



ELIAS MOTSOALEDI
LOCAL MUNICIPALITY

LAND USE
MANAGEMENT SCHEME

SEPTEMBER 2020

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION	4
1. TITLE	4
2. STATUS	4
3. AREA OF THE SCHEME	4
4. INTERPRETATION	4
5. PRINCIPLES	4
6. DEFINITIONS AND CONDITIONS APPLICABLE TO SPECIFIC LAND USES	5
CHAPTER 2: LAND USE SCHEME ARRANGEMENT	55
7. THE SCHEME HAS BEEN ARRANGED INTO FOUR MAIN SECTIONS:.....	55
8. ORIGINAL SCHEME AND AMENDMENT SCHEME	56
9. REGISTER OF AMENDMENTS	56
CHAPTER 3: LAND USE RIGHTS AND DEVELOPMENT CONTROLS	57
10. INTERPRETATION OF USE ZONES	57
11. LAND USE ZONES.....	58
12. DENSITY	58
13. FLOOR AREA.....	59
14. COVERAGE	59
15. HEIGHT	59
16. PARKING AND LOADING	60
17. BUILDING LINES AND BUILDING RESTRICTION AREAS.....	61
CHAPTER 4: PROMOTION OF LAND DEVELOPMENT	77
18. SPECIAL DEVELOPMENT ZONES.....	77
19. INCLUSIONARY HOUSING	78
CHAPTER 5: PROMOTION OF CONSERVATION AND SUSTAINABLE USE OF RESOURCES	79
20. HERITAGE	79
21. ENVIRONMENT AND AESTHETICS.....	79
22. ENERGY AND WATER EFFICIENCY	79
CHAPTER 6: CONDITIONS APPLICABLE TO ALL ERVEN OR CATEGORIES OF ERVEN	80
23. PROTECTION OF EXISTING BUILDINGS AND USES	80
24. NON-CONFORMING USES	80
25. USE OF LAND OR BUILDINGS FOR MORE THAN ONE PURPOSE	80
26. CONSOLIDATION AND NOTARIAL TIE OF ERVEN.....	81

27.	MAINTENANCE OF PRIVATE PROPERTIES	81
28.	PROTECTION FOR PROFESSIONS AND OCCUPATIONS	81
29.	ERVEN AFFECTED BY SPLAYS	82
30.	ERVEN AFFECTED BY PUBLIC WORKS	82
31.	CONFLICT BETWEEN SCHEME, TITLE CONDITIONS AND TOWNSHIP CONDITIONS	82
32.	GENERAL CONDITIONS APPLICABLE TO ALL ERVEN.....	82
33.	CONDITIONS APPLICABLE TO DOLOMITIC AREAS	83
34.	CONDITIONS APPLICABLE TO RESIDENTIAL 2, 3 AND 4 ERVEN	84
CHAPTER 7: LAND DEVELOPMENT APPLICATIONS		85
35.	APPLICATIONS PERMITTED IN TERMS OF THE LAND USE SCHEME IN OPERATION.....	85
36.	APPLICATION PROCEDURE	85
37.	PUBLIC NOTICE	87
38.	CONSENT FOR A SECONDARY RIGHT	88
39.	WRITTEN CONSENT FOR SPECIFIC PURPOSES.....	89
40.	CONSENT FOR A TEMPORARY USE.....	90
41.	SITE DEVELOPMENT PLANS	91
42.	CONSOLIDATION	92
43.	SUBDIVISION.....	93
44.	BUILDING LINE RELAXATION.....	94
45.	EXCISION OF LAND FROM AGRICULTURAL HOLDINGS REGISTER	95
46.	PROVISION FOR EXEMPTION IN A CONSENT USE APPLICATION	97
CHAPTER 8: TRANSITIONAL ARRANGEMENTS AND COMMENCEMENT		97
47.	TRANSITIONAL ARRANGEMENTS.....	97
48.	COMMENCEMENT	98
SCHEDULE 1: HIGH AND LOW IMPACT USES IN TRADITIONAL AUTHORITY AREAS		99
SCHEDULE 2: LIGHT INDUSTRIES		101
SCHEDULE 3: SERVICE INDUSTRIES		102
SCHEDULE 4: APPLICATION FORM.....		103
SCHEDULE 5: COMPANY/ASSOCIATION RESOLUTION		112
SCHEDULE 6: POWER OF ATTORNEY		113
SCHEDULE 7: PUBLIC NOTICE.....		114

LIST OF TABLES:

- Table 1: Definitions of land uses and corresponding conditions
- Table 2: Land use zones, primary and secondary rights, density, floor area, coverage, height and parking requirements applicable to all erven

LIST OF ANNEXURES:

- Annexure 1: Amendments to previous town planning schemes undertaken between 2006 and 2020

CHAPTER 1: INTRODUCTION

1. TITLE

This document shall be known as the Elias Motsoaledi Local Municipality Land Use Scheme, 2020 (**the scheme**).

2. STATUS

This land use scheme is prepared in terms of:

- (1) Section 24(1) of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA); and
- (2) Chapter 3 of the Elias Motsoaledi Local Municipality Spatial Planning and Land Use Management By-law 20 of 2016 (published by means of Provincial Gazette Number 2730 on 1 June 2016) (**the By-law**).
- (3) The scheme substitutes the following town planning schemes previously in operation in the area of jurisdiction of the Elias Motsoaledi Local Municipality (**the municipality**):
 - (a) Groblersdal Town Planning Scheme, 2006;
 - (b) Peri-urban Areas Town Planning Scheme, 1975;
 - (c) Annexure F of the regulations published under the Black Communities Development Act 4 of 1984.

3. AREA OF THE SCHEME

The scheme applies to all properties within the area of the municipality, as determined by the Municipal Demarcation Board.

4. INTERPRETATION

In this scheme, unless a contrary intention clearly appears:

- (1) Words importing -
 - (a) any one gender includes the other gender;
 - (b) the singular includes the plural and vice versa; and
 - (c) natural persons include created entities (corporate or non-corporate) and vice versa.

5. PRINCIPLES

- (1) Any land development application in terms of this scheme must give effect to the development principles as set out in section 7(1) of Chapter 2 of SPLUMA.
- (2) Any land development application in terms of this scheme shall be guided and informed by the municipality's integrated development plan and municipal spatial development framework as adopted and approved in terms of section 20 of SPLUMA and the By-law.
- (3) Any land development application in terms of this scheme must address need, reasonableness, desirability and public interest.

- (4) Any land development application in terms of this scheme shall have as its main purpose the co-ordinated and harmonious development of the area to which the application relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such specific area as well as efficiency and economy in the process of such development.

6. DEFINITIONS AND CONDITIONS APPLICABLE TO SPECIFIC LAND USES

- (1) Unless otherwise defined by SPLUMA, SPLUMA Regulations or the By-law, the words used in the scheme shall have the meaning set out in column 2 of Table 1.
- (2) Column 3 of Table 1 sets out conditions applicable to specific land uses, where applicable.
- (3) The definitions and conditions in Table 1 should be read in conjunction with Table 2: Use zones and development controls.

Unless otherwise defined by SPLUMA, SPLUMA Regulations or the By-law, words used in the scheme shall have the meaning set out in column 2 of Table 1. The table also sets out specific development controls applicable per land use, for ease of reference.

Table 1: Definitions and Conditions Applicable to Specific Land Uses

COLUMN 1: WORD	COLUMN 2: DEFINITION	COLUMN 3: CONDITIONS
Agricultural use	Means the use of land for agricultural activities, including ploughing, depasturing, pig farming, horticulture, poultry farming, dairy farming, breeding and keeping of livestock, apiaries, forestry, mushroom and vegetable production, flower production, orchards and any other activities commonly connected with farming and which does not constitute a noxious industry. This includes the use of land for the processing and packaging of own produced goods subsidiary to the farming activities, a farm stall, a nursery, animal care centre, horse riding facilities and related uses. One main dwelling house, associated bona fide farm workers' dwelling units, and offices related to the main use are permitted.	<ul style="list-style-type: none"> a) The residential component is limited to a maximum of two dwelling houses, as well as dwelling units for the employees involved in the farm activities, but the dwelling units may not be sectionalised. b) Where a site development plan is required in terms of the scheme for a consent use on land zoned Agriculture, only the section showing the proposed use, including ingress and egress, needs to be shown. c) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Aerodrome	Means land used for the landing, departure, storage and maintenance of aircraft. This may include landing fields, runways, taxiways, heliports, hangars, control towers, fuel storage and supply areas, public enclosures, place of refreshment and a place of instruction and other uses considered as ancillary to the main use. The establishment and operation of the	<ul style="list-style-type: none"> a) Manufacturing of aviation related products will be permitted with the consent of the municipality. b) All development on site shall be in accordance with an approved site development plan. c) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.

	aerodrome shall be in accordance with the provisions of the Civil Aviation Act 13 of 2009.	
Agricultural holding	Means land for which a certificate has been issued in terms of section 1 of the Agricultural Holdings (Transvaal) Registration Act 22 of 1919.	The residential component is limited to a maximum of two dwelling houses, as well as dwelling units for the employees residing on the property, but the dwelling units may not be sectionalised.
Agricultural industry	Means land used for: <ul style="list-style-type: none"> a) the large scale intensive rearing of poultry, gamebirds, livestock or similar animals and allied products, such as broiler farms, battery farms and other concentrated animal feeding operations; b) aquaculture activities; c) the large-scale servicing or repairing of plant or equipment used in agriculture; d) the handling, treatment, processing, or sorting and packaging of agricultural products, which could include a sawmill and similar activities; e) wind turbines; f) winery; distillery and brewery; g) agri-processing, including the processing of animal matter, but including noxious industries. 	<ul style="list-style-type: none"> a) All development on the site shall be in accordance with an approved site development plan. b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Ancillary use or subsidiary use	When used in the context of an associated use or purpose, a use, purpose, building or activity, which is supportive (ancillary) or subservient (subsidiary, less	

	important) to the lawful dominant use of the property, at the discretion of the municipality.	
Animal institution	Means land used for a veterinary practice, kennels and boarding for domestic pets, pet training centre, animal welfare institution and the keeping and care of wild animals. This includes a retail component ancillary to the main use.	<p>a) Only permitted on erven zoned Residential 1 or Agriculture as a consent use.</p> <p>b) The activities shall not cause a public nuisance;</p> <p>c) All development on the site shall be in accordance with an approved site development plan.</p>
Annexures to the scheme	Means documents consisting of provisions, inter alia, special rights and conditions applicable to those properties shown on the scheme map by encircled figures. This is done for an amendment scheme (rezoning) where a deviation is required from the rights as per the scheme in operation.	
Applicant	Means any registered owner of land, whether a natural person or a juristic body, or anybody duly authorised by such owner, who makes an application as provided for in SPLUMA, the (2) Chapter 3 of the Elias Motsoaledi Local Municipality Spatial Planning and Land Use Management By-law 20 of 2016 (published by means of Provincial Gazette Number 2730 on 1 June 2016) (the By-law), the land use scheme in operation or any amendments thereof.	
Application	Means a complete application made in terms of the provisions of SPLUMA, Elias Motsoaledi Municipal Planning By-law, this land use scheme or any amendments thereof.	

Application register	Means a record of all applications submitted and considered in terms of the provisions of the Elias Motsoaledi Municipal Planning By-law, this scheme or any amendments thereof.	
Approval	Means any approval granted by the municipality in writing with or without conditions.	
Bakery	Means a building in which flour-based foods are baked, confectionary and related products are produced, including the sale or on site consumption thereof.	
Basement	Means any storey of a building which is below the level of the ground floor of the building.	
Boarding house	Means a dwelling house where the habitable rooms are rented out for an extended period by the owner/occupant to a maximum of 6 persons who share the communal facilities such as the kitchen, lounge, dining room and bathrooms.	<p>(a) The owner or occupant of the dwelling unit shall reside on the property and shall also conduct the boarding house.</p> <p>(b) Not permitted in a second dwelling unit, nor as backyard dwelling units.</p> <p>(c) All amenities and the provision of meals and beverages shall be for the sole benefit of bona fide tenants and the resident household/person.</p> <p>(d) The use is only permitted with the consent of the municipality in accordance with an approved site development plan.</p>

Boundary	Means the cadastral line separating a land unit from another land unit or public street, as depicted on the approved surveyor general diagram.	
Boutique hotel	Means a small hotel with a unique character and interior finishes with a dining room and rooms for a maximum of 30 transient guests.	<p>This may include:</p> <ul style="list-style-type: none"> (a) Associated meeting rooms, conference facilities, chapel, recreational and service facilities that are subservient and ancillary to the dominant use of the property as a hotel. (b) The dining room shall only serve guests residing in the hotel. (c) The premises may be licensed for the purposes of on-site consumption by guests only. <p>All development on site shall be in accordance with an approved site development plan.</p>
Builder's yard	<p>Means land used for the storage and sale of materials which:</p> <ul style="list-style-type: none"> (a) are commonly used for building work; and/or (b) resulted from demolition or excavation works; and/or (c) are commonly used for other civil engineering works such as installation of services. <p>Ancillary offices are also permitted.</p>	All development on the site shall be in accordance with an approved site development plan.
Building	Means a structure erected on land, irrespective of the materials used in the erection or construction thereof that conforms to the National Building Regulations	

	and Building Standards Act 103 of 1977 (the Building Act).	
Building line	Means a line indicating the limits of a building restriction area as measured from a street boundary (or other boundary of a property which does not border on a street) and which runs parallel to and at a fixed distance from such boundary.	
Building restriction area	Means an area of an erf or portion of land on which no buildings may be erected, except as allowed in the scheme or with the consent of the municipality.	
Business purposes	Means land used for business activities and related uses such as: (a) shops, (b) offices, postal services, (c) showrooms, motor showroom, vehicle sales lot, filling station, public garage, (d) restaurants, drive-through restaurants, bakeries, fast food outlets, places of refreshment, (e) dry-cleaners, hair dressers, beauty salons, tailors, (f) dispensing chemists, medical consulting rooms, (g) hotels, guest houses, communal residential buildings, boarding houses and flats, (h) dwelling units,	a) A tavern and funeral services are permitted with the consent of the municipality in terms of an approved site development plan. b) All development on the site shall be in accordance with an approved site development plan. c) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.

	<p>(i) places of amusement</p> <p>(j) places of public worship,</p> <p>(k) places of instruction, institution, social halls,</p> <p>(l) transport uses (bus and taxi rank)</p> <p>or similar business activities and any other uses permitted with the consent of the municipality, other than industrial uses.</p>	
Cadastral line	Means a line representing the official boundary of a land unit or portion as registered in the Deeds Office in accordance with a plan approved by the Surveyor General.	
Car wash	Means the use of land to clean cars automatically or by hand for payment.	There shall be a hard surface (cement or paving) in the wash and dry areas and provision should be made for treatment of dirty water and oil to prevent pollution of stormwater runoff.
Caretaker's unit	Means a dwelling unit for a person employed to take care of a building or property and who deals with the cleaning, maintenance and security.	The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Cemetery	Means land used for burials. This includes ancillary buildings and uses such as a building for religious purposes and serving of refreshments, prayer area, funeral parlour and a wall of remembrance.	<p>a) A crematorium is permitted with the consent of the municipality.</p> <p>b) All development on the site shall be in accordance with an approved site development plan.</p>

		c) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Clinic	Means land and buildings used for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients. A clinic includes medical consulting rooms, outpatients' centre, a wellness centre with associated uses and a primary healthcare centre open to the public.	All development on the site shall be in accordance with an approved site development plan.
Commencement date	Means the date that the municipality gave notice of the approval of the scheme in the <i>Provincial Gazette</i> and the date it came into operation.	
Commercial use	Means land used for distribution centres, wholesale trade, storage, warehouses, cartage and transport services, laboratories and computer centres. This includes offices, industries and retail trade that in the opinion of the municipality are subservient to the main commercial activity and are necessary for the commercial use.	All development on the site shall be in accordance with an approved site development plan.
Communal land	<p>a) Means land contemplated in section 2 of the Communal Land Rights Act 11 of 2004 which is, or is to be, occupied or used by members of a community subject to the rules or custom of that community;</p> <p>b) Means land under the jurisdiction of a traditional authority determined in terms of section 6 of the Limpopo Traditional Leadership and Governance</p>	

	<p>Act 6 of 2005 and which was at any time vested in-</p> <p>(i) 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</p> <p>(ii) 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);</p>	
Communal residential building	Means the use of a building, excluding a dwelling house and/or dwelling unit, that contains habitable rooms, with or without common ablution facilities and with common kitchen-, dining- and lounge facilities such as hostels and dormitories.	<p>a) This definition includes, but is not restricted to hostels and tenements, dormitories, communal old age homes that may or may not include ancillary frail care facilities.</p> <p>b) All development on the site shall be in accordance with an approved site development plan.</p>
Commune	Means a dwelling house where the habitable rooms are rented out for an extended period by the resident owner/occupant to a maximum of 10 persons who share the communal facilities such as the kitchen, lounge, dining room and bathrooms.	<p>(a) Not permitted in a second dwelling unit, nor as backyard dwelling units.</p> <p>(b) This use is permitted only with the consent of the municipality in accordance with an approved site development plan.</p>
Conference facility	Means land used for a lecture hall, training facility, conducting workshops, meetings, conferences, symposiums and related uses, but does not include an institution or place of instruction.	<p>(a) The area used for the conference facility may be restricted by the municipality.</p> <p>(b) The use may only be permitted with the consent of the municipality in accordance with an approved site development plan.</p>

Conservation area	Means land normally or otherwise reasonably associated with the purposes of 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. This may include but is not limited to water courses, wetlands and sensitive eco-systems, heritage sites, historical buildings or sites of cultural significance. These areas, erven or buildings need special management and maintenance in order to preserve the identified natural, historical or cultural characteristics.	
Construction of a building or structure	In relation to a building or structures includes: (a) The building of a new building or structure; (b) The alteration, conversion or addition to, a building or structure; (c) The re-erection of a building or structure which has completely or partially been demolished.	
Contiguous properties	Means property sharing a common border, without regard to interruptions in contiguity caused by roads, servitudes, thoroughfares, panhandles, service lanes or any other public land less than 10 metres wide.	

Coverage	<p>Means the total two dimensional space occupied by a building, as seen vertically from the air and is expressed as a percentage of the property area. It is calculated as follows:</p> $\text{Coverage} = \left\{ \frac{\text{Two dimensional space occupied by a building}}{\text{Total area of the property upon which the building(s) are erected}} \right\} \times 100$	
Day	<p>Means a calendar day, and when any number of days is prescribed in terms of this land use scheme for the doing of any act, it must be calculated by excluding the first day and including the last day, provided that, if the last day falls on a Sunday, Saturday or public holiday, the number of days must be calculated by excluding the first day and also the Sunday, Saturday or public holiday and if the date on which any notice must appear in any media or Provincial Gazette such notice may not appear on a Sunday, Saturday or public holiday and shall for purposes of calculation be excluded.</p>	
Development	<p>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.</p>	
Domestic worker's accommodation unit	<p>A dwelling unit attached or detached from a dwelling house or dwelling unit meant for occupation by a cleaner, domestic worker or gardener.</p>	<p>The following limitation shall apply:</p> <ul style="list-style-type: none"> a) One per dwelling unit. b) Two per dwelling house. <p>No kitchen is permitted.</p>

Drive-through restaurant	Means land used for the preparation and consumption of food and liquid refreshments for the general public. Consumption may take place on the site or away from the site. This excludes the sale of any form of alcoholic beverages, a shop and a place of amusement.	All development on the site shall be in accordance with an approved site development plan.
Dwelling house	Means a single, detached building designed and used for habitation by one household containing one kitchen, together with such outbuildings as are reasonably necessary for use therewith.	
Dwelling house office	The use of a dwelling house partially or in total for offices (as defined in this land use scheme) with the consent of the municipality.	<ul style="list-style-type: none"> a) Only permitted on erven with a Residential 1 zoning as a consent use. b) All development shall be in accordance with an approved Site Development Plan. c) The development on the erf shall maintain a residential character. d) The dwelling house may be used for residential purposes by the owner or occupant thereof.
Dwelling unit	Means a unit designed and used for habitation by one household containing one kitchen and includes such outbuildings as are ordinarily incidental thereto. The dwelling units may be attached or detached. This includes a flat and semi-detached house, group housing, social and institutional housing.	All development on the site shall be in accordance with an approved site development plan.
Environmental control area	Means an area defined by the municipality within which any development shall be subject to a site development plan or any other requirement as determined by the municipality.	

