



# DIPALASENG LAND USE MANAGEMENT SCHEME MARCH 2020

**DIPALASENG LOCAL MUNICIPALITY**



Dipalaseeng Local Municipality



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# DIPALESENG LAND USE SCHEME

MARCH 2020

## LAND USE MANAGEMENT SCHEME

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PREPARED FOR:



rural development  
& land reform

Department:  
Rural Development and Land Reform  
REPUBLIC OF SOUTH AFRICA

ON BEHALF OF THE DIPALESENG LOCAL MUNICIPALITY

## FOREWARD

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Dipaleseng Local Municipality had an old Town Planning Scheme that was compiled in 2012, before the Spatial Planning and Land Use Management Act (SPLUMA) came into operation. The old scheme did not include the town of Grootvlei and only covered the following towns, covering the "old formalized" areas only and no agricultural land (Not SPLUMA compliant (wall to wall)):

- ✓ Balfour
- ✓ Siyathemba
- ✓ Willemsdal
- ✓ Nthorwane

The schemes were formalised under the Town Planning & Townships Ordinance, Ordinance 15 of 1986, this Ordinance has since been repealed by the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013.

The Dipaleseng Local Municipality Land Use Scheme was compiled in accordance with the:

- ✓ Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013.
- ✓ Mpumalanga Provincial Spatial Development Framework (2019)
- ✓ Mpumalanga Biodiversity Sector Plan (2014)
- ✓ Dipaleseng Spatial Planning and Land Use Management Bylaw (Provincial gazette 2017)

This firm was appointed in by the Department of Agriculture, Land Reform and Rural Development (DALRR - SPLUM) in October 2019 for the development of the Dipaleseng Land Use Management Scheme (LUMS).

The document consists of the following:

- ✓ Scheme Regulations
- ✓ Reference Manual
- ✓ Administration Manual
- ✓ Application Form(s)
- ✓ Zoning Maps
- ✓ Zoning Register

We wish to thank all who contributed to and participated in the preparation of the 2020 Dipaleseng Local Municipality Land Use Management Scheme.

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# 1 INTRODUCTION

## 1.1 BACKGROUND

These regulations were compiled to comply with the requirements of Chapter 5 of the Spatial Planning and Land Use Management Act, Act 16 of 2016, which specifically makes provision for the following:

- ❖ In accordance with Section 24 of the Spatial Development and Land Use Management Act (Act 16 of 2013), each Municipality must, after public consultation, adopt and approve a single land use scheme for its entire area within five years from the commencement of this Act.
- ❖ In accordance with Section 27 of the Spatial Development and Land Use Management Act, a municipality may review its land use scheme in order to achieve consistency with the municipal spatial development framework and must do so at least every five years.
- ❖ In accordance with Section 25 of the Spatial Development and Land Use Management Act (Act 16 of 2013), the land use scheme must give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote:
  - ✓ Economic growth;
  - ✓ Social inclusion;
  - ✓ Efficient land development; and
  - ✓ Minimal impact on public health, the environment and natural resources.

The general objective of these regulations and accompanying zoning scheme is to determine the rights of use of all land within the boundaries of the area, and for control over the execution of these rights and the utilization of this land.

## 1.2 ARRANGEMENT OF SCHEME REGULATIONS

- PART 1: Basic Provisions:** To provide the basic provisions and position, status of the Scheme and to discuss the purpose, components and proposed transitional measures for the implementation of the Scheme.
- PART 2: Definitions:** to give an explanation of the meaning of words in the regulations with the purpose of eliminating misunderstandings, and to ensure that all concerned parties attach the same meaning to words and regulations.
- PART 3: Existing Policy Alignment:** is a paraphrase of the application of the regulations and involves the general principal of the primary rights of use, consent uses and the process of the alteration of these rights.
- PART 4: Scheme Map:** is a paraphrase of the application of the regulations and involves the general principal of the primary rights of use, consent uses and the process of the alteration of these rights.
- PART 5: Planning control:** discuss each individual zone (land use right) in terms of all relevant control measures within the specific zone.
- PART 6: Administration:** concerns various aspects of detail in terms of certain general matters applicable to more than one zone

## 2 ADMINISTRATION

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### 2.1 Title

2.1.1 This scheme shall be known as the Dipaleseng Local Municipality Land Use Scheme, 2020, and shall hereafter be referred to as the Scheme.

### 2.2 Enactment

2.2.1 The Scheme has been prepared in terms of Section 24 of the Spatial Planning and Land Use Management Act, 2013, (Act No. 16 of 2013) and enacted in terms of the Dipaleseng Local Municipality Spatial Planning and Land Use Management (SPLUM) By-Law, 2016.

2.2.2 The Scheme shall come into operation on the date determined by the Municipal Manager by the publication of a notice thereof in the Provincial Gazette.

### 2.3 Land Use Rights

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

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

### 2.4 Authorised Local Municipality

2.4.1 The Dipaleseng Local Municipality hereafter referred to as the Municipality, is the authority responsible for enforcing and carrying out the provisions of the Scheme.

### 2.5 Area of the Scheme

2.5.1 The Scheme is applicable to the area of jurisdiction of the Dipaleseng Local Municipality, as proclaimed.

### 2.6 Purpose of the Land Use Scheme

2.6.1 A land use scheme must give effect to the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote:

2.6.2 give effect to the municipal spatial development framework;

2.6.3 make provision for orderly development and the welfare of the community; and

2.6.4 determine use rights and development parameters, with due consideration of the principles referred to in the Spatial

2.6.5 Planning and Land Use Management Act.

### 2.7 Components of the Land Use Scheme

2.7.1 This Land Use Scheme consists of:

- 2.7.1.1 regulations setting out the procedures and conditions relating to the use and development of land in any zone;
- 2.7.1.2 a map indicating the zoning of the municipal area into land use zones;
- 2.7.1.3 a register of all amendments to such land use scheme; and
- 2.7.1.4 a register of all land use rights of all properties.

**2.8 Application of the Scheme**

- 2.8.1 This Scheme applies to all land within the municipal area of the Municipality, including land owned by the State.
- 2.8.2 This Scheme binds every owner and their successor-in-title and every user of land, including the State.

**2.9 Differentiation in the level of land use management**

- 2.9.1 In terms of Section 24(2)(a) of the Spatial Planning and Land Use Management Act No 16 of 2013, read together with Section 81 of the Dipaleseng Local Municipality Spatial Planning By-Law, the municipal area is divided into:
  - a. formal land use management areas where more formal land use management processes will apply; and
  - b. incremental land use management areas where a less formal approach to land use management will permit the incremental introduction of land use management and regulation.

**2.10 Status of land use scheme**

- 2.10.1 This Land Use Scheme is prepared in terms of the Spatial Planning and Land Use Management Act of 2013 and is in substitution of the Dipaleseng Land Use Scheme 2012.
- 2.10.2 The use of all land included in the area of this Land Use Scheme shall be controlled by the Land Use Scheme. No land or building may be used for any purposes other than that permitted in this Land Use Scheme, and its binding to all persons and the State.
- 2.10.3 Nothing in this Scheme overrides a restrictive condition.

**2.11 Rectification of errors on land use scheme map**

- 2.11.1 If the zoning of a land unit is incorrectly indicated on the zoning map or wrongly converted from a zoning map of a former land use scheme, the owner of an affected land unit may submit an application to the Municipality to correct the error.
- 2.11.2 An owner contemplated in subsection 2.11.1 must apply to the Municipality in the form determined by the Municipality and must—
  - a. submit written proof of the lawful land use rights; and
  - b. indicate the suitable zoning which should be allocated.
- 2.11.3 The onus of proving that the zoning is incorrectly indicated on the land use scheme map is on the owner.
- 2.11.4 The owner is exempted from paying application fees and from liability for the costs of public participation.
- 2.11.5 If the Municipality approves the application, the Municipality must amend the zoning map.
- 2.11.6 The Municipality may refuse an application to correct the zoning map if the owner fails to submit written proof of the lawful use rights.
- 2.11.7 The Municipality may correct a zoning map if it finds an error on the map after—

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

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

## **2.12 Transitional Arrangements**

2.12.1 All existing, legal land use rights that were in effect on properties prior to the effective date are deemed to continue in full force and effect and are hereby incorporated into the Scheme.

2.12.2 Should a mistake or oversight be made in the recording of an existing land use right, such mistake or oversight shall be rectified, on producing of proof of such existing land use right by the land owner.

2.12.3 Any application made and accepted in terms of a former zoning scheme or town planning scheme which is still in process at the commencement date shall be assessed and finalised in terms of such former zoning scheme or town planning scheme regulations, except where it has been withdrawn by the applicant in writing.

2.12.4 Where a rezoning application was approved prior to the commencement of this Land Use Scheme but has not yet been acted on, or where a rezoning was approved within the provisions of a former zoning scheme or town planning scheme, after the commencement of this Scheme, the affected land unit/s in such approval shall be deemed to be allocated with a corresponding zone in accordance with this Land Use Scheme, where such an approval is acted on.

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

2.12.5.1 before commencement of this Land Use Scheme and which is still being processed; or

2.12.5.2 after commencement of this Land Use Scheme, with the express purpose to act on a valid approval granted for any

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

2.12.6 Where any approval in terms of the Ordinance or a former zoning scheme has been acted on and constitutes a contravention of any provision in a zone in this Land Use Scheme, for the purposes of this Land Use Scheme it will not be considered to be an offence but a lawful nonconforming use.

2.12.7 Development applications that, prior to this scheme, were submitted and approved, but not proclaimed, are deemed to be proclaimed.

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

## 3 DEFINITIONS

### 3.1 Interpretation

3.1.1 In this Land Use Scheme, Annexures, Appendixes, registers, any note on the zoning map and in any condition imposed in terms of this Land Use Scheme, the words and expressions shall have the meanings assigned to them in accordance with the definitions contained in Section 2.2. except where another interpretation is clear from the context.

### 3.2 Definitions

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

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

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

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

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

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

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

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

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

**Adult Entertainment Business:** a business where, for any form of consideration, films, photographs, books, magazines or live performances are hired, sold or occur, which are considered as for adult entertainment or for mature audiences. It includes an escort agency and a massage parlour, where

massage or manipulation of the human body is administered with the purpose of obtaining an erotic response.

**Agricultural Industry:** an enterprise or concern for the processing of agricultural products directly related to agriculture on a farming unit owing to the nature, perishable and fragility of such agricultural products, and includes, inter alia, wineries, distilleries, cheese making industry, butchery, abattoir, a feedlot, chicken hatchery and farm pack stores, but does not include a service trade.

**Agricultural Land:** land that is being used for cultivation, meadows or pasture, vegetable gardens, poultry farms and pig farming, land used for bee farming, nurseries, plantations and orchards, residential use, which is associated with agricultural use and where retail is only allowed with consent of the Local Authority and only in goods and products which are cultivated on the property.

**Agricultural Use:** arable, meadow or pasture land, market gardens, poultry farms, pig farms, land used for bee-keeping, stock farming, nursery gardens, plantations, orchards, and other such uses ordinarily incidental thereto and necessary for the bona fide agricultural use of the land, which buildings may include a maximum of 2 dwelling houses as well as dwelling units.

**Agriculture:** the cultivation and/or utilisation of land for crops and plants, the keeping and breeding of animals, operation of a game farm, the utilisation of the natural veld or land on a limited or extensive basis and includes only such activities and buildings directly related to the main farming activities, but excludes abattoirs, intensive feed farming, agricultural industries and consent uses as defined.

**Airfield :** land and buildings used for the landing and take-off of aircraft and helicopters and may include the storage of aircraft and a fuel depot subject to the Civil Aviation Act, 2009, (Act No. 13 of 2009).

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

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

**Amusement Facility :** a facility where fun or recreation is provided by means of rides, gaming devices or bowling alleys in amusement parks, amusement arcades, water parks, theme parks or such other places but does not include a place within such facility where other services are provided.

**Ancillary:** a land use, purpose, building, structure or activity which is directly related to, and subservient to, the lawful dominant use of the property.

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

**Animal Care Centre :** *land or buildings* used or designed for the keeping, nursing, grooming, breeding, boarding and training of animals, including catteries and kennels and may include the sale of **ancillary** products.

**Antenna:** any system of wires, poles, rods, reflective surfaces or similar devices, used to transmit or receive electronic communication signals or electromagnetic waves.

**Annexure:** documents comprising of provisions, inter alia, special rights and conditions applicable to those properties shown on the Scheme Maps through Municipally approved annotations.

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

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

**Application:** an application made in terms of the provisions of the Dipaleseng Spatial Planning and Land Use Management By-Law, 2016, and/or this Land Use Scheme or any amendment thereof.

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

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

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

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

**Balcony:** a platform projecting from a **building**, usually having access from an upper **storey**.

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

**Base Zone:** that zone which determines the lawful land use and development parameters for a land unit in terms of this Land Use Scheme, before the application of any overlay zone.

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

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

- a. the dominant use of the dwelling house concerned shall remain for the living accommodation of one family;
- b. and the land unit complies with the requirements contained in this Scheme for a bed and breakfast establishment;
- c. a maximum of 4 rooms for a maximum of 8 occupants shall be permitted. An application for the relaxation of this may be lodged with the Local Municipality.
- d. but does not include a guest house or a guest lodge



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

**Boarding House:** a *building* or *buildings*, other than a *Dwelling House*, *Dwelling Unit* or *Hotel*, designed for use, or used for human habitation, comprising a number of *Boarding Rooms* and associated communal facilities such as a *kitchen* and ablution blocks and/or any other communal facilities that the *Municipality* may require for use by the *occupants*, provided that the number and extent of *Boarding Rooms* and the nature and extent of associated communal facilities shall be to the satisfaction of the *Municipality*.

