oil drums and packing cases) or any other scrap whatsoever shall be enclosed with a suitable brick or concrete screen wall at least 2m high.

### 13.5.3. A Site Development Plan.

13.5.3.1. All applications for a service station and filling station shall be accompanied by a site development plan.

13.5.3.2. Site Development Plan must indicate the following:

- a) Vehicular access.
- b) Risk management in respect of fuel pumps and fuel storage areas.
- c) Screening of any storage area.
- d) Minimising any visual intrusion or operational disturbance with adjoining properties.
- e) The extent of the various activities.

13.5.3.3. Council also require an EIA if necessary to determine the risk involved to the surrounding environment and to determine contingency plans in place.

13.5.3.4. No major repairs or services of motor vehicles, panel beating and spray painting will be allowed on the site.

## 13.6. Conditions applicable to the keeping of animals in Residential Zones

13.6.1. No animals may be kept for business purposes on residential land.

13.6.2. Horses and donkeys may be kept only for the personal use of the owner or occupier of land and his dependants; provided that:

13.6.2.1. no horses or donkeys may be kept on land which is less than 8 000 m<sup>2</sup> in extent, unless Council is satisfied that special factors exist (e.g. the availability of suitable land in the vicinity for grazing and exercising);

13.6.2.2. such owner or occupier annually applies and obtains a permit from Council to keep horses or donkeys; provided that such permit shall not be renewed if the applicant has given cause for justifiable and substantial complaint relating to the keeping of horses or donkeys, from neighbours or residents living in the area;

13.6.2.3. the applicant must submit plans of stables, obtains municipal building plan approval and must construct the stables to the Council's satisfaction;

13.6.2.4. stables are properly maintained, and manure is dealt with to the Council's satisfaction, so as not to create any public nuisance;

13.6.3. Poultry, rabbits and other small animals may be raised for domestic, non-commercial use in residential areas, subject to any Council by-law relating to the keeping of poultry and animals;

13.6.4. No person shall keep or be permitted to keep on any land, cattle, sheep, goats, pigs, indigenous mammals or other wild animals, without the prior written permission of Council, irrespective whether such animals are kept for commercial or domestic purposes.

## 13.7. Conditions applicable to shops

13.7.1. Where shops, service industries, office uses, and (if permitted) commercial uses, light industrial uses and industrial uses erected in any business use zone conform to a building line adopted by the Municipality, no goods, merchandise, wares or other obstructions excluding the parking of motor vehicles shall be placed, deposited, kept, stored or displayed, on the area between the street boundary and any such building line.

13.7.2. Dry cleaners and laundrettes may be established in Business zones 1 and 2 provided that they comply with the following provisions.

13.7.2.1. Must be in compliance with the National Environmental Management Act, Act No. 107 of 1998 & National Water Act, Act No. 36 of 1998

13.7.2.2. The floor area of the shop for receiving and returning clothes, the workshop and the space used for the clothes- rack together will not exceed 275 m<sup>2</sup>.

13.7.2.3. Only gas, electricity, illuminating paraffin, or other approved liquid fuel may be used for the production of steam or hot water.

13.7.2.4. The solution used in the cleaning process must be non-flammable.

13.7.2.5. The combined capacity of the dry cleaning machines that may be installed may not exceed 20 kg dry weight of clothing or other articles per cleaning operation per half hour cycle.

13.7.2.6. The combined capacity of the washing machines that may be installed may not exceed 27 kg dry weight of clothing or other articles per washing operation.

13.7.2.7. Each individual application for the establishment of a laundrette or a dry cleaner in this zone must be submitted to the

Council for its special consent and the council must be furnished with full information as to the maximum and minimum capacities of the machines to be operated and floor space to be occupied.

- 13.7.2.8. If the council is of the opinion that the site of a proposed dry cleaner or launderette is unsuitable on the ground of possible nuisance, danger to public health, etc., it will submit the application, together with its view, recommendations and the reasons therefore, to the MEC whose decision will be final.

### 13.8. Conditions applicable to a Funeral Parlour

- 13.8.1. No funeral parlour with a chapel may be permitted on a site abutting a street of less than 12, 5 m in width.
- 13.8.2. No funeral parlour with a chapel may be permitted nearer than 100 m from:
- 13.8.2.1. the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provision of Section 146 of the Divisional Council's Ordinance, 1952 (Ordinance No. 15 of 1952) apply with any other street of like status;
- 13.8.2.2. any traffic light whether existing or provided for in the land use scheme; and
- 13.8.2.3. any intersection where traffic is controlled, or is proposed to be controlled in terms of the Land Use Scheme, by a traffic island.

### 13.9. Conditions applicable to Taverns

- 13.9.1. In the case of any permission or consent granted by the municipality to utilize properties for purposes of a tavern, it is subject to the following conditions in addition to the conditions set out in the definition and the base use zone:
- i. A non-transparent screen wall at least 1,8 meters high, must be erected around the entire perimeter of the site and shall comply to National Building Regulations SABS 0040, 1990 as revised;
  - ii. The public and residential areas on the site must be separated effectively;
  - iii. If food is served it may be prepared in the residential kitchen and served through a lockable service hatch and shall comply with National Health Regulations and any other applicable legislation
  - iv. Separate toilets and ablution facilities for males and females must be provided in the tavern;
  - v. A suitable storeroom must be provided for all liquor and container stock not required for immediate sale;
  - vi. A properly constructed drinking area must be provided;
  - vii. If liquor is served in the garden, then dividing walls must be erected to ensure the effective separation of the public and residential areas;
  - viii. Name boards shall be non-illuminated and not be bigger than 2000 mm (horizontal) x 1500 mm (vertical);
  - ix. Sufficient parking, as determined by the Local Municipality, shall be provided on site;
  - x. Smoking in the premises should adhere to the regulations of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993);
  - xi. It shall exclude any noxious practices or uses which will interfere with the amenity of the surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever;
  - xii. The Liquor Act, 2003, (Act No. 59 of 2003), the Department of Trade and Industry's National Liquor Norms and Standards as well as the Mpumalanga Province's liquor policy are applicable to all taverns; and
  - xiii. The Mpumalanga Liquor Board determines the hours and days of business.