Erection of a building	Means the construction or any structural change or addition to a building, excluding, however, minor structural changes such as removal of non-load bearing internal walls, erection of removable partitioning, strong-rooms or toilets inside or repair work, whether internal or external.	
Erf	Means a portion of land in a proclaimed township identified in terms of a description and extent on a general plan or surveyor general diagram and deed of transfer.	
Existing building	Means a building lawfully erected in accordance with an appropriate building plan, and the construction whereof: a) was completed on or before the determined date; b) was commenced before the determined date and completed within a reasonable time but not later than 12 months hereafter.	
Existing erf	Means any erf shown on an approved general plan of a township and registered in the Deeds Office. This includes the subdivided portions of the erf registered with the Deeds Office prior to the commencement date of the scheme.	
Existing use	Means the use of land for a specific purpose, permitted in terms of the previous planning legislation and lawful in terms of the National Building Regulations, but which is contrary to the scheme. It shall remain an existing primary right unless the said	

	use is altered in any way or ceases to be carried out for a period of 24 months or any other period as prescribed in terms of the By-law.	
Farm portion	Means a portion of land which is not an erf, agricultural holding or road and which is registered as a separate unit in the Deeds Office.	
Farm stall	Means a building or structure used for the selling of fresh farm produce produced on site, including homemade items. It may also include the sale of convenience goods.	<ul style="list-style-type: none"> a) The floor area shall not exceed 250 m². b) The farm stall and access thereto shall be in accordance with an approved site development plan.
Filling station	Means land used for fuelling, washing, polishing and lubricating of motor vehicles, as well as incidental and routine maintenance, a café/convenience store subservient to the main use, office subservient to the main use, automatic teller machine and a drive-through restaurant, but excluding a "Public Garage", panel beating, spray painting or any major repair work. The convenience store/café shall not exceed 250m ² .	<ul style="list-style-type: none"> (a) The shop and a drive- through restaurant shall not exceed 250m². (b) No material or equipment of any nature shall be stored or stacked outside the building except in an area which is screened to the satisfaction of the municipality for that purpose: Provided that fuel pumps or oil and fuel installations shall be sited outside the building to the satisfaction of the municipality: Provided further that the municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses. (c) The entire site shall be paved and maintained by the owner to the satisfaction of the municipality. (d) Provision should be made for treatment of dirty water and oil to prevent pollution of stormwater runoff.

		<p>(e) All development on the site shall be in accordance with an approved site development plan.</p> <p>(f) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Flats	Means dwelling units that form part of a building that consists of two or more storeys.	All development on the site shall be in accordance with an approved site development plan.
Flood water mark	Means the floodlines as contemplated in section 144 of the National Water Act 36 of 1998.	
Floor area	Means the sum of the gross area occupied in a building at the floor level of each storey.	
Floor Area Ratio or FAR	<p>Means the ratio obtained by dividing the gross floor area of a building or buildings, by the total area of the property on which the building is erected, thus –</p> $\text{F.A.R.} = \frac{\text{Gross floor area of building or buildings}}{\text{Total area of property on which building is erected}}$	
Fuel depot	Means a depot for storage or bulk sale of solid or liquid gaseous fuel, but does not include a filling station.	All development on the site shall be in accordance with an approved site development plan.
Funeral services	Means land used for an undertaker, including a building used for religious purposes and serving of refreshments, and ancillary retail trade. An undertaker includes keeping and preparing the deceased for burial and cremation, but excludes a crematorium.	All development on the site shall be in accordance with an approved site development plan.

General plan	Means a cadastral plan of a township, which has been approved in terms of the Land Survey Act 8 of 1997, or any amendment or review thereof.	
GIS – geographic information system	Means an electronic system designed to capture, store, manipulate, analyze, manage, and present spatial or geographic data.	
Government purposes	Means land used for purposes normally or otherwise reasonably associated with government to give effect to its government role. This may include a court room, town hall, police station and post office.	All development on the site shall be in accordance with an approved site development plan, subject to the provisions of the Building Act.
Gross leasable floor area (GLFA)	Means the floor area of a building designed or suitable for occupation and control by an occupant, measured from the centre line of the common internal walls, and, where applicable, the internal surface of the external walls, respectively.	
Ground floor	Means the storey of a building with direct access or entrance from the street or the lowest natural ground level.	
Guest house	Means a dwelling house that is permanently inhabited by an owner or manager with a maximum of 15 bedrooms or suites, which may be let out on a temporary basis to transient guests, and where substantial meals are served to the residing guests only.	<p>(a) The owner of the dwelling house shall reside on the property and shall also conduct the guest house.</p> <p>(b) The guest house may include self-catering suites, but may not be converted into dwelling units or be sectionalised.</p> <p>(c) All amenities and the provision of meals and beverages shall be for the sole benefit of bona fide guests and the resident household/person.</p>

		<p>(d) The use shall not cause a public nuisance.</p> <p>(e) All development on the site shall be in accordance with an approved site development plan.</p>
Gymnasium	Means land used for physical and aerobic exercise with or without apparatus, which include ancillary retail trade and a place of refreshment.	<p>a) All development on the site shall be in accordance with an approved site development plan.</p> <p>b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Habitable room	Means a room designed or used for human habitation in accordance with the Building Act, but excludes a kitchen, scullery, bathroom, toilet, storeroom or other spaces defined for a particular purpose on the building plan.	
Height	Means the height of a building expressed in the total number of storeys, provided that the height of one storey shall not exceed five metres.	
High impact use	Means, in accordance with the By-law and in relation to a traditional authority area, a land use that could negatively impact on the health and welfare of the traditional community concerned.	<p>a) Land development applications for these uses will be dealt with in terms as a category 1 application in terms of section 54 of the By-law.</p> <p>b) A list of high impact uses is set out in Schedule 1 of the scheme.</p>
Home enterprise	Means the use of a dwelling house by the owner or permanent occupant for the conduct of a practice or occupation with the aim of deriving income.	<p>(a) Only permissible with the consent of the municipality on erven zoned Residential 1 and in Agriculture.</p>

		<p>(b) This includes the provision of services to the local community such as hair dressers, beauty salons, tailors, place of instruction, but excludes a shop, vehicle workshop, noxious industry, place of refreshment, guest house, place of amusement or the making and selling of food and alcoholic products.</p> <p>(c) A maximum of three people may be employed by the enterprise, of which one is the owner or full time occupant of the property</p> <p>(d) The home enterprise shall not exceed 30% of the floor area of the dwelling house.</p> <p>(e) Retail trade in goods directly related to or produced by the home enterprise is permitted as a subsidiary use.</p> <p>(f) The residential character of the building shall be retained and the immediate residential environment shall not be detrimentally affected.</p> <p>(g) All parking shall be provided on site and no street parking will be permissible.</p> <p>(h) The use shall not cause a public nuisance;</p> <p>(i) All development on the site shall be in accordance with an approved site development plan.</p>
Hospital	Means land used for medical purposes for the diagnosis and treatment of human illness; with integrated facilities such as operating theatres and	<p>a) All development on the site shall be in accordance with an approved site development plan.</p>

	live-in accommodation for patients and staff; and includes a clinic, dispensary, medical consulting rooms and a place of refreshment.	b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Hospitality establishment	Means a farm portion or agricultural holding used for entertainment, recreation and gathering purposes, such as a children's party venue, conference facility or wedding venue.	<p>(a) This may include a place of refreshment, place of amusement, conference facility, chapel, guest house - providing temporary residence for transient guests, social hall, ancillary offices, a place of instruction and other uses which the municipality may consider as ancillary uses.</p> <p>(b) A dwelling house and dwelling units for the owner and permanent occupants (workers) on the property are permitted, but these may not be sectionalised.</p> <p>(c) This use may only be permitted with the consent of the municipality in accordance with an approved site development plan.</p> <p>(d) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Hotel	Means a temporary residence for an unlimited number of transient guests, where lodging and meals are provided.	<p>This may include:</p> <p>a) One or more restaurants.</p> <p>b) Associated meeting rooms, conference and entertainment facilities, a chapel, recreational and service facilities that are subservient and ancillary to the dominant use of the property as a hotel.</p>

		<p>c) The premises may be licensed for the purposes of on-site consumption by guests only.</p> <p>All development on the site shall be in accordance with an approved site development plan.</p>
Household	A household is limited to a nuclear family (two parents and their children) plus a maximum of four additional persons (extended family members or unrelated persons). Occupation is limited to one household per dwelling house or dwelling unit.	
Industrial purposes	<p>Means land used for purposes normally or otherwise reasonably associated with:</p> <p>a) activities where an article is manufactured, produced, built, assembled, disassembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, sorted, packed, chilled, frozen or stored in cold storage.</p> <p>b) storage, distribution and cartage services;</p> <p>This includes offices and wholesale trade, caretaker's dwelling unit or other uses which are subservient to the use of the property as a factory; and includes a warehouse, the generation of electricity; refuse disposal sites; recycling and abattoir.</p>	<p>a) A noxious industry, as defined in terms of the scheme, may be allowed with the consent of the municipality, subject to the following conditions:</p> <p>(i) A certificate is issued by the relevant health authority;</p> <p>b) All development on the site shall be in accordance with an approved site development plan.</p> <p>c) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Informal structure	Means a structure that does not comply with the provisions of the Building Act.	

Informal trade	Means the legal selling of products in areas demarcated by the municipality specifically for these purposes, such as markets and/or other demarcated areas, with the consent of the municipality.	
Institution	Means land used for nursing or caring for people or animals including ancillary but subservient consulting rooms and offices. It includes a charitable institution, hospital, nursing home, sanatorium and clinic whether public or private, but does not include institutions which are primarily used as offices or which primarily perform administrative work.	All development on the site shall be in accordance with an approved site development plan.
Kitchen	Means a room or part of a room equipped for preparing and/or cooking meals and wash-up area.	
Land	Means any immovable property, being an agricultural holding, farm portion, erf or sectional title portion in a township and land covered by water, and includes any improvement or building on land and any real right in land.	
Landscaping	Means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing aesthetic appeal, environmental management, storm water management, amenity and value of property, subject to geotechnical conditions.	
Lifestyle estate	Means a low density formal residential development (created through township establishment), usually located outside the urban edge of an urban node and includes a golf estate, equestrian estate, eco-	a) All development on the site shall be in accordance with an approved site development plan.

	estate/village, aero estate and water or nature related residential development. The residential density allowed in a lifestyle estate will be determined by means of municipal policy as amended from time to time. The notation for the individual rural residential properties within the estate will have a meaning as defined in Table 1 of this Scheme and indicated as such on the scheme maps.	b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Light industry	Means land used for purposes within the opinion of the municipality, as a small-scale industrial activity with emphasis on maintenance and repair, as well as a subsidiary retail component, that shall not have a detrimental effect on the surrounding area or cause any disturbance such as noise, odour, appearance or any undesirable activities whatsoever.	<p>(a) This land use is not permitted to operate from a residential property.</p> <p>(b) Panel beating and spray painting may only be allowed with the consent of the municipality, subject to the following conditions:</p> <p>(i) a certificate is issued by the relevant Health authority;</p> <p>(c) All development on the site shall be in accordance with an approved site development plan.</p>
Limited overnight accommodation	Means a dwelling house that is permanently inhabited by an owner or manager with a maximum of 3 suites that may be let out on a temporary basis to transient guests, and where substantial meals are served to the residing guests only.	<p>(a) A maximum of 6 guests are permitted.</p> <p>(b) This includes concepts such as bed and breakfast establishments or “air bnb” and self-catering establishments, but excludes activities defined in the scheme as a place of refreshment, communal residential building, guest house, commune and place of amusement.</p> <p>(c) The use shall not interfere with the amenity of the surrounding properties by virtue of noise,</p>

		<p>appearance, smell or any other activities whatsoever or cause a public nuisance.</p> <p>(d) All development on the site shall be in accordance with an approved site development plan.</p>
Line of no access	Means a line along any street, erf or site boundary or portion thereof prohibiting any vehicular access.	
Loading space	Means loading area consisting of a rectangular surface of not less than 3 m by 16 m in size.	
Low impact use	Means, in accordance with the By-law and in relation to a traditional authority area, a land use that could not negatively impact on the health and welfare of the traditional community concerned.	<p>a) Land development applications for these uses will be dealt with in terms as a category 2 application in terms of section 54 of the By-law.</p> <p>b) A list of low impact uses is set out in Schedule 1 of the scheme.</p>
Map	Means the map indicating the zoning of the municipal area in terms of land use zones prescribed by the scheme.	
Medical consulting rooms	Means land used for professional rooms for medical practitioners associated with restoring or preserving health, but excluding overnight facilities.	<p>(a) The uses should be compatible with business and office uses.</p> <p>(b) The following uses may be permitted with the consent of the municipality:</p> <ul style="list-style-type: none"> (i) A place of instruction; (ii) A dispensing chemist; and (iii) A clinic

		<p>(c) No institutional or residential buildings shall be permitted.</p> <p>(d) All development on the site shall be in accordance with an approved site development plan.</p>
Mining purposes	<p>Means land used for:</p> <p>(a) Any excavation in the earth or any tailings, whether being worked or not, made for the purpose of searching for or winning a mineral; or</p> <p>(b) The exploitation of a mineral deposit, including the mining area and all buildings, structures, machinery, mine dumps, access roads or objects situated on such area and which are used or intended to be used in connection with such searching, winning or exploitation or for the processing of such mineral.</p> <p>These uses must be authorized in terms of section 5 of the Mineral and Petroleum Resources Act 28 of 2002.</p> <p>This includes agriculture as a primary right, as well as ancillary uses such as residential areas, community facilities, medical uses, local business and uses required for the operation of the mine.</p>	<p>(a) Mining includes prospecting rights, mining rights, mining permits, retention permits, exploration rights, production rights, reconnaissance permits or technical co-operation permits in terms of the MPRDA.</p> <p>(b) The mining land use zoning is a temporary right applied by means of a split zoning.</p> <p>(c) The mining land use zoning shall lapse upon the issuing of a closure certificate in terms of section 44 of the MPRDA and the zoning shall revert to Agriculture.</p> <p>(d) Nothing in this provision should be considered as preventing the formalisation of land use rights prior to the issuing of a closure certificate under the MPRDA.</p> <p>(e) Land uses considered to be viable beyond the life of mine should be formalised.</p> <p>(f) The applicant must satisfy the municipality as part of the land use development application that the land concerned has been properly rehabilitated to allow for the intended use, after a closure certificate has been issued.</p>

		(g) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Mixed use	Means land used for a mix of uses at individual site level or in a zone such as retail, personal services, entertainment, offices, residential, public facilities and related commercial uses.	<p>a) All development on the site shall be in accordance with an approved site development plan.</p> <p>b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Motor showroom	Means land used or the display and sales of motor vehicles (new or used) and accessories and ancillary offices.	Workshops may only be permitted with the consent of the municipality in accordance with an approved site development plan.
Motor workshop	Means land used for the repair, maintenance and servicing of all types of motor vehicles and heavy-duty vehicles, including the installation and fitting of parts, security systems and accessories and ancillary offices. This excludes a scrap yard, panel beater and spray painter.	All development on the site shall be in accordance with an approved site development plan.
Multi-purpose community centre	Means land used for a one stop community service centre for purposes normally or otherwise reasonably associated with public services and activities serving the local community, concentrated at a public transport connectivity point.	<p>(a) This may include, but is not limited to, the following uses:</p> <ul style="list-style-type: none"> (i) Station, bus and taxi rank; (ii) Informal trade area; (iii) Place of instruction; (iv) Social hall, (v) Place of public worship,

		<p>(vi) Institution,</p> <p>(vii)Municipal clinic or provincial hospital;</p> <p>(viii) Government purposes such as a home affairs office, police office, municipal satellite office, library, magistrates court, post office;</p> <p>(ix) Any other reasonably related used permitted with the consent of the municipality, but excluding a place of amusement.</p> <p>c) All development on the site shall be in accordance with an approved site development plan.</p> <p>d) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Municipal purposes	Means land used for purposes normally or otherwise reasonably associated with a municipality to give effect to its powers and duties.	All development on the site shall be in accordance with an approved site development plan, subject to the provisions of the Building Act.
Natural ground level	Means the level of the land surface in its unmodified state as established from a contour plan.	
Noxious industry	Means land used for an industry considered to be harmful and/or negative to the amenity of the area by the municipality for reasons of danger, noise, smells, pollution or general amenity. This includes, but is not limited to panel-beating, spray-painting, scrap yard, blood boiling, bone boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fellmongering, skin curing,	All development on the site shall be in accordance with an approved site development plan.

	<p>blood drying, gut scraping, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, manure making, manure storing, parchment making, malt making, yeast making, cement works, coke ovens, salt glazing, sintering of sulphur bearing materials, viscose works, smelting of ores and minerals, calcimining, puddling and rolling of iron and other metals, conversion of pig iron into wrought iron, reheating, annealing, hardening, forging, converting and carburising iron and other metals, works for the production of, or which employ carbon bisulphate, cellulose lacquers, cyanogen or its compounds, hot pitch of bitumen, pulverised fuel, pyridine, liquid or gaseous sulphur dioxide and sulphur chlorides, works for the production of amyl-acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide and oil refining and works dealing with the processing or refining of petrol or oil or their products. Provided that where the municipality adds to the list of noxious purposes, such additions shall also be deemed to be included in the above definition and that all health requirements are complied with.</p>	
Nursery	Means land used for the purposes of growing plants or seed for horticulture, growing of vegetables, flowers or any other shrub or tree or the purchasing of plants and/or retail trading therein; including retail trading in	(a) A place of refreshment may be included with the consent of the municipality as an ancillary use.

	related gardening equipment, garden furniture or decorations as well as irrigation equipment, excluding, however, agricultural equipment.	(b) All development on the site shall be in accordance with an approved site development plan. (c) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Occupant	Means in relation to any building, property or land means a person: (a) who permanently and physically inhabits or occupies a property; (b) is legally entitled to occupy it; (c) is in charge thereof or manages the property, including the agent of such a person who is absent from the property or whose whereabouts are unknown.	
Office	Means a land use associated with administrative, professional and related businesses, including a bank, insurance company, building society, medical consulting rooms and related offices or rooms.	All development on the site shall be in accordance with an approved site development plan.
Outbuilding	Means a building, whether attached or separate from the main building, which is ancillary and subservient to the main building, and in the opinion of the municipality, is ordinarily necessary in relation to the use of the main building. This includes the storage of motor vehicles, storage areas, sheds and external toilets. This excludes a dwelling unit, but includes a bona fide domestic worker's accommodation unit.	

Panel beater	Means land used for the replacement, reparation, panel beating and spray painting of vehicles. This includes the storage and sale of spare parts and ancillary offices.	All development on the site shall be in accordance with an approved site development plan.
Panhandle	Means the access section of a panhandle erf to a public street.	
Panhandle erf or panhandle portion	Means that part of a property to which access is gained by means of a panhandle	
Panhandle subdivision	Means a subdivision which results in one or more of the portions created by such subdivisions that gain access by means of a panhandle or panhandles.	<ul style="list-style-type: none"> a) The area of the subdivided portion does not include the area of the panhandle. b) The panhandle shall not exceed 35 metres in length, provided that the municipality may, under exceptional circumstances and at its sole discretion, approve a maximum length in excess of 35 metres. c) The panhandle shall have a minimum width of: <ul style="list-style-type: none"> (i) not less than 3.5 metres for a single residential property; or (ii) not less than 5 metres for two or more residential properties or for non-residential uses. d) The panhandle shall be constructed, paved and maintained by the owner to the satisfaction of the municipality.