**Boarding Room:** a room or rooms with a minimum size of 6m<sup>2</sup>, with adequate sanitation facilities which may be shared. The maximum number of inhabitants shall not exceed those contemplated in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), which is designed for habitation and is not a *Dwelling Unit*, provided that such *boarding room* be rented out only and that it be erected simultaneously with or after the main *Dwelling House*.

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

**Boundary:** one or more of the cadastral lines separating a land unit from another land unit or from a road reserve.

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

**Brickyard:** a place where bricks are made.

**Builders' Yard:** land or a building used for the storing of material and equipment generally associated with the building trade, civil engineering or construction sectors and can include administration offices which are directly involved.

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

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

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

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

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

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

**Business Purposes:** *land* or *buildings* used for *offices*, banks, hair and beauty salons, and any other business activity not elsewhere defined or listed in the *Scheme*, but excludes a *Shop, Warehouse, Industry* and *Filling station*.

**Bus Station** : a building where buses start and finish their journeys, or where buses that travel long distances stop to let passengers get on and off.

**Bus Terminus** : a designated place where a bus starts or ends its scheduled route.

**By-Law** : the Dipaleseng Spatial Planning and Land Use Management By-Law, 2016.

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

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

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

**Camping Site** : land and buildings used for transient guests for overnight accommodation in tents and may include ablution facilities.

**Canopy:** a horizontal projection from the external wall of a *building*, at a *height* below the roof of the *building*, for the purpose of creating shade, or shelter over an area outside the *building*, but excludes a *balcony*.

**Canteen:** a communal facility for providing meals and refreshments to *occupants* or employees in a *building*, including their guests, but which is not open to the general public.

**Caravan** : a vehicle which has been equipped or converted for living and sleeping purposes and which can be readily moved.

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

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

**Carport** : a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently enclosed.

**Carriageway Crossing** in relation to a motor vehicle carriageway crossing, an entrance or exit way, or a combined entrance and exit way, from a land unit to a road.

**Car wash** *land* or *buildings* used for the washing, polishing and cleaning of motor vehicles.

**Casino:** *land* or *buildings* used for gambling activities, contemplated by the Mpumalanga Gambling Amendment Act, 2010 (Act No.2 Of 2010), which are permitted, in accordance with a licence granted in terms thereof and includes *ancillary* activities.

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

**Child Care Facility:** *land* or *buildings* used as a child care centre for more than 6 (six) children including a crèche, nursery school, pre-school, playgroup, after school care centre, pre-primary school or similar facilities.

**Clinic:** *land* or *buildings* used for the medical treatment of day patients, but excludes overnight facilities.

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

**Commencement Date** : the date on which this Land Use Scheme comes into operation.

**Commercial Purpose:** *land* or *buildings* used for purposes such as assembling and packaging, distribution centres, wholesale trade, storage, mini storage units, **warehouses**, cartage and transport services, laboratories and computer centres, and may include a **canteen**, **offices** and **ancillary** retailing of their products.

**Commonage** : land used for small-scale, subsistence farming activities to cultivate fresh produce or to raise small numbers of livestock or poultry for own consumption or resale. A commonage has a social and economic upliftment quality and will mostly, but not exclusively, represent communal agricultural land shared between various households or a community.

**Common Boundary** in relation to a property , a boundary common with the adjoining property other than a street boundary.

**Communal Land:** 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 and includes:

- a) State land which is beneficially occupied and State land which-
  - i) at any time vested in a government contemplated in the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), before its repeal or of the former Republic of Bophuthatswana, or in the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), but not land which vested in the former South African Development Trust and which has been disposed of in terms of the State Land Disposal Act, 1961 (Act No. 48 of 1961);
  - ii) was listed in the schedules to the Black Land Act, 1913 (Act No. 27 of 1913), before its repeal or the schedule of released areas in terms of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), before its repeal;
- b) land acquired by or for a community whether registered in its name or not; and
- c) any other land, including land which provides equitable access to land to a community as contemplated in section 25(5) of the Constitution.

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

**Commune** : a building designed as a dwelling-house which is used by not more than six persons other than a family for residential purposes and who share communal facilities, such as a kitchen, lounge,: Provided that the owner or manager shall reside on the same property in a separate caretaker's flat and

that outbuildings shall not be used for commune accommodation and provided that a Home Enterprise shall not be exercised by any such occupant.

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

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

**Conference Centre:** *land* or *buildings* used for congresses, conferences, meetings, seminars, training purposes, weddings, as well as cultural or social

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

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

**Conservation Area:** *land* or *buildings* used for the protection of biological diversity, natural or built environments, such as but not limited to conservancies, protected environments, nature reserves, national parks, museums, monuments, *heritage sites* and historical *buildings*, as defined in the National Environmental Management Act, 1998 (Act 107 of 1998) and related national, or provincial legislation.

**Consolidation** : the joining of two or more pieces of land into a single entity;

**Constitution** : the Constitution of the Republic of South Africa, 1996;

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

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

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

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

**Coverage** : the total area of a land unit that may be covered by buildings, expressed as a percentage of the nett erf area of the land unit, and include—

- walls and buildings;
- solid roofs;
- stairs, steps, landings, except entrance landings and steps, galleries, passages and similar features, whether internal or external; and
- canopies, verandas, porches, balconies, terraces and similar features provided that the following portions of buildings must be disregarded in the calculation of coverage, namely—
  - stoeps, entrance steps and landings;
  - cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of the building;
  - eaves not projecting more than 1,0 metres from the wall of the building; and

- a basement provided that the basement ceiling does not project above the ground level;

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

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

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

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

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

**Deeds Registries Act** : the Deeds Registries Act, 1937 (Act No. 47 of 1937);

**Density** : the number of dwelling houses per hectare as prescribed in relation to a specific area in the development parameters.

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

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

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

**Development Rights** : any approval granted to a land development application.

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

**Dispensing Pharmacy**: part of a **building** used for the sale of medicines, as defined in the Control of Medicine and Related Materials Act, 1965 (Act 101 of 1965), as prescribed by a registered medical practitioner

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

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

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

**Dry Cleaner**: a **building** used or designed for and used for the cleaning of textiles utilising a chemical process and processes associated therewith and may include alterations to clothes and garments by an in-house tailoring service.

**Dwelling House:** a *dwelling unit* which has no other *dwelling unit* above or below it, but which may abut or be physically connected with one or more dwelling houses and may include related *outbuildings*.

**Dwelling House Office:** an existing dwelling house that is transformed and used as an office and may include medical consulting rooms, but excludes banks, insurance companies, building societies and similar commercial/financial institutions, provided that the elevational treatment of the buildings maintain a residential character and appearance complementary to the environment;

**Dwelling Unit:** an interconnected suite of rooms including one *kitchen*, designed for occupation normally by a *household* and may include such *outbuildings* as are ordinarily incidental thereto. A flat, cluster unit and duplex dwelling may also constitute a *dwelling unit* and shall have a minimum size of 30m<sup>2</sup>

**Ecosystem :** a self-sustaining and self-regulating community of organisms and the interaction between the organisms with one another and with their environment.

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

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

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

**Environmental Conservation Act :** the Environment Conservation Act, 1989, (Act No. 73 of 1989).

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

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

**Environmental Legislation :** the National Environmental Management Act, 1998, (Act No. 107 of 1998).

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

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

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

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

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



**Exercise** : to utilise in terms of a use right.

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

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

**Extended Family** - comprises a family with related family members.

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

**Factory Shop** : a shop that sells manufactured items directly from the factory

**Family** :-

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

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

**Farm Stall** : a building on a property zoned Agricultural, Institutional 1 and Government used for the sale of agricultural produce.

**Fitment Centre: buildings** used for the fitting of exhausts, tow bars, radios, shock absorbers, tyres and other vehicle parts, but excludes **Motor Workshops** and **Panel Beaters**.

**Filling Station** : **land** or **buildings** used for the purpose of fuelling of motor vehicles and may include a **Car Wash**, as well as an **ancillary Shop** and/or **Restaurant** and/or Confectionary with a combined maximum **gross floor area** of 250m<sup>2</sup> (including associated storage and **kitchen** areas), but excludes **Motor Workshops**, **Motor Dealers** and **Panel Beaters**.

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

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

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

**Floor Area Ratio (FAR)**: a ratio of the **Gross Floor Area** of a **building** to the total area of the **property**, including any servitudes, on which such **building** is erected or is to be erected, therefore FAR = **Gross Floor Area** divided by the area of the **land**



$$\text{FAR} = \frac{\text{Gross Floor area of a building}}{\text{Area of the land}}$$

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

**Forestry Industry:** the manufacturing of wood and products of wood, including saw milling and planing of wood, preserving timber and other mill products, including wattle bark grinding and compressing.

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

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

**Funeral Parlour :** a building used or designated for use as a mourning or funeral chapel and includes such other buildings designed for use in connection therewith and which is normally ancillary to or reasonably necessary for the business of a funeral undertaker but shall exclude a crematorium:

Provided that the establishment and operation of a funeral parlour shall be subject to the provisions of the Regulations relating to Funeral Undertaker's Premises promulgated in the Government Gazette by virtue of Notice No. R237 on 08 February 1985 in terms of Sections 33 and 39 of the Health Act, 1977 (Act No. 63 of 1977).

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

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

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

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

**General Plan :** a plan which, representing the relative positions and 35 dimensions of two or more pieces of land, has been signed by a person recognised under any law then in force as a land surveyor, or which has been approved or certified as a general plan by a Surveyor-General and includes a general plan or a copy thereof prepared in a Surveyor-General's office and approved or certified as such or a general plan which has, prior to the commencement of this Act, been lodged for registration in a deeds registry or Surveyor-General's office in the Republic or any area which became part of the Republic at the commencement of the Constitution, 1993.

**Government Use :** land and buildings designed or used for municipal and national government offices, depots, workshops, stores, communication centres, and includes incidental uses.

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

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

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

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

**Guest House:** *buildings* with communal dining and *kitchen* facilities used for temporary paid accommodation, for a maximum of 16 (sixteen) guests or 8 (eight) double rooms, including: back-packers, bed and breakfast establishments and other similar facilities, but excludes *Hotels, Conference Centres*, self-catering units, chalets and *boarding houses*.

**Guideline** : written non-regulatory information that directs or influences land use decisions.

**Gymnasium** : a building used for physical training and exercise with or without apparatus and may include swimming pools, squash courts and other sporting activities, administrative offices, steam baths, Turkish baths, sauna's, and a single place of refreshment for patrons only not exceeding 100m<sup>2</sup>, as well as a child care/play facility restricted for use by gymnasium members whilst exercising in the gymnasium.

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

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

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

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

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

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

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

**Heritage Resource Act :** the National Heritage Resource Act, 1999, (Act No. 25 of 1999).

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

**High Potential Agricultural Land:** land best suited to, and capable of, consistently producing acceptable yields of a wide range of crops (food, feed, forage, fibre and oilseed), with acceptable expenditure of energy and economic resources and minimal damage to the environment. This also includes land under permanent irrigation.

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

**Home Care Facility:** a *dwelling house* used as a care centre, such as a nursing home, hospice, orphanage, or similar residential facility to the satisfaction of the **Municipality** and may include an *ancillary office* and other uses which are incidental thereto, but excludes *medical consulting rooms, clinics* and hospitals.

**Home Enterprise:** a *dwelling house/unit* used for a small scale enterprise, practice or occupation for economic gain, by the permanent resident(s) of the *property*. and excludes the practice of any panel beating, spray painting, child care facility, armed response, joinery, upholstery, workshop activity, refilling or repair of gas cylinders, social congregation of people and any noxious practises or uses which will interfere with the ambience of the surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities any other reason whatsoever.

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

**Hotel:** *buildings* used for the temporary accommodation of visitors, including a *restaurant*, meeting rooms, entertainment areas and other related facilities.

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

**Industry:** *land* or *buildings* used for the manufacturing, processing and assembly of products but excludes any *noxious industry* as defined in this **Scheme**.

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

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

**Institution:** a *building* designed and used as a public or private charitable *institution* or for a hospital, nursing home, frail care, sanatorium, clinic for the treatment of contagious diseases, correctional institution, prison, reformatory or place of detention, the treatment and accommodation of retarded and mentally handicapped people and includes offices, a canteen or any other buildings or use reasonably connected with such use.

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

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

**Prison** : a place for the confinement of people accused or convicted of a crime.

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

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

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

**Land:** has the meaning assigned thereto in the Act with or without improvements.

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

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

**Land Development Area** : an erf or the land which is delineated in an application submitted in terms of the Dipaleseng Spatial Planning and Land Use Management By-Law, 2016, or any other legislation governing the change in land use and land area has a similar meaning.

**Land Development Officer** : the authorised official defined in the By-Law;

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

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

**Land Survey Certificate** : a certificate issued by a professional land surveyor.

**Land:** any *erf*, **agricultural holding** or *farm portion* or any part thereof including any improvement or **buildings** erected thereon, and any real right or servitude in or over land.

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

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

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

- a. The land use allowed, as defined in the land use definitions,
- b. The bulk of development allowed, as defined in the density, FAR, Coverage and Height restrictions, and
- c. The conditions to which the development must comply, as defined in the building lines, parking and loading requirements, site development, urban design, landscaping, servitudes and other conditions.
- d. A condition imposed on a property in terms of the Scheme is regarded as a component of the Land Use Rights of that property

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

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

**Leisure Activity:** an activity chosen for pleasure, relaxation, or other emotional satisfaction;

**Light Industry:** - **land** or **buildings** used for a small-scale industry, maintenance and repair, as well as retail trade in connection therewith, including *inter alia*, bakeries, dry-cleaners, carpet cleaners, joinery workshops, laundries, lawnmower workshops, plumber's workshops, publication works, and any other such industries, workshops or yards which, which in the opinion of the **Municipality**, do not cause a nuisance to the environment and may include offices which are related directly to and are complementary to the main use.