### 13.10. Conditions applicable for Consent Use

- 13.10.1. Procedure and Application for Special Consent.
- 13.10.1.1. Any person (hereinafter called "The Applicant") intending to apply for the local municipality for special consent for the erection and use of a building, or land in any use zone whether wholly or partially for any purpose requiring the local municipality's special consent, shall submit such application to the local municipality in writing and in a form as determined by the local municipality.
- 13.10.1.2. The applicant shall give notice of the application:-
- a) by informing all neighbours within a 50 m radius of the property, where after the comments of such neighbours and the relevant ward committees shall be forwarded to the Local Municipality;
  - b) however, if the Local Municipality deems it necessary to advertise, the applicant shall:-
    - aa) publish at his own expense, a notice containing full particulars of the consent for which he is applying, and the land



- which it relates, once a week for two consecutive weeks in the official languages commonly used in the area of jurisdiction (of which one is in English) in a newspaper which circulates in the area;
- bb) post and maintain a similar notice in a conspicuous place on each separate portion of the land or building to which such consent applies for a period of not less than 14 consecutive days calculated from the date of the first notice in the newspaper mentioned in sub-clause (aa) above.

13.10.1.3. The notices mentioned in sub-clause (b) above shall:-

- aa) contain the name and address of the applicant and shall state that any objection or representation in connection with such application shall be submitted in writing simultaneously to the Local Municipality and the applicant within 28 days calculated from the date of the first notice in the newspaper; and
- bb) not be smaller than 594 mm X 420mm and any letter thereon shall be at least 6mm in height.

13.10.1.4. After expiry of the advertisement period in paragraph 13.10.1.3. (aa) above, the applicant shall, submit an affidavit that the notice referred to in paragraph b (bb) was properly posted and maintained as prescribed.

13.10.1.5. The Local Municipality shall take in consideration any objection or representation received within a said period of 28 days and shall notify the applicant and any person from whom any objections or representations was received of its decision and may for that purpose:-

- aa) carry out an inspection or institute any investigation;
- bb) request any person to furnish such information, as it may deem necessary.

13.10.1.6. Where objections have been lodged or representations have been made in terms of paragraph (c), the Local Municipality shall hear the objections or representations, and for purposes of the hearing the Council shall provide the applicant with a copy of every objection lodged, all representation made and comments received.

13.10.1.7. The Local Municipality shall notify the applicant and any objector of his decision and his reasons why an application has been rejected or any objection has not been upheld if applicable.

13.10.1.8. The provisions of sub-clauses (13.10.1.3.) and (13.10.1.4.) above shall not apply if no objection to the application was received as contemplated in sub-clause (13.10.1.3.).

#### 13.10.2. Procedure and Application for Written Consent

13.10.2.1. Any person (hereinafter called "the applicant") intending to apply to the Local Municipality for written consent for the erection and use of a building or to use of land in any use zone whether wholly or partially for any purpose requiring the Local Municipality's written consent, shall submit such application to the Local Municipality in writing.

13.10.2.2. The applicant shall:-

- a) give a full copy of the memorandum of the application to every owner of an erf, adjacent to the erf and across the street;
- b) obtain the comments of everyone that received copies;

13.10.2.3. The application shall be submitted in a manner as determined by the Local Municipality.

### 13.11. Conditions for Home Business

13.11.1. The following conditions apply if a portion of a dwelling unit is used for purposes of a Home Business:

- i. The dwelling unit, flat or residential building or any portion thereof may not be used for purposes of an industry or noxious trade.
- ii. Goods for sale may not be displayed on land in such a manner that it is visible from a public street.
- iii. The only advertising signs permitted are non-illuminated signs or notices not projecting over a street, not exceeding 650mm (horizontal) X 450mm (vertical) and indicating only the name and profession or occupation of the occupant.
- iv. No activity which is or may be a source of disturbance or nuisance to occupants of other dwelling units (e.g. noise pollution, traffic congestion, air pollution, the congregation of people, excessive traffic generation, etc.) are permitted.
- v. The primary use of the property is still for residential purposes and should be occupied by the person practicing the Home Business.
- vi. Medical practitioners are exempt from the requirement that they have to occupy the dwelling unit in which a Home Business is conducted.
- vii. A maximum of 4 people may be employed at a time.
- viii. A Home Business is regarded as an as-of-right use, subject to compliance with the provisions listed above.
- ix. The floor area used for a Home Business may not exceed 40 % of the dwelling unit. If a larger floor area is required, the

application must be made for approval to carry on a Home Business.

13.11.2. The following activities will not be permitted in a dwelling unit:

- A funeral undertaking and/or funeral parlour and/or crematorium and/or any related activity;
- A visitor's information bureau;
- A building society agency;
- Kennels;
- An escort agency;
- A Place of Entertainment;
- A tow-in service;
- A motor workshop;
- A medical rescue (paramedic) service;
- A slimming clinic;
- A car wash;
- A cash loan business;
- A panel-beater;
- A parcel delivery service;
- A gymnasium, except a gymnasium for private use by household occupying the dwelling unit;
- A shooting range;
- A blasting contractor;
- A butcher;
- A spray-painter;
- A taxi business;
- A pet salon;
- A fish-fryer;
- A vehicle sales lot for the hiring and selling of vehicles and/or trailers;
- Manufacturing and or storage of concrete products;
- A packaging contractor;
- A transport undertaking;
- A plumber business;
- A building contractor business;
- A builder's yard and/or storage of building equipment;
- Firefighting business;
- Security company and vehicle tracing agents.