		<p>e) No building or other structure shall be erected within the panhandle area and no large-rooted trees shall be planted within the panhandle area.</p> <p>f) The owner shall erect a permanent fence along the panhandle, which shall be completed and finished off on both sides to the satisfaction of the municipality.</p>
Parking area	Means land where provision is made for more than one parking space and for such manoeuvring and movement space as may be required to secure orderly traffic flow within such area as well as efficient connection with the flow of traffic in the adjoining street system.	<p>(a) The parking bays, together with room for entrance and manoeuvring must, in the opinion of the municipality, be functional and accessible and must be maintained to the satisfaction of the municipality.</p> <p>(b) The said parking together with the necessary manoeuvring area are to comply with Table 1.</p>
Parking garage	Means land (excluding a road, street and on-site parking associated with a primary right or consent use), that is used exclusively for the parking of motor vehicles not intended for sale or trade.	All development on the site shall be in accordance with an approved site development plan.
Parking space	Means a rectangular area with dimensions of not less than 2.5 m by 5.5 m and 6,0m x 2,5 m for parallel parking.	
Place of amusement	Means land used for limited pay-out machines, theatre, cinema, music hall, concert hall, sports stadium, skating rink, dance hall, billiards saloon, casino, bingo halls, race courses, buildings for the purposes of exhibitions of trade or industry, other recreational purposes, amusement park, discos, night clubs, sports bars and places of live music	<p>a) All development on the site shall be in accordance with an approved site development plan.</p> <p>b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>

	entertainment, establishments where adult entertainment is provided, escort agencies and such uses as are ancillary, directly related to and subservient to the main use. It includes any other purpose which may, in the opinion of the municipality, be included hereunder	
Place of instruction	Means the use of land and buildings for teaching purposes, including a crèche, day mother and day care centre, early childhood development centre; school and after care centre, tertiary education centre, college, academy, vocational training, university, research institutes, technical institutes, lecture rooms, convent and monastery, public library, art gallery and museum, gymnasium.	<p>a) The following uses may be included with the consent of the municipality:</p> <ul style="list-style-type: none"> (i) A place of refreshment; (ii) Residential buildings, staff accommodation units; and (iii) All uses which in the opinion of the municipality are directly related to and subservient to the main use. <p>b) All development on the site shall be in accordance with an approved site development plan.</p> <p>c) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Place of public worship	<p>Means land used for religious purposes such as a church, chapel, oratory, house of worship, synagogue, mosque or other place of public devotion. This includes:</p> <p>(a) A building designed and used for a place of instruction,</p>	<p>(a) All development on the site shall be in accordance with an approved site development plan.</p> <p>(b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>

	<p>(b) An institution related to the religious purposes,</p> <p>(c) A wall of remembrance, and</p> <p>(d) Other buildings used for social gatherings and recreation on the property.</p>	
Place of refreshment	Means land used for a restaurant, tea-room or coffee shop, which draws its customers mainly from, and is connected with, the main activity on the erf, being a building other than a hotel, residential club, drive-in restaurant or boarding house. It is used for the retail sale of meals and refreshments, fresh produce, mineral waters, tobacco, reading material and sweets. The place of refreshment is permitted as an ancillary use to a primary use such as a nursery, hospital, institution or similar use.	<p>a) All development on the site shall be in accordance with an approved site development plan.</p> <p>b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Primary right	Means in relation to buildings or land means any use specified in the scheme as a primary use, being a use that is permitted without the need to obtain consent or permission from the municipality.	
Private club	Means land used for the private gathering of a group of persons with a common objective.	<p>a) A place of refreshment may be included with the consent of the municipality.</p> <p>b) All development on the site shall be in accordance with an approved site development plan.</p>
Private open space	Means private land used for a sport-, play-, or rest and recreation field or as an ornamental garden whereto the public does not have a right of access, except by consent.	All development on the site shall be in accordance with an approved site development plan.

Private road	Means a private right of way and includes the whole or part of any street, road, bridge, subway, tunnel, avenue, lane, alley, arcade, servitude of right-of-way or passage, shown on a general plan of a township, agricultural holdings or other division of land.	
Professions and occupations	Means a paid occupation that involves training and a formal qualification regulated by a professional body or institution.	<p>Subject to conditions set out under “Protection for professions and occupations” in this land use scheme. The practice shall not involve any of the following:</p> <ul style="list-style-type: none"> (a) The use of the dwelling house as a service industry, light industry or noxious activity; (b) The public display of goods whether in a window or otherwise; (c) display of any notice or sign, except such notice or sign as is commonly displayed at a dwelling house to indicate the profession or occupation of the occupant; provided that it shall not exceed 450 mm x 900 mm in size, unless mounted on a permanent structure constructed of clay bricks and/or plastered to the satisfaction of the municipality; (d) logos or sign boards illuminated by neon lights; (e) Interference with the amenities of the neighbourhood or causing of a public nuisance; (f) The employment of more than 2 employees; (g) The use of not more than 20% of the floor area of the house, including outbuildings, for the purpose of an occupation or profession, subject to the condition that such portion or portions shall be determined by including therein all areas used in conjunction therewith, such as offices, work areas,

		<p>storerooms, public toilets, corridors and reception area;</p> <p>(h) the storage, display or repairing of any goods of whatever nature, outside a building.</p> <p>All parking associated with the profession or occupation and its employees shall be provided on site to the satisfaction of the municipality.</p>
Property	Means a farm portion, agricultural holding, erf, leasehold site or portion of land which is demarcated by the approved Surveyor General diagram and registered as a separate unit in the Deeds Office. This includes all buildings, structures or natural elements on the property.	
Protected area	<p>This includes, but is not limited to:</p> <p>(a) Nature reserves, including wilderness areas and protected environments, as declared in terms of the National Environmental Management: Protected Areas Act 57 of 2003;</p> <p>(b) Specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the National Forests Act 84 of 1998;</p> <p>(c) Mountain catchment areas declared in terms of the Mountain Catchment Areas Act 63 of 1970;</p> <p>(d) Heritage sites declared in terms of the National Heritage Resources Act, 25 of 1999 (NHRA);</p> <p>(e) World heritage sites declared in terms of the World Heritage Convention Act 49 of 1999; and</p>	

	(f) Provincial nature reserves, sites of ecological importance, protected environments, private nature reserves or resource use areas as indicated in the provincial conservation plan, as amended.	
Public garage	<p>Means land used for gain or reward for the following purposes:</p> <ul style="list-style-type: none"> a) a filling station as defined by this land use scheme; b) maintaining and repairing of motor vehicles and related purposes; c) parking or storage of motor vehicles, sale of spare parts, accessories, fuel and lubricants for vehicles; d) sale of new or used vehicles; e) a café or convenience store subservient to the main use which shall not exceed 250 m² f) an office subservient to the main use <p>but excluding panel beating and spray painting and a scrap yard.</p>	<ul style="list-style-type: none"> (a) The shop and a drive- through restaurant shall not exceed 250m². (b) A workshop (enclosed building) for the maintenance and repair of vehicles (excluding panel beating and spray painting) may only be permitted with the consent of the municipality in accordance with an approved site development plan. (c) Provision should be made for treatment of dirty water and oil to prevent pollution of stormwater runoff. (d) All development on the site shall be in accordance with an approved site development plan. (e) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Public nuisance	Means any act, emission or condition which, in the opinion of the municipality, the district municipality or South African Police Service is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the	

	<p>public, or which adversely affects the safety of the public, having regard to:</p> <p>(a) The reasonableness of the activities in question in the area concerned, and the impacts which result from these activities; and</p> <p>(b) The ambient noise level of the area concerned.</p>	
Public open space	Means land intended for use by members of the public as undeveloped land, a park, garden, conservation area, playground, square or recreation ground and sports ground.	<p>a) The following uses may be permitted with the consent of the municipality in accordance with an approved site development plan:</p> <p>(i) a place of instruction;</p> <p>(ii) restaurant or place of refreshment;</p> <p>(iii) a place of amusement; and</p> <p>(iv) municipal uses.</p> <p>b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Quarrying	Means a land use where an artificial hole is made in the ground where stone, sand, clay and other materials is dug for use as building materials and other purposes.	<p>(a) This land use will have a high impact on the community as defined by the By-law and is dealt with as a category 1 application in terms of the By-law.</p> <p>(b) The land use will only be permitted as a consent use in accordance with an approved site development plan.</p>

		<p>(c) The applicant must satisfy the municipality as part of the consent use application that the land concerned will be properly rehabilitated after the quarrying has ceased.</p> <p>(d) The application must address environmental considerations, specifically (but not limited to) dust pollution, water source, runoff, erosion prevention measures and rehabilitation to the satisfaction of the municipality.</p>
Recreation purposes	Means land that, due to its natural or human made attractions, is used for purposes normally or otherwise reasonably associated with recreation, entertainment, leisure, sport and amusement activities.	<p>a) The following uses may be included: swimming pools, water slides, braai facilities, picnic sites, camp grounds, caravan parks, a wedding chapel, conference facilities, a restaurant, arts and crafts, a place of refreshment, place of amusement and place of instruction and dwelling units.</p> <p>b) All development on the site shall be in accordance with an approved site development plan.</p> <p>c) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Renewable energy infrastructure	Means a structure, building and land used for the purpose of generating, distributing and transmission of renewable energy from biomass and non-biomass renewable sources such as hydropower, geothermal, wind, and solar.	The renewable energy infrastructure shall be in accordance with an approved site development plan.

Rooms to let	Means habitable rooms detached from the main dwelling house available for rental on a short or long term basis.	<ul style="list-style-type: none"> a) The rooms may have separate or shared kitchen and ablution facilities. b) The occupancy per room is limited to one household. c) A maximum of 8 persons may share a single toilet. d) The use is only permitted with the consent of the municipality in accordance with an approved site development plan.
Resort	Means a place frequented by people for relaxation or recreation for a specified purpose or quality (i.e. health, holiday, mountain resort) and includes specialised resorts (i.e. youth camps, church, cultural), wedding facilities, picnic resorts, holiday towns and hotels/motels, rest camps, camping as well as nature, water and historically (i.e. mining towns, trading posts, trek routes, old bridges) orientated resorts.	<ul style="list-style-type: none"> e) All development on the site shall be in accordance with an approved site development plan. f) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Restaurant	Means land used for the preparation and consumption of food and liquid refreshments for the general public on the site and may include a children's play area. This may include a separate service counter for take away food. The on-site consumption of liquor must be legalised by means of a liquor licence issued in terms of relevant legislation.	All development on the site shall be in accordance with an approved site development plan.
Retail trade	Means any land use involving commercial trading in end products and includes an accompanying store room and a small workshop which is reasonably	All development on the site shall be in accordance with an approved site development plan.

	necessary and incidental to the specific retail business, such as a manufacturing jeweler, excluding however wholesale trade as defined in this scheme.	
Retirement village	Means dwelling units intended for the accommodation or settlement of persons upon their retirement and may include an administrative building and community facilities such as a dining hall, sick-bay, sport and recreation facilities or such other facilities, approved by the local municipality.	<ul style="list-style-type: none"> a) All development on the site shall be in accordance with an approved site development plan. b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Rural general dealer	Means building or part of a dwelling unit situated on an agricultural holding or farm portion used for the purposes of selling basic groceries (daily convenience goods) and fresh produce.	<ul style="list-style-type: none"> (a) The use may only be permitted with the consent of the municipality and a site development plan may be required at the discretion of the municipality; (b) The sale of liquor is prohibited; (c) The area used for the rural general dealer shall not exceed a total floor area of 250m². (d) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Sand washing	Means land used for surface mining to remove sand. The sand is screened and washed to remove silt and clay and allowed to drain.	<ul style="list-style-type: none"> (a) This land use will have a high impact on the community as defined by the By-law and is dealt with as a category 1 application in terms of the By-law. (b) The land use will only be permitted in accordance with an approved site development plan. (c) The applicant must satisfy the municipality as part of the consent use application that the land

		<p>concerned will be properly rehabilitated after the sand washing has ceased.</p> <p>(d) The application must address environmental considerations, specifically (but not limited to) dust pollution, water source, runoff, erosion prevention measures and rehabilitation to the satisfaction of the municipality.</p>
Scheme	Means the Elias Motsoaledi Local Municipality Land Use Scheme and includes the definitions, clauses, scheme maps and annexures.	
Scrap yard	Means land or buildings used as a junk yard or scrapyard for the dismantling, stacking, storing or preparation for resale of any used material, waste materials, vehicles, machinery or any other scrap material, regardless of whether or not such dismantling or storage takes place with a view to disposal or re-use. Subsidiary offices are also permitted.	All development on the site shall be in accordance with an approved site development plan.
Second dwelling unit	Means a dwelling unit on the same erf as a dwelling house.	<p>The owner of an erf may apply for consent for a single second dwelling unit on a Residential 1 erf, subject to the following:</p> <p>(a) All development on the site shall be in accordance with an approved site development plan.</p> <p>(b) The permissible height, floor area and coverage shall not be exceeded.</p>

		<p>(c) The size of the dwelling unit shall be restricted to 110 m².</p> <p>(d) A minimum of one parking bay shall be provided on the erf to serve the exclusive needs of the dwelling unit.</p> <p>(e) The design of the dwelling unit including any garage or carport associated therewith, as well as the location thereof, access to and egress from the site and parking arrangements shall be architecturally integrated with and harmoniously related to the dwelling house, to the satisfaction of the municipality.</p> <p>(f) The provisions of engineering services shall be to the satisfaction of the municipality and the municipality may, where necessary, require a financial contribution.</p> <p>(g) In the event that the municipality finds the owner guilty of the breach of any condition under which the consent is granted is contravened, the consent shall lapse and the building may only be used as an outbuilding.</p>
Service industry	<p>Means small scale manufacturing, servicing and repairs with a subsidiary retail component, incidental to the needs of the community, which will not:</p> <p>a) impair the amenities of surrounding properties or create a nuisance;</p>	<p>a) The use shall not have a detrimental effect on the surrounding area or cause any public nuisance or disturbance such as noise, odour, appearance or any undesirable activities whatsoever.</p>

	<ul style="list-style-type: none"> b) be a source of disturbance to surrounding properties; c) be liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions. 	<ul style="list-style-type: none"> b) The use is only permitted with the consent of the municipality in accordance with an approved site development plan. c) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Shebeen	Means a part of a dwelling house or dwelling unit constructed, designed or adapted for the sale of liquor for off-site consumption.	<ul style="list-style-type: none"> (a) The sale of liquor must be legalised by means of a liquor licence issued in terms of the Liquor Act, 1997 (Act 87 of 1997). (b) On site consumption of liquor is prohibited. (c) Social gatherings are prohibited. (d) Preparation and consumption of food for the shebeen are prohibited. (e) The dominant use shall remain residential for the owner or occupant. (f) All Health and Safety By-laws shall be complied with. (g) Signage shall be to the satisfaction of the municipality. (h) The use shall not interfere with the amenity of the surrounding properties by virtue of noise, appearance, smell or any other activities whatsoever or cause a public nuisance.

		(i) The use may only be permitted with the consent of the municipality and a site development plan may be required at the discretion of the municipality.
Shop	Means land used for the purpose of conducting a retail business, including the processing of food and a banquet bakery, laundrette, vehicle sales lot and the necessary accompanying storage and packaging; provided that such accompanying storage and packaging and ancillary uses shall not give rise to any disturbance or nuisance. The following uses shall not be deemed incidental to a shop: a noxious industry or a place of refreshment.	<p>(a) The storage, packaging and small workshop shall not comprise more than 30% of the floor space or give rise to any disturbance or public nuisance.</p> <p>(b) A shop does not include a restaurant, any residential uses, industrial uses, warehouses, wholesale trade or public garages.</p> <p>(c) All development on the site shall be in accordance with an approved site development plan.</p>
Site	Means a property or part thereof, registered in the Deeds Office with cadastral boundaries and includes all natural and man-made features. This generally refers to a property subject to development proposals. A site can be publicly or privately owned, but excludes any public road or street.	
Site development plan	Means a plan used by the municipality to ensure adherence to development controls, prior to the submission of building plans.	
Social hall	Means land used for social gatherings, meetings and recreation (without board and lodging).	<p>a) All development on the site shall be in accordance with an approved site development plan.</p> <p>b) A place of refreshment may be included with the consent of the municipality.</p>

Spaza shop	Means part of a dwelling house or dwelling unit used by the owner or occupant for small-scale retail trade incidental to the needs of the community. This includes trade commonly known as spaza shops and tuck shops, supplying essential pre-packed and/or pre-wrapped items and/or foodstuff.	<ul style="list-style-type: none"> (a) The use may only be permitted with the consent of the municipality and a site development plan may be required at the discretion of the municipality. (b) The sale of meat and liquor are prohibited. (c) Taverns and shebeens are prohibited. (d) Informal trade and street hawking are prohibited. (e) The shop shall not exceed 40m² in extent. (f) Signage shall be to the satisfaction of the municipality. (g) The use shall not interfere with the amenity of the surrounding properties by virtue of noise, appearance, smell or any other activities whatsoever or cause a public nuisance. (h) The residential character of the building shall be retained and the immediate residential environment shall not be detrimentally affected.
Special development zone	Means a clearly defined geographical area that the municipality has delineated for focused planning and development intervention and investment.	
Sports fields	Means the use of land for public or private games, competitions or other physical activities and can include inter alia a golf course, athletic stadium, gymnasium and a social hall.	<ul style="list-style-type: none"> (a) A place of refreshment may be included with the consent of the municipality; and (b) All development on site shall be in accordance with an approved site development plan.

		(c) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Storey	Means the space within a building between one floor level and the next, or ceiling or roof above, including the ground floor.	
Street or road	Means the area or portion occupied by any street, road, bridge, subway, avenue, lane, thoroughfare or right of way shown in the General Plan of a township or farm portion or in respect whereof the public has acquired a right of way by prescription or otherwise.	
Tavern	Means land where the on-site consumption of liquor has been legalised by means of a liquor licence and includes a restaurant, café or pub designed and used for the preparation and on-site consumption of meals, refreshments and liquor as well as retail sale of cold drink and smoking requisites.	<p>(a) A hotel, residential use and drive through restaurant are excluded.</p> <p>(b) The use may not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or any other public nuisance.</p> <p>(c) This use may only be permitted with the consent of the municipality in terms of an approved site development plan.</p>
Telecommunication infrastructure	Means a structure, building and land designed for telecommunication purposes, which includes inter alia radio and/or microwave technology, cellphone technology or other technology as may be permitted in terms of the relevant legislation.	The telecommunication infrastructure shall be in accordance with an approved site development plan.