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

**Liquor Act** : the National Liquor Act, 1989, (Act No. 27 of 1989).

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

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

**Living Room** : a room designed or used for human occupation in accordance with the standards prescribed in the National Building Regulations, but does not include a storeroom, kitchen, scullery, toilet, bathroom or a passage.

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

**Local Authority or Local Municipality** : the proclaimed authority controlling this jurisdictional area as circumscribed on the key map.

**Map** : a map which forms part of the Scheme including any amendment thereto.

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

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

**Medical Consulting Rooms:** a *building*, other than a Hospital, *Clinic* or *Institution*, used for the provision of any medical or health services by a registered health or medical practitioner and includes a *Veterinary Clinic* or *Dispensing Pharmacy*.

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

**Mining:** the actual *land* area which is used for operations and activities for the purposes of searching for and extracting any material on, in or under the earth, water or any residual deposit, whether by underground, or open working, or otherwise and includes any operation, or activity incidental thereto, as defined and granted, in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), or related and succeeding legislation

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

**Minor Structural Alterations:** small structural changes to an existing building for which a building plan is not a requirement.



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

**Motor Dealer:** *land* or *buildings* used for the display and sale of motor vehicles and may include an *ancillary motor workshop* and *offices*.

**Panel Beater:** *land* or *buildings* used for the replacement of parts, repairs and/or restoration of vehicles, including spray painting.

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

**Motor Workshop:** *land* or *buildings* used for the servicing, maintenance and repair of motor vehicles and/or the sale and/or fitment of motor vehicle parts but excludes a *Panel Beater*.

**Municipal Area :** the Council's area of jurisdiction as reflected in the map appearing in Provincial Notice 307 of 2000 published in Provincial Gazette of 29 September 2000.

**Municipal Council :** a Municipal Council referred to in Section 157 of the Constitution.

**Municipality :** the Dipaleseng Local Municipality, and any employee of the Municipality acting in terms of delegated or sub-delegated authority thereof.

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

**Municipal Planning Tribunal :** the Dipaleseng Municipal Planning Tribunal established in terms of the Act or the joint or District Municipality's Municipal Planning Tribunal if established by the Municipality agreement contemplated in terms of the Act.

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

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

**National Building Regulations :** the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

**National Environmental Management Act :** the National Environmental Management Act, 1998 (Act No. 107 of 1998).

**Natural Ground Level :** the level of the land in its unmodified state, or in a state which has been graded, with the Municipality's approval, for the purposes of development.

**Natural level of the ground ::**

- a. the level of the natural surface of a land unit in its unmodified state; or
- b. the level of the graded surface of a land unit, where such grading was undertaken by a developer as part of a township establishment process, provided that any such grading shall connect evenly with the existing levels of abutting land and otherwise meets with the Council's approval; or
- c. if in Council's opinion the natural surface of a land unit has been disturbed in circumstances other than those described in paragraph (b) or if it is not possible to determine a natural level of the ground due to irregularities or other disturbances of the land unit or if land is excavated and the



excavated material is used to extend the building site (i.e. cut and fill), Council shall fix a level as the natural level of the ground for purposes of administering these regulations.

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

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

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

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

**Noxious Industry:** an activity where any one or more of the following activities are carried out: Blood boiling; tallow melting; fat melting or extracting; soap boiling; bone boiling; tripe boiling or cleaning; skin storing; bone storing; fellmongering; skin curing; blood drying; gut scraping; leather dressing; tanning; glue making; size making; charcoal burning; brick burning; lime burning; manure making; manure storing; parchment making; malt making; yeast making; cement works; coke ovens; salt glazing; sintering of sulphur-bearing materials; viscose works; smelting of ores and minerals; calcining; puddling and rolling of iron and other metals; conversion of pig-iron into wrought iron; re-heating; annealing; hardening; forging; converting and carburising iron and other metals; works for the production of or which employ carbon disulphide, cellulose lacquers, cyanogens or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide, sulphur chlorides; works for the production of amyl acetate, aromatic esters, butyric acid, caramel enamelled wire, glass, hexamine, iodoform, lamp-black, B-naphthol, resin products, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride, zinc oxide; and all refining and works dealing with the processing or refining of petrol or oil or their products; Provided that where the **Municipality** adds to the list of noxious trades, such additions shall also be deemed to be included in the above definition and that all Health requirements are complied with.

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

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

**Objector:** a person who has lodged an objection with the Municipality to a draft municipal spatial development framework, draft land use scheme or an application.

**Occasional Use** in relation to a departure: a right to utilise land for a purpose granted on a temporary basis for a specific occasion or event.

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

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

**Office:** a **building** or part of a **building** used for administration or management of a company, business, **industry**, **organ of state**, profession or other similar undertaking, excluding banks.

**Old Age Home:** **buildings** used for the permanent accommodation and care of the elderly which may include a frail care centre, **clinic** and associated uses.

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

**Organ of State:** an organ of state as defined in Section 239 of the Constitution.

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

**Overlay Zone :** a category of zoning applicable to a particular area or land unit that -

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

**Owner:** the person or entity in whose name the land is registered in a deeds registry in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937) or in whom the ownership of the land vests;

- a. the holder of a registered servitude right or registered lease;
- b. any successor in title of the owner; and
- c. a person authorised by a power of attorney to act on behalf of the owner;

**Panel Beater :** **land** or **buildings** used for the replacement of parts, repairs and/or restoration of vehicles, including spray painting.

**Panhandle:** a portion of **land** not less than 3m wide, which provides the **land** with access to a **road** or street.

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

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

**Parking Garage :** a building or part thereof ear-market for the parking of vehicles.

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

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

**Pet Parlour:** **land** or **buildings** used for pet grooming, including the **ancillary** sale of related products.

**Petro-Port** : a facility with direct access from a freeway or major transport route which provides a range of rest, service and fuelling facilities for light motor vehicles, heavy motor vehicles and busses, including emergency vehicle breakdown services, including a truck-stop.

**Place of Education:** *land* or *buildings* used for educational purposes and may include a school, college, technical institute, university, academy, academic research institute, lecture hall, monastery, convent or other academic establishment.

**Place of Entertainment:** *land* or *buildings* used for entertainment purposes and includes a theatre, cinema, concert hall, live music performances, indoor sports, dance hall, **casino**, night club, discotheque, adult entertainment, more than 5 **Gaming Machines**, and other entertainment purposes, including the **ancillary** preparation and sale of food or drinks.

**Place of Instruction:** *land* or *buildings* used for lessons in dancing, swimming, arts and crafts, music and any other similar use.

**Place of Public Worship:** *land* or *buildings* used for religious purposes, such as a church, temple, synagogue, mosque, or other religious activities, and may include a wall of remembrance, as well as one **ancillary dwelling unit**, but excludes a **Funeral Parlour** and a **Cemetery**.

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

**Policy:** a policy adopted by the Municipality, structure plan, municipal spatial development framework, local spatial development framework or other policy plan approved in terms of Planning Law.

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

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

**Prescribed** : prescribed in terms of legislation.

**Primary Use** in relation to property : any land use specified in this Land Use Scheme as a primary use, being a use that is permitted within a zoning without the need to obtain the Municipality's approval.

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

**Private Open Space** : any *land* not owned by or vested in the **Municipality**, or organ of state used as private grounds for parks, a square, sports, games, rest, recreation site or ornamental garden.

**Private Road:** *land* used for access purposes of which ownership is vested in a legal entity other than the **Municipality** or **Controlling Authority** and shall be regarded as a street for the purposes of **building lines** and servitudes.

**Property** : land together with any improvements or buildings on the land.

**Province** : the Province of Mpumalanga referred to in Section 103 of the Constitution.

**Provincial Road** : a road that is under the jurisdiction of the Provincial Roads Authority.

**Protected Areas** : a protected area as defined in Section 1 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).

**Public Authority**: a State Department, Local Municipality or other Organ of State.

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

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

**Public Open Space**: any *land* which is owned by or vested in the *Municipality* to which the public has access, or any *land* for similar purposes owned by the state.

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

**Public Road**: any road or street for public use or any land intended for such purposes.

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

**Railway Purposes**: *land* or *buildings* used for the movement of trains and busses and includes inter alia *shops*, workshops, industries related to railways, stations and inter modal transport facilities and may include *ancillary* and subservient uses for staff and passengers, but excludes a *Place of Entertainment* and noxious industries.

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

**Refuse Collection Point**: *land* or *buildings* used for the collection of refuse, but excluding a waste sorting and recycling facility.

**Regulations** : The Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015

**Reconnaissance** : a preliminary survey of the ground for mining purposes.

**Recreation**: any land earmarked for use as private or public sports fields, playground and recreation site including any building, structure or facility appurtenant thereto.

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

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

**Refuse Room** : a defined screened refuse receptacle from where refuse is collected from time to time, usually on a weekly basis.

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

- a. Departures,
- b. conditions of rezoning that affect the land use right of any land unit, and
- c. consent uses and nonconforming uses.

applicable to a land unit as prescribed or required under this Scheme.

**Registrar of Deeds** : the Registrar of Deeds as defined in the Deeds Registries Act.

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

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

**Religious Gathering** : a group of people gathered for religious worship.

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

**Reservoir**: land and buildings designed for the storage of water and pumping equipment and ancillary and subservient uses.

**Residential Building**: a **building**, other than a **Dwelling House**, **Dwelling Unit** or **Hotel**, designed for use, or used for human habitation and includes a **boarding house**, a hostel or tenements, **Old Age Home**, self-catering accommodation, but does not include any **building** mentioned in the definitions of **Place of Education**, **Institution** or **Guest House** whether by way of inclusion or exclusion.

**Resort**: **land** or **buildings** used for holiday, tourist or recreation purposes and may include a caravan park, **Hotel**, chalets, temporary visitor accommodation and **Conference Centre** facilities, but excludes a **Place of Entertainment**.

**Restaurant**: **land** or **buildings** used for the preparation and sale of food or drink, whether or not consumed on the site, and includes inter alia a Pub, **Take-Away** and Drive-Through **Restaurant**, as well as an **ancillary** children's play area; but excludes a **Canteen**, **Tavern**, **Place of Entertainment** or live performances.

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

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

**Retirement Village**: **land** or **buildings** designed or used to provide residential accommodation for the elderly and may include **dwelling units**, as well as an assembly hall with recreational facilities, sick bay, **Medical Consulting Rooms**, exercise and treatment rooms, dining facilities, a library, **Canteen**, launderette, hairdressing facilities, banking facilities, an automatic teller machine and other **ancillary** uses, for the exclusive use of the residents.

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

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

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

**Road:** *land* used for access purposes of which ownership is vested in the **Municipality** or a **Controlling Authority** and shall be regarded as a street for the purposes of **building lines** and servitudes. A lane, way, avenue, cul-de-sac, close, boulevard, drive, crescent and freeway shall also be regarded as a **Road**.

**Road Reserve :** the designated area of land that contains a **Road** or **Private Road** (including the road and associated verge), which land may or may not be defined by cadastral boundaries.

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

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

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

**Scheme:** refers to the DipalesengTown Planning Scheme, 2018

**Scheme Area :** the defined boundaries of the Dipaleseng Local Municipality which is the area across which the Land Use Scheme is applicable.

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

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

**Schedule:** a supplement(s) to the **Scheme**, containing special procedures, conditions and/or some areas or *land* to which specific rights or provisions are applicable. Schedules may from time to time be amended by the **Municipality** and where any discrepancies exist between the Schedules and provisions of the clauses and tables, the more restrictive condition shall prevail.

**Scrap Yard:** *land* used for the dismantling, recycling or storage of scrap materials, machinery, vehicles and used **building** materials.

**Second Storey :** the storey above the ground floor.

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

**Second Dwelling Unit:** an additional **Dwelling Unit**, which may be attached to or detached from the original **Dwelling House**, as contemplated in the **Scheme**.

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

**Service Industry: buildings** used for the repair and maintenance of **household** or **office** goods and equipment or appliances on a small scale, as determined by the **Municipality** and includes a confectionary, but excludes a **Motor Workshop**, **Fitment Centre** and **Light Industry**.



**Shop:** buildings used for retail trade, confectionaries, postal services, small scale printing services and dry cleaning depots, and any accompanying use on the same site which is incidental and subordinate to the retail trade excluding a **Motor Dealer** and the sale of earthmoving and agricultural, industrial and **construction** equipment, as well as heavy vehicles

**Showroom:** *land* or *buildings* used for the display of products or materials, including **ancillary offices**, but excluding a **Shop**.

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

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

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

**Sewer Purification Works** : land and buildings designed or used for the treatment and purification of sewage and may include ancillary offices and storerooms and ancillary and subservient uses deemed necessary by the Municipality.

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

**Showrooms** *land* or *buildings* used for the display of products or materials, including **ancillary offices**, but excluding a **Shop**.

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

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

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

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

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



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

Slope = vertical height as a ratio to horizontal distance.

**Social Hall:** a **building** used for social or cultural purposes, including a community centre, but excludes a **Place of Entertainment**.

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

**Spatial Development Framework:** the Dipaleseng Spatial Development Framework prepared and adopted in terms of the Act and the By-Law.

**Spaza Shop:** part of a **dwelling house**, used mainly for the sale of consumable products including groceries, stationary, reading material and tobacco products, as well as other similar goods. The retail activity shall be in accordance with Municipal policy and shall remain **ancillary** to the main use, but may not include the sale of liquor. The area used for a spaza shop shall not exceed 40% of the area of the property, not exceeding 60m<sup>2</sup> (storage area included), and is further subject to the policy of the Municipality, as amended from time to time. A tuck shop is regarded as a spaza shop and is included in this definition.

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

**Sport and Recreation Club:** **land** or **buildings** used as a **sports ground** and may include **Restaurants** and **Social Halls** for use solely by members of the club and their guests.