## 13.12. Conditions applicable to Bed and Breakfast

- 13.12.1 The following conditions shall apply where a portion of property is used as a bed and breakfast establishment, or where rooms are let to lodgers:
- 13.12.2 The dominant use of the property shall be a dwelling house for accommodation of a single family;
- 13.12.3 A maximum of 4 rooms for a maximum of 8 guests shall be permitted, although application may be made to the Local Municipality for a relaxation thereof;
- 13.12.4 There shall at all times be a manager who shall be the registered owner of the property, the bona fide occupier of the property, or a person to whom the responsibility of running the establishment has been delegated in writing by such owner or occupier as the case may be
- 13.12.5 The maximum floor area will be restricted to the current existing dwelling unit(s) on the erf: Provided that any addition, extension, alteration or modification to an existing building or any operational activity ancillary to a bed and breakfast shall only be permitted in accordance with an approved site development plan and with consideration to the character and architecture of the existing building(s);
- 13.12.6 The land use may not create a public nuisance or, in the Municipality's opinion, detract from the residential character or amenity of the neighbourhood.
- 13.12.7 Meals may only be supplied to guests or lodgers who are lodging on the property, employees, and the family residing in the dwelling;
- 13.12.8 Alcoholic beverages may be sold to transient guests for consumption on the premises only, subject to the applicable licensing and legislation;

- 13.12.9 Weddings, receptions, conferences, entertainment, training or any similar activities which is likely to create a public nuisance are not permitted from a bed and breakfast establishment;
- 13.12.10 Parking must be provided in any event not less than at a ratio of 1 parking bay per guest bedroom and that no vehicles be permitted to park in public areas. Council may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient.
- 13.12.11 Ingress to and egress from the erf will be placed, constructed and maintained by the owner, subject to the prior approval of such ingress or egress by the Local Municipality's Chief of Civil Services and Chief of Traffic and Licenses;
- 13.12.12 Loading and off-loading shall only be permitted on the erf;
- 13.12.13 Advertising signs should not be bigger than 650mm (horizontal) X 450mm (vertical); and should not restrict pedestrian movement or visibility whatsoever along the street reserves and should be non-illuminated and provided on the stand.
- 13.12.14 Guest rooms shall not be converted to, or used as, separate self-catering dwelling units;
- 13.12.15 The municipal health department's approval must be obtained before operation can commence;
- 13.12.16 In assessing an application, Municipality must ensure the scale of the operation will not materially detract from the residential character and amenities of the street and neighbourhood in relation to the character of the area, ensure the suitability of the premises concerned for the proposed use, ensure the availability of on-site parking for motor vehicles are adequate and consider any other matters which would, in its opinion, interfere with the amenities of the neighbourhood.
- 13.12.17 The granting of special consent for such an application shall be subject to such terms and conditions as the Council may deem proper, including the provision of adequate off-street parking for motor vehicles, the number of persons that may be accommodated on the premises, and any other condition it considers necessary or proper in order to ensure that the amenities of the area are not interfered with, provided that if it subsequently finds that there is in fact an interference with the amenities of the neighbourhood, the Council may after affording the owner an opportunity of being heard impose further conditions or call on the owner to cease the usage

### 13.13. Conditions applicable to Guest Houses

- 13.13.1 This use may be conducted from a converted dwelling unit or a purpose-built facility that may consist of a single structure for guest house purposes or free standing or linked units for lodge purposes and includes facilities that are normally associated therewith.
- 13.13.2 Not more than 32 people or 16 rooms are permitted per land, whichever is the most restrictive; provided that the Municipality may restrict such numbers if considered necessary in the interest of the area or neighbourhood.
- 13.13.3 There shall at all times be a manager who shall be the registered owner of the property, the bona fide occupier of the property or a person to whom the responsibility of running the establishment has been delegated in writing by such owner or occupier as the case may be;
- 13.13.4 The land use may not create a public nuisance or, in the Municipality's opinion, detract from the residential character or amenity of the neighbourhood.
- 13.13.5 The minimum size of land used for a guest house is 740m<sup>2</sup>.
- 13.13.6 Meals and beverages may be supplied to transient guests or guests making use of on-site conference or recreational facilities only.
- 13.13.7 Alcoholic beverages may be sold to transient guests or guests making use of on-site conference or recreational facilities for consumption on the premises only, subject to the applicable licensing and legislation;
- 13.13.8 Parking must be provided in any event not less than at a ratio of 1 parking bay per guest bedroom and that no vehicles be permitted to park in public areas. Council may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient.
- 13.13.9 A site development plan, indicating the layout and number of rooms and units, entertainment areas, communal areas, parking, landscaping, signage and streetscape, must accompany applications to Municipality.
- 13.13.10 Advertising signs should not be bigger than 650mm (horizontal) X 450mm (vertical); and should not restrict pedestrian movement or visibility whatsoever along the street reserves and should be non-illuminated and provided on the stand.
- 13.13.11 A guest house may include self-catering units.
- 13.13.12 Ancillary activities normally associated with guest houses include a restaurant (not for the general public), conference facilities and lecture rooms for use by transient guests or guests making use of on-site conference or recreational facilities only. Any other ancillary uses shall only be considered with the special consent of Council.
- 13.13.13 The municipal health department's approval must be obtained before operation can commence;
- 13.13.14 In assessing an application, Municipality must ensure the scale of the operation will not materially detract from the residential character and amenities of the street and neighbourhood in relation to the character of the area, ensure the suitability of the premises concerned for the proposed use, ensure the availability of on-site parking for motor vehicles are adequate and consider any other matters which would, in its opinion, interfere with the amenities of the

neighbourhood.

- 13.13.15 The granting of special consent for such an application shall be subject to such terms and conditions as the Council may deem proper, including the provision of adequate off-street parking for motor vehicles, the number of persons that may be accommodated on the premises, and any other condition it considers necessary or proper in order to ensure that the amenities of the area are not interfered with, provided that if it subsequently finds that there is in fact an interference with the amenities of the neighbourhood, the Council may after affording the owner an opportunity of being heard impose further conditions or call on the owner to cease the usage