Township	<p>Means any land laid out or divided into or developed or to be developed, as:</p> <p>(a) a single property or sites for-</p> <p>(i) one or more land uses including but not limited to residential, business or industrial purposes or similar purposes as may be contained in a land use planning scheme;</p> <p>(ii) where such properties or sites are arranged in such a manner as to have the character of what constitutes a township, in the opinion of the municipality, including intended or actual multiple ownership of erven, land or units;</p> <p>(iii) that may be intersected or connected by or to abut on any public or private street; and</p> <p>(b) a property, site or street shall for the purposes of this definition include a right of way or any site or as a road, roadway or street which has not been surveyed or which is only notional in the character.</p>	
Traditional authority area	Land which falls within the municipal area and which is occupied by traditional community and falls under the jurisdiction of a traditional council.	
Traditional settlement area	The section of a traditional authority area that is occupied by dwelling houses and dwelling units.	
Transport uses	Means land used for a business involved in the transportation of goods and/or passengers by rail, air, road and pipelines and includes uses such as	a) All development on the site shall be in accordance with an approved site development plan.

	stations, transportation amenities and facilities, parking, loading bays, administrative offices, a place of refreshment, place of instruction, warehouses, container parks, workshops as well as residential uses and amenities for personnel.	b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.
Urban agriculture	Means the use of land to cultivate crops and rear small numbers of livestock, on relatively small areas within towns, for own consumption or sale in neighbouring markets.	
Use zone	Means a zone indicated with a specific notation in the scheme that is subject to the restrictions imposed on the erection and use of buildings or the use of land contained as detailed in the scheme.	
Vehicle sales lot	Means land used mainly for the open air display and sale of motor vehicles, motor vehicle trailers, caravans and heavy-duty vehicles and may include ancillary offices, but excludes a scrap yard, panel beater, spray painter, motor workshop and filling station.	<p>a) All development on the site shall be in accordance with an approved site development plan.</p> <p>b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Wall of remembrance	Means a structure where containers with the ashes of the deceased are inserted in openings or niches in the structure and thereafter sealed and/or on which appropriate commemorative plaques can be attached.	This use forms part of a cemetery and/or religious sites and should enjoy public access during the day.
Warehouse	Means land used for storing goods. This includes enterprises that usually require extensive areas such as the business of a wholesaler, cartage contractor, building contractor, building materials dealer, agricultural requisites dealer and/or a dealer in other	All development on the site shall be in accordance with an approved site development plan.

	heavy equipment. This excludes storage and trade in goods that are, in the opinion of the municipality, dangerous, noxious or unsightly.	
Wholesale trade	Land used primarily for the bulk sale and distribution of goods and includes retail sales to the general public as a subsidiary use.	<p>a) All development on the site shall be in accordance with an approved site development plan.</p> <p>b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Wildlife estate	Means a low density formal residential development (created through township establishment) which may form part or include a country estate, private nature reserve or game farm. The residential component of a wildlife estate is usually clustered to ensure minimum impact on the natural environment. The residential density allowed in a wildlife estate will be determined by means of municipal policy and policy of relevant provincial and national departments, as amended from time to time. The notation for the individual rural residential properties will have a meaning as defined in Table 1 of this Scheme and also be indicated as such on the scheme maps	<p>a) All development on the site shall be in accordance with an approved site development plan.</p> <p>b) The provisions relating to the use of land or buildings for more than one purpose in this scheme apply.</p>
Workshop	Means land used for conducting a retail business in goods manufactured, processed, assembled or repaired wholly or partially on the property and in any case a building not classified as a factory.	All development on the site shall be in accordance with an approved site development plan.
Zoning	When used as a noun, means a statutory category of directions regulating the development of land and setting out the purposes for which the land may be	

	used and the land use or development rules applicable in respect of the said category of directions, as determined by the scheme.	
--	---	--

CHAPTER 2: LAND USE SCHEME ARRANGEMENT

7. THE SCHEME HAS BEEN ARRANGED INTO FOUR MAIN SECTIONS:

- (1) Land use zones and development controls.
 - (a) Table 2 sets out the land use zones, primary and secondary rights, density, floor area, coverage, height and parking requirements applicable to all erven. Table 2 provides the definitions of land uses and corresponding conditions.
 - (b) Table 2 forms an integral part of the scheme and has the same legality as the rest of the scheme, provided that in the event of a conflict between the provisions of Chapter 3 and any provision in an annexure, the provisions of the annexure shall prevail.
- (2) Scheme provisions and conditions.
 - (a) Chapter 4: Provisions to promote certain principles in land development.
 - (b) Chapter 5: Provisions to promote conservation and sustainable use of resources.
 - (c) Chapter 6: Conditions applicable to all erven or categories of erven.
- (3) Provisions for land development applications.
 - (a) Chapter 7:
 - (i) Applications permitted in terms of the land use scheme.
 - (ii) Application procedure.
 - (iii) Public notice procedure.
- (4) Scheme map.
 - (a) The scheme map indicating the use zones in accordance with Table 2 is available in hard copy and electronic format as part of a GIS database, separate to this document.
 - (b) The GIS database is available at the municipality, and includes:
 - (i) Annexures approved previously and now incorporated into the scheme;
 - (ii) Overlay zones indicating:
 - a. environmental protection areas where specific precautionary measures apply in accordance with the scheme;
 - b. traditional authority areas where specific development guidelines apply; and
 - c. density zones for erven zoned Residential 1.
 - (c) In the event of a conflict between the provisions of the scheme and the scheme maps/GIS database, the scheme shall prevail.
- (5) Register of amendments between 2006 and 2020.
 - (a) The amendments to the previous town planning schemes in operation referred to in chapter section 2(3) undertaken between 2006 and 2020 are attached to this land use scheme as Annexure 1, for reference purposes.

8. ORIGINAL SCHEME AND AMENDMENT SCHEME

- (1) This land use scheme shall be known as the original scheme of the municipality or the land use scheme in operation.
- (2) Any land use scheme which-
 - (a) is an amendment or extension of the original scheme;
 - (b) is a new scheme substituting the original scheme;
 - (c) is an amendment or extension of a new scheme contemplated in subparagraph 2(b);shall be known as an amendment scheme.

9. REGISTER OF AMENDMENTS

- (1) The municipality must keep a register of-
 - (a) The amendments to this scheme effected after the commencement date;
 - (b) Applications brought in terms of the By-law; and
 - (c) Applications brought in terms of the scheme;in accordance with the By-law.

CHAPTER 3: LAND USE RIGHTS AND DEVELOPMENT CONTROLS

10. INTERPRETATION OF USE ZONES

- (1) The purposes –
 - (a) for which land may be used;
 - (b) for which land may be used only with the consent of the municipality; and
 - (c) for which land may not be used;
 are indicated in each of the use zones specified in Table 2.
- (2) The use of land includes the erection and use of a building thereon.
- (3) No person shall use, or cause or permit to be used, any building or part thereof for a purpose other than the purpose for which it was erected, save with the necessary consent of the municipality.
- (4) Table 2 contains the following information relating to use zones and development controls:
 - (a) Column 1: The use zone
 - (b) Column 2: Notation on the map
 - (c) Column 3: Primary rights: the purposes for which land may be used
 - (d) Column 4: Secondary rights: the purposes for which land may be used only with the consent of the municipality in terms of Chapter 7
 - (e) Column 5: Instances where the municipality may agree to an exemption in terms of Chapter 7
 - (f) Column 6: The purposes for which land may not be used
 - (g) Column 7: Parking provisions
 - (h) Column 8: Building lines
 - (i) Column 9: Height provisions
 - (j) Column 10: Coverage provisions
 - (k) Column 11: Floor area ratio provisions
 - (l) Column 12: Density provisions
- (5) Special rights, conditions and restrictions, which may apply to any property, township or area within any use zone, may be indicated in an annexure to the scheme.
- (6) The special conditions and restrictions referred to in subparagraph (5) shall:
 - (a) Be in addition to the general conditions, restrictions and other provisions of the scheme.
 - (b) Prevail should they conflict with any such other condition, restriction or provision in the scheme.

- (7) An annexure contemplated in subparagraph (5) shall consist of:
- (a) A sheet upon which is inscribed the number of such annexure, a description of the property, township or area to which it applies, the special rights, conditions and restrictions applying to the property, and the number and name of the relevant amendment scheme in terms of which the annexure was prepared.
 - (b) A diagram of the property concerned, which diagram shall accord with the layout shown on the map.
 - (c) An annexure number. This number is inscribed inside a double circle within or next to the figure of the relevant property on the map. It shall be joined to the figure by means of a line.
 - (d) Annexures previously approved have, as far as possible, been incorporated into the scheme. Such annexures have either been renumbered, or have been replaced with general or specific conditions in terms of the scheme.
 - (e) The municipality shall not, except as provided for in any of the conditions contained in an annexure, grant any consent for the relaxation or amendment thereof.

11. LAND USE ZONES

- (1) Zoning means a statutory category of directions regulating the development of land and setting out the purposes for which the land may be used as determined by the scheme.
- (2) The use zones in terms of the scheme are categorized in column 1 of Table 2 and indicated on the map according to the notation in column 2.
- (3) The definitions of permissible uses listed in columns 3, 4 and 5 are set out in Table 1, with corresponding conditions.
- (4) Change of land use rights or rezoning shall be undertaken in accordance with the By-law.

12. DENSITY

- (1) Density refers to a limitation on the number of dwelling houses or dwelling units on a property.
- (2) No land use development shall be undertaken to exceed the permissible density set out in column 12 of Table 2, provided that-
 - a) In use zone Residential 1 the density provisions are set out in the overlay zone.
 - b) In use zone Residential 1, 2 and 3 the municipality may grant approval for a 10% variation in density in accordance with a site development plan.
- (3) The municipality may grant its consent to the subdivision of land zoned Residential 1, 2 and 3 in accordance with the density set out in the overlay zone, column 12 of Table 2 and the provisions of Chapter 7.
- (4) No more than one household (as defined by this scheme), together with two other persons, or a maximum of eight persons, may live on a permanent basis in one dwelling house or one dwelling unit.

13. FLOOR AREA

- (1) No land use development shall be undertaken as to exceed the floor area ratio as prescribed in column 11 of Table 2.
- (2) For the purposes of calculating floor area no account shall be taken of:
 - (a) Un-roofed buildings and areas occupied by external fire escapes and staircases;
 - (b) A building used solely as parking garage and the floor area used for parking and circulation of motor vehicles;
 - (c) Accommodation for the lift motor and other mechanical or electrical equipment necessary for the proper use of the building;
 - (d) Accommodation for cleaners on the roof of a building: Provided that the floor area excluded in this manner shall not be exceed 10% of the permissible floor area for such building;
 - (e) Areas justifiable used for cleaning, maintenance and care of the buildings, excluding dwelling units for caretakers, supervisors, cleaners and maintenance staff.
- (3) The municipality may grant approval for a 10% variation in the floor area ratio of a building in accordance with a site development plan.

14. COVERAGE

- (1) No land use development shall be undertaken so as to exceed the coverage as prescribed in Table 2 column 10 of the scheme.
- (2) These provisions shall apply to every storey in a building, including a basement protruding above natural ground level, provided that the municipality may consent to exceed the coverage for any basement which is entirely below natural ground level in terms of a site development plan.
- (3) The following shall not be included in coverage calculations:
 - (a) All structures not covered by a roof;
 - (b) Solar panels used for carports on non-residential properties; and
 - (c) Swimming pools, tennis courts, garden ornaments, security structures (security control rooms, lookouts and boom gates), boundary fences, garden walls, garden fences and pergolas.
- (4) The municipality may grant approval for a 10% increase in the coverage of a building accordance with a site development plan.

15. HEIGHT

- (1) No land use development shall be undertaken so as to exceed the height as prescribed in Table 2 column 9.
- (2) A building shall have only one ground storey and, except for a building consisting of only one storey, the site development plan and building plans shall indicate the ground storey.

- (3) The maximum height of a storey shall not exceed 6m in respect of the ground storey and 4,5m in respect of any other storey.
- (4) The following shall not be counted as a storey:
 - (a) Any chimney, ornamental tower, tower-like projection or similar architectural feature or lift servicing room or room wherein mechanical or electrical equipment is installed.
 - (b) A storey where 75% or more floor area is used for the parking of vehicles.
 - (c) Basements situated below natural ground level, provided further that the floor area ratio as determined in the scheme is not exceeded.

16. PARKING AND LOADING

- (1) Effective and paved parking spaces as set out in Table 2 column 7 together with the necessary manoeuvring area shall be provided on the property to the satisfaction of the municipality at the cost of the land owner.
- (2) Instead of the provision of parking as required in Table 2, the owner may, with the consent of the municipality in accordance with a site development plan, pay a cash contribution to the municipality in lieu of parking, and such contribution per parking bay is to be determined by the municipality from time to time. The said contribution shall be used solely for the provision and maintenance of public parking areas.
- (3) In the case of a place of instruction, institution, place of worship, multi-purpose community centre and social hall, any parking areas required by this scheme may be relaxed by the municipality in accordance with a site development plan and in accordance with a report and recommendations prepared by a qualified Traffic Engineer.
- (4) If the municipality is convinced that special circumstances exist, where there is adequate parking readily available in the vicinity of the application site, it may, consent to the relaxation of the provisions in Table 2 in accordance with a site development plan.
- (5) Loading areas shall be provided as follows:
 - (a) The municipality may, upon application being made for approval of building plans, require the owner to submit for approval proposals for the provision, on the property, of appropriate and sufficient facilities for loading and off-loading of goods and wherein positions for parking or stopping of service vehicles or fuelling, are indicated.
 - (b) If the municipality requires proposals in terms of subparagraph 5(a) to be submitted or should the owner submit such proposals for consideration in conjunction with a building plan, the municipality shall within a reasonable time approve or reject such proposals, and in the event of rejection, provide written reasons for its decision, to the applicant;
 - (c) No owner or occupant of a building in respect whereof proposals in terms of this subparagraph are required may undertake or permit the loading, off-loading, parking or fuelling of vehicles otherwise than in accordance with approved proposals unless such requirements were amended by the municipality.
 - (d) In every commercial and industrial zoning, there shall be provided, over and above parking, one loading area per erf, regardless of the size of the building erected thereon. If the buildings are 1 000 m² or more in size, one loading area per 1 000 m² of building area or part thereof, shall be provided.

17. BUILDING LINES AND BUILDING RESTRICTION AREAS

- (1) No building shall be erected so as to exceed the building lines as prescribed in Table 2 column 8.
- (2) No building or structure other than boundary walls, fences or temporary buildings or structures required in connection with building operations on the property, shall be erected within any building restriction area.
- (3) Where an erf borders on a national or provincial road, the applicable building line shall be prescribed by the controlling authority, and such building line may not be relaxed, modified or amended without the written consent of the controlling authority.
- (4) The municipality may, after receipt of an application in terms of Chapter 7 from the owner:
 - (a) permit the erection of a building in the building restriction area in the case of corner properties or where, due to the slope of the property or adjoining land, or the proximity of buildings already erected, compliance with the building line requirements will hamper development of the property to an unreasonable degree;
 - (b) relax the building line for all erven, where upon consideration of a site development plan, it is of opinion that such relaxation would result in an improvement in the development of the erf; and
 - (c) permit the construction of a swimming pool or tennis court in the building restriction area.
- (5) No material or goods of any nature whatsoever shall be dumped or placed in the building restriction area along any street, and such area shall not be used for any purpose other 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 boundary, this condition may be relaxed by the local government on such conditions as it may deem fit.
- (6) Access to and exit from a property to any public street or road, shall, where prohibited across a boundary line, be indicated by the following symbol:



- (a) Provided that the municipality may, upon receipt of an application in terms of Chapter 7, permit its relaxation upon such conditions as it may deem fit, if, due to extraordinary circumstances, compliance with such restriction of access, will hamper development of the property to an unusual degree: Provided further that no relaxation of a restriction on access to or exit from a property, to a provincial or national road, shall be permitted without the consent of the controlling authority.

Table 2: Use Zones

	Use Zone	Notation on Map	Uses permitted as a primary right (to be read in conjunction with the conditions in chapters 6 and 7)	Uses permitted with consent in terms of par. 38	Uses where an exemption may be considered in terms of par. 46	Uses not permitted	Parking Spaces (PS)	Building Lines			Height (Storeys)	Coverage (%)	F.A.R.	Density
							GLFA: Gross Leasable Floor Area DU: Dwelling Unit	Street (m)	Rear (m)	Side/other (m)				
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)			(9)	(10)	(11)	(12)
1	Residential 1					Uses not under columns (3), (4), (5)								
			Dwelling House				Not Applicable except when letting: as required by Municipality	3m	-	-	2	50%	1,0	Density Overlay Zone
				Second Dwelling Unit	Second Dwelling Unit		1/Dwelling Unit (DU)							
				Domestic Worker's Accommodation Unit	Domestic Worker's Accommodation Unit		N/A							
				Commune			1/habitable room	3m	-	-	2	50%	1,0	
				Rental Rooms**			As required by Municipality	3m	-	-	2	50%	1,0	
				Limited Overnight Accommodation			1/bedroom suite and if required additional for visitors	3m	-	-	2	50%	1,0	
				Guest House			1/bedroom suite and if required additional for visitors	3m	-	-	2	60%	1,0	
				Boutique Hotel			1/bedroom plus 6/100m ² public room area	3m	-	-	2	60%	1,0	
				Dwelling House Office			3/100m ² non-residential floor area	3m	-	-	2	Part of Dwelling House	1,0	
				Home Enterprise	Home Enterprise		3/100m ² non-residential floor area	3m	-	-	2	30% of floor area of House	1,0	
				Institution			8/100m ² G.L.F.A.	3m	-	-	5	50%	1,0	
				Place of Instruction			8/100m ² G.L.F.A.	3m	-	-	5	50%	1,0	
				Place of Public Worship			8/100m ² G.L.F.A.	3m	-	-	2	50%	1,0	
				Social Hall			8/100m ² G.L.F.A.	3m	-	-	2	50%	1,0	
				Place of Refreshment			8/100m ² G.L.F.A.	3m	-	-	2	30%	0,6	

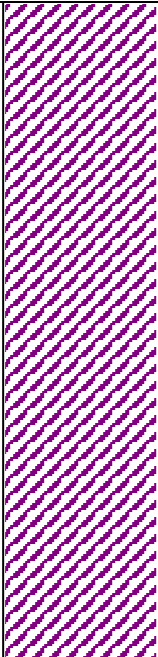
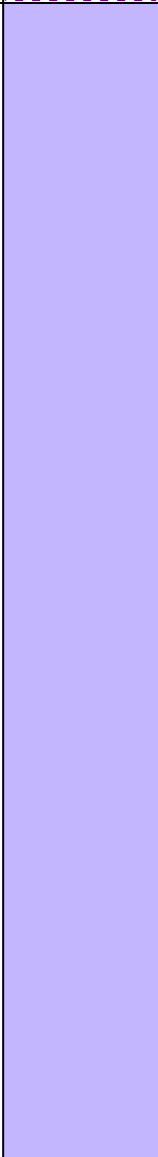
				Animal Institution			2/100m² G.L.F.A.	3m	-	-	2	50%	1,0	
				Spaza**	Spaza**		As required by Municipality	3m	-	-	2	Part of Dwelling House	1,0	
				Shebeen**	Shebeen**		As required by Municipality	3m	-	-	2	Part of Dwelling House	1,0	
				Service Industry**	Service Industry**		2/100m² G.L.F.A.	3m	-	-	2	50%	1,0	
				Tavern**	Tavern**		As required by Municipality	3m	-	-	2	50%	1,0	
				Telecommunication Infrastructure			As required by Municipality							
2	Residential 2					Uses not under columns (3), (4), (5)								20 u/ha may relax to 45
			Dwelling Unit/s				(i) 1 Covered/DU (ii) 1 Uncovered per 2 DU for visitors	3m	-	-	2	60%	1,2	
				Retirement Village			(i) 1/DU (ii) 1 per 2 DU for visitors	3m	-	-	2	50%	1,0	
				Home Enterprise	Home Enterprise		3/100m² non-residential floor area	3m	-	-	2	30% of floor area of Dwelling Unit	1,2	
				Limited Overnight Accommodation			1/bedroom suite and if required additional for visitors	3m	-	-	2	50%	1,0	
				Guest House	Guest House		1/bedroom suite and if required additional for visitors	3m	-	-	2	60%	1,2	
				Institution			8/100m² G.L.F.A.	3m	-	-	5	60%	1,2	
				Place of Instruction			8/100m² G.L.F.A.	3m	-	-	5	60%	1,2	
				Place of Public Worship			8/100m² G.L.F.A.	3m	-	-	2	60%	1,2	
				Social Hall			8/100m² G.L.F.A.	3m	-	-	2	60%	1,2	
				Sports Facilities			As required by Municipality	3m	-	-	2	60%	1,2	
				Place of Refreshment			8/100m² Floor Area	3m	-	-	2	30%	0,6	
				Telecommunication Infrastructure			As required by Municipality							