**Sports Ground:** **land** or **buildings** used for sporting activities such as soccer, rugby, cricket, netball, hockey, tennis, golf, or swimming and may include grandstands, stadiums, change rooms and ablution facilities **ancillary** thereto

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

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

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

**Street Boundary** : the boundary between a land unit and a public street or private road; provided that the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles, may be

regarded as a common boundary for the purpose of determining building lines, a street centre line setback and site access requirements.

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

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

**Subdivision** in relation to land, : to subdivide the land, whether by means of:  
survey;

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

**Subdivisional Area** : an area of land contemplated by

- a. a density requirement;
- b. the conditions and stipulations contained in these regulations;
- c. the planning stipulations of any applicable structure plan; and
- d. any other conditions laid down by Council at the times of the approval of the rezoning, has been rezoned as a subdivisional area.

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

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

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

**Surveyor-General** : the Surveyor-General as defined in the Land Survey Act, 1997 (Act No. 8 of 1997).

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

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

**Tavern**: *buildings* used for the licensed sale of liquor for the purpose of on-site consumption, as contemplated in Mpumalanga Liquor Licensing Act , 2006 ( Act No 5 of 20016) and may include the preparation and sale of food to patrons, provided that the tavern shall remain **ancillary** to the main residential use.

**Telecommunication Infrastructure**: land and buildings used for telecommunication and includes a structure in the form of a mast and a base station, satellite dish antennas, antennas and electronic equipment, which is designed for communication over a distance by means of satellite, cell phone, fibre optic, telephone, radio, television and internet wave technology or other technology as may be permitted in terms of the relevant legislation.

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

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

- a. the erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; Provided that such consent shall ipso facto lapse upon completion of the permanent structure or on the expiry date thereof as determined by the Municipality;
- b. the occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall;
- c. the use of land or buildings thereon for State or Municipal purposes;
- d. the use of land or the erection of buildings necessary for the purpose of informal retail trade.

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

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

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

**Title Deed** : any deed registered in a Deeds Registry recording the ownership of land or a real right in land.

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

**Tourist Facility**: land or a buildings used for tourists or day visitors such as a tea garden, farm stall, touch farm, game viewing facilities, gift shop, place of entertainment, outdoor activity, restaurant, wellness centre or a rest room on a scale and combination of uses as determined by Council for the tourist or day visitor industry, fitting with the character of the surrounding area, but does not include overnight accommodation.

**Total Floor Space** of a building : the sum of the floor space of all the levels of a particular building, including basements.

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

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

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

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

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

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

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

Transport: **land** or **buildings** used for the transportation of goods and/or passengers by rail, air, road and pipelines and includes uses such as stations, transportation amenities and facilities, parking, administrative offices and ancillary uses such as warehouses, container parks, workshops as well as residential uses and amenities for personnel, and may further include any uses such as business, shops or offices which are of service and convenience to passengers, as approved by the Local Municipality.

**Transport Centre:** **land** or **buildings** used in relation to transport as a depot, station, terminal, taxi rank or collection and distribution area for passengers and/or goods

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

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

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

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

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

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

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

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

**Veterinary Clinic:** **buildings** used for the treatment and care of animals, excluding any overnight facilities.

**Veterinary Hospital:** **buildings** used as a **Veterinary Clinic**, together with such overnight facilities.

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

**Warehouse:** **buildings** used for the storage of products or materials for distribution or collection, in relation to any wholesale trade, or in relation to any manufacturing **industry**.

**Warehouse Retail:** *buildings* used for the purposes of wholesale or retail trade, specialising in single themed goods, from a custom-built, stand-alone *warehouse*-type *building* or *warehouse*-scaled environment. Single themes exclude groceries and other goods or consumables purchased on a regular basis, as well as departmental *shops*. Examples of single themed *buildings* may include a tiling, lighting, camping, and bathroom or furniture *warehouse*.

**Waste Disposal Site:** *land* used for the dumping of refuse and rubble in a lawful manner and may include a waste sorting and recycling facility.

**Water Act:** the National Water Act, 1998, (Act No. 36 of 1998), as amended.

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

**Written Consent:** consent granted by the Local Municipality.

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

**Zone:** land which has been designated for a particular zoning, irrespective of whether it consists of one or more properties or a portion of a land unit.

**Zoning:** includes base zoning and overlay zoning.

## 4 LAND USE RIGHTS

### 4.1 Land Use Zones Maps

The land use rights maps provides for the following set of maps included in :

- 4.1.1 The Dipaleseng Key Map at a Scale of 1:10,000 for Scheme Maps 1- 223
- 4.1.2 Land Use Rights Key Maps for Settlements and Townships indicated by Maps A to J
- 4.1.3 Land Use Rights Maps at a Scale of 1:2,500 for the settlement and townships represented by the key maps indicated in Table 4-1
- 4.1.4 Land Use Rights Maps at a Scale of 1:10,000 for the farm portions represented by the key maps indicated in Table 4-1

**Table 4-1: Description of Maps**

Farm	Farm No	Key Maps. Scale 1:10000	Settlements/ Townships	Key Maps. Scale 1:5000
ALETTA 658 IR	658	112		
AMUKELANI PRIMARY 685 IR	685	21		
BAKKIESFONTEIN 568 IR	568	45		
BALFOUR 557 IR	557	19,20,30,31	Balfour	A1, A3, A4, A5, A6, A8, A9, A10, A13, A14, A15, A17, A18
BANKJES 588 IR	588	76		
BANTOEDORP 555 IR	555	20,31	Siyathemba	A1, A5, A6, A10, A11
BARNARDSKOP 637 IR	637	85,86,87,99,100		
BEERLAAGTE 494 IR	494	65,66,81,82,83,96,97		
BOSCHKOP 480 IR	480	77,78		
BOSCHMANFONTEIN 523 IR	523	14,24		
BOSJESSPRUIT 655 IR	655	112,113,114,123		
BOTHAS KRAAL 643 IR	643	106,107,108,117,118		
BRAKFONTEIN 513 IR	513	11,12,21,22,32		
BRAKSPRUIT 630 IR	630	103,112,113,114		
BRANDKRAAL 651 IR	651	99,100,109,110		
BRITSVILLE 483 IR	483	79,80,93		
BURNSTONE 684 IR	684	20,21,32		
DAGBREEK 551 IR	551	32,33		
DASPOORT 564 IR	564	30,31,42,43		
DE PAN 615 IR	615	89,90,103,104		
DIE DRAAI 659 IR	659	123,124,125,128		
DOORNHOEK 577 IR	577	34,46,47,59	Willemsdal	C1, C2, C3, C4, C5, C6, C7, C8, C9, C10
DOORNHOEK 582 IR	582	46,58,59		
DRAAIFONTEIN 489 IR	489	79,80,93,94		
DRIEFONTEIN 405 IR	405	16,17,27,28		
DRIEFONTEIN 632 IR	632	87,88,101,102,111,112		
DROOGE BULT 640 IR	640	108		



Farm	Farm No	Key Maps. Scale 1:10000	Settlements/ Townships	Key Maps. Scale 1:5000
DRUKFONTEIN 613 IR	613	72,73,74,88,89,90		
DWAALHOEK 647 IR	647	108,109,110,118,119,120		
EDDIE 679 IR	679	31	Siyathemba	A10, A15
ELANDSLAAGTE 618 IR	618	90		
GEGUND 520 IR	520	14,15,24		
GOEDGEDACHT 595 IR	595	59,60,72,73		
GOEDGEMEEND 519 IR	519	7,14,15		
GROENVLEI 589 IR	589	62,75,76		
GROOTPAN 591 IR	591	61,62,74,75		
GROOTPAN 592 IR	592	61,73,74		
GROOTSPRUIT 617 IR	617	73,74,75,89,90,91		
GROOTVLEI 453 IR	453	64,65,80		
GROOTVLEI 453 IR	453	39,50,51,52,53,54,55,56,63,64,65,66,67,68	Grootvlei / Grootvlei Ext 1	B3, B4, B5, B6, B7
GROOTVLEI 604 IR	604	66,67,68,82		
GROOTVLEI POWER STATION 458 IR	458	40,53,54	Grootvlei	B1, B2, B3, B4
GROOTVLEY 579 IR	579	36,46,47,48,59,60,61		
HARTBEESDRAAI 687 IR	687	74,90		
HARTBEESTDRAAI 619 IR	619	90		
HARTBEESTDRAAI 620 IR	620	75,91		
HARTBEESTDRAAI 683 IR	683	74,75,90,91		
HARTBEESTFONTEIN 522 IR	522	14,23,24,25,34,35		
HARTBEESTFONTEIN 638 IR	638	84,85,98,99		
HARTEBEESTKUIL 537 IR	537	37		
HERPSFONTEIN 610 IR	610	71,72,87,88		
HEXRIVIER 634 IR	634	86,87,100,101		
KLEINFONTEIN 567 IR	567	44,45		
KLIPFONTEIN 450 IR	450	28,40,41		
KLIPFONTEIN 621 IR	621	75,76		
KUILFONTEIN 502 IR	502	1,2,8,9		
LANSERIA 514 IR	514	4,5,6,11,12,13		
LEEUEWBANK 512 IR	512	4,5,11		
LEEUEWFONTEIN 495 IR	495	81,82,94,95,96,105,106		
LEEUEWFONTEIN 496 IR	496	81,95		
LEEUEWKRAAL 517 IR	517	12,13,14,21,22,23,24		
LEEUEWLAAGTE 488 IR	488	63,64,79,80		
LEEUEWSPRUIT 601 IR	601	66,67,68,82,83,84		
LEEUEWSPRUIT 606 IR	606	82,83,84,97,98		
MAHEMSFONTEIN 544 IR	544	24,35,36,47,48		
MALANSKRAAL 407 IR	407	26,27,28,38,39,40		
MARA 605 IR	605	84,98		
MERINO 641 IR	641	97,98,107,108		
MODDERBULT 511 IR	511	3,4,10,11		
MODDERFONTEIN 562 IR	562	41,42,43,54,55,56		

Farm	Farm No	Key Maps. Scale 1:10000	Settlements/ Townships	Key Maps. Scale 1:5000
MOLSHEUVEL 490 IR	490	64,65,80,81,94,95		
MOUNT 594 IR	594	62,75		
OTTERSKUILEN 629 IR	629	90,103,104		
OUDE HOUT SPRUIT 586 IR	586	62,75,76		
OUDHOUTDRAAI 631 IR	631	88,89,102,103,112,113		
PAARDEFONTEIN 526 IR	526	7,14,15		
PANFONTEIN 452 IR	452	40,41,53,54		
PLATKOP 543 IR	543	24,25,35,36,37,48		
POORTJESFONTEIN 398 IS	398	76		
POTTIE 563 IR	563	20,31	Siyathemba	A6, A10, A11, A15, A16
RASKOP 677 IR	677	24,25,36,37		
RIETBULT ESTATES 505 IR	505	2,8,9,10,11,19,20,21		
RIETFONTEIN 504 IR	504	8,9,18,19		
RIETFONTEIN 508 IR	508	2,3,9,10,11		
RIETFONTEIN 509 IR	509	9,10,20		
RIETFONTEIN 553 IR	553	44,45,57		
RIETFONTEIN 561 IR	561	29,30,31,41,42		
RIETFONTEIN 566 IR	566	43,44,45,57		
RIETFONTEIN 639 IR	639	82,96,97,106,107		
RIETFONTEIN 645 IR	645	107,108,117,118,126,127		
RIETFONTEIN 648 IR	648	98,99,108,109		
RIETVALEI 546 IR	546	23,33,34,46		
RIETVALLEY 633 IR	633	102,111,112,122		
RIETVALLEY 654 IR	654	112,113,122,123		
RIETVLEI 662 IR	662	111,112,122		
RIETVLEI 662 IR	662	111,112,122		
RIETVLY 600 IR	600	55,56,68,69,70		
ROODEPOORT 598 IR	598	58,59,71,72		
ROOIWAL 607 IR	607	68,69,70,84,85		
RUSTFONTEIN 548 IR	548	32,33,44,45		
RUSTICANA 660 IR	660	114,115,125		
SILVERBANK 611 IR	611	72,87,88,89,102		
SPRINGFONTEIN 541 IR	541	31,32,43		
SPRINGFONTEIN 549 IR	549	31,32,43,44,45		
STRYDOM 578 IR	578	48,61,62		
STRYFONTEIN 609 IR	609	69,70		
TWEEFONTEIN 560 IR	560	28,29,40,41		
UITVAL 656 IR	656	114		
VAALRIVIERSDRAAI 479 IR	479	78,92		
VAN KOLDERSKOP 547 IR	547	21,22,32,33		
VAN KOLDERSKOP 550 IR	550	22,23,33,34		
VAN KOLDERSKOP 552 IR	552	23,33,34		
VELLINGKRAAL 657 IR	657	113,114,115,123,124,125		
VERDRUK 646 IR	646	108,118		
VERDRUK 646 IR	646	108,118		

Farm	Farm No	Key Maps. Scale 1:10000	Settlements/ Townships	Key Maps. Scale 1:5000
VLAKFONTEIN 448 IR	448	38,39,40,52,53		
VLAKFONTEIN 556 IR	556	20,21,30,31,32	Siyathemba / Ridgeview	A1, A2, A6, A7, A11, A15, A16
VLAKFONTEIN 558 IR	558	18,19,29,30	Balfour	A3, A8, A12, A13, A17
VLAKFONTEIN 569 IR	569	29,30		
VLAKFONTEIN 599 IR	599	57,58,71		
VOGELSTRUISFONTEIN 593 IR	593	60,61,73,74		
VRISGEWAAG 501 IR	501	1,2		
WELTEVREDEN 449 IR	449	28,40		
WELTEVREDEN 580 IR	580	36,37,48,49,61		
WILDEALSKRAAL 518 IR	518	6,7,13,14,24		
WILDEALSKRAAL 518 IR	518	6,7,13,14,24		
WILDEBEESTFONTEIN 559 IR	559	8,17,18,19,28,29		
WILGEFONTEIN 644 IR	644	69,70,71,85,86,87		
WITBANK 340 IR	340	6,7		
WITNEK 581 IR	581	48,49,61		
WITPOORT 545 IR	545	34,35,46,47		
WITPOORT 565 IR	565	55,56,57,69,70		
WITTEBANK 653 IR	653	111,112,121		
WITTEBANK 661 IR	661	111,112,121,122		
WOLVENFONTEIN 652 IR	652	100,101,110,111,112		
ZANDFONTEIN 481 IR	481	78,79,92,93		
ZANDFONTEIN 484 IR	484	78,92		
ZANDFONTEIN 485 IR	485	92,93		
ZANDFONTEIN 500 IR	500	94,95,105,106,116		
ZANDHOEK 451 IR	451	28,40		
ZYFERFONTEIN 576 IR	576	44,45,57,58,59	Nthorwane	C3, C4, C7, C8, C9, C10

## 5 Land Use Zones

### 5.1.1 Conditions regarding the use of land and buildings

The land use conditions relevant to **Land** or **buildings** for each Land Use Zone are incorporated into **Table 5-1 to Table 5-28**

### 5.1.2 The Provisos shown in Table 3-2.

### 5.1.3 Table 3-3 to Table 3-28 indicate land uses that are permitted, provided that they are *ancillary* to the use being exercised as Primary and Special Consent Uses only.