## 13.14. Conditions for the establishment of Telecommunications Infrastructure

- 13.14.1. In considering locational criteria for telecommunications infrastructure, the Municipality will consider that such uses will not be favoured:
- a) in residential zones,
  - b) in environmentally sensitive areas, such as:
    - An area with rivers, streams, wetlands and pans,
    - An area within the 1:100 year floodline of a water body,
    - A bird sanctuary or adjoining,
    - A proclaimed nature reserve or adjoining,
    - An environmentally protected area,
    - An area with ridges or koppies, particularly if the mast may break the skyline,
    - An area identified as an area of conservation significance or environmental importance as regarded by the authorities,
  - c) in areas of culturally significant heritage,
  - d) in localities where the use is likely to have a significant visual impact,
  - e) in localities where it may affect air traffic or vehicular movement,
  - f) in close proximity to architectural landmarks, such as monuments or historical buildings,
  - g) in close proximity to town squares, formal open spaces or cityscapes, and
  - h) along scenic routes.
- 13.14.2. Nor will the locality of such facilities be favoured unless it is clear that the developer has made reasonable efforts to co-locate with other users on existing or proposed sites in the vicinity of the proposed installation.
- 13.14.3. If the proposal is contrary to any of the above, the applicant will have to demonstrate that the installation is of strategic importance.
- 13.14.4. The Municipality encourages the establishment of masts and antennas in the following manner:
- a) The co-location of masts, antennas and other infrastructure, not only at the same site but also on the same structure, such as combining satellite dishes, radio antennas and cell masts on one structure, supported by a certificate on the expected emissions from the site, prepared by a suitably qualified individual,
  - b) The incorporation of noise reduction measures, especially if generators will be employed,
  - c) Making use of "stealth masts", thereby camouflaging the mast as a tree or other natural feature,
  - d) Erecting masts on- or in close proximity to other unsightly structures such as power lines, building rooftops, water towers, highway lamp posts, overpasses, bridges and smokestacks,
  - e) All structures will be fenced or walled with a locked gate to limit public access and access to the support structure,
  - f) Erecting masts in close proximity to natural features such as trees in order to shield the visual impact, and
  - g) If lighting will be installed for security or other reasons, lights must be screened in such a way as to prevent light pollution.
- 13.14.5. The following visual guidelines will aid the Municipality when considering applications for the establishment of telecommunication infrastructure
- 13.14.5.1. General Design Principles
- a) The following principles should be kept in mind when assessing applications for telecommunication masts:
  - b) Scenic Integrity: the preservation of landscape features, particularly skylines, scenic corridors, important view sites and historic precincts.
  - c) Site Responsiveness: the siting of structures in accordance with visual absorption capacity and screening capabilities of the land
  - d) Compatibility: the provision of installations that are in harmony with the surrounding buildings and uses.
  - e) Appropriateness: the design and detailing of installations in terms of a sympathetic architectural theme.
  - f) Sense of Place: a response in the siting and design installations to the particular natural, rural, urban or historic qualities of the place.

- g) Local Character: the use of indigenous plants, local materials and design idiom that are an expression of the locality or region.

#### 13.14.5.2. General Guidelines

- a) Use existing masts or buildings to carry antennae where possible, to avoid the need for separate masts.
- b) Consider the possible multiple use of masts for viewing towers, landmark structures etc. Take the particular needs and character of the area into account. Obtain urban design expertise where necessary.
- c) Ensure that the design of the mast and base station allows for future sharing. Avoid duplication of tall masts within a 3km radius. Phase out the existing duplication of masts as these come to the end of their operational life, or are replaced.
- d) Ensure that the design of masts, structures and fences is in keeping with the character of the area in order to retain the particular visual quality or ambience of a place. Obtain architectural expertise where necessary.
- e) Disguise antennae by using flat panels on buildings, and slender „branch“ type aerials among trees, where possible.
- f) Use a light grey or natural metal colour where masts are viewed against the sky, and dark green for masts against a backdrop of trees.
- g) Minimise general clutter on masts and container buildings such as platforms, struts and cables, etc.
- h) Conceal ducts and cabling where possible, and preferably locate these underground. Avoid overhead ducts, wires and cabling, as these add to untidy clutter.
- i) Accommodate base station equipment within buildings, where possible, instead of using separate containers.
- j) Accommodate kiosks, distribution boards and air conditioners within the container structure. Design these to be integral or flush with the structure surface. Avoid free standing kiosks or other mechanical plant.
- k) Attach signage to buildings to minimise clutter. Avoid free standing signboards or signs that are visible against the skyline.
- l) Signs should be discreet, and bold advertising signage generally avoided in visually sensitive areas.
- m) Use planting to visually absorb or screen masts and base stations use only appropriate plant species. Obtain landscape architectural expertise where necessary.
- n) Ensure that methods of disguising masts and containers are appropriate in the local and regional context, e.g. „palm tree“ type masts should be typical of palms found in a particular area.

#### 13.14.5.3. Guidelines for Urban Areas

- a) Consider using tall structures such as church steeples, fire station tower etc. where these are available to attach antennae, instead of separate mast structures.
- b) Investigate the possibility of using proposed new buildings in a particular area to make provision for antennae and equipment as an integral part of the building design.
- c) Ensure that planners and architects of new developments are aware of the needs of the communication industry, so that early provision is made for masts or antennae.
- d) Ensure that the type of mast is appropriate to the urban context. For example, historical precincts would have a different design theme to that of an industrial area.
- e) Avoid masts super-imposed on top of buildings, particularly where these clutter the skyline. Integrate antennae with the architecture of the building.
- f) Attach antennae to the sides of the building, and avoid panels projecting above the roof line or parapet. Colour-match the antennae with the building where appropriate.

#### 13.14.5.4. Guidelines for Rural Areas

- a) Ensure that the type of mast is appropriate to the rural context. This may vary from a natural or pastoral setting to that of industrialised farming activity.
- b) Avoid siting masts in stark open fields, particularly on hill crests. Relate the mast to other structures or clumps of trees in the area.
- c) Avoid siting masts in close proximity to historically important farmsteads or „werf“ enclosures. Consult National Monuments
- d) Council where buildings are more than 50 years old.
- e) Use artificial „tree“ forms only where similar trees exist nearby, or where the particular „tree“ type is appropriate to the region.
- f) Consider attaching antennae to windmills, silos etc. where possible, instead of separate mast structures. The „windmill“ prototype mast may be an appropriate symbol in some areas.
- g) Avoid kitsch disguises for the containers as these are often not appropriate. Consider using simple farm shed forms in proximity to farmsteads.
- h) Ensure that the disguised containers area appropriate in the site context, e.g. artificial „rock“ forms should only be used where similar rocks can be expected in the environment.
- i) Ensure that the impact of access roads and power or telephone lines are minimised. Roads should be carefully

constructed to blend in with the terrain.