3	Residential 3					Uses not under columns (3), (4), (5)								
			Dwelling Unit/s				(i) 1 Covered/DU (ii) 1 Uncovered per 2 DU for visitors	3m	-	-	2	60%	1,2	45 u/ha may relax to 64
			Retirement Village				(i) 1/DU (ii) 1 per 2 DU for visitors	3m	-	-	2	60%	1,2	
				Communal Residential Building			1/habitable room	3m	-	-	2	60%	1,2	
				Limited Overnight Accommodation			1/bedroom suite and if required additional for visitors	3m	-	-	2	50%	1,0	
				Guest House	Guest House		1/bedroom suite and if required additional for visitors	3m	-	-	2	60%	1,2	
				Institution			8/100m² G.L.F.A.	3m	-	-	5	60%	1,2	
				Place of Instruction			8/100m² G.L.F.A.	3m	-	-	5	60%	1,2	
				Place of Public Worship			8/100m² G.L.F.A.	3m	-	-	2	60%	1,2	
				Social Hall			8/100m² G.L.F.A.	3m	-	-	2	60%	1,2	
				Sports Facilities			As required by Municipality	3m	-	-	2	60%	1,2	
				Place of Refreshment			8/100m² G.L.F.A.	3m	-	-	2	30%	0,6	
				Telecommunication Infrastructure			As required by Municipality							
4	Residential 4					Uses not under columns (3), (4), (5)								
			Dwelling Unit/s				(i) 1 Covered/DU (ii) 1 Uncovered per 2 DU for visitors	3m	-	-	5	60%	2,0	64 u/ha or less, relaxed to 65+
			Communal Residential Buildings				1/habitable room	3m	-	-	5	60%	2,0	
			Retirement Village				(i) 1/DU (ii) 1 per 2 DU for visitors	3m	-	-	5	60%	2,0	
				Limited Overnight Accommodation			1/bedroom suite and if required additional for visitors	3m	-	-	2	50%	1,0	
				Hotel			1/bedroom plus 6/100m² public room area	3m	-	-	5	60%	2,0	

				Institution			8/100m² G.L.F.A.	3m	-	-	5	60%	2,0		
				Place of Instruction			8/100m² G.L.F.A.	3m	-	-	5	60%	2,0		
				Place of Public Worship			8/100m² G.L.F.A.	3m	-	-	5	60%	2,0		
				Place of Refreshment			3/100m² G.L.F.A.	3m	-	-	5	60%	2,0		
				Social Hall			8/100m² G.L.F.A.	3m	-	-	5	60%	2,0		
				Sports Facilities			As required by Municipality	3m	-	-	5	60%	2,0		
				Telecommunication Infrastructure			As required by Municipality								
5	Residential 5		Dwelling House in Lifestyle estate				SDP	SDP	SDP	SDP	SDP	SDP	SDP		
			Dwelling House in Wildlife estate				SDP	SDP	SDP	SDP	SDP	SDP	SDP		
			Private Open space				SDP	SDP	SDP	SDP	SDP	SDP	SDP		
			Other uses specified on the Site Development Plan (SDP)				SDP	SDP	SDP	SDP	SDP	SDP	SDP		
			Telecommunication Infrastructure			As required by Municipality									
6	Business 1					Uses not under columns (3), (4), (5)									
			Business Purposes				SDP	3m	-	-	5	90%	3,0		
			Parking Garage					3m	-	-	5	90%	3,0		
				Conference Facility			8/100m² G.L.F.A.	3m	-	-	5	90%	3,0		
				Multi-Purpose Community Centre	Multi-Purpose Community Centre		SDP	3m	-	-	5	90%	3,0		
				Motor Workshop			SDP	3m	-	-	5	90%	3,0		
				Commercial			2/100m² G.L.F.A.	3m	-	-	5	90%	3,0		
				Service Industry			2/100m² G.L.F.A.	3m	-	-	5	90%	3,0		
				Funeral Services			2/100m² G.L.F.A.	3m	-	-	5	90%	3,0		
				Tavern*			As required by Municipality								
				Informal Trade**	Informal Trade**		As required by Municipality								
				Sports Facilities	Sports Facilities		SDP	SDP	SDP	SDP	SDP	SDP	SDP		
				Telecommunication Infrastructure			As required by Municipality								
7	Business 2 (Previously Bus 2+3 combined)					Uses not under columns (3), (4), (5)									
			Business Purposes				SDP	3m	-	-	5	80%		2,0	

				Parking Garage				3m	-	-	5	80%	2,0		
				Commercial			2/100m² G.L.F.A.	3m	-	-	5	80%	2,0		
				Service Industry			2/100m² G.L.F.A.	3m	-	-	5	80%	2,0		
				Funeral Services			2/100m² G.L.F.A.	3m	-	-	5	90%	3,0		
				Conference Facility			8/100m² G.L.F.A.	3m	-	-	5	80%	2,0		
				Nursery			SDP	3m	-	-	5	80%	2,0		
				Multi-Purpose Community Centre	Multi-Purpose Community Centre		SDP	3m	-	-	5	80%	2,0		
				Sports Facilities	Sports Facilities		SDP	SDP	SDP	SDP	SDP	SDP	SDP		
				Tavern*			As required by Municipality								
				Telecommunication Infrastructure			As required by Municipality								
8	Business 3 (Previously Bus 4)					Uses not under columns (3), (4), (5)								45 u/ha may relax to 64	
			Offices				4/100m² G.L.F.A.	3m	-	-	2	60%	0,8		
			Dwelling Unit/s				(i) 1 Covered/DU (ii) 1 Uncovered per 2 DU for visitors	3m	-	-	2	60%	0,8		
				Place of Refreshment			8/100m² G.L.F.A.	3m	-	-	2	60%	0,8		
				Conference Facility			8/100m² G.L.F.A.	3m	-	-	2	60%	0,8		
				Place of Instruction			8/100m² G.L.F.A.	3m	-	-	2	60%	0,8		
				Telecommunication Infrastructure			As required by Municipality								
9	Public Garage					Uses not under columns (3), (4), (5)									
			Filling Station				(i) 2/100m² office & show room G.L.F.A. (ii) 2/100m² retail shop	3m	-	-	2	50%	1,2		
			Public Garage				(i) 2/100m² office & show room G.L.F.A. (ii) 2/100m² retail shop	3m	-	-	2	50%	1,2		
				Place of Refreshment			8/100m² G.L.F.A.	3m	-	-	2	50%	1,2		
				Workshop			SDP	SDP	SDP	SDP	SDP	SDP	SDP		
				Caretaker Dwelling Unit	Caretaker Dwelling Unit		SDP	SDP	SDP	SDP	SDP	SDP	SDP		
				Ancillary Uses	Ancillary Uses		SDP	SDP	SDP	SDP	SDP	SDP	SDP		

				Car wash	Car wash		As required by Municipality							
				Telecommunication Infrastructure			As required by Municipality							
10	Parking					Uses not under columns (3), (4), (5)								
			Parking Garage				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			Parking Area				As required by Municipality							
				Ancillary Uses	Ancillary Uses		As required by Municipality							
				Car wash	Car wash		As required by Municipality							
11	Industrial 1 (Previously Ind1 and 2 combined)					Dwelling Units								
						Residential Buildings								
						Hotel								
			Industries (excl. Noxious)				(i) 1/100m ² industrial G.L.F.A. (ii) 1/100m ² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0	
			Public Garage				(i) 2/100m ² office & show room G.L.F.A. (ii) 2/100m ² retail shop	3m	-	-	3	80%	2,0	
			Commercial				(i) 1/100m ² industrial G.L.F.A. (ii) 1/100m ² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0	
			Light Industry	Panel beating/Spray painting			(i) 1/100m ² industrial G.L.F.A. (ii) 1/100m ² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0	
			Service Industry				(i) 1/100m ² industrial G.L.F.A. (ii) 1/100m ² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0	
			Workshop				1/100m ² G.L.F.A.	3m	-	-	3	80%	2,0	
			Dry Cleaner				2/100m ² G.L.F.A.	3m	-	-	3	80%	2,0	
			Funeral Services				2/100m ² G.L.F.A.	3m	-	-	3	80%	2,0	
			Crematorium				2/100m ² G.L.F.A.	3m	-	-	3	80%	2,0	

				Noxious Industries			(i) 1/100m² industrial G.L.F.A. (ii) 1/100m² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0	
				Place of Refreshment for own employees only			1/100m² G.L.F.A. and 1/100m² office G.L.F.A.	3m	-	-	3	80%	2,0	
				Scrap Yard			1/100m² G.L.F.A. and 1/100m² office G.L.F.A.	3m	-	-	3	80%	2,0	
				Place of Amusement			8/100m² G.L.F.A.	3m	-	-	3	80%	2,0	
				Renewable Energy Infrastructure			As required by Municipality	3m	-	-	3	80%	2,0	
				Telecommunication Infrastructure			As required by Municipality							
12	Industrial 2 (Previously Ind 3 & Commercial combined)					Noxious Industries								
			Industries (excl. Noxious)				(i) 1/100m² industrial G.L.F.A. (ii) 1/100m² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0	
			Service Industry				(i) 1/100m² industrial G.L.F.A. (ii) 1/100m² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0	
			Light Industry	Panel beating/Spray painting			(i) 1/100m² industrial G.L.F.A. (ii) 1/100m² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0	
			Commercial				(i) 1/100m² industrial G.L.F.A. (ii) 1/100m² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0	
			Parking Garage					3m	-	-	3	80%	2,0	
			Workshop				1/100m² G.L.F.A.	3m	-	-	3	80%	2,0	
				Public Garage			(i) 2/100m² office & show room G.L.F.A. (ii) 2/100m² retail shop	3m	-	-	3	80%	2,0	

				Place of Refreshment for own employees only			1/100m²G.L.F.A. and 1/100m² office G.L.F.A.	3m	-	-	3	80%	2,0	
				Scrap Yard			1/100m²G.L.F.A. and 1/100m² office G.L.F.A.	3m	-	-	3	80%	2,0	
				Shops			2/100m² G.L.F.A.	3m	-	-	3	80%	2,0	
				Car Sales Lot			As required by Municipality	3m	-	-	3	80%	2,0	
				Renewable Energy Infrastructure			As required by Municipality	3m	-	-	3	80%	2,0	
				Telecommunication Infrastructure			As required by Municipality							
13	Institutional					Uses not under columns (3), (4), (5)								20 u/ha may relax to 45
			Institution				8/100m² G.L.F.A.	3m	-	-	5	60%	1,2	
			Place of Public Worship				8/100m² G.L.F.A.	3m	-	-	2	60%	1,2	
			Place of Instruction				8/100m² G.L.F.A.	3m	-	-	5	60%	1,2	
			Dwelling unit/s				(i) 1 Covered/DU (ii) 1 Uncovered per 2 DU for visitors	3m	-	-	2	60%	0,6	
			Residential Building related to the main use				(i) 1 Covered/DU (ii) 1 Uncovered per 2 DU for visitors	3m	-	-	5	60%	1,2	
			Retirement Village				(i) 1/DU (ii) 1 per 2 DU for visitors	3m	-	-	2	60%	1,2	
			Medical Consulting Rooms				4/100m² medical rooms	3m	-	-	2	60%	1,2	
				Social Hall			8/100m² GLFA	3m	-	-	2	60%	1,2	
				Place of Refreshment			8/100m² GLFA	3m	-	-	2	60%	1,2	
				Sport Facilities			As required by Municipality	3m	-	-	2	60%	1,2	
				Multi-Purpose Community Centre			As required by Municipality	3m	-	-	2	50%	1,0	
				Private Club			As required by Municipality	3m	-	-	2	50%	1,0	
				Place of Amusement			8/100m² office GLFA	3m	-	-	2	50%	1,0	
				Funeral Services			2/100m² GLFA	3m	-	-	2	50%	1,0	
				Cemetery,			As required by Municipality							

				Wall of Remembrance										
				Urban Agriculture	Urban Agriculture		As required by Municipality							
				Telecommunication Infrastructure			As required by Municipality							
14	Educational					Uses not under columns (3), (4), (5)								
			Place of Instruction				8/100m² G.L.F.A.	3m	-	-	5	60%	1,2	
			Place of Public Worship				8/100m² G.L.F.A.	3m	-	-	2	60%	1,2	
			Social Hall				8/100m² G.L.F.A.	3m	-	-	2	60%	1,2	
			Dwelling unit/s				(i) 1 Covered/DU (ii) 1 Uncovered per 2 DU for visitors	3m	-	-	2	60%	1,2	20 u/ha may relax to 45
			Sport Facilities				As required by Municipality	3m	-	-	2	60%	1,2	
				Place of Refreshment			8/100m² GLFA	3m	-	-	2	60%	1,2	
				Institution			8/100m² GLFA	3m	-	-	2	60%	1,2	
				Communal Residential Building			As required by Municipality	3m	-	-	5	60%	1,2	
				Multi-Purpose Community Centre			As required by Municipality	3m	-	-	2	50%	1,0	
				Recreation			As required by Municipality	3m	-	-	2	50%	1,0	
				Urban Agriculture	Urban Agriculture		As required by Municipality							
				Telecommunication Infrastructure			As required by Municipality							
			15	Municipal					Uses not under columns (3), (4), (5)					
Municipal Purposes							SDP	SDP	SDP	SDP	SDP	SDP	SDP	
Dwelling unit/s							(i) 1 Covered/DU (ii) 1 Uncovered per 2 DU for visitors	3m	-	-	2	60%	1,2	45 u/ha may relax to 64
Communal Residential Buildings							1/habitable room	3m	-	-	2	60%	1,2	
Retirement Village							(i) 1/DU (ii) 1 per 2 DU for visitors	3m	-	-	2	60%	1,2	
Multi-Purpose Community Centre							As required by Municipality	3m	-	-	2	60%	1,2	
Institution							8/100m² G.L.F.A.	3m	-	-	5	60%	1,2	

			Place of Public Worship				8/100m² G.L.F.A.	3m	-	-	2	60%	1,2			
			Place of Instruction				8/100m² G.L.F.A.	3m	-	-	5	60%	1,2			
			Social Hall				8/100m² G.L.F.A.	3m	-	-	2	60%	1,2			
			Place of Amusement				8/100m² G.L.F.A.	3m	-	-	2	60%	1,2			
			Place of Refreshment				8/100m² G.L.F.A.	3m	-	-	2	60%	1,2			
			Sport Facilities				As required by Municipality	3m	-	-	2	60%	1,2			
			Public Open Space													
			Recreation				As required by Municipality	3m	-	-	2	60%	1,2			
			Transport Uses				As required by Municipality	3m	-	-	2	60%	1,2			
			Commercial				(i) 1/100m² industrial G.L.F.A. (ii) 1/100m² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0			
			Service Industry				(i) 1/100m² industrial G.L.F.A. (ii) 1/100m² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0			
			Parking Garage					3m	-	-	3	80%	2,0			
			Cemetery, Wall of Remembrance				As required by Municipality									
			Agricultural Purposes				As required by Municipality									
			Urban Agriculture				As required by Municipality									
			Renewable Energy Infrastructure				As required by Municipality	3m	-	-	3	80%	2,0			
			Telecommunication Infrastructure				As required by Municipality									
16	Agricultural					Uses not under columns (3), (4), (5)								2 dwelling houses and dwelling units for bonafide		
			Agricultural Purposes	Agricultural Industry			As required by Municipality									

Land Use Scheme September 2020

18	Private Open Space					Uses not under columns (3), (4), (5)								
			Private Open Space				As required by Municipality							
			Caretaker Dwelling Unit				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Private Club			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Hospitality Establishment			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Agricultural Purposes	Agricultural Purposes		SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Nursery	Nursery		SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Place of Amusement			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Place of Refreshment			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Social Hall			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Place of Instruction			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Urban Agriculture	Urban Agriculture		As required by Municipality							
				Renewable Energy Infrastructure	Renewable Energy Infrastructure		As required by Municipality							
				Telecommunication Infrastructure			As required by Municipality							
19	Protected Area (Declared Provincial Nature reserves, Declared Private Nature Reserves, All other Protected Areas as defined)					Uses not under columns (3), (4), (5)								
			Conservation Purposes				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Accommodation for visitors			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Dwelling units for permanent staff			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Offices subservient to main use			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Recreation			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Shop/Retail related to conservation/tourism for convenience of staff and visitors			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Place of Instruction			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Place of Refreshment			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Other uses as permitted in terms of relevant declaration legislation			SDP	SDP	SDP	SDP	SDP	SDP	SDP	

			Renewable Energy Infrastructure			As required by Municipality							
			Telecommunication Infrastructure			As required by Municipality							
					Uses not under columns (3),(4), (5)								
			Government Purposes			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			Dwelling unit/s			(i) 1 Covered/DU (ii) 1 Uncovered per 2 DU for visitors	3m	-	-	2	60%	1,2	45 u/ha may relax to 64
			Communal Residential Buildings			1/habitable room	3m	-	-	2	60%	1,2	
			Retirement Village			(i) 1/DU (ii) 1 per 2 DU for visitors	3m	-	-	2	60%	1,2	
			Multi-Purpose Community Centre			As required by Municipality	3m	-	-	2	60%	1,2	
			Institution			8/100m ² G.L.F.A.	3m	-	-	5	60%	1,2	
			Place of Public Worship			8/100m ² G.L.F.A.	3m	-	-	2	60%	1,2	
			Place of Instruction			8/100m ² G.L.F.A.	3m	-	-	5	60%	1,2	
			Social Hall			8/100m ² G.L.F.A.	3m	-	-	2	60%	1,2	
			Place of Amusement			8/100m ² G.L.F.A.	3m	-	-	2	50%	1,0	
			Place of Refreshment			8/100m ² G.L.F.A.	3m	-	-	2	60%	1,2	
			Sport Facilities			SDP	3m	-	-	2	60%	1,2	
			Public Open Space										
			Recreation			SDP	3m	-	-	2	60%	1,2	
			Transport Uses			SDP	3m	-	-	2	60%	1,2	
			Commercial			(i) 1/100m ² industrial G.L.F.A. (ii) 1/100m ² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0	
			Service Industry			(i) 1/100m ² industrial G.L.F.A. (ii) 1/100m ² office/commercial G.L.F.A.	3m	-	-	3	80%	2,0	
			Parking Garage				3m	-	-	3	80%	2,0	
			Cemetery, Wall of Remembrance			As required by Municipality							

				Agricultural Purposes			As required by Municipality							
				Urban Agriculture			As required by Municipality							
				Informal Trade**	Informal Trade**		As required by Municipality							
				Renewable Energy Infrastructure			As required by Municipality	3m	-	-	3	80%	2,0	
				Telecommunication Infrastructure			As required by Municipality							
21	Mining					None								
			Mining Purposes				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			Agricultural Purposes				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			Uses ancillary to mining:				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Dwelling houses				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Dwelling Unit/s				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Communal Residential Building				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Shops				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Public Garage				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Institution				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Medical Consulting Rooms				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Place of Instruction				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Place of Refreshment				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Hospitality Establishment				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Social Hall				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Private Open Space				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Conservation Area				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			- Water and Sanitation Infrastructure				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
			Any other uses ITO a SDP				SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Sand washing			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
				Quarrying			SDP	SDP	SDP	SDP	SDP	SDP	SDP	
22	Transport					Uses not under columns (3), (4), (5)								

























			Aerodrome				As required by Municipality	3m	-	-	2	60%	1,2		
			Transport Uses				As required by Municipality	3m	-	-	2	60%	1,2		
			S.A.R.				As required by Municipality	3m	-	-	2	60%	1,2		
			Parking Garage				As required by Municipality	3m	-	-	2	60%	1,2		
				Dwelling units for permanent staff			(i) 1 Covered/DU (ii) 1 Uncovered per 2 DU for visitors	3m		-	2	60%	1,2	20 u/ha may relax to 45	
				Filling station			(i) 2/100m ² office & show room G.L.F.A. (ii) 2/100m ² retail shop	3m	-	-	2	50%	1,2		
				Shops			2/100m ² GLFA	3m	-	-	2	50%	1,2		
				Informal Trade**			As required by Municipality								
				Telecommunication Infrastructure			As required by Municipality								
23	Public Roads		Street/Road	Informal Trade**	Informal Trade**	Uses not under columns (3), (4), (5)	As required by Municipality								
24	Special		Uses not defined in LUS				SDP	SDP	SDP	SDP	SDP	SDP	SDP		

Notes:

* Subject to Policy

** Subject to Policy and/or Overlay Zone

RGB Codes of above notations:

 Residential 1 = 255, 255, 0	 Business 2 = 255, 141, 117	 Institutional = 98, 182, 165	 Protected Area = 206, 255, 206
 Residential 2 = 255, 232, 26	 Business 3 = 183, 255, 255	 Educational = 0, 255, 255	 Government = Grid, 0, 0, 0
 Residential 3 = 255, 139, 0	 Public Garage = 0, 0, 255	 Municipal = 166, 83, 0	 Mining = Large confetti, 128, 128, 128
 Residential 4 = Diagonal grid 255, 139, 0	 Parking = Diagonal Brick 127, 127, 127	 Agricultural = 255, 245, 219	 Transport = 128, 128, 128
 Residential 5 = Diagonal grid, 0, 255, 0	 Industrial 1 = Diagonal grid, 128, 0, 128	 Public Open Space = 0, 255, 0	 Public Roads = 192, 192, 192
 Business 1 = 255, 0, 0	 Industrial 2 = 195, 182, 255	 Private Open Space = 0, 147, 0	 Special = 255, 128, 255

CHAPTER 4: PROMOTION OF LAND DEVELOPMENT

18. SPECIAL DEVELOPMENT ZONES

- (1) The municipality may, from time-to-time, designate special development zones. The purpose of these zones is to implement the priorities of the municipality outlined in its integrated development plan and spatial development framework. These zones include a number of erven with their individual land use zonings.
- (2) The special development zones may include, but are not limited to:
 - (a) Previously disadvantaged areas; and
 - (b) Industrial symbioses areas.
- (3) A special development zone, which has to be approved and advertised, shall have a specific function and include a number of developmental tools, to achieve desired priorities and objectives.
- (4) The special development zone shall comprise inter alia the following, in order to be advertised:
 - (a) A geographical delineation, ensuring that the boundaries are cadastrally based or geographically identifiable;
 - (b) Statement of policy and intention that elaborates on the developmental perspective and which will be used by the municipality in the assessment of land development applications within the special development zone;
 - (c) A public participation result, which elaborates on the participation process with interested and affected parties within the proposed special development zone, as well as their response and uptake;
 - (d) Development standards and proposed land management tools that will be in force in the special development zone;
 - (e) A monitoring and assessment mechanism along with the municipality's investment commitment for the public areas and facilities within and supporting the special development zones, including proposed achievement timeframes.
- (5) A resolution adopting a special development zone containing the minimum elements detailed above shall be passed at a meeting of the municipal council and follow the process detailed below:
 - (a) After the passing of a resolution by the municipality, the special development zone shall be advertised in the *Provincial Gazette* and a local newspaper and shall simultaneously be open for inspection at the municipal office during normal working hours for not less than 28 days;
 - (b) Further, the municipality shall notify all ward councillors and residents associations within the special development zone on or before the date of advertisement;
 - (c) Written representations, comments or objections on the said special development zone or any proposal contained therein may be lodged, with the municipality on or before a certain date. Such date shall not be less than 28 days after the date of the closure of the advertisement period stated above;

- (d) The municipality shall consider each representation, comment or objection received within the stipulated period and approve or amend the special development zone, stipulating the date of commencement in a notice in the *Provincial Gazette*;
 - (e) The municipality may at any time amend a special development zone, subject to compliance with the procedures set out above;
- (6) After a special development zone has been approved by the municipality, it shall be deemed to be the overriding guidelines in terms of the spatial development framework for the erven falling within its boundaries;
- (7) The municipality may revoke a special development zone by passing a resolution and should give notice in accordance with paragraph 5 above.