The following additional Provisos also apply:

(a) **Living Accommodation for Domestic Workers** shall be limited to 6m<sup>2</sup> per **dwelling unit**, collectively for the entire residential development, with respect to any Use Zone permitting **Residential Buildings**, except where the **Municipality** permits otherwise by means of a **Written Consent**

(b) The letting of a **dwelling house** or unit in such a manner, that not more than one **household**, together with 4 (four) other **persons** or guests may reside therein: Provided that if any additional **persons** and guests are to be accommodated, the use will be construed as that of a **Guest House, Boarding House** or **Residential Building** and the relevant permissions therefore must be obtained.

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

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

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

(b) Post-boxes and public phones.

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

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

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

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

(g) Refuse removal points.

**Table 5-1: ACCOMMODATION**

Code: R		ACCOMMODATION		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
Primary Uses:	Special Consent Uses:	Written Consent Uses:	Ancillary Uses applicable to Primary and Special Consent Uses	
<ul style="list-style-type: none"> <li>• Guesthouse</li> <li>• Play Park</li> <li>• Dwelling House</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Boarding House</li> <li>• Conference Centre</li> <li>• Hotel</li> <li>• Place of Entertainment</li> <li>• Restaurant</li> <li>• Art Gallery</li> <li>• Special Use</li> <li>• Telecommunication Infrastructure</li> <li>• Tourist Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Ancillary Shops</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Ancillary Offices</li> <li>• Caretaker's Unit</li> <li>• Ancillary Offices</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:		As approved by the Municipality.		
Rear boundary:		As approved by the Municipality.		
Side boundary:		As approved by the Municipality.		
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-2: AERODROME**

Code: AE		AERODROME		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
Primary Uses:	Special Consent Uses:	Written Consent Uses:	Ancillary Uses applicable to Primary and Special Consent Uses	
Aerodrome	Such uses as may be approved by the Local Municipality	Such uses as may be approved by the Local municipality	<ul style="list-style-type: none"> <li>• Storerooms</li> <li>• Offices</li> <li>• Shops</li> <li>• Restaurant</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	As approved by the Municipality.			
Rear boundary:	As approved by the Municipality.			
Side boundary:	As approved by the Municipality.			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				



**Table 5-3: AGRICULTURE**

<b>Code: A</b>		<b>AGRICULTURE</b>		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>•Agricultural Use</li> <li>•Conservation Area</li> <li>•Forestry</li> <li>•Forestry building</li> <li>•Forestry housing</li> </ul>	<ul style="list-style-type: none"> <li>•Additional Dwelling Units,</li> <li>•Home Enterprise</li> <li>•Home Occupation</li> <li>•Prospecting &amp; Mining activities &lt; 5 years (Permit).</li> <li>•Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>•Abattoirs</li> <li>•Agricultural Industry</li> <li>•Airfield</li> <li>•Auction Centre</li> <li>•Conference Centre</li> <li>•Environmental Facilities</li> <li>•Forestry Industry</li> <li>•Guest House</li> <li>•Institution</li> <li>•Plant Nursery</li> <li>•Place of Education</li> <li>•Place of Worship</li> <li>•Recreation Facility</li> <li>•Renewable energy</li> <li>•Tourist Facility</li> <li>•Special Uses</li> </ul>		
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
1 Dwelling unit per erf and 1 Additional Dwelling Unit at a density of 1 unit per 10 hectares to a maximum of 5 Additional Dwelling Units.*	20%	As approved by the Municipality	3 storeys	As approved by the Municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	<b>10 metres</b>			
Rear boundary:	<b>10 metres</b>			
Side boundary:	<b>10 metres</b>			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-4: COMMUNITY SERVICES**

Code: COM		COMMUNITY SERVICES		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
Primary Uses:	Special Consent Uses:	Written Consent Uses:	Ancillary Uses applicable to Primary and Special Consent Uses	
<ul style="list-style-type: none"> <li>•Community Centre</li> <li>•Child Care Facility</li> <li>•Clinic</li> <li>•Fire Station</li> <li>•Library</li> <li>•Museum</li> <li>•Place of Education</li> <li>•Places of Instruction</li> <li>•Place of Public Worship</li> <li>•Post Office</li> <li>•Refuse Collection Point</li> <li>•Social Hall</li> <li>•Sport and recreational club</li> <li>•Sports Ground</li> </ul>	<ul style="list-style-type: none"> <li>•Crematorium</li> <li>•Institution</li> <li>•Light Industry</li> <li>•Mortuary</li> <li>•Municipal Purposes</li> <li>•Restaurant</li> <li>•Recycling Centre</li> <li>•Shops</li> <li>•Special Uses</li> <li>•Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>•Ancillary Dwelling Units</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•Automatic Teller Machines (ATM's)</li> <li>•Canteens</li> <li>•Shops</li> <li>•Offices</li> <li>•Restaurants</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
As approved by the municipality	60%	As approved by the municipality	4 Storeys	As approved by the municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	5 metres			
Rear boundary:	2 metres			
Side boundary:	2 metres			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-5: GENERAL MIXED USE (BUSINESS 1)**

Code: B1		GENERAL MIXED USE (BUSINESS 1)	
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>			
Primary Uses:	Special Consent Uses	Written Consent Uses:	Ancillary Uses applicable to Primary and Special Consent Uses
<ul style="list-style-type: none"> <li>• Auctioneers</li> <li>• Business Purpose</li> <li>• Clinics</li> <li>• Conference Centre</li> <li>• Dwelling Unit</li> <li>• Gymnasium</li> <li>• Hotel</li> <li>• Institutions</li> <li>• Medical Consulting Room</li> <li>• Motor Dealer</li> <li>• Parking Bays</li> <li>• Parking Garage</li> <li>• Places of Entertainment</li> <li>• Places of Worship</li> <li>• Places of Education</li> <li>• Places of Instruction</li> <li>• Plant Nurseries</li> <li>• Police Stations</li> <li>• Post Offices,</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Service Industry</li> <li>• Shops</li> <li>• Social Halls</li> <li>• Sport and Recreation Club</li> <li>• Tavern</li> </ul>	<ul style="list-style-type: none"> <li>• Filling Station</li> <li>• Fitment Centres</li> <li>• Hospitals</li> <li>• Light Industry</li> <li>• Motor Workshop</li> <li>• Panel Beater</li> <li>• Special Use</li> <li>• Telecommunication Infrastructure</li> <li>• Veterinary Hospitals</li> </ul>	<ul style="list-style-type: none"> <li>• Funeral Parlours</li> <li>• Transport Centres</li> <li>• Builder's Yards</li> <li>• Car Wash</li> </ul>	<ul style="list-style-type: none"> <li>• Automatic Teller Machines</li> <li>• (ATM's)</li> <li>• Canteens</li> <li>• 5 Gaming Machines</li> </ul>
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>			
Minimum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:
Minimum of 50 dwelling units per hectare.	95% for Business use and 70% for Residential use.	3	6 storeys
<b>C. CONDITIONS REGARDING BUILDING LINES</b>			
Street boundary:	5 metres		
Rear boundary:	2 metres		
Side boundary:	2 metres		
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>			
Refer to Chapter 4.			

**Table 5-6: SUBURBAN MIXED USE (BUSINESS 2)**

Code: B2		SUBURBAN MIXED USE (BUSINESS 2)	
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>			
Primary Uses:	Special Consent Uses:	Written Consent Uses:	Ancillary Uses applicable to Primary and Special Consent Uses
<ul style="list-style-type: none"> <li>•Business Purposes</li> <li>•Dwelling Units</li> <li>•Gymnasium</li> <li>•Medical Consulting Rooms</li> <li>•Parking Bays</li> <li>•Parking Garage</li> <li>•Places of Public Worship,</li> <li>•Places of Instruction</li> <li>•Places of Education</li> <li>•Places of Entertainment</li> <li>•Plant Nursery</li> <li>•Residential Buildings</li> <li>•Restaurant</li> <li>•Shop</li> <li>•Service Industry</li> </ul>	<ul style="list-style-type: none"> <li>•Auctioneers</li> <li>•Informal Business</li> <li>•Filling Station</li> <li>•Fitment Centre</li> <li>•Funeral Parlour</li> <li>•Hotels</li> <li>•Institutions</li> <li>•Motor Dealer</li> <li>•Places of Entertainment,</li> <li>•Social Halls</li> <li>•Special Uses</li> <li>•Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>•Taxi Rank</li> <li>•Veterinary Hospital</li> </ul>	<ul style="list-style-type: none"> <li>•Automatic Teller Machines (ATM's)</li> <li>•Canteens</li> <li>•5 Gaming Machines</li> </ul>
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>			
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:
Maximum of 50 dwelling units per hectare.	95% for Business use and 70% for Residential use.	2	3 storeys
<b>C. CONDITIONS REGARDING BUILDING LINES</b>			
Street boundary:	5 metres		
Rear boundary:	2 metres		
Side boundary:	2 metres		
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>			
Refer to Chapter 4.			

**Table 5-7: RESTRICTED MIXED USE (BUSINESS 3)**

Code: B3		RESTRICTED MIXED USE (BUSINESS 3)	
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>			
Primary Uses:	Special Consent Uses:	Written Consent Uses:	Ancillary Uses applicable to Primary and Special Consent Uses
<ul style="list-style-type: none"> <li>• Child Care Facility</li> <li>• Dwelling House</li> <li>• Dwelling Unit</li> <li>• Gymnasium</li> <li>• Guest House</li> <li>• Home Enterprise</li> <li>• Home Occupation</li> <li>• Medical consulting rooms</li> <li>• Office</li> <li>• Places of Public Worship</li> <li>• Place of Entertainment</li> <li>• Place of Education</li> <li>• Places of Instruction</li> <li>• Residential Building</li> <li>• Social hall</li> <li>• Service Industry</li> </ul>	<ul style="list-style-type: none"> <li>• Restaurant</li> <li>• Telecommunication Infrastructure</li> <li>• Veterinary clinic</li> </ul>	<ul style="list-style-type: none"> <li>• Telecommunication mast</li> <li>• Telephone kiosk</li> </ul>	<ul style="list-style-type: none"> <li>• Automatic Teller Machines (ATM's)</li> <li>• Canteens</li> </ul>
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>			
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:
Maximum of 60 dwelling units per hectare.	40%	0,5	2 storeys
<b>C. CONDITIONS REGARDING BUILDING LINES</b>			
Street boundary:	5 metres		
Rear boundary:	2 metres		
Side boundary:	2 metres		
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>			
Refer to Chapter 4.			

**Table 5-8: CEMETERY**

<b>Code: CEM</b>		<b>CEMETERY</b>		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses :</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
Cemetery	<ul style="list-style-type: none"> <li>•Crematorium</li> <li>•Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>•Wall of Remembrance</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•Office</li> <li>•Store rooms</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	5 metres			
Rear boundary:	2 metres			
Side boundary:	2 metres			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				



**Table 5-9: CONSERVATION**

Code: C		CONSERVATION		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>		<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>• Conservation Area</li> <li>• Environmental Facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Agriculture Use</li> <li>• Airfield</li> <li>• Conference Facility</li> <li>• Guest House</li> <li>• Hotel</li> <li>• Places of Public Worship</li> <li>• Place of Education</li> <li>• Place of Instruction</li> <li>• Special Use</li> <li>• Telecommunication Infrastructure</li> </ul>		<ul style="list-style-type: none"> <li>•Office</li> <li>•Information displays</li> <li>•Store rooms</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	As approved by the Municipality.			
Rear boundary:	As approved by the Municipality.			
Side boundary:	As approved by the Municipality.			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-10: EDUCATION**

Code: E		EDUCATION		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>•Place of Education</li> <li>•Place of Public Worship</li> <li>•Gymnasium</li> <li>•Sport and Recreational Ground</li> <li>•Child Care Facility</li> <li>•Boarding House</li> </ul>	<ul style="list-style-type: none"> <li>•Laboratory</li> <li>•Social Hall</li> <li>•Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>•Dwelling House</li> <li>•Dwelling Unit</li> </ul>	<ul style="list-style-type: none"> <li>•Ancillary Shops</li> <li>•Ancillary Offices</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the municipality	60%	As approved by the municipality	4 Storeys	As approved by the municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	5 metres			
Rear boundary:	2 metres			
Side boundary:	2 metres			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-11: GOVERNMENT**

<b>Code: GOV</b>		<b>GOVERNMENT</b>		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
• Government Use		<ul style="list-style-type: none"> <li>• Taxi rank</li> <li>• Telecommunication Infrastructure</li> </ul>		
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
<b>Street boundary:</b>	5 metres			
<b>Rear boundary:</b>	2 metres			
<b>Side boundary:</b>	2 metres			
<b>D. CONDITIONS REGARDING BUILDING LINES</b>				
Refer to Chapter 4.				