- j) Utility lines should be located underground, where possible. Where overhead lines cannot be avoided, these should not be visible against the skyline.

### **13.15. Conditions applicable to a Builder's Yard**

- 13.15.1. No building or erf may be used for the establishment of a builder's yard, coal yard, wood yard in any other zone excluding the Industrial zones.
- 13.15.2. The erf shall be fenced along all boundaries to the satisfaction and prescribed height of the Council.

### **13.16. Conditions applicable to Cemeteries**

- 13.16.1. No land shall be used for the purposes of refuse tipping, sewage disposal, scrap yard, stock yard, ash dump, motor grave yard or cemetery without the special consent of the Local Municipality.
- 13.16.2. All relevant legislation relating to the establishment of cemeteries will be adhered to as contemplated in Environmental Conservation Act.
- 13.16.3. Land identified for the use as a cemetery should be 350m from surface water bodies and not less than 350m from wells and boreholes used for domestic purposes.
- 13.16.4. A geotechnical and Geo-hydrological investigation should be carried out.
- 13.16.5. Land or portion of land selected for cemetery should be certified by a geo-hydrologist that the water table is at least 2,5m below ground level.
- 13.16.6. The design of the cemetery and the graves or burial plot sizes should be to the satisfaction of the municipality.
- 13.16.7. The cemetery should have adequate parking and accessibility

### **13.17. Conditions applicable to Day Care Facilities**

- 13.17.1. A Appropriate and adequate sanitary facilities must be provided on the premises to the Municipality's satisfaction. Such toilets must be provided with adequate and approved enclosing walls and must be clearly allocated and marked.
- 13.17.2. The use of land may not create a public nuisance or, in the Municipality's opinion, detract from the residential character or amenity of the neighbourhood.
- 13.17.3. The facility must at all times be maintained in a clean condition.
- 13.17.4. Buildings must be furnished in a manner, which adequately reduces noise emanating from the activities within the buildings.
- 13.17.5. A site development plan must be submitted to Municipality for approval in respect of any proposed new buildings or extensions and/or alterations to existing buildings.
- 13.17.6. At least one off-street parking bay shall be provided, plus one additional parking bay which is suitable for the use of parents to drop off or collect their children, unless Council's approval is obtained to waive this requirement. Council may at any stage require additional on-site parking where parking is not sufficient.
- 13.17.7. Playing areas are to be provided in accordance with the following guidelines:
  - i. Outdoors - 2m<sup>2</sup> per child
  - ii. Indoors - 2m<sup>2</sup> per child
- 13.17.8. No more than 6 children shall be enrolled at the home child care facility at any time;
- 13.17.9. The dominant use of the building must remain for residential purposes for a single family;
- 13.17.10. Services shall be primarily day care or educational and not medical;
- 13.17.11. Properties utilised for day care facilities must comply with the minimum physical standards as contained in the Children's Amendment Act, 2007, (Act No. 41 of 2007).

### **13.18. Conditions applicable for the approval of Spaza / Tuck Shops**

- 13.18.1. A spaza / tuck shop must be operated from a building or associated immovable structure, approved, in terms of the National Building Regulations Act. Any person who wishes to establish a temporary structure for the use of a tuck shop must have written permission from the Municipality approving the type of structure to be used, the placement of the structure, and the duration for which the structure is allowed.
- 13.18.2. The applicant shall obtain written comments from the surrounding neighbours. The Municipality will determine the

affected neighbours.

- 13.18.3. The amenity of the neighbourhood must not unduly be interfered with by the proposed use.
- 13.18.4. In accordance with the stipulations of Section 24 of the Constitution of the RSA (Act 200 of 1993), the permission shall be withdrawn without payment of any compensation whatsoever, where the general amenity of the neighbourhood is harmed in the opinion of the Local Municipality or a nuisance is created.
- 13.18.5. The main use of the property shall remain residential and the occupant shall reside only in the dwelling unit.
- 13.18.6. The size of a spaza / tuck shop shall not exceed prescribed extent as determined by the Local Municipality.
- 13.18.7. Tuck shops that sell perishable goods and flammable substances must comply with health and fire regulations and bylaws. The availability of suitable and adequate storage facilities is of utmost importance in this regard.
- 13.18.8. The activity shall not interfere with or negatively influence the amenities of the surrounding area.
- 13.18.9. All vehicular and pedestrian access shall be to the satisfaction of the Local Municipality.
- 13.18.10. No stock delivery by heavy delivery trucks will be allowed and the owner must collect stock from the depots themselves.
- 13.18.11. The applicant must indicate how parking would be provided in a manner that does not disturb traffic flow and/or cause inconvenience to the neighbours.
- 13.18.12. No food shall be prepared and sold on the erf unless such is approved by the Health Services Department.
- 13.18.13. The Local Municipality may impose any other condition/s that is deemed necessary to protect the amenities of the area or neighbourhood.
- 13.18.14. No alcohol drinks/beverages shall be sold from spaza / tuck shops.
- 13.18.15. A notice or sign displayed on the property to indicate and advertise the business being conducted from the dwelling shall be to the satisfaction of the Local Municipality in terms of size, position and design.
- 13.18.16. A trading license must be obtained from the relevant Department where applicable.
- 13.18.17. All health by-laws shall be adhered to and complied with.
- 13.18.18. A spaza / tuck shop shall be used for the sale of convenience goods to the local community.
- 13.18.19. No tobacco products shall be sold to persons under the age of 18.
- 13.18.20. Adequate facilities for the disposal of waste must be provided and provision shall be made for the recycling of cans and bottles.
- 13.18.21. All sale or supply of meals or perishable foodstuffs, or any business that requires a license, shall be in terms of Schedule 1 of the Business Act, 1991, (Act No. 71 of 1991).