19. INCLUSIONARY HOUSING

- (1) Inclusionary housing shall be provided in terms of the provisions of:
- (a) SPLUMA;
 - (b) the By-law;
 - (c) the municipality's spatial development framework and linkage plan;
 - (d) the municipality's housing plan;
 - (e) detailed guidelines or a policy to be fully determined by the municipality, which shall address the methodology for levying inclusionary housing contributions and the calculation thereof.
- (2) In developments where at least 20% of the dwelling units consist of inclusionary housing units, the inclusionary units shall be exempt from the density, coverage and floor area ratio calculations.

CHAPTER 5: PROMOTION OF CONSERVATION AND SUSTAINABLE USE OF RESOURCES

20. HERITAGE

All development shall meet all the criteria set out in the National Heritage Resources Act 25 of 1999 (NHRA).

- (1) The municipality may insist on proof of compliance with the NHRA prior to issuing a demolition permit in terms of the Building Act.

21. ENVIRONMENT AND AESTHETICS

- (1) The following categories of land use rights for open spaces and environmental areas are provided for in Table 2:
 - (a) Public open space and private open space;
 - (b) Conservation areas and protected areas; and
 - (c) Environmental control areas.
- (2) The following conditions apply to land listed above:
 - (a) All development shall be in accordance with an approved site development plan. Any information in relation to flood lines, wetlands and riparian zones shall be taken into consideration during the development of a site. Such information shall be clearly indicated on the site development plan.
 - (b) No recycling facilities are permitted;
 - (c) No development shall be permitted within the area which is subject to flooding by a 1:100 year flood or within the riparian zone and a buffer area of 30 metres from the edge of the riparian zone or river bank where this is clearly identifiable, whichever is the greater.
- (3) The Critical Biodiversity Areas and Ecological Support Areas in the municipal area are indicated as an overlay on the scheme map.

22. ENERGY AND WATER EFFICIENCY

- (1) The assessment of applications in terms of the By-law and the scheme shall be done in accordance with the guidelines and criteria as adopted by the municipality to promote energy and water efficiency.
- (2) Owners will be encouraged to consider alternative forms of energy, renewable sources of energy and building design parameters that embrace energy efficiency, provided that:
 - (a) For the purpose of this subparagraph no account shall be taken of solar panels used for car ports in coverage calculations on non-residential properties.
 - (b) The municipality may consent to a 10% increase in the coverage and floor area ratio in accordance with a site development plan in any development that takes significant and bona fide measures to conserve energy and water.
- (3) The visual impact of the energy efficiency measures shall be indicated on the site development plan and the design materials/screening shall be specified.

CHAPTER 6: CONDITIONS APPLICABLE TO ALL ERVEN OR CATEGORIES OF ERVEN**23. PROTECTION OF EXISTING BUILDINGS AND USES**

- (1) Existing lawful buildings and land uses shall not be affected by the provisions of the scheme which render such buildings illegal.
- (2) Where existing lawful buildings are altered or added to and where such altered use, alteration, rebuilding or construction is in the opinion of the municipality substantial, the scheme will be binding in respect of those parts that are changed, altered, transformed or rebuilt: Provided that additions, transformations and constructions less than 10m² in total are not considered to be substantial.

24. NON-CONFORMING USES

- (1) A non-conforming use provides that land that is being used lawfully in terms of an existing zoning for a purpose that does not comply with a zoning in terms of this scheme may continue to be used for that purpose when the new land use scheme comes into operation.
- (2) A non-conforming use does not constitute an offence in terms of the By-law.
- (3) A non-conforming use may continue as long as it remains otherwise lawful, subject to the following:
 - (a) if the non-conforming is not exercised for a continuous period of 18 months, the right to continue using the land shall lapse at the expiry of that period and any subsequent use of the land must conform to the requirements of the By-law and this scheme, with or without temporary uses;
 - (b) the owner bears the onus of proving that the non-conforming use right exists;
 - (c) the use right is limited to the area of the building or land on which the proven use right is in existence.
 - (d) If an existing building, which constitutes a non-conforming use, is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building, the municipality may grant permission for the reconstruction of such building subject to conditions.
 - (e) The right to continue using the land shall lapse at the expiry of a period of 15 years from the date of commencement of this scheme, in which case no compensation shall be payable.

25. USE OF LAND OR BUILDINGS FOR MORE THAN ONE PURPOSE

- (1) Where a building, erf or site is used for more than one purpose – thus a mixed land use - the provisions of the scheme relating to parking requirements, loading and off-loading, height, floor area and coverage apply separately to the respective areas used for each of the purposes.
- (2) The municipality shall notify the applicant in writing of any decision under this section.

26. CONSOLIDATION AND NOTARIAL TIE OF ERVEN

- (1) The owner of erven which are being consolidated must notify the municipality of such consolidation as soon as the consolidation has been approved by the Surveyor-General.
- (2) The owner of erven which are being notarially tied must notify the municipality as soon as such notarial tie has been approved by the Registrar of Deeds.
- (3) Spreading of rights in respect of a consolidation and notarial tie.
 - (a) Where two or more erven with different zonings are consolidated or notarially tied, the land use rights and development controls, including zoning, density, floor area, coverage, height and parking provisions, shall apply as if the consolidation or notarial tie has not taken place.
 - (b) Where consolidation of erven with different zonings takes place, each erf within the property must comply with the land use rights and development controls applicable to that specific erf and rights may not be spread across the entire site from one erf to another.
 - (c) Where erven were notarially tied prior to the commencement of the scheme and rights were spread, should the erven or any specific erf in the site be untied from the rest of the erven comprising the site, in so far as any of the development controls applicable to every erf proposed to be untied are exceeded, the owner shall simultaneously apply to rezone every erf necessary to regularize and legalize the development thereon.

27. MAINTENANCE OF PRIVATE PROPERTIES

- (1) The owner is responsible for the maintenance of the property.
- (2) Where the amenity of any area is adversely affected by the general condition of any garden, courtyard, fence, building or development of any erf, or an injurious condition on the aforesaid, the municipality may serve a notice on the owner or occupant of the premises on which the conditions exist, requiring him to take action to abate the conditions.
- (3) The said notice can prescribe remedial actions to be taken and can also specify a time, limit within which the actions must be affected.
- (4) The municipality may also undertake any measures to abate such conditions at the cost of the owner.

28. PROTECTION FOR PROFESSIONS AND OCCUPATIONS

Without prejudice to any of the powers of the municipality under the provisions of the scheme or any other law, no provision of the scheme prohibits or restricts the practice by any permanent occupant of a dwelling house in a Residential 1 or Agriculture Use Zone of a profession or professional occupation.

29. ERVEN AFFECTED BY SPLAYS

Where the area of an erf situated at the corner of two streets is reduced by the splaying of the street corner, the area of such erf shall be deemed to be the same as its area before it was reduced by the splay, for the purposes of calculating density, coverage and floor area ratio in Table 2.

30. ERVEN AFFECTED BY PUBLIC WORKS

Upon the subdivision of any land, where any portion of such land is physically separated by the execution or proposed execution of public works, the portion so separated may be regarded as an existing erf (subdivision by means of severance).

31. CONFLICT BETWEEN SCHEME, TITLE CONDITIONS AND TOWNSHIP CONDITIONS

No consent of the municipality given under the provisions of this scheme shall be construed as conferring upon any person the right to use any land or to erect or use any building thereon in any manner or for any purpose which is prohibited in any condition registered against the title deed of the land or imposed in respect of the land under any law relating to the establishment of townships or agricultural holdings.

32. GENERAL CONDITIONS APPLICABLE TO ALL ERVEN

- (1) Except with the written consent of the municipality and subject to such conditions as it may impose, neither the owner nor any other person shall:
 - (a) excavate any material from an erf save as may be necessary to prepare such erf for building purposes;
 - (b) sink wells or boreholes or extract any underground water therefrom; or
 - (c) manufacture or permit the manufacturing of tiles or earthenware pipes or other articles of similar nature on the erf for any purpose whatsoever (this condition does not apply to properties zoned Industrial 1 and 2 and Commercial);
- (2) Where, in the opinion of the municipality, it is impracticable for stormwater to be drained from higher-lying erven directly to a public street, the owner of a lower-lying erf shall be obliged to accept and 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 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.
- (3) The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the municipality.
- (4) 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 or before the outbuildings.

- (5) The erection and use of a building shall also mean the transformation of the building for a specific use, whether such transformation will cause structural changes to the existing building or not.
- (6) The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the municipality, unless the municipality has provided loading facilities in the street reserve, provided that this condition shall not apply to erven zoned Residential 1, and Residential 2 (if subdivision into separate dwelling units has taken place).
- (7) A fence, which may consist of a wall, palisade fence or other suitable fence shall be erected and maintained to the satisfaction of the municipality as and when required by it. All fences and boundary walls shall be completed and finished off on both sides to the satisfaction of the municipality.
 - a) Boundary walls exceeding 1,8m in height require the written consent of the municipality.
- (8) The registered owner or occupant is responsible for the maintenance of all the development on the property. If the municipality is of the opinion that the property, or any portion of the development, is not being satisfactorily maintained the municipality shall be entitled to undertake such maintenance at the cost of the registered owner.
- (9) The municipality may require the owner to submit for approval, within 28 days from receipt of building plans, proposals for provision or suitable and adequate facilities for loading, off-loading, parking or fuelling of vehicles on the erf.
- (10) If an erf or site abuts a provincial road or a national road, a fence shall be erected along the boundary between the erf or site and such road in accordance with the standards laid down by the relevant national or provincial department. No direct access shall be permitted to the erf or site, unless permission has been obtained from the relevant department.

33. CONDITIONS APPLICABLE TO DOLOMITIC AREAS

- (1) The South African National Standards for Dolomite Risk Management, SANS 1936 of 2012 apply to all erven affected by dolomite.
- (2) SANS 1936 uses the following classification that determines the precautionary measures required:
 - (a) D1: No precautionary measures are required.
 - (b) D2: General precautionary measures, in accordance with the requirements of SANS 1936-3, that are intended to prevent the concentrated ingress of water into the ground, are required.
 - (c) D3: Precautionary measures in addition to those pertaining to the prevention of concentrated ingress of water into the ground, in accordance with the relevant requirements of SANS 1936-3, are required.
 - (d) D4: Additional site-specific precautionary measures are required.

34. CONDITIONS APPLICABLE TO RESIDENTIAL 2, 3 AND 4 ERVEN

- (1) The internal roads on the erf shall be constructed and maintained by the registered owner to the satisfaction of the municipality.
- (2) A site development plan shall be submitted to the municipality for approval prior to the submission of building plans.
- (3) No building shall be erected on the erf before such site development plan has been approved by the municipality and the whole development on the erf shall be in accordance with the approved site development plan, provided that:
 - (a) The approved site development plan may, from time to time be amended with the written consent of the municipality.
 - (b) Amendments or additions to buildings which in the opinion of the municipality will have no influence on the total development of the erf (or the sectional title scheme, if applicable), shall be deemed to be in accordance with the approved site development plan.
- (4) Where the development takes place at a density greater than 20 dwelling units per hectare the following conditions shall apply:
 - (a) The registered owner of the erf shall make available and accessible, to the satisfaction of the municipality, at least 250m² of the erf as children's play area which area may include paved areas and lawns.
 - (b) Play apparatus, according to the requirements of the residents, shall be provided on the erf by the registered owner to the satisfaction of the municipality.

CHAPTER 7: LAND DEVELOPMENT APPLICATIONS

35. APPLICATIONS PERMITTED IN TERMS OF THE LAND USE SCHEME IN OPERATION

- (1) In accordance with the provisions of the By-law, the following Category 1 applications shall be undertaken in terms of the By-law:
- a) the establishment of a township or the extension of the boundaries of a township;
 - b) the amendment of the land use scheme in operation or amendment of the scheme by rezoning;
 - 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 in the land use scheme in operation;
 - f) permanent closure of any public place;
 - g) all applications for the restriction of access to a public road in terms of the Rationalisation of Local Government Affairs Act 10 of 1998 (applications to close off neighbourhoods for security purposes);
 - h) 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;
 - i) 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 other legislation;
 - j) any consent or approval provided for in a provincial law; and
 - k) land development on communal land that will have a high impact on the traditional community concerned.
- (2) In accordance with the provisions of the By-law, the following Category 2 applications shall be undertaken in terms of the land use scheme in operation:
- a) consent for a secondary right;
 - b) written consent for specific purposes;
 - c) consent for a temporary use;
 - d) site development plans;
 - e) consolidation;
 - f) subdivision; and
 - g) building line extension.
- (3) Applications mentioned in subparagraphs 1 and 2 may be submitted simultaneously as combined applications.
- (4) The application procedure and public notice procedure prescribed by this scheme for Category 2 applications referred to above are described below per land use application.

36. APPLICATION PROCEDURE

- (1) Pre-application.

- (a) The municipality shall require an applicant who intends to submit an application in terms of this scheme to consult with a person/s appointed by the municipality for a pre-application consultation, before he submits an application to the municipality in order to determine the information to be submitted with the application.
 - (b) The municipality must keep minutes of the proceedings of a pre-application consultation.
- (2) Administrative phase (in accordance with SPLUMA may not exceed 12 months).
- (c) On receipt of the application, the municipality must:
 - (i) register the application and allocate a registration number;
 - (ii) acknowledge receipt in writing of the application within 14 days after receipt of the application and proof of payment of the application fee;
 - (iii) notify the applicant within 14 days after receipt of the application (the **notification date**) whether the application contains all the information and documentation required in terms of the scheme, and stating that such notification is not to be construed as signifying that the application will or will not be approved. The notification will include instructions to proceed with the public notice procedures.
 - (d) the planning department may at any time prior to a final decision being taken on an application, require the applicant, at the applicant's cost, to submit such further information or documentation as it may reasonably require in order to reach a decision on the application and will defer consideration of the application until such time as the further information required is submitted to its satisfaction.
 - (i) if such further information is not submitted in accordance and within a time period stated in a written request addressed to the applicant, the municipality may return the application and all supporting documentation to the applicant without considering it.
 - (e) To process the application the municipality shall:
 - (ii) within 7 days from the notification date, circulate the application to the municipality's relevant departments and the ward councillor in the application area for their comments, to be provided within 90 days from the notification date;
 - (iii) forward all comments, objections and representation to the applicant within 14 days after the 90 day period to submit any comments, objections or representations has expired;
 - (iv) where objections, comments and/or representations have been received as a result of the advertisement procedure, the applicant may respond in writing thereto to the municipality within 28 days of date of receipt of such objection, comment and/or representation (or such further period as the municipality may allow).
- (3) Consideration phase (in accordance with SPLUMA may not exceed three months).
- (a) In the instance of an unopposed application, the authorised official specified in terms of the By-law, shall within 90 days of the receipt of comments from the municipal departments, take a decision on the application.
 - (b) In the instance of an opposed application, the municipality shall within 90 days from the receipt of the response from the applicant referred to above, make a recommendation and refer the application to the Municipal Planning Tribunal for a hearing.
- (4) Decision phase (in accordance with SPLUMA may not exceed 30 days).

- (a) In the instance where an application was considered by the authorised official, the municipality shall notify all relevant parties of the decision in writing by registered post, by hand, by e-mail or by any other means available within 30 days from the date of the decision made by the authorised official.
 - (b) In the instance where an application was considered by the Municipal Planning Tribunal, the municipality shall notify all relevant parties of the decision in writing by registered post, by hand, by e-mail or by any other means available within 30 days from the hearing held by the Municipal Planning Tribunal.
- (5) The municipality shall keep a proper record of each consent use application granted.
- (6) The contribution and amount of money payable as a condition of approval of any application brought in terms of the scheme shall become due and payable within 90 days from date of the approval of the application by the authorised official or the Municipal Planning Tribunal.

37. PUBLIC NOTICE

- (1) Only the following applications undertaken in terms of this scheme shall be subject these provisions:
- (a) Consent for a secondary right; and
 - (b) Subdivision.
- The public notice procedure to be followed for other applications is detailed per application.
- (2) The applicant shall give notice of the application:
- (a) By publishing once a week for two consecutive weeks, a notice in such form and such manner in English and one other official language commonly spoken in the area, in two local newspapers circulating in the area.
 - (b) By posting a notice on the application property clearly visible to the general public. Such notice shall be in English and one other official language commonly spoken in the area shall be maintained for a period of at least 14 days from the date of first publication of the newspaper notice. The notices on the application property must be at least 594 mm x 420 mm each and the lettering on such notice shall be at least 6 mm high, legible, upright and in print.
 - (c) By sending a notice in English and one other official language commonly spoken in the area by registered mail or delivered by hand to the owners of all contiguous erven on the same date as the first publication of the newspaper notices.
- (3) The notice mentioned in subparagraph 37(2) shall contain at least the following information:
- (a) The details of the application including the property description (erf number and township name) and street address of the application property;
 - (b) The nature and general purpose of the application (also in layman's terms);
 - (c) The date on which the application was lodged with the municipality and the name, contact number, email address and physical address of the applicant;
 - (d) That the application documents will be open for inspection at specified times and a specified place at the municipality's office and that any objections or representations in regard thereto must be submitted in writing to the municipality by means of

registered mail, email or by hand within 28 days from the first publication of the newspaper notice.