**Table 5-12: HIGH IMPACT INDUSTRIAL (INDUSTRIAL 1)**

Code: I1		HIGH IMPACT INDUSTRIAL (INDUSTRIAL 1)		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
Primary Uses:	Special Consent Uses:	Written Consent Uses:	Ancillary Uses applicable to Primary and Special Consent Uses	
<ul style="list-style-type: none"> <li>• Auction Centre</li> <li>• Builder's Yard</li> <li>• Commercial Purpose</li> <li>• Fitment Centre</li> <li>• Heavy Vehicle Parking Depot</li> <li>• Industry</li> <li>• Light Industry</li> <li>• Motor Dealer</li> <li>• Motor Workshop</li> <li>• Office</li> <li>• Panel Beater</li> <li>• Showroom</li> <li>• Service Industry</li> <li>• Railway Purposes</li> <li>• Transport Usage</li> <li>• Warehouse</li> </ul>	<ul style="list-style-type: none"> <li>• Airfield</li> <li>• Brick Making</li> <li>• Coal Yard</li> <li>• Filling Station</li> <li>• Funeral Parlour</li> <li>• Helicopter Landing Pad</li> <li>• Noxious Industry</li> <li>• Place of Entertainment</li> <li>• Transmission Tower</li> <li>• Special Use</li> <li>• Telecommunication Infrastructure</li> <li>• Waste Disposal Site</li> <li>• Wood Yard</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Equipment and Heavy Vehicles</li> <li>• Caretaker's Unit</li> <li>• Car Wash</li> <li>• Factory Shop</li> <li>• Informal Business</li> <li>• Place of Education</li> <li>• Scrap Yard</li> <li>• Sale and Maintenance of Earthmoving <b>Equipment</b></li> <li>• Warehouse Retail</li> </ul>	<ul style="list-style-type: none"> <li>• Automatic Teller Machines (ATM's)</li> <li>• Canteens</li> <li>• Only one ancillary Shop</li> <li>• 5 Gaming Machines</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
N/A	80%	2.7	3 Storeys	As approved by the municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	5 metres			
Rear boundary:	2 metres			
Side boundary:	2 metres			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-13: LOW IMPACT INDUSTRIAL (INDUSTRIAL 2)**

<b>Code: I2</b>	<b>LOW IMPACT INDUSTRIAL (INDUSTRIAL 2)</b>			
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>•Animal Care Centre</li> <li>•Auction Centre</li> <li>•Commercial Purposes</li> <li>•Garden Service Establishment</li> <li>•Office</li> <li>•Showroom</li> <li>•Motor Dealer</li> <li>•Builder’s Yard</li> <li>•Service Industry</li> </ul>	<ul style="list-style-type: none"> <li>• Animal Care Centre</li> <li>• Car Wash</li> <li>• Filling Station</li> <li>• Fitment Centre</li> <li>• Light Industry</li> <li>• Motor Workshop</li> <li>• Panel Beater</li> <li>• Place of Entertainment</li> <li>• Restaurant</li> <li>• Scrap Yards</li> <li>• Special Uses</li> <li>• Tavern</li> <li>• Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>•Warehouse Retail,</li> <li>•Sport and Recreation Club,</li> <li>•Places of Education,</li> <li>•Sale and Maintenance of Earthmoving Equipment,</li> <li>•Agricultural Equipment and Heavy Vehicles</li> <li>•Caretaker’s Unit</li> <li>•Informal Business</li> </ul>	<ul style="list-style-type: none"> <li>•Automatic Teller Machines (ATM’s)</li> <li>•Canteen</li> <li>• One ancillary Shop</li> <li>• 5 Gaming Machines</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
N/A	80%	2.7	3 Storeys	As approved by the municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:		5 metres		
Rear boundary:		2 metres		
Side boundary:		2 metres		
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-14: INSTITUTIONAL**

Code: I		INSTITUTIONAL		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>• Institution</li> <li>• Place of worship</li> </ul>	<ul style="list-style-type: none"> <li>• Special Usage</li> <li>• Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Dwelling Units</li> <li>• Parsonage</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Ancillary Offices</li> <li>• Canteen</li> <li>• Caretakers house</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the municipality	60%	As approved by the municipality	4 Storeys	As approved by the municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	5 metres			
Rear boundary:	2 metres			
Side boundary:	2 metres			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				



**Table 5-15: MINING**

Code: M		MINING		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>•Mining</li> <li>•Mining Rehabilitation Are</li> <li>•Agricultural Use</li> <li>•Brick Making</li> <li>•Conservation Areas</li> <li>•Open Spaces</li> <li>•Sport and Recreation Clubs</li> </ul>	<ul style="list-style-type: none"> <li>•Airfield</li> <li>•Helicopter Landing Pad</li> <li>•Telecommunication Infrastructure</li> <li>•Uses as determined by the Municipality</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•Ancillary Dwelling Units</li> <li>•Ancillary Offices</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	As approved by the Municipality.			
Rear boundary:	As approved by the Municipality.			
Side boundary:	As approved by the Municipality.			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-16: PRIVATE OPEN SPACE**

Code: PROS		PRIVATE OPEN SPACE		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>•Parks</li> <li>•Private Open Spaces</li> <li>•Garden</li> <li>•Botanical Garden</li> <li>•Conservation Area</li> <li>•Play Park</li> <li>•Open Space</li> <li>•Squares and Buildings used in connection therewith</li> <li>•Sports Grounds</li> <li>•Swimming Pools</li> <li>•Stormwater Retention and Attenuation Ponds</li> </ul>	<ul style="list-style-type: none"> <li>•Agricultural Use</li> <li>•Plant Nursery</li> <li>•Restaurant</li> <li>• Special Use</li> <li>•Telecommunication Infrastructure</li> <li>•Zoological Garden</li> </ul>	<ul style="list-style-type: none"> <li>•Museum</li> <li>•Sport and Recreation Club</li> <li>•Social Hall</li> <li>•Ancillary Shop</li> <li>•Caretaker's Unit</li> </ul>	<ul style="list-style-type: none"> <li>•Ancillary Shops</li> <li>•Ancillary Offices</li> <li>•Automatic Teller Machines (ATM's) Canteens</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	As approved by the Municipality.			
Rear boundary:	As approved by the Municipality.			
Side boundary:	As approved by the Municipality.			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-17: PUBLIC OPEN SPACE**

<b>Code: POS</b>		<b>PUBLIC OPEN SPACE</b>		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>		<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>
<ul style="list-style-type: none"> <li>•Art Gallery</li> <li>•Botanical Garden</li> <li>•Conservation Area</li> <li>•Gardens</li> <li>•Municipal Purpose</li> <li>•Museum</li> <li>•Open Space</li> <li>•Play Park</li> <li>•Public Open Space</li> <li>•Parks</li> <li>•Sport and Recreation Club</li> <li>•Social Hall</li> <li>•Sports Ground</li> <li>•Squares and Buildings used in connection therewith</li> <li>•Stormwater Retention and Attenuation Pond</li> <li>•Swimming Pool</li> <li>•Zoological Garden</li> </ul>		<ul style="list-style-type: none"> <li>•Agricultural Use</li> <li>•Caravan Park</li> <li>•Place of Entertainment</li> <li>•Plant Nursery</li> <li>•Resort</li> <li>•Restaurant</li> <li>•Special Use</li> <li>•Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>•Informal Trading</li> <li>•Caretaker's Unit</li> </ul>	<ul style="list-style-type: none"> <li>•Automatic Teller Machines (ATM's)</li> <li>• Canteens</li> <li>•one Shop</li> <li>• Ancillary Offices</li> <li>•Security Buffer Strip</li> </ul>
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:		As approved by the Municipality.		
Rear boundary:		As approved by the Municipality.		
Side boundary:		As approved by the Municipality.		
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-18: LOW DENSITY RESIDENTIAL (RESIDENTIAL 1)**

Code: R1		LOW DENSITY RESIDENTIAL (RESIDENTIAL 1)		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Private Roads</li> </ul>	<ul style="list-style-type: none"> <li>• Child Care Facilities</li> <li>• Crèche</li> <li>• Guest Houses</li> <li>• Home Care Facilities</li> <li>• Places of Public Worship</li> <li>• Places of Instruction</li> <li>• Social Halls</li> <li>• Special Uses</li> <li>• Telecommunication Infrastructure</li> <li>• Veterinary Clinic</li> </ul>	<ul style="list-style-type: none"> <li>• Home Enterprise</li> <li>• Additional Dwelling House,</li> </ul>	<ul style="list-style-type: none"> <li>• Child care Facilities</li> <li>• Living Accommodation for Domestic Workers limited to a maximum size (including a kitchen and bathroom) of 29m<sup>2</sup> or 10% of the Dwelling House whichever is the greater</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
10 dwelling units per hectare. The size of the erf shall not be less than 700 m <sup>2</sup> .	70%	1.5	2 storeys	As may be approved by the municipality from time to time.
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	5			
Rear boundary:	2			
Side boundary:	2			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-19: LOW MEDIUM DENSITY RESIDENTIAL (RESIDENTIAL 2)**

Code: R2		LOW MEDIUM DENSITY RESIDENTIAL (RESIDENTIAL 2)		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Dwelling Units</li> <li>• Retirement Villages</li> <li>• Private Roads</li> </ul>	<ul style="list-style-type: none"> <li>• Guest House</li> <li>• Gymnasium</li> <li>• Home Care Facilities</li> <li>• Kiosk</li> <li>• Launderette</li> <li>• Place of Instruction</li> <li>• Place of Public Worship</li> <li>• Social Hall</li> <li>• <b>Recreation Facility</b></li> <li>• Spaza Shop</li> <li>• Special Uses</li> <li>• Taverns</li> <li>• Telecommunication Infrastructure</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Home Enterprise</li> <li>• Child Care Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Ancillary Offices</li> <li>• Child care Facilities</li> <li>• Living Accommodation for Domestic Workers limited to a maximum size (including a kitchen and bathroom) of 29m<sup>2</sup> or 10% of the Dwelling House whichever is the greater.</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
30 dwelling units per hectare.	70%	1.00	2 storeys	As may be approved by the municipality from time to time.
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	5 metres for municipal streets. 2 metres along internal streets.			
Rear boundary:	2 metres for municipal streets. 1 metre along internal boundary.			
Side boundary:	2 metres for municipal streets. 1 metre along internal boundary.			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
1 covered and 1 uncovered spaces per dwelling unit. For non-residential uses, refer to Chapter 4.				

**Table 5-20: HIGH MEDIUM DENSITY RESIDENTIAL (RESIDENTIAL 3)**

Code: R3		HIGH MEDIUM DENSITY RESIDENTIAL (RESIDENTIAL 3)		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Dwelling Units</li> <li>• Residential Buildings</li> <li>• Retirement Village</li> <li>• Private Roads</li> </ul>	<ul style="list-style-type: none"> <li>• Child Care Facility</li> <li>• Gymnasium</li> <li>• Kiosk</li> <li>• Laundrette</li> <li>• Old Age Home</li> <li>• Place of Public Worship</li> <li>• Place of Instruction</li> <li>• Special Uses</li> <li>• Social Hall</li> <li>• Spaza Shop</li> <li>• Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• Home Enterprises</li> <li>• Child care Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Living Accommodation for Domestic Workers limited to 6m<sup>2</sup> per Dwelling Unit for the entire residential development</li> <li>• Ancillary Offices</li> <li>• Laundrette</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
50 dwelling units per hectare.	80%	0.4	6 storeys	As may be approved by the municipality from time to time.
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
<b>Stand size</b>	<b>Street (m)</b>	<b>Rear (m)</b>	<b>Side (m)</b>	
≤ 350m <sup>2</sup>	1	1	1	
>350m <sup>2</sup> +	5	2	2	
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Residential Uses – as per Site Development Plan. For non-residential uses <b>Refer to Chapter 4.</b>				

**Table 5-21: HIGH DENSITY RESIDENTIAL ( RESIDENTIAL 4)**

Code: R4		HIGH DENSITY RESIDENTIAL ( RESIDENTIAL 4)		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Dwelling Units</li> <li>• Residential Buildings</li> <li>• Private Roads</li> </ul>	<ul style="list-style-type: none"> <li>• Guest House</li> <li>• Gymnasium</li> <li>• Home Care Facility</li> <li>• Kiosk</li> <li>• Laundrette</li> <li>• Place of Public Worship</li> <li>• Place of Instruction</li> <li>• Social Hall</li> <li>• Spaza Shop</li> <li>• Special Uses</li> <li>• Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• Home Enterprises</li> <li>• Child Care Facility</li> <li>• Living Accommodation for Domestic Workers limited to a maximum size (including a kitchen and bathroom) of 29m<sup>2</sup> or 10% of the Dwelling House whichever is the greater</li> </ul>	<ul style="list-style-type: none"> <li>• Living Accommodation for Domestic Workers limited to 6m<sup>2</sup> per Dwelling Unit for the entire residential development</li> <li>• Ancillary Offices</li> <li>• Laundrette</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
150 dwelling units per hectare.	75%	1.5	2 storeys	As may be approved by the municipality from time to time.
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
<b>Stand size</b>	<b>Street (m)</b>	<b>Rear (m)</b>	<b>Side (m)</b>	
≤ 350m <sup>2</sup>	1	1	1	
>350m <sup>2</sup> +	5	2	2	
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Residential Uses – as per Site Development Plan. For non-residential uses, <b>Refer to Chapter 4</b>				