### 13.19. Conditions applicable to dams, rivers and wetlands

- 13.19.1. No physical development of any property shall occur within:
  - a) a wetland habitat;
  - b) the 1: 100 year floodline of a river or stream;
  - c) the 32 metre buffer zone from the edge of a riparian zone of a river within the urban edge;
  - d) the 100 metre buffer zone from the edge of a riparian zone of a river outside the urban edge;
  - e) the 30 metres buffer zone from the outer edge of the temporary zone of a wetland/dam within urban edge
  - f) the 50 metres buffer zone from the outer edge of the temporary zone of a wetland/dam outside urban edge
- 13.19.2. Wetlands shall not be modified or transformed through landscaping.
- 13.19.3. No development shall take place within hydromorphic grassland.
- 13.19.4. A buffer zone, determined by a specialist acceptable to the Municipality, shall be created between the wetland and any proposed development.
- 13.19.5. The control and eradication of exotic and invasive species shall be implemented within wetland systems by the owner of such property.
- 13.19.6. Hydrology Overlay boundaries may be amended on properties subject to a detailed approved floodline study.

### 13.20. Conditions applicable to Environmental Management Areas

- 13.20.1 Development within the Environmental Management Area Overlay Zone, as indicated on the Land Use Scheme Zone Maps and areas with a high conservation status as indicated on the Spatial Development Framework of the Municipality shall be subject to the following:



- a) a full ecological investigation in which functional and compositional aspects are dealt with;
  - b) an alien and invasive vegetation investigation as stated in the National Environmental Management: Biodiversity Act, 2004 (Section 71(41)) and in any amendments thereof and should include:
    - i. detailed list and descriptions of alien and invasive species;
    - ii. description of infested sites;
    - iii. assessment of extent of infestation;
    - iv. status report on efficiency of previous control methods and future eradication measures.
- 13.20.2 The information referred to in Clauses 13.20.1 (a) and (b) shall be submitted to the Department of Agriculture, Rural Development, Land and Environmental Affairs (Mpumalanga Province) or its successor in title for evaluation and commenting purposes.
- 13.20.3 In addition to the requirements set out in Clause 13.20.1, development within the Environmental Management Area Overlay Zone, as indicated on the Land Use Scheme Zone Maps or areas with a high conservation status as indicated on the Spatial Development Framework (SDF) of the Municipality, shall be subject to any other provisions required from high biodiversity areas within the National Environmental Management: Biodiversity Act (Act No. 10 of 2004) and the National Environmental Management Act (Act No. 107 of 1998) and any amendments thereof.
- 13.20.4 The information referred to in Clauses 13.20.3 shall be submitted to the Department of Agriculture, Rural Development, Land and Environmental Affairs (Mpumalanga Province) or its successors in title and should comply with the methodology as prescribed by the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs or its successor in title.
- 13.20.5 Table 2 within the Land Use Scheme indicate land uses deemed appropriate in the various biodiversity category areas. The certain category applicable to a specific property can be requested from the municipality or the relevant environmental departments.

### 13.21. Conditions applicable to Protected Areas

- 13.21.1. The following additional conditions will apply to properties used for "Protected Areas":
- i. All listed activities in terms of the National Environmental Management Act, 107 of 1998 and any amendments thereof must be subject to a full Environmental Impact Assessment (EIA) and an Environmental Management Plan;
  - ii. The use of land shall be restricted to environmental related activities;
  - iii. No mining or prospecting activities are allowed;
  - iv. Spatial Development Framework (SDF) of the Municipality may indicate the land uses deemed appropriate in the areas designated as Protected Areas.

### 13.22. Conditions applicable to the establishment of Tourism Areas

- 13.22.1. The applicant will demonstrate the need for such use,
- 13.22.2. The applicant will demonstrate the desirability of such use,
- 13.22.3. A range of well-designed and located tourist facilities including integrated resorts, hotel accommodation and smaller scale operations such as host farms, bed and breakfast establishments and other tourism-oriented facilities will be encouraged,
- 13.22.4. Retail and other tourist orientated uses such as conference facilities may be allowed if such use will result in increased convenience and amenity to the tourist and is ancillary to and subservient to the main use,
- 13.22.5. Tourism establishments and facilities should be accessible via suitable transport and road infrastructure, inclusive of public transport,
- 13.22.6. Tourism establishments and facilities should be provided with adequate services of high quality that are appropriate to the development,
- 13.22.7. Tourism establishments and facilities should build upon the assets and qualities of surrounding urban and rural activities and cultural and natural attractions, and
- 13.22.8. The land parcel should possess significant and sufficient primary and/or secondary aesthetical and recreational value.



### 13.23. Conditions applicable to the establishment of a Temporary Structure

- 13.23.1. Structures included are caravans, containers, marquees, wendy houses and trailers.
- 13.23.2. Any person who wishes to establish a temporary structure must have written permission from the Municipality approving the type of structure to be used, the placement of the structure, and the duration for which the structure is allowed.
- 13.23.3. Temporary structures will only be allowed where infrastructure is adequate.
- 13.23.4. Aesthetical considerations will be regarded when an application is considered. All temporary structures shall be painted and maintained to the satisfaction of the Municipality,
- 13.23.5. In the case of Municipal owned property, the consent of the service provider must be submitted before an application for a kiosk will be considered and the first person to provide the consent will be granted the lease. However, the Municipality may grant different leases on the same property to different service providers,
- 13.23.6. Lease agreements entered into with the Municipality will be valid for 24 months, after which it may be extended,
- 13.23.7. A maximum of two temporary structures will be allowed per applicant,
- 13.23.8. The temporary structure must be erected within 6 months from the date of approval of the application, failing which the rights shall lapse,
- 13.23.9. The on-site placement of the temporary structure must be verified by the Municipality,
- 13.23.10. The Municipality will be under no obligation to provide any engineering service to the temporary structures
- 13.23.11. Temporary structures should not obstruct or block:

- i) pedestrians in sidewalks
- ii) vehicular traffic
- iii) pedestrian crossings
- iv) parking / loading bays
- v) facilities for vehicular and pedestrian traffic
- vi) road traffic signs
- vii) access to street furniture
- viii) building entrances and exits
- ix) a fire hydrant;
- x) displayed goods in shops from view

13.23.12. The structures should not be on a verge next a formal business that sells the same goods without consent of that business owner.