- (4) The applicant shall submit the following to the municipality within 28 days from the first publication of the newspaper notice:
- (a) Clear, legible copies of the notices published in the newspapers;
 - (b) A sworn statement that the notice was displayed on the property boundary in accordance with the requirements as stated above;
 - (c) Proof of dispatch of the registered mail or hand delivery of notices.

38. CONSENT FOR A SECONDARY RIGHT

- (1) The municipality may grant its consent for a secondary right as set out in column 4 of Table 2 subject to such conditions as it may deem fit.
- (a) The consent is granted to the owner of the property and for the lifetime of the buildings on the property. Should the property be sold or should the buildings be demolished, the consent shall automatically lapse. This provision however does not apply to a second dwelling unit and domestic worker's accommodation unit.
 - (b) The consent shall lapse if the land use concerned is not commenced with within the period stated in the condition of approval;
 - (c) The consent shall lapse if it is discontinued for a period stated in the condition of approval;
 - (d) The consent may be withdrawn if there has been non-compliance with any of the conditions of approval or because of change of circumstances.
- (2) A contribution shall be paid to the municipality in respect of engineering services where it will be necessary to enhance or improve such services as a result of the consent granted.
- (3) An amount of money shall be paid to the municipality in respect of open spaces or parks where the granting of the consent will bring about a higher residential density.
- (4) The municipality shall, when considering an application for consent for a secondary right (other than a second dwelling unit or a domestic worker's unit), in addition to other factors it must take into account, have regard to whether such use is likely:
- (a) Mainly to serve the needs of the inhabitants of the immediate area in which it is or will be situated.
 - (b) To cause injury to the amenity of the area in which it will be situated including, without prejudice to the generality of the foregoing, increased traffic, parking difficulties and noise.
- (5) The application shall comply with the following requirements:
- (a) All copies of the application, must be submitted in writing to the authorised official specified in the By-law. The number of copies will be determined by the municipality.
 - (b) The application must be accompanied by proof of payment of the prescribed non-refundable administrative fee as determined by the municipality.
 - (c) The application shall consist of at least the following:
 - (i) Duly completed application form;
 - (ii) A report detailing the salient features of the application;

- (iii) Proof of ownership of the application site, power of attorney and company resolution (where applicable) where the applicant is not the owner;
 - (iv) The name and contact details of the applicant;
 - (v) A locality plan drawn to an appropriate scale;
 - (vi) A zoning plan drawn to a scale of 1:500 or an appropriate scale;
 - (vii) A zoning certificate (obtainable from the municipality);
 - (viii) A site development plan (if so required in terms of the scheme);
 - (ix) Any other requirements in terms of an approved municipal policy.
- (6) The application shall comply with the procedure and public notice requirements as set out in this scheme.

39. WRITTEN CONSENT FOR SPECIFIC PURPOSES

- (1) The municipality may grant its written consent as required in terms of the provisions of this scheme, a municipal policy or any other law, subject to such conditions as it may deem fit.
- (2) Written consent may not be considered for a secondary land use right, site development plan, consolidation, subdivision, building line relaxation or excision from the agricultural holdings register. Written consent may include, but is not limited to, the registration of servitudes or sinking of a borehole.
- (3) The application shall comply with the following requirements:
- (a) All copies of the application, must be submitted in writing to the authorised official specified in the By-law. The number of copies will be determined by the municipality.
 - (b) The application must be accompanied by proof of payment of the prescribed non-refundable administrative fee as determined by the municipality.
 - (c) The application shall consist of at least the following:
 - (i) Duly completed application form;
 - (ii) A motivation detailing the salient features of the application;
 - (iii) Proof of ownership of the application site and power of attorney where the applicant is not the owner; and
 - (iv) The name and contact details of the applicant;
 - (v) A locality plan drawn to an appropriate scale;
 - (vi) A zoning certificate (obtainable from the municipality);
 - (vii) Any other requirements in terms of an approved municipal policy.
- (4) The municipality shall within 14 days from the receipt of the application (and application fee), provide the applicant with proof of acceptance of the application, or inform the applicant of outstanding matters to be attended to.
- (5) A written consent granted by the municipality in terms of this scheme may be subject to termination by the municipality if any breach of a condition upon which such written consent was granted is not remedied in compliance with a notice served by the municipality upon the owner or occupier of the erf or site concerned after affording the applicant an opportunity for a hearing.
- (a) The notice shall require that the breach be remedied within a specific period.

40. CONSENT FOR A TEMPORARY USE

- (1) A temporary or occasional use is defined for the purpose of the scheme as a right to use land for a purpose granted on a temporary basis for a specific occasion or event that lasts no longer than 3 months.
- (2) A temporary use includes, but is not limited to the occasional use of buildings or land for concerts, fairs, exhibitions, bazaars, public gatherings, school functions and markets.
- (3) Notwithstanding anything to the contrary contained in the scheme, it shall be competent for the municipality to consent to the temporary use of any land or building within any use zone, for any of the erection and use of temporary buildings or the use of existing buildings for purposes of site offices, storerooms, workshops or such other uses as are, in the opinion of the municipality necessary during the construction of any permanent building or structure on the land: Provided that such consent shall ipso facto lapse upon completion of the permanent building or structure.
 - (a) This includes the temporary storage of goods in a building restriction area during construction.
- (4) An applicant may submit a written consent for temporary use in terms of the scheme. The applicant shall at his own expense give notice once of the intended application to:
 - (a) The adjoining and directly opposite land owners and obtain the comments from the surrounding land owners;
 - (b) The ward councillor and residents' association, where applicable, and obtain their comments.
- (5) The application should address the following in terms of a report and a site plan (at the discretion of the municipality) drawn at a scale of 1:250 or such scale as required by the municipality:
 - (a) The nature of the use;
 - (b) Existing property boundaries and structures;
 - (c) The extent of the use and demarcation of the area to be used;
 - (d) The number of persons to be involved;
 - (e) The operating hours;
 - (f) Layout of the proposed use, including but not limited to the temporary structures to be erected (e.g. stage, stalls, tents);
 - (g) Provisions for ingress, egress, vehicular flow and parking for visitors and emergency vehicles;
 - (h) Indication of the level of municipal engineering services required;
 - (i) Temporary ablution facilities and refuse collection facilities;
 - (j) The responsible person to be contacted in the event of any transgressions or complaints including a cellphone number and email address; and
 - (k) The person responsible for restoring the application site after the use has ceased or the consent has lapsed.
- (6) The municipality shall within 14 days from the receipt of the application (and application fee), provide the applicant with proof of acceptance of the application, or inform the applicant of outstanding matters to be attended to.

- (7) The municipality may impose any condition deemed necessary to ensure that:
 - (a) The amenity of the surrounding area is protected;
 - (b) No public nuisance arises from the temporary use;
 - (c) The property is cleaned and maintained during the operation of the temporary use and is restored to its original state once the use has ceased;
 - (d) Any other condition it may seem fit.
- (8) The written consent shall lapse automatically within a period of 12 months unless a written application with good reason was submitted for an extension of time.

41. SITE DEVELOPMENT PLANS

- (1) Site development plans are required by the municipality as a result of:
 - (a) A condition of an application, including consent use applications, as and when required by the municipality; or
 - (b) On all use zones other than erven zoned Residential 1 and Agriculture; or
 - (c) For the development of any structures by any party on erven or sites with a public open space zoning in terms of the scheme; or
 - (d) All erven within a registered special development zone; or
 - (e) On erven in an environmental control area; or
 - (f) Where required in any other part of the scheme or at the discretion of the municipality.
- (2) Such site development plans shall be drawn at a scale of 1:500 or such other scale as may be required by the municipality, and shall be approved by the municipality before any building plan in connection with the proposed development may be considered by the municipality.
- (3) Unless the municipality requires less information, a site development plan shall show at least the following:
 - (a) Contours;
 - (b) The development controls applicable to the site, including the zoning as well as siting, height, floor area and coverage of all buildings and structures and compliance with these controls;
 - (c) Open spaces and landscaping of the site shall include but not be limited to:
 - (i) All landscaping and existing mature vegetation.
 - (ii) A minimum of 10% of the site shall be landscaped.
 - (iii) A minimum of 1 tree per 3 parking bays shall be provided.
 - (iv) All hydrological features including such as, but not limited to, pans, ponds, dams, drainage features, stormwater attenuation and wetlands.
 - (v) Natural environmental features such as, but not limited to, special geological formations and grassland.
 - (d) Energy efficiency and water saving measures.
 - (e) Entrances and exit from the site for vehicles and pedestrians, and also internal traffic systems and parking bays;
 - (f) Entrances to buildings and parking areas;
 - (g) Building restriction areas; including floodlines or areas subject to poor geotechnical conditions;
 - (h) All elevations and typical elevation treatment of all the buildings;

- (i) A description of the land use on neighbouring properties;
 - (j) Subdivision lines if the property is to be subdivided;
 - (k) Development phases where development will occur in phases;
 - (l) The layout of engineering services, refuse storage and collection areas (including provision for waste separation and recycling);
 - (m) Stormwater attenuation measures to the satisfaction of the municipality, preferably so that post development flows do not exceed the pre-development flows for both the 1 in 5 year and 1 in 25 year return periods.
 - (n) Any other such information as considered necessary by the municipality.
- (4) The following applications may be submitted to the municipality and considered simultaneously with a site development plan:
- (a) Consent for a secondary right in terms of the scheme;
 - (b) Consent to build in a building restriction area in terms of the scheme;
 - (c) Approval of variation of floor area, coverage and density provisions;
 - (d) Consent for a second dwelling unit;
 - (e) Consent for subdivision or consolidation;
 - (f) Any other use requiring the consent of the municipality, as stipulated in terms of the scheme or the By-law;
- provided that this does not absolve the applicant from complying with the public notice requirements for the relevant applications, where applicable.

42. CONSOLIDATION

- (1) The municipality may grant its consent to the consolidation of any adjoining properties subject to such conditions as it may deem fit, provided that the properties are owned by the same owner.
- (2) The application shall comply with the following requirements:
- (a) All copies of the application, must be submitted in writing to the authorised official specified in the By-law. The number of copies will be determined by the municipality.
 - (b) The application must be accompanied by proof of payment of the prescribed non-refundable administrative fee as determined by the municipality.
 - (c) The application shall consist of at least the following:
 - (i) Duly completed application form;
 - (ii) A motivation detailing the salient features of the application;
 - (iii) Proof of ownership of the application site, power of attorney and company resolution (where applicable) where the applicant is not the owner;
 - (iv) Bondholder's consent;
 - (v) The name and contact details of the applicant;
 - (vi) A locality plan drawn to an appropriate scale;
 - (vii) A zoning plan of surrounding properties drawn to a scale of 1:500 or an appropriate scale; and
 - (viii) A zoning certificate of the application property (obtainable from the municipality).
- (3) The municipality shall within 14 days from the receipt of the application (and application fee), provide the applicant with proof of acceptance of the application, or inform the applicant of outstanding matters to be attended to.

- (4) The applicant shall, within three months after approval of the consolidation by the Surveyor-General (or such further period as allowed by the municipality), submit two clear and legible copies of the approved consolidation diagram to the municipality. Failure to comply with this condition shall cause the consent to lapse.
- (5) The applicant shall, within three months after registration of the consolidated title deed, submit the following to the municipality:
 - (a) A copy of the consolidated title deed.
 - (b) Building plans indicating the new erf number, even if no alterations are made to the buildings.

43. SUBDIVISION

- (1) The municipality may grant its consent to the subdivision of land, other than:
 - (a) agricultural land as defined in the Subdivision of Agricultural Land Act 70 of 1970,
 - (b) state owned land under traditional authority leadership. In this instance the applicant shall obtain a letter from the municipality stating that the subdivision is exempt from approval by the municipality.
- (2) The municipality may grant its consent to:
 - a) the subdivision of an erf zoned "Residential 1" in accordance with the density overlay zone; and
 - b) the subdivision of any other erf in accordance with Table 2 column 12 subject to any condition as it may seem fit.
- (3) The application shall comply with the following requirements:
 - (a) All copies of the application, must be submitted in writing to the authorised official specified in the By-law. The number of copies will be determined by the municipality.
 - (b) The application must be accompanied by proof of payment of the prescribed non-refundable administrative fee as determined by the municipality.
 - (c) The application shall consist of at least the following:
 - (i) Duly completed application form;
 - (ii) A report detailing the salient features of the application;
 - (iii) Proof of ownership of the application site, power of attorney and company resolution (where applicable) where the applicant is not the owner;
 - (iv) Bondholder's consent;
 - (v) The name and contact details of the applicant;
 - (vi) A locality plan drawn to an appropriate scale;
 - (vii) A zoning plan drawn to a scale of 1:500 or an appropriate scale;
 - (viii) A zoning certificate (obtainable from the municipality);
 - (ix) A site development plan (if so required in terms of the scheme);
 - (x) Any other requirements in terms of an approved municipal policy.
- (4) The applicant shall comply with the procedure and public notice requirements as set out in this scheme.

- (5) No application for subdivision shall be approved unless the municipality is satisfied that each proposed subdivided portion has satisfactory vehicular access to a public street, which may be provided by means of a panhandle or a servitude.
- (d) In the case where a proposed subdivided portion has access to a public street by means of a panhandle or servitude, the panhandle or servitude shall be constructed, paved and maintained by the owner to the satisfaction of the municipality.
- (e) If access to a public street is to be provided to more than one subdivided portion by means of a single panhandle, the municipality shall, when it approves the application for subdivision, impose a condition that the applicant shall cause a servitude of right of way in favour of each such portion, other than the portion of which the panhandle forms a port, to be registered over the latter portion.
- (6) The applicant shall, within three months after approval of the subdivision by the Surveyor-General, submit two clear and legible copies of the approved plan to the municipality. Failure to comply with this condition shall cause the consent to lapse.
- (7) The applicant shall, before he submits a deed of transfer or certificate of registered title in respect of the subdivided portion to the Registrar for registration in terms of the Deeds Registries Act, 47 of 1937, have the power of attorney in respect of the transfer or the application for such certificate endorsed by the authorised official specified in the By-law, to the effect that the applicant has complied with the conditions imposed by the municipality or that arrangements in respect of such compliance, including the furnishing of guarantees in respect of any condition requiring payment or an amount of money, have been made to the satisfaction of the municipality.

44. BUILDING LINE RELAXATION

- (1) The municipality may grant its consent to relax a building line or build a building in a building restriction area subject to such conditions as it may deem fit, provided that no part of a building such as an air conditioner, balcony, overhang, gutter or satellite dish may extend across a property boundary.
- (2) The building line relaxation application shall comply with the following requirements:
- (a) A report detailing the salient features of the application;
 - (b) A site development plan;
 - (c) Proof of ownership of the application site and power of attorney where the applicant is not the owner.
- (3) The applicant shall comply with the following advertisement procedures:
- (a) A letter, accompanied by the proposed site development plan or building plan in the case of a Residential 1 erf, shall be dispatched in writing and by registered post, by hand or by any other means available to all adjoining owners whom, at the discretion of the municipality, may possibly be adversely affected by the relaxation of the applicable building line restriction setting out the following:
 - (i) Full details of the application including, but not limited to, the street address, the name of the township, a clear erf description of the erf concerned and the nature and general purpose of the application with specific emphasis on which building lines – side, rear or street - are being applied for;

- (ii) The date on which such application was submitted to the municipality and it shall reflect the name, postal address, telephone number and e-mail address of the person submitting the application; and
 - (iii) That any objection, comment or representation in regard thereto must be submitted timeously to both the municipality and the applicant in writing by registered post, by hand or by e-mail within a period of 28 days from date of receipt of the letter.
- (b) Proof of compliance with the advertisement procedure in the form of a written affidavit and copies of the notices must be submitted to the municipality prior to consideration of the application.
- (4) The applicant shall comply with the following application procedures and provisions:
 - (c) The municipality shall forward all comments, objections and representation to the applicant within 14 days after the objection period has expired.
 - (d) Where objections, comments and/or representations have been received as a result of the advertisement procedure, the applicant may respond in writing to the municipality within 28 days (or such further period as the municipality may approve), of the date of receipt thereof from the municipality, where after the municipality shall refer the application to the Municipal Planning Tribunal for determination.
 - (e) No decision shall be taken on the application unless due regard has been given to each objection, comment and representation lodged timeously.
 - (f) In the instance of an unopposed application, a decision on the application shall be taken by the authorised official, within 60 days of expiry of the objection period.
 - (g) Such building line relaxation may be refused or approved subject to any condition the municipality may deem fit.
 - (h) Whether a decision was taken on the application by the authorised official or the Municipal Planning Tribunal, the municipality shall notify all relevant parties of the decision in writing by registered post, by hand, by e-mail or by any other means available within 30 days of the date of the decision.
 - (i) The municipality shall keep a proper record of each building line relaxation application granted.
 - (j) No building plans may be approved in terms of the Building Act showing a proposed building within a building line restriction area without the approval of such building line relaxation application in terms of this scheme.

45. EXCISION OF LAND FROM AGRICULTURAL HOLDINGS REGISTER

- (1) The municipality may grant its consent to the excision of an agricultural holding from the agricultural holding register subject to such conditions as it may deem fit.
- (2) The application shall comply with the following requirements:
 - (a) All copies of the application, must be submitted in writing to the authorised official specified in the By-law. The number of copies will be determined by the municipality.
 - (b) The application must be accompanied by proof of payment of the prescribed non-refundable administrative fee as determined by the municipality.
 - (c) The application shall consist of at least the following:
 - (i) Duly completed application form;
 - (ii) A motivation detailing the salient features of the application;
 - (iii) Proof of ownership of the application site, power of attorney and company resolution (where applicable) where the applicant is not the owner;

- (iv) Bondholder's consent;
 - (v) The name and contact details of the applicant;
 - (vi) A locality plan drawn to an appropriate scale;
 - (vii) A zoning plan of surrounding properties drawn to a scale of 1:500 or an appropriate scale; and
 - (viii) A zoning certificate of the application property (obtainable from the municipality).
- (3) The municipality shall within 14 days from the receipt of the application (and application fee), provide the applicant with proof of acceptance of the application, or inform the applicant of outstanding matters to be attended to.
- (4) The applicant shall upon receipt from the municipality of a recommendation for granting the application for excision without delay submit the recommendation to the Surveyor-General, with a request for a new property description of the farm into which the Agricultural Holding will be incorporated.
- (5) The applicant shall upon receipt of a new farm description as contemplated from the Surveyor-General submit proof to the satisfaction of the municipality of:
 - (i) the new farm description;
 - (ii) a draft surveyed diagram; and
 - (iii) confirm that he/she wishes to proceed with the excision, quoting the new farm portion.
- (6) The municipality shall consider the information provided and for purposes of granting the excision application shall issue a certificate that excision of the Agricultural Holding has been approved.
- (7) The Municipality shall deliver a notice to the applicant of its decision and the applicant shall deliver to the Surveyor-General and the Registrar of Deeds a copy of the excision certificate.
- (8) If the excision of an Agricultural Holding is required as a result of a township establishment application it may be included as a pre-proclamation condition.
- (9) The endorsement of the Agricultural Holding Title by the Registrar of Deeds, to the effect that it is excised and known as a farm portion for purposes of a township establishment application, can be done simultaneously with the endorsement of the title deed of the farm portion and the opening of a township register.
- (10) The Municipality shall issue a certificate certifying that the pre-proclamation conditions have been complied with and in so certifying it may require that certain conditions be complied with together with the opening of a township register, which may include the registration of the excision of an Agricultural Holding.
- (11) If an applicant wishes to excise an Agricultural Holding from the Agricultural Holding Register at the Registrar of Deeds for whatever purpose, including the removal of restrictive conditions of title applicable to Agricultural Holding, the Municipality shall only regard proof of such excision as being the endorsed title deed of the Agricultural Holding

by the Registrar of Deeds and a copy of the farm title deed created at the Registrar of Deeds as a result of the excision.