**Table 5-22: RELIGION**

Code: I	RELIGION			
<b>E. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>• Place of worship</li> <li>• Dwelling House</li> </ul>	<ul style="list-style-type: none"> <li>• Place of Education</li> <li>• Place of Instruction</li> <li>• Special Usage</li> <li>• Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Dwelling Units</li> <li>• Parsonage</li> </ul>	<ul style="list-style-type: none"> <li>• Ancillary Offices</li> <li>• Canteen</li> </ul>	
<b>F. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the municipality	60%	As approved by the municipality	4 Storeys	As approved by the municipality
<b>G. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	5 metres			
Rear boundary:	2 metres			
Side boundary:	2 metres			
<b>H. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-23: ROADS**

Code: RO	ROADS			
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>•Public Road</li> <li>•Private Road</li> <li>•Toll Gates,</li> <li>•Weigh Bridges,</li> <li>•Parking,</li> <li>•Cycle Lanes,</li> <li>•Bus Lanes,</li> <li>•Utility Services</li> </ul>	<ul style="list-style-type: none"> <li>•Advertising Sign</li> <li>•Telecommunication Infrastructure</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•Informal Trading</li> <li>•Road Depot</li> <li>•Transport Centre</li> <li>•Pedestrian Mall</li> <li>•Public Walkways and Bridges</li> <li>•Access Control</li> <li>•Ancillary Uses as approved by the Municipality</li> </ul>	<ul style="list-style-type: none"> <li>•Ancillary Offices</li> <li>•Automatic Teller Machines (ATM's) Canteens.</li> <li>•Refuse Collection</li> <li>•Points,</li> <li>•Post boxes</li> <li>•Rest Rooms</li> <li>• Public Conveniences</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality
<b>C. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-24: RURAL MIXED USE**

Code: R1		RURAL MIXED USE		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
Primary Uses:	Special Consent Uses subject to the comments of the Traditional Authority or Community Property Association:	Written Consent Uses:	Ancillary Uses applicable to Primary and Special Consent Uses	
<ul style="list-style-type: none"> <li>• Dwelling Units</li> <li>• Agriculture</li> <li>• Additional Dwelling Unit</li> <li>• Boarding House</li> <li>• Child care Facility</li> <li>• Clinic</li> <li>• Coal Yard</li> <li>• Commonage</li> <li>• Crèche</li> <li>• Community Centre</li> <li>• Child Care Facility</li> <li>• Dwelling House</li> <li>• Funeral Parlour</li> <li>• Government Use</li> <li>• Guest House</li> <li>• Home Enterprise</li> <li>• Offices</li> <li>• Old Age Home</li> <li>• Place of Education</li> <li>• Place of Instruction</li> <li>• Place of Public Worship</li> <li>• Plant Nursery</li> <li>• Private Open Space</li> <li>• Private Road</li> <li>• Public Authority</li> <li>• Public Open Space</li> <li>• Restaurant</li> <li>• Service Industry</li> <li>• Shop</li> <li>• Social Hall</li> <li>• Spaza</li> <li>• Sport and Recreation</li> <li>• Taxi Rank</li> <li>• Telecommunication Infrastructure</li> <li>• Tribal Offices</li> <li>• Tourist facility</li> <li>• Traditional Healing Practice</li> <li>• Urban Agriculture</li> <li>• Veterinary Clinic</li> <li>• Warehouse</li> </ul>	<ul style="list-style-type: none"> <li>• Airport</li> <li>• Agricultural Industry</li> <li>• Airfield</li> <li>• Brick Yard</li> <li>• Builders' Yard</li> <li>• Cemetery</li> <li>• Conference Centre</li> <li>• Crematorium;</li> <li>• Commercial Use</li> <li>• Distribution Centre</li> <li>• Dumping/Landfill site</li> <li>• Filling Station</li> <li>• Forestry Industry</li> <li>• Hotel</li> <li>• Industry</li> <li>• Intensive Feed Farming</li> <li>• Light Industry</li> <li>• Liquor Enterprise</li> <li>• Mining</li> <li>• Mortuary</li> <li>• Motor Dealer</li> <li>• Motor Workshop</li> <li>• Nature Reserve</li> <li>• Noxious Industry</li> <li>• Panel Beater</li> <li>• Place of Entertainment</li> <li>• Railway Purposes</li> <li>• Renewable energy.</li> <li>• Resort</li> <li>• Scrap Yard</li> <li>• Sewerage Purification Works</li> <li>• Special Use</li> <li>• Tavern</li> <li>• Telecommunication Infrastructure</li> <li>• Transport</li> <li>• Utility Services</li> <li>• Prospecting and Mining activities &lt; 5 years (Permit).</li> </ul>	<ul style="list-style-type: none"> <li>• Uses approved by the Municipality subject to the approval of the Community Property Association if applicable</li> </ul>		
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
Maximum Density:	Maximum Coverage:	Maximum FAR:	Maximum Height:	Other:
	70%	As approved by the Municipality	2 storeys	As may be approved by the municipality from time to time.
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:		5 metres		
Rear boundary:		1 metre		

Code: R1	RURAL MIXED USE	
Side boundary:	1 metre	
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>		
Residential Uses – as per Site Development Plan. For non-residential uses, <b>Refer to Chapter 4.</b>		
<b>E. OTHER CONDITIONS</b>		
<p>An application for a Special Consent Use must be accompanied by :</p> <ul style="list-style-type: none"> <li>a) a Power Of Attorney signed by the applicable Community Property Association if applicable ; and</li> <li>b) proof of a decision taken by the majority of the community members who will be affected by such development who are present at a meeting, of which they have been given sufficient notice and in which they have had a reasonable opportunity to participate, that was convened for the purpose of considering whether their informal right to land may be disposed of as a result of such high intensity development, and the provisions of the municipal by-law apply to that application.</li> </ul>		

**Table 5-25: SPECIAL**

<b>Code: SP</b>	<b>SPECIAL</b>				
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>					
<b>Primary Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>		<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
As shown on relevant Schedule	As shown on relevant Schedule		As shown on relevant Schedule	As shown on relevant Schedule	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>					
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>	
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	
<b>C. CONDITIONS REGARDING BUILDING LINES</b>					
Street boundary:		As approved by the Municipality.			
Rear boundary:		As approved by the Municipality.			
Side boundary:		As approved by the Municipality.			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>					
Refer to Chapter 4.					

**Table 5-26: TOURISM**

Code: R		TOURISM		
<b>E. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>•Resort</li> <li>•Guesthouse</li> <li>•Conservation Area</li> <li>• Play Park</li> <li>• Botanical Garden</li> <li>•Social Halls</li> <li>•Tourist Facility</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•Art Galleries</li> <li>•Hotels</li> <li>•Places of Entertainment</li> <li>•Restaurants</li> <li>•Sport and Recreation Clubs</li> <li>• Special Uses</li> <li>•Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>•Camping</li> <li>•Camping Site</li> <li>•Helicopter Landing Pad</li> <li>•Riding Stables</li> <li>•4X4 Trail</li> <li>•Ancillary Shops</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•Automatic Teller Machines (ATM's)</li> <li>•Canteens</li> <li>•Ancillary Offices</li> <li>•Caretaker's Unit</li> <li>•5 Gaming Machines</li> <li>•Ancillary Offices</li> <li>•Public Conveniences</li> </ul>	
<b>F. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the Municipality.	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
<b>G. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	As approved by the Municipality.			
Rear boundary:	As approved by the Municipality.			
Side boundary:	As approved by the Municipality.			
<b>H. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

**Table 5-27: TRANSPORT**

Code: T	TRANSPORT			
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Written Consent Uses:</b>	<b>Special Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>• Airfield</li> <li>• Airport</li> <li>• Bus Bay</li> <li>• Bus Station</li> <li>• Bus Terminus</li> <li>• Helicopter Landing Pad</li> </ul>	<ul style="list-style-type: none"> <li>• Advertisement</li> <li>• Advertising Sign</li> <li>• Telecommunication Infrastructure</li> </ul>		<ul style="list-style-type: none"> <li>• Ancillary Offices</li> <li>• Public Conveniences</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality
<b>C. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				



**Table 5-28: UTILITY SERVICES**

Code: GOV		UTILITY SERVICES		
<b>A. CONDITIONS REGARDING THE USE OF LAND AND BUILDINGS</b>				
<b>Primary Uses:</b>	<b>Special Consent Uses:</b>	<b>Written Consent Uses:</b>	<b>Ancillary Uses applicable to Primary and Special Consent Uses</b>	
<ul style="list-style-type: none"> <li>• Utility Services</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Telecommunication Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• Temporary use</li> </ul>	<ul style="list-style-type: none"> <li>• Office</li> <li>• Parking</li> <li>• Store rooms</li> </ul>	
<b>B. CONDITIONS REGARDING THE EXTENT OF DEVELOPMENT</b>				
<b>Maximum Density:</b>	<b>Maximum Coverage:</b>	<b>Maximum FAR:</b>	<b>Maximum Height:</b>	<b>Other:</b>
As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality	As approved by the municipality
<b>C. CONDITIONS REGARDING BUILDING LINES</b>				
Street boundary:	5 metres			
Rear boundary:	2 metres			
Side boundary:	2 metres			
<b>D. CONDITIONS REGARDING PARKING AND LOADING</b>				
Refer to Chapter 4.				

## 6 PLANNING CONTROL

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### 6.1 Height

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

### 6.2 Density

- 6.2.1 The density zoning of a property refers to the maximum number of dwelling units that may be erected.
- 6.2.2 The density zoning of a property is related to its land use zoning and is stipulated in Chapter 3.
- 6.2.3 An owner may erect and use a maximum of one subsidiary dwelling unit on an erf zoned Low Density Residential notwithstanding the density provision of this Scheme subject to the following conditions:
- 6.2.3.1 The floor area of a subsidiary dwelling unit shall not exceed 110m<sup>2</sup> or 50% of the main dwelling house whichever is the lesser;
- 6.2.3.2 A subsidiary dwelling unit may only be erected in relation to an existing dwelling house;
- 6.2.3.3 The written consent of all adjoining owners shall be obtained which shall include the endorsement of signatures, full names and addresses on the relevant building plans, save that in the event of one or more adjoining owners refusing endorsement followed by receipt by the Municipality of written particulars of the dissenting owner/s, reasons for such refusal within 28 days from date of dispatch by the Municipality of a letter calling for such particulars, the written consent of the Municipality shall be required;
- 6.2.3.4 Parking shall be provided to the satisfaction of the municipality;
- 6.2.3.5 No outbuildings may be erected in relation to a subsidiary dwelling unit other than a garage or garages;
- 6.2.4 Where an owner of a Low Density Residential property exercised the right of a subsidiary dwelling unit, neither subsidiary dwelling unit nor the main dwelling house may be sectionalised;
- 6.2.5 In the event of a subdivision in accordance with the prevailing density guidelines, a newly erected portion may contain the detached subsidiary dwelling unit, which may now be redefined as an existing dwelling house; and
- 6.2.6 When an owner exercises the right for a subsidiary dwelling unit, engineering services contributions shall be payable on submission of the building plan as determined by the Municipality.

**6.3 Parking and Loading Requirement**

6.3.1 Provision of parking and loading spaces

Effective and paved on-site parking and loading spaces together with the necessary manoeuvring area shall be provided for a development as set out in Table 6-1

6.3.2 Parking and loading requirements discrepancy

In the case of a discrepancy between Table 6-1 and the zone with regards the parking and loading requirements, the zone regulation shall have precedence.

6.3.3 Relaxation and waiving of parking and loading requirements

The Municipality may relax or waive the parking and loading requirements if it is of the opinion that adequate parking already exists in the vicinity of the site; provided further that in the event of such relaxation or waiving the applicant shall pay a cash contribution to the Municipality in lieu of the provision of such parking spaces, provided further that any owner may provide the parking area required in terms of this clause on any alternative site approved by the Municipality and such site shall be notarially bound to the subject site.

6.3.4 Increase of parking and loading requirements

The Municipality may, at its discretion, increase the requirements set out in Table 6-1 for specific developments.

6.3.5 Condition of parking spaces

The owner of a building in respect of which parking spaces are required in terms of this clause shall keep such parking spaces in a proper condition for such purpose to the satisfaction of the Municipality.

6.3.6 Gross floor area per parking space

The gross floor area per parking space shall be calculated on 15m<sup>2</sup>, excluding manoeuvring and road areas, and shall be applicable to all new buildings (except a single dwelling unit) and/or extensions to existing buildings (except a single dwelling unit).

6.3.7 Loading and off-loading of goods

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

6.3.8 Gross floor area per loading space

The gross floor area per loading space shall be calculated at 50m<sup>2</sup> and shall be applicable to new buildings and/or additions.

6.3.9 Visitor's parking

Visitor's parking spaces may not be reserved temporarily or permanently whether it is for payment or not.

**Table 6-1: Parking and Loading Requirements**

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
4X4 Trail	4, 5 Spaces per 100m <sup>2</sup> office floor area and sufficient area for parking of the participating 4X4 vehicles and sufficient parking area for spectators.	Not applicable.
Abattoir	5 spaces for the first 1000m <sup>2</sup> floor area or part thereof and 2 spaces for every 1000m <sup>2</sup> thereafter, or part thereof.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Adult Entertainment Business	6 spaces per 100m <sup>2</sup> public floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Additional Dwelling	1 per additional dwelling	Not applicable
Agricultural Industry	1 space per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Agri-Village	2 Spaces per every 3 dwelling units.	At least 1 space.
Airport	2 spaces for the first 100m <sup>2</sup> floor area or part thereof and 1 space for every 100m <sup>2</sup> thereafter, or part thereof.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Agricultural Use	1 Space per every 3 dwelling units.	Not applicable
Animal Care Centre	3 spaces per 100m <sup>2</sup> floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Auction Centre	40% of property reserved for parking and loading requirements	
Bakery	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Bed & Breakfast	1 per bedroom	Not applicable
Boarding House	1 space per room and 1 space for every 3 rooms.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Botanical Garden	3 spaces per hectare or part thereof.	Not applicable.
Brickyard	40% of property reserved for parking and loading requirements.	
Builders' Yard	2 per 100m <sup>2</sup> parking gross leasable area	2 per 1000m <sup>2</sup> parking per gross leasable area
Camping Site	1 Space per tent or caravan or mobile dwelling unit site and 4,5 spaces per 100 m <sup>2</sup> office floor area and 1 space per 4 seats and 6 spaces per 100m <sup>2</sup> place of refreshment public floor area and 6 spaces per 100 m <sup>2</sup> retail floor area.	1 Space per first 2000 m <sup>2</sup> place of refreshment or retail floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> place of refreshment or retail floor area thereafter.