13.23.13. Temporary structures shall not be placed for purposes of trading in a public park.

13.23.14. The following locational criteria exist:

- a) CBD
  - Container trading is restricted, it shall only be allowed and exempted by Chief Albert Luthuli Local Municipality due to the demand and need for the goods and services; the suitability of the temporary structure and/ or any other valid concern. Temporary structures allowed in the CBD must be mobile, and removed at the end of each business day.
- b) Taxi Ranks
  - Temporary structure trading is permitted in designated areas inside or next to taxi ranks. The approval of trading sites should be done in consultation with Chief Albert Luthuli Municipality. Taxi ranks in the CBD areas should be treated as restricted areas that require Municipal exemption.
- c) Residential Town Areas
  - Temporary structures are permitted in designated areas and should be in line with the requirements for issuing sites.
- d) Residential property
  - The Land Use Scheme approves the placement of temporary structures on residential property as a Discretionary Use.
  - Approval for these structures should be linked with the municipal process of approving building plans.
- e) Rural Areas
  - Temporary structures will be permitted per municipal discretion on certain sites.
- f) Camping Site or Caravan Park
  - The placing of caravans, tents or trailers as temporary structures within camping sites or caravan parks are exempt from the

conditions applicable to the establishment of a temporary structure.

### 13.24. Conditions applicable to the establishment of Truck Stops

- 13.24.1. An application for the establishment of a Truck Stop must include the following supportive documents and reports:
- 13.24.1.1. Approval from the relevant roads authorities for access to the Truck Stop along national or provincial roads;
  - 13.24.1.2. A feasibility study to illustrate the economic viability of a Truck Stop on the application property, with special reference to the fuelling component or filling station, as well as the impact of such a facility on other similar uses, filling stations or service stations in close proximity to the application property
  - 13.24.1.3. Official support from an oil company for the fuelling component or filling station, as part of the Truck Stop on the application property
  - 13.24.1.4. A Record of Decision (ROD) in terms of the provisions of the Environmental Conservation Act, 1989, authorizing the establishment of a Truck Stop on the application property
  - 13.24.1.5. The workshop or vehicle servicing areas must be screened of to the satisfaction of the Municipality.
  - 13.24.1.6. Parking and fuelling facilities for heavy-duty vehicles, long haul vehicles, trucks and busses shall be separated from parking and fuelling facilities for light motor vehicles.
- 13.24.2. A Truck Stop must include the following uses:
- 13.24.2.1. Ablution facilities, including showers and an area for the washing and drying of clothes
  - 13.24.2.2. An area handling for the storage of waste, this may include general household waste and such waste associated to the cargo transported by trucks. The storage of waste should be subject to the relevant legislation and should consider the risks associated with the storage of dangerous/hazardous goods, safety provisions should be implemented specified by the relevant legislation and SABS standards, specifications and codes of conduct.
  - 13.24.2.3. Dispensing and parking areas should consider the risks associated with the storage of dangerous/hazardous goods, and implement safety provisions specified in terms of the relevant legislation and SABS standards, specifications and codes of conduct.
- 13.24.3. The following ancillary uses may be provided at a Truck Stop facility:
- 13.24.3.1. The cleaning, maintenance, servicing, or minor repairs of trucks or commercial heavy vehicles
  - 13.24.3.2. The dispensing of motor fuel or other petroleum products directly into motor vehicles
  - 13.24.3.3. Ancillary overnight, shopping and recreational facilities:

The following ancillary uses may be provided at a Truck Stop facility at the sole discretion of the municipality:

- Restaurant, take-away or similar facility providing food or drink;
- Supermarket or convenience shopping;
- Public office, limited to a clinic;
- Shop for the sale of spare parts, accessories or equipment associated with trucks and similar commercial vehicles;
- Laundrette;
- Internet café and telephone facilities
- Recreational building and/or recreational uses, including braai areas, gymnasium, games room, pool, sports field; etc.
- Informal trading area

### 13.25. Conditions applicable to the establishment of an Additional Dwelling Unit

- 13.25.1. An application for the erection of an Additional Dwelling Unit, usually relates to the owner of land, who applies for the permission to erect a second dwelling unit on properties zoned Residential 1 or Residential 4, or may be an agricultural holding or farm portion.
- 13.25.2. An applicant wishing to apply for permission to erect an additional dwelling unit shall do so by submitting a building plan in accordance with the requirements of the National Buildings Regulations and Building Standards Act, 1977 to the municipality and shall pay the normally prescribed application fee required for the submission of such building plan.
- 13.25.3. Upon approval of such building plan to erect an additional dwelling unit, the property concerned shall forfeit the rebate on assessment rates, typically applicable to appropriately zoned erven, used solely for residential purposes. The rebate on assessment rates shall only be re-instated upon request by the owner, and after the confirmation that no Additional Dwelling Unit has been erected.
- 13.25.4. In the case of any permission or consent granted by the municipality, the erection of additional dwelling units shall be

subject to the following conditions in addition to the conditions set out in the definition and the base use zone:

- I. Number of units:
  - One additional dwelling unit shall be allowed per erf (or subdivided erf), with a minimum erf area of 500 m<sup>2</sup>. Erven with an area of 500 m<sup>2</sup> and smaller on which an Additional Dwelling Unit has been erected, will not be allowed to be subdivided and all other development controls must be adhered to.
  - Additional Dwelling Units erected in terms of these conditions shall not be sold by means of sectional title.
- II. Size of units:
  - No Additional Dwelling Unit shall exceed the gross floor area of more than 100 m<sup>2</sup>, excluding other outbuildings or garages.
- III. Coverage:
  - The coverage of the first and Additional Dwelling Unit combined shall not exceed the maximum coverage allowed in terms of Section 3 of this document (60% coverage on Residential 1 zoned erven or 70% coverage on Residential 4 zoned erven).
- IV. Floor Area Ratio:
  - The Floor Area Ratio of the first and second dwelling combined shall not exceed the maximum FAR allowed in terms of this document.
- V. Height:
  - No Additional Dwelling Units shall be higher than 2 storeys or be built on a level higher than the second storey of the first dwelling unit.
- VI. Side spaces:
  - No Additional Dwelling Unit that is more than one storey in height shall be erected closer than 2 meters from any side boundary of the property, or in contravention of this Land Use Scheme.
- VII. Building restriction line:
  - As per this document.
- VIII. Parking:
  - An additional two parking spaces shall be provided on the erf for the use of the occupants of the Additional Dwelling Unit, provided that the Additional Dwelling Unit has only one bedroom, only one parking space will be required.
- IX. Services connections:
  - Electricity supply for the Additional Dwelling Unit must be taken from the main dwelling as only one sewerage, water and electricity connection shall be provided per erf (or subdivided erf, agricultural holding or farm portion). The applicant is to apply for an electrical connection upgrade if the existing supply is inadequate for both dwellings.