46. PROVISION FOR EXEMPTION IN A CONSENT USE APPLICATION

- (1) The municipality may at its discretion permit exemption for:
 - (a) written consent for specific purposes;
 - (b) consent for building line relaxation;
 - (c) consent for a temporary use;
 - (d) excision of land from agricultural holdings; and
 - (e) land development in traditional authority areas for uses set out in column 5 of Table 2.
- (2) The exemption may apply to the following aspects:
 - (a) Advertisement procedures. The municipality may exempt the applicant from advertising in newspapers.
 - (b) Application requirements:
 - (i) A report detailing the salient features of the application. The municipality may permit a letter setting out the salient features of the application.
 - (ii) A site development plan. The municipality may permit a site plan or a conceptual plan depicting the proposed use.
- (3) The municipality must provide the applicant in writing with the specifics of the aspects in terms of which exemption is permitted, subject to:
 - (a) a pre-application consultation;
 - (b) consideration of the cultural customs and practices of traditional communities in land use management
 - (c) the principles contained in Chapter 1 of the scheme.

CHAPTER 8: TRANSITIONAL ARRANGEMENTS AND COMMENCEMENT

47. TRANSITIONAL ARRANGEMENTS

- (1) In the event of a conflict between the provisions of the scheme and an annexure approved in terms of a previous scheme, the annexure shall apply.
- (2) Any town planning scheme in operation within the jurisdiction of the municipality shall remain in force until the adoption and approval of this land use scheme, which shall replace such schemes as well as Annexure F to the Regulations Relating to Township Establishment and Land Use published in terms of the Black Communities Development Act 1984.
- (3) Within five years from the date of the coming into operation of this land use scheme (or such further time as the municipality may permit):
 - (a) The owner of any property may deliver a written notice to the municipality stating that he/she wishes to forfeit the additional land use rights arising from the application of the definitions in Table 1 of this scheme or the zoning and development controls in Table 2 of this scheme.

- (b) Pursuant to the receipt of this notice, the municipality shall issue an annexure in terms of this scheme confirming that the property has the zoning and permissible rights that were applied before this scheme came into operation.

48. COMMENCEMENT

The scheme shall come into effect on the date that notice of its adoption by the municipal council is published in the *Provincial Gazette*.

SCHEDULE 1: HIGH AND LOW IMPACT USES IN TRADITIONAL AUTHORITY AREAS

1. High impact land uses

Land development that will have a high impact on the community and are dealt with in terms of **Category 1 of the By-law** are listed below (in alphabetical order):

1. Abattoir	29. Pharmacy
2. Aerodrome	30. Police offices
3. Agricultural industry	31. Primary school
4. Builder's yard	32. Processing of hides/tannery
5. Butchery	33. Public garage
6. Casino	34. Quarrying
7. Cemetery	35. Railway and stations
8. Combined school	36. Refuse/landfill sites
9. Commercial/storage	37. Renewable energy infrastructure
10. Dry cleaner	38. Resort
11. Filling station	38. Restaurant/café
12. Flats	39. Sand mining
13. General dealer	40. Scrapyard
14. Government offices	41. Secondary school
15. Hardware store	42. Service industries
16. Hospital	43. Shops
17. Hostels	44. SMME incubators
18. Hotel	45. Stone crushing
19. Institution	46. Supermarket
20. Industrial and light industries	47. Tavern
21. Liquor store	48. Taxi /bus rank
22. Mining	49. Telecommunication infrastructure
23. Motor spares	50. Transport/logistics
24. Multiple residential	51. Vehicle sales lot
25. Municipal offices	52. Water park
26. Night club/adult entertainment/place of amusement	53. Wholesale trade
27. Old age home	54. Workshop
28. Panel beater and spray painter	

Note: any development that requires a specialist report such an environmental impact assessment or traffic impact study and in the opinion of the municipality could have a negative impact on the community will be dealt with as a category 1 application.

2. Low impact land uses

Land development that will have a low impact on the community and are dealt with in terms of **Category 2 of the By-law** are listed below (in alphabetical order):

1. Agriculture
2. Animal institution
3. Car wash
4. Church
5. Clinic
6. Community hall
7. Dwelling house office
8. Farmsteads and outbuildings
9. Funeral services
10. Guest house
11. Home enterprise
12. Library
13. 13. Limited overnight accommodation
14. 14. Medical consulting rooms
15. 15. Modal transfer station
16. 16. Nursery
17. 17 Park
18. Pre - primary school
19. Rental rooms
20. Shebeen
21. Single residential
22. Spaza/tuck shop
23. Sports and recreation

Note that similar uses may be allowed at the discretion of the municipality.

SCHEDULE 2: LIGHT INDUSTRIES

The following uses may be permitted as light industries in terms of this scheme:

CATEGORY	LIST OF LAND USES
Electrical services	Home/business electrical manufacturing, service and sales
Electronic services	Manufacturing and servicing of consumer electronics
Energy	Gas storage and sales as well as sale of gas products, solar panel manufacturing and sales
Engineering services/workshops	Welding, cutting, joinery, pumps, pipe fitting and similar
Quick vehicle service	Car wash Filling station Fitment centre Public garage
Vehicle repairs	Motor vehicle/truck workshop and services Panel beater, spray painter Towing service and impound yard Vehicle testing grounds/vehicle emission test sites
Workshop	Lawnmower repairs, plumbers, household appliance repairs and sales

Note that similar uses may be allowed at the discretion of the municipality.

SCHEDULE 3: SERVICE INDUSTRIES

The following uses may be permitted as service industries in terms of this scheme:

LIST OF LAND USES

1. Bakery, confectionary, catering
2. Basket ware and cane furniture manufacturing
3. Cobbler/shoe repair
4. Distribution centres
5. Dress makers/tailors
6. Dairy depot
7. Dry cleaners
8. Engraving
9. Funeral parlour, undertaker, tombstone trader
10. Furniture repair and upholstery
11. Glass cutting
12. Grooming parlour for pets
13. Jewelry and watch manufacturing and repair
14. Key cutting
15. Laboratories
16. Outdoor, canvass goods and tents
17. Photographic processing
18. Printing (photocopying) and publishing
19. Restoration, lubrication and/or service of motor or leisure vehicles and/or parts thereof and/or electrical and/or mechanical equipment and may include facilities such as service bays, grease pits and wash bays, but shall not include facilities for panel beating or spray painting.
20. Servicing, repair and supply of office and domestic appliances
21. Storage (excluding bulk storage)
22. Transport and cartage activities, including a workshop for related repair
23. Window blinds manufacturing and sales

Note that similar uses may be allowed at the discretion of the municipality.

SCHEDULE 4: APPLICATION FORM**ELIAS MOTSOLEDI LOCAL MUNICIPALITY****APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE
MANAGEMENT BY-LAW 20 OF 2016 AND/OR
LAND USE MANAGEMENT SCHEME, 2020****NOTES:**

- All sections of this form **MUST** be completed.
- Block letters **MUST** be used to type (*where applicable*)
- This form **MUST** be signed by the Registered Owner of the property and/or the Agent (*applicant representative*).

1. PRE-APPLICATION CONSULTATION

Date	<input type="text"/>
Official	<input type="text"/>
Instructions	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<input type="text"/>

2. APPLICANT/AGENT DETAILS

First names	<input type="text"/>		
Surname	<input type="text"/>		
Company Name	<input type="text"/>		
Registration no	<input type="text"/>		
VAT no	<input type="text"/>		
Business address	<input type="text"/>	Postal address	<input type="text"/>
	<input type="text"/>		<input type="text"/>
	<input type="text"/>		<input type="text"/>
Postal code	<input type="text"/>	E-mail	<input type="text"/>
	<input type="text"/>		<input type="text"/>
Professional Registration No.	<input type="text"/>		

3. SUBJECT PROPERTY DETAILS

Erf / Erven / Farm/Holding no	<input type="text"/>		
Street address	<input type="text"/>		
Suburb	<input type="text"/>		
Title deed no	T	<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>
Age of existing buildings	<input type="text"/>	Extent of Property	<input type="text"/> m ²
Any restrictive title deed conditions?			
<input type="text"/>	<input type="text"/>		

If yes, please specify

<input type="text"/>
<input type="text"/>

Is the property encumbered by a bond?

YES	NO
-----	----

If yes, please specify

Any unauthorized building work/structures on the property?

YES	NO
-----	----

Nature and extent of existing improvements on property:

4. OWNER DETAILS

Registered owner

Company name

Registration no

Physical address **Postal address**

VAT number

Postal code **E-mail**

Tel **Cell**

Other

Have there been any previous land use applications?

YES	NO
-----	----

If Yes,
reference/application
description

--

5. APPLICATION TYPE (Please ✓ all the applicable blocks)**CATEGORY 1 APPLICATIONS IN TERMS OF THE BY-LAW**

1. The establishment of a township or the extension of the boundaries of a township.	
2. The amendment of the scheme by rezoning.	
3. The removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land.	
4. The amendment or cancellation in whole or in part of a general plan of a township.	
5. The subdivision and consolidation of any land other than a subdivision and consolidation which is provided for in the land use scheme in operation;	
6. Permanent closure of any public place.	
7. All applications for the restriction of access to a public road in terms of the Rationalisation of Local Government Affairs Act 10 of 1998.	
8. 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 (other than consent in terms of the scheme).	
9. Any consent or approval provided for in a provincial law.	
10. Land development on communal land that will have a high impact on the traditional community concerned according to Schedule 1.	
11. Other (describe)	

CATEGORY 2 APPLICATIONS IN TERMS OF THE SCHEME

1. Consent for a secondary right.	
2. Written consent for specific purposes.	
3. Consent for a temporary use.	
4. Site development plan.	
5. Consolidation.	
6. Subdivision.	
7. Simultaneous consolidation and subdivision.	

8. Building line extension.	
9. Land development on communal land that will have a low impact on the traditional community concerned according to Schedule 1.	
10. Other (describe).	

IS THIS A COMBINED APPLICATION (<i>Application Seeking more than one planning authorization for development</i>)?	YES	NO
WILL THE DEVELOPMENT APPLICATION ADOPT A PHASED APPROACH?	YES	NO

Full details in respect of nature / intent and purpose of application / description of proposed development:

6. DOCUMENTS SUBMITTED PER APPLICATION TYPE

Application Type Please ✓ all the applicable blocks to indicate that it is included in your submission	
1. Completed and signed application form	
2. Receipt (application fee)	
3. Power of attorney	
4. Company/Close Corporation/Trust Resolution/Trustees authority by Master (if applicable) Company/Trust memo of association	
5. Motivational memorandum	
6. Copy of title deed and notarial deeds referred to	
7. Copy of a Deeds Office search (not older than one month)	
8. Conveyancer's certificate	
9. Land Surveyor's certificate	
10. Bondholder's Consent	
11. Comment abutting property owner/s	
12. Body Corporate / Home Owners' Association consent	
13. Locality Plan	

14. Site development plan/sketch/layout plan/diagram	
15. Surveyor General Diagram	
16. Surveyor-General Consent (Extension of Township Boundaries)	
17. Zoning plan	
18. Zoning Certificate	
19. Land use plan	
20. Environmental Authorization (If applicable – see notes below)	
21. Permit: Heritage Resources Act (If applicable – see notes below)	
22. Engineering Services Report (If applicable – see notes below)	
23. Geotechnical Report (If applicable)	
24. Traffic Impact Study (If applicable – see notes below)	
25. Other (specify)	

Notes:

1. Environmental Authorization – required in terms of relevant legislation. All applications have to address environmental issues.
2. Heritage Permit – only required if the application property is a proclaimed heritage site in terms
 - a. of the Heritage Resources Act, 1999 (Act 25 of 1999) or if the application is a
 - b. proposed township establishment.
3. Engineering Services Report – required for township establishment or for other applications, to be determined in terms of pre-application consultation.
4. Geotechnical report – required for township establishment or for other applications, to be determined in terms of pre-application consultation.
5. Traffic Impact Study - required for township establishment or for other applications, to be determined in terms of pre-application consultation.

IMPORTANT TO NOTE:

1. Applications which are not complete and in the form required or do not contain the documents required for the submission of such application shall not be accepted.
2. Commencement of application notification procedures as contemplated in the Elias Motsoaledi Spatial Planning and Land Use Management Bylaw 2016 are strictly subject to the receipt of a complete application and full application fee.
3. Compilation of application should be overseen by either a registered (SACPLAN) professional planner and/or a registered geomatics professional, in terms of the Geomatics Profession Act, 2013 (act no. 19 of 2013).
4. Any application requiring approval/consent in terms of another legislation is permitted to submit without having fulfilled that requirement. The applicant will therefore be required to submit such approval/consent during the administrative phase.

7. DECLARATION

I/we hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documents is complete and correct.
2. That I/we am/are properly authorized to make this application on behalf of the owner and (where applicable) that copies of such full relevant powers of attorney are attached hereto.
3. That where an agent is indeed appointed to submit this application on the owner's behalf, it is accepted that correspondence and formal notification as required in terms of planning law will only be sent to such consultant/agent and that the owner will regularly consult with the agent/consultant in this regard.
4. I/we specifically confirm that I/we have read the relevant title deed(s) and that there are no restrictive conditions which impact on this application, or alternatively where there are, removal/amendment/suspension of these form part of this submission.
5. That, as owner/applicant / developer, I am/we are aware of the state of existing bulk services provision and infrastructure availability in the subject area and any development contributions that might be payable in respect of the development proposed herein (if applicable).

If the application is made by a person other than the registered owner (e.g. an agent / consultant), full power of attorney and both signatures below are required. If the property is owned by more than one person, the signature of each owner is required. Where the property is owned by a company / trust / other juristic person, a certified copy of the board of directors / members / trustees resolution/Masters authority for trustees is required.

Registered
owner's signature

Date

--	--	--	--	--	--	--	--	--	--

Full name

or

Agent/Consultant's
signature

Date

--	--	--	--	--	--	--	--	--	--

Full name

Professional
capacity

Professional
Registration No.

FOR OFFICE USE ONLY**RECEIPT OF COMPLETE APPLICATION**

Date received

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Received
by

--

Application number

--

APPLICATION FEE:

DATE RECEIVED:

RECEIPT NUMBER:

PAYMENT RECEIVED BY:

DELEGATED PLANNING OFFICIAL:

6. ADDITIONAL DOCUMENTS REQUIRED FOR APPLICATIONS**(TO BE CONFIRMED WITH OFFICIALS IN PRE-APPLICATION CONSULTATION)**

Required Documents	Please Tick
1. The title deed of the land and a deed search.	
2. A copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned.	
3. If the land is encumbered by a bond, the consent of the bondholder	
4. A conveyancer's certificate.	
5. A surveyor's certificate.	
6. A locality plan, zoning plan and land use plan on an appropriate scale.	
7. A layout plan in the scale approved by the municipality and containing the information as considered necessary by the municipality.	
8. A description of all existing and proposed servitudes and/or services on the applicable land;	
9. Draft conditions of establishment for the proposed township in the format approved by the municipality.	
10. A copy of the appropriate zoning certificate of the applicable land.	
11. An engineering geological investigation and report compiled by a suitably qualified professional.	
12. Confirmation whether or not a mining or prospecting right or permit over the land is held or is being applied for in terms of the Mineral and Petroleum Resources Development Act, 2002.	
13. Confirmation of other limited real rights on the property.	
14. Confirmation and details of any land claims on the property.	
15. In the case of the extension of the boundaries of a township, the consent from the Surveyor-General to the proposed extension of boundaries.	
16. The amendment scheme map and schedule approved by the municipality.	

17. A site plan or site development plan.	
18. The appropriate consent where required in terms of the Subdivision of Agricultural Land Act, 1970 (Act No.70 of 1970);	
19. Copies of the relevant sheet of the general plan which may be reduced copies of the original;	
20. Copies of a plan of the township showing the posed alteration or amendment or, if partial cancellation is applied for, the portion of the plan cancelled.	
21. Other	

6. ASPECTS TO BE ADDRESSED IN MOTIVATING MEMORANDUM (TO BE CONFIRMED WITH OFFICIALS IN PRE-APPLICATION CONSULTATION)

Required Information	Please Tick
1. A description of all the documents and information contained in the application.	
2. The motivation in terms of the compliance with the municipality's integrated development plan and spatial development framework (and other relevant policies)	
3. Compliance with applicable norms and standards and development principles as set out in SPLUMA.	
4. The existing land use rights on the property.	
5. The need and desirability of the proposed land development.	
6. The effect of the development on the use or development of other land which has a common means of drainage and proposed stormwater attenuation measures.	
7. Any environmental implications of the proposed land development;	
8. An indication whether an application must be made for an environmental authorization in terms of the National Environmental Management Act (Act 107 of 1998).	
9. The development controls (FAR, coverage, height, density and parking requirements) of the proposed development.	
10. The area and dimensions of each erf in the proposed township;	
11. The layout of roads having regard to their function and relationship to existing roads.	
12. The provision and location of public open space and other community facilities.	
13. Any phased developments.	
14. Description and motivation of every specialist report submitted with the application.	
15. Other	

SCHEDULE 5: COMPANY/ASSOCIATION RESOLUTION**EXTRACT FROM MINUTES OF A MEETING OF THE DIRECTORS OF***ABC COMPANY (PTY) LTD****REGISTRATION NUMBER****HELD ON** (insert date) **AT** (insert location)**IT WAS RESOLVED THAT:**

1. *ABC COMPANY (PTY) Ltd** as the registered owner of _____
(insert property description) shall apply in terms of the relevant provisions of the Elias Motsoaledi Local Municipality Land Use Planning By-law and/or Land Use Scheme for:

(Insert full description of application and relevant sections of By-law and Land Use Scheme)
2. *ABC COMPANY (PTY) Ltd** appoints _____
(insert full name and ID number of person and company details of consultant) and its employees to act as its authorised agent in order to give effect to the above-mentioned.
3. *Johan Major** (insert name of person) in his capacity as a Director of the Company is hereby authorised to sign all documents to give effect to the aforesaid.

CERTIFIED A TRUE EXTRACT_____
DIRECTOR

*Amend as required

SCHEDULE 6: POWER OF ATTORNEY

I the undersigned, John Major*, Identity Number _____ in my capacity as director of ABC Company (Pty) Ltd*, Registration Number _____ being the registered owner of _____ (insert property description), as per Title Deed Number _____ (insert Title Deed Number), hereby nominate, constitute, and appoint _____ (insert name) (ID Number _____) from _____ (insert company name) with power substitution to be my lawful representative to make/withdraw any necessary applications to the Elias Motsoaledi Local Municipality, specifically for the following:

1. (insert full description of application and relevant section of the By-law and/or Land Use Scheme.

Further, to take all steps, do all such acts, sign all such documents as may be requisite in order to give effect to the powers hereby granted and in general for effecting the purpose aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as I might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever the said representative shall lawfully do, or cause to be done, by virtue of these presents.

SIGNED at _____ on this _____ day of _____ 20____
in the presence of undersigned witnesses.

NAME IN BLOCK LETTERS

SIGNATURE

Witnesses:

NAME IN BLOCK LETTERS

SIGNATURE

NAME IN BLOCK LETTERS

SIGNATURE

*Amend as required

SCHEDULE 7: PUBLIC NOTICE**NOTICE _____ OF _____****NOTICE OF APPLICATION IN TERMS OF THE ELIAS MOTSOALEDI LOCAL MUNICIPALITY LAND USE SCHEME, 2020**

I _____ (name of applicant)
of the firm _____ being the authorised agent of the
owner of Erf _____ situated at _____
hereby give notice that I have applied for _____
(type of application) in terms of Chapter 7 paragraph _____ of the Elias
Motsoaledi Land Use Scheme 2020. The intention of the application for rezoning is to

Particulars of the application will lie for inspection during normal office hours at The
Registration Section: Planning, Land and Economic Development Department, Elias
Motsoaledi Local Municipality, 2 Grobler Avenue, Groblersdal, 0470 for a period of 28 days
from _____ (*the date of first publication of this notice). Objections
to or representations in respect of the applications together with full contact details of the
person submitting the objection or making representations must be made in writing and lodged
by hand to the above mentioned address, or by registered mail to P.O. Box 48
Groblersdal 0470, or via Fax at fax number 013-262 2547, or via e-mail to
_____, within 28 days from *_____.

Date of expiry of objection period: _____.

Name and address of authorised agent:

Company name:

Physical address:

Postal address:

Tel:

Fax:

Date of first publication: _____

Date of Second Publication: _____

Registration Number: _____