## 13.26. Conditions applicable to the establishment of Backyard Dwelling

- 13.26.1. These conditions are only intended as a temporary solution to managing “backyard dwellings” and should favourably be replaced by a researched policy derived by the municipality based on the specific type of backyard dwellings applicable within the jurisdiction of the municipality.
- 13.26.2. An applicant who wishes to develop a backyard unit/s on any zoned property, other than Residential 2 or Residential 3, should do so by applying at the Local Municipality.
- 13.26.3. In the case of any permission or consent granted by the municipality to utilize properties for purposes of a backyard unit/s, it is subject to the following conditions in addition to the conditions set out in the definition and the base use zone:
- i. Number of units:
    - Shall not exceed 2 backyard dwellings per property. Backyard dwellings erected in terms of these conditions shall not be sold by means of sectional title.
  - ii. Size of units:
    - No backyard dwelling unit shall be less than the minimum gross floor area of 30 m<sup>2</sup>. The minimum floor area per person for a bedroom is 6 m<sup>2</sup> (six square meters).
  - iii. Coverage:
    - The coverage of the first dwelling unit and all backyard dwelling units combined shall not exceed the maximum coverage allowed in terms of Section 3 of this document (60% coverage on Residential 1 zoned erven or 70% coverage on Residential 3 zoned erven).
  - iv. Height:
    - No backyard dwelling units shall be higher than 2 storeys or be built on a level higher than the second storey of the first dwelling unit.
  - v. Side spaces:
    - No backyard dwelling unit that is more than one storey in height shall be erected closer than 2 meters from any side boundary of the property, or in contravention of this Land Use Scheme.
  - vi. Services connections:
    - All backyard dwelling/s shall have access to sewer, water and electrical connections up to minimum standards and as deemed adequate by the municipality. Electricity supply for backyard dwelling unit/s must be taken from the main dwelling as only one sewerage, water and electricity connection shall be provided per erf. The applicant is to apply for an electrical connection upgrade if the existing supply is inadequate for both dwellings.
  - vii. Additional Conditions:
    - All backyard dwellings shall be constructed from conventional building materials (brick) or as otherwise approved by the municipality.
    - The renting of such properties shall be allowed according to conditions set out in a formal (written) or informal (verbal) agreement. The renting of such backyard dwellings should comply with the Rental Housing Act, 1999, (Act No. 50 of 1999)
    - Shall take cognisance of health and safety with the constructions of such backyard dwelling/s as deemed adequate by the municipality.

## 14. CHAPTER 14: SCHEDULES

### 14.1. Schedule 1 – List of Noxious Industries

- 14.1.1. The use of buildings or land for any of the following purposes:
- asbestos-processing;
  - the burning of building bricks;
  - chromium-plating;
  - cement production;
  - carbonisation of coal in coke ovens;
  - charcoal-burning;
  - converting, reheating, annealing, hardening or carburizing, forging or casting of iron or other metals;
  - crushing or screening of stone or slag or plants for the preparation of road-surfacing material;
  - distilling, refining or blending of oils;
  - galvanising;
  - lime- and dolomite-burning;
  - lead-smelting;
  - pickling and treatment of metal in acid;
  - recovery of metal from scrap;
  - smelting, calcining, sintering or other reduction of ores or minerals;
  - salt glazing; and
  - sintering of sulphur-bearing materials and viscose works.
- 14.1.2. The use of buildings or land for the production of or the employment in any process of:
- carbon bisulphide, cellulose lacquers, hot pitch bitumen, pyridine, or pulverised fuel (except when used for a spray-painting trade);
  - cyanogen or its compounds;
  - liquid or gaseous sulphur dioxide; and
  - sulphur chlorides or calcium carbide.
- 14.1.3. The use of buildings or land for the production of:
- amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, hexamine, iodoform, Bnaphthol, salicylic acid, lamp-black, sulphurated organic compounds, sulphur dyes, glass and resin products (except synthetic resins, plastic-moulding or extrusion compositions and plastic sheets, rods, tubes, filaments or optical components produced by casting, calendering, moulding, shaping or extrusion);
  - paint or varnish manufacture (excluding mixing, milling and grinding);
  - rubber from scrap; and
  - ultra marine, zinc chloride and oxide.
- 14.1.4. For the purpose of:
- an abattoir, animal bristle sterilizing and storing, and animal charcoal manufacture;
  - a bacon factory, a brewery or distillery, blood-albumen making, blood-boiling, bone-boiling, -steaming, -burning, -storing or -grinding, breeding of maggots from putrescible matter;
  - candle-making, catgut manufacture, boiling of chitterlings of pigs or other animals which are not subsidiary to a retail business or trade;
  - 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);
  - fellmongery, fat-melting or -extracting, fish-curing (other than a subsidiary to the business or trade as a fishmonger), fish-skin dressing or scraping, fish-canning;
  - glue-making, gut-cleaning or -scraping;
  - a knacker's yard;
  - leather-dressing;
  - 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;
  - parchment-making, a paper mill;
  - size-making, skin-drying, -storing and -curing, soap-boiling, a slaughter-house, a sugar-mill or -refinery;
  - tallow-melting or -refining, tanning, tripe-boiling or -cleaning;

- m) wool-scouring, wattle-bark grinding or extracting;
- n) yeast-making; and
- o) taxi demist.

## **14.2. Schedule 2 – Land Use & Zoning Matrix**

## **15. Annexure A: Strategy for handling illegal Land Uses**

---

- 15.1.1. Eradicating the illegal practice of using land or properties for purposes they were not zoned for, should be a priority for the municipality. Orderly management of urbanization and development requires Municipalities to adopt a wider approach than only the reactive management of unlawful occupation or use of land/property. The policy identifies different strategies, which the municipality can use to deal with the illegal usage of land or property. The municipality may amend the policy at any given time without having to amend the land use scheme.