**Table 6-1: Parking and Loading Requirements**

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Canteen	2 Spaces per 100 m <sup>2</sup> floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Caravan Park	2 per 100m <sup>2</sup> parking gross leasable area	2 per 1000m <sup>2</sup> parking per gross leasable area
Caretaker's Flat	1 per additional dwelling	Not applicable
Carwash	6 spaces per 100m <sup>2</sup> area or part thereof.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Cemetery	40% of property reserved for parking and loading requirements	
Commercial Purpose	2 per 100m <sup>2</sup> parking gross leasable area	2 per 1000m <sup>2</sup> parking per gross leasable area
Coal Yard	40% of property reserved for parking and loading requirements	
Commonage	6 Spaces per 100m <sup>2</sup> informal trade floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Commune	3 spaces per 100m <sup>2</sup> floor area	Not applicable
Confectioner	6 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Community Centre	2 per 100m <sup>2</sup> parking gross leasable area	Not applicable
Conference Centre	6 spaces per 100m <sup>2</sup> floor area and 1 space per 4 seats	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Crematorium	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Crèche	1 space for every 4 children	1 space per first 2000m <sup>2</sup> floor area or part thereof and 1 space per every 2000m <sup>2</sup> floor area thereafter.
Child Care Facility	1 per 5 children	Not applicable
Dry Cleaner	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Dispensing Pharmacy	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Distribution Centre	6 spaces per 100m <sup>2</sup> floor area and 1 space per 4 seats	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Dwelling House	One space on-site per unit.	Not applicable

**Table 6-1: Parking and Loading Requirements**

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Dwelling unit	1 covered space per dwelling unit and 1 uncovered space per 2 dwelling units	1 Space per 10 dwelling units.
Drive-Thru Restaurant	6 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Dry Cleaner	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Dwelling House	1 per dwelling	Not applicable
Dwelling House Office	4,5 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Dwelling Unit	1 covered space per dwelling unit and 1 uncovered space per 2 dwelling units	1 Space per 10 dwelling units.
Environmental Facilities	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Factory Shop	6 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Farm Stall	6 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Filling Station	40% of property reserved for parking and loading requirements and 6 spaces per 100m <sup>2</sup> retail floor area.	
Flats	1 spaces per room and 6 spaces per 100m <sup>2</sup> public floor area	Not Applicable.
Funeral Parlour	1 per 100m <sup>2</sup> parking gross leasable area	1 per erf
Gaming Establishment	6 spaces per 100m <sup>2</sup> floor area and 1 space per 4 seats	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Garden Centre	6 spaces per 100m <sup>2</sup> display floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Garden Service Establishment	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Government Use	4, 5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Guest House	1 space per guest room	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Guest Lodge	2 per dwelling	Not Applicable.
Gymnasium	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof

**Table 6-1: Parking and Loading Requirements**

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
		and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Habitable Room	1 per room	Not Applicable.
Heavy Vehicle Parking Depot	40% of property or site reserved for parking and loading requirements	
Helicopter Landing Pad	4, 5 Spaces per 100m <sup>2</sup> office floor area, 1 space per 100m <sup>2</sup> repair facility and 1 space per rotary wing aircraft storage unit.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
High-Intensity Land Uses	40% of property or site reserved for parking and loading requirements	
Home Enterprise	2 per 100m <sup>2</sup> parking gross leasable area	Not Applicable.
Hotel	1 per bedroom & 6 per 100m <sup>2</sup> public space	1 per erf
Hospital	1 space per bed	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Hotel	1 spaces per room and 6 spaces per 100m <sup>2</sup> public floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Industry	1 space per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Institutional Use	1 per 100m <sup>2</sup> parking gross leasable area or 0, 7 per bed for medical use.	1 medical
Informal Business	3 Spaces per 100m <sup>2</sup> floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Informal Structure	1 per dwelling	Not applicable
Institution	6 spaces per 100m <sup>2</sup> floor area and 1 spaces per 4 seats	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Prison	4, 5 Spaces per 100m <sup>2</sup> office floor area and 1 space per 10 holding cells.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Kiosk	4 per 100m <sup>2</sup> gross leasable area or 1 per 6 seats	Not Applicable.
Laboratory	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Launderette	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Light Industry	1 per 100m <sup>2</sup> parking gross leasable area for industry & 2 per 100m <sup>2</sup> parking gross	2 per 1000m <sup>2</sup> parking gross leasable area



**Table 6-1: Parking and Loading Requirements**

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
	leasable area for offices.	
Liquor Enterprise	4 per 1000m <sup>2</sup> parking gross leasable area or 1 per 6 seats	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Lodge	1 space per guest room or suite and 6 spaces per 100m <sup>2</sup> public floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Medical Consulting Rooms	4,5 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Mining	40% of property or site reserved for parking and loading requirements	
Mobile Dwelling Unit	40% of property reserved for parking and loading requirements	
Mobile Home	1 parking space per mobile home	Not Applicable.
Scrap Yard	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Motor Dealer	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Motor Workshop	6 spaces per 100m <sup>2</sup> floor area	
Mortuary	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Municipal Purposes	4, 5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Nature Reserve	1 spaces per 4 visitors and 3 spaces per 100m <sup>2</sup> office floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Noxious Industry	1 per 100m <sup>2</sup> parking gross leasable area for industry and 2 per 100m <sup>2</sup> parking gross leasable area for offices.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Plant Nursery	2 per 100m <sup>2</sup> parking gross leasable area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Office	4 per 100m <sup>2</sup> parking gross leasable area or 6 per 100m <sup>2</sup> parking gross leasable area for medical purposes	1 per erf
Outbuilding	1 per building.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Panel Beater	1 per 100m <sup>2</sup> parking gross leasable area for industry and 2 per 100m <sup>2</sup> parking gross	Not Applicable.

**Table 6-1: Parking and Loading Requirements**

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
	leasable area for offices.	
Parsonage	1 per dwelling.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Petro-Port	40% of property reserved for parking and loading requirements	Not Applicable.
Place of Entertainment	1 per 4 seats or 6 per 100m <sup>2</sup> parking gross leasable area	Not applicable
Place of Instruction	1 per 100m <sup>2</sup> parking gross leasable area	Not applicable
Place of Worship	1 per 8 seats	Not applicable
Place of Education	2 Spaces per 100m <sup>2</sup> office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students.	Not applicable
Place of Public Worship	1 space per 6 seats	1 drop-off space for buses per 100 students.
Place of Refreshment	10 spaces per 100m <sup>2</sup> public floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Private Club	4 per 100m <sup>2</sup> parking gross leasable area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Private Open Space	1 Space per 100m <sup>2</sup> sport, recreation or play area.	2 per 1000m <sup>2</sup> parking gross leasable area
Filling Station	4 per 100m <sup>2</sup> parking gross leasable area	Not Applicable.
Public Garden	2 per 100m <sup>2</sup> parking gross leasable area	Not Applicable
Public Open Space	1 Space per 100m <sup>2</sup> sport, recreation or play area.	2 per 1000m <sup>2</sup> parking gross leasable area
Public Square	4 per 100m <sup>2</sup> parking gross leasable area	Not Applicable
Public Transport Rank	4, 5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	Not Applicable
Railway Station	4,5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	2 per 1000m <sup>2</sup> parking gross leasable area
Recreation Facility	4 per 100m <sup>2</sup> parking gross leasable area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.

**Table 6-1: Parking and Loading Requirements**

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Refuse Room	1 space per room and 1 space for every 3 rooms.	2 per 1000m <sup>2</sup> parking gross leasable area
Residential Building	1 space per room and 1 space for every 3 rooms.	Not Applicable.
Resort	1 space per room and 6 spaces per 100m <sup>2</sup> public floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Restaurant	4 per 1000m <sup>2</sup> parking gross leasable area or 1 per 6 seats	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Retirement Village	1,25 per flat and/or 0,7 per bedroom	1 per erf
Shop	6 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Retirement Village	1 covered space per unit and 1 uncovered space per 2 units	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Riding Stables	0,7 spaces per stable	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Sawmill	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Scrap Yard	3 spaces per 100m <sup>2</sup> floor area	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter.
Second Dwelling Unit	1 per dwelling unit	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter
Service Industry	3 spaces per 100m <sup>2</sup> floor area	Not applicable
Service Yard	40% of property reserved for parking and loading requirements	Not applicable
Sewer Purification Plant	40% of property reserved for parking and loading requirements	
Shop	6 per 100m <sup>2</sup> parking gross leasable area for Business 1, 2 per 100m <sup>2</sup> parking gross leasable area for Business 2.	Not Applicable.
Shopping Centre	1 space per 100m <sup>2</sup> trade floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 per 1000m <sup>2</sup> parking gross leasable area
Showrooms	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Social Hall	4, 5 spaces per 100m <sup>2</sup> office floor area and 6 spaces per 100m <sup>2</sup> public floor area and 1 space per 4 seats.	2 per 1000m <sup>2</sup> parking gross leasable area

**Table 6-1: Parking and Loading Requirements**

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas.
Spa / Hydro and Wellness Centre	1 spaces for every 4 seats and 6 spaces per 100m <sup>2</sup> public floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Sports Facilities	1 space per 4 seats and 6 spaces per 100m <sup>2</sup> public floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Sports Ground / Sports and Recreational Club	1 space per 4 seats and 6 spaces per 100m <sup>2</sup> public floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Structure	1 per structure	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Substation	6 spaces per 100m <sup>2</sup> floor area	Not Applicable.
Take-Away	1 spaces for every 4 seats and 6 spaces per 100m <sup>2</sup> public floor area.	Not Applicable.
Tavern	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Telecommunication Infrastructure	6 spaces per 100m <sup>2</sup> floor area	Not Applicable
Totalisator	6 spaces per 100m <sup>2</sup> floor area	
Tourist Facility	6 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Traditional Healing Practice	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Transmission Tower	As approved by the Municipality.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Transport Usage	As approved by the Municipality.	As approved by the Municipality.
Truck Stop	40% of property reserved for parking and loading requirements and 6 spaces per 100m <sup>2</sup> retail floor area.	As approved by the Municipality
Spaza Shop	1 space on-site.	
Urban Agriculture	40% of property reserved for parking and loading requirements	Not Applicable.
Utility Services	40% of property reserved for parking and loading requirements	
Veterinary Clinic	3 spaces per 100m <sup>2</sup> floor area	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.
Wall of Remembrance	3 parking bays for every 20 slots.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.

<b>Table 6-1: Parking and Loading Requirements</b>		
<b>Land Use</b>	<b>Number of Parking spaces to be provided</b>	<b>Requirements for loading spaces and areas.</b>
Warehouse	1 space per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	Not applicable
Warehousing and Packaging	1 space per 100m <sup>2</sup> floor area and 3 spaces per 100m <sup>2</sup> office floor area.	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter
Waste Disposal Site	40% of property reserved for parking and loading requirements	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter
Wholesale Trade	1 space per 100m <sup>2</sup> trade floor area and 3 spaces per 100m <sup>2</sup> office floor area.	
Wood Yard	40% of property reserved for parking and loading requirements	2 spaces per first 1000m <sup>2</sup> floor area, or part thereof and 1 space per every 1000m <sup>2</sup> floor area thereafter
Zoological garden	6 spaces per hectare uncovered exhibition floor area and 4, 5 spaces per 100m <sup>2</sup> covered exhibition floor area.	1 Space per first 2000 m <sup>2</sup> floor area, or part thereof and 1 space per every 2000 m <sup>2</sup> floor area thereafter.

**6.4 Building Lines and Restriction Areas**

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

6.4.9 The registered owner of the erf shall erect and maintain a physical barrier to the satisfaction of the local authority or a fence of such other material as may be approved by the local authority in accordance with the standards prescribed by the Controlling Authority, prior to or during the development of the property along the boundaries of the property adjacent to the National Road or Provincial Road.

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

## **6.5 Site Development Plans**

6.5.1 In addition to the zones that specifically require a site development plan, the Municipality may require a site development plan in respect of the following development types

- Cemetery
- Business 1
- Business 2
- Industrial 1
- Industrial 2
- Residential 2
- Transport
- Special

or as determined by the Local Municipality.

6.5.2 The Local Municipality may require some or all of the following information for a Site Development Plan

6.5.2.1 existing bio-physical characteristics of the property;

6.5.2.2 existing and proposed cadastral boundaries;

6.5.2.3 the layout of the property, indicating the use of different portions thereof;

6.5.2.4 the massing, position, use and extent of buildings;

6.5.2.5 sketch plans and elevations of proposed structures, including information about their external appearance;

6.5.2.6 cross-sections of the site and buildings on site;

6.5.2.7 the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;

6.5.2.8 the position and extent of private, public and communal space;

6.5.2.9 typical details of fencing or walls around the perimeter of the land unit and within the property; electricity supply and external lighting proposals;

6.5.2.10 provisions for the supply of water, management of storm water, and disposal of sewage and refuse; external signage details;

- 6.5.2.11 general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
- 6.5.2.12 the phasing of a development;
- 6.5.2.13 the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
- 6.5.2.14 statistical information about the extent of the proposed development, floor area allocations and parking supply;
- 6.5.2.15 relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
- 6.5.2.16 relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
- 6.5.2.17 illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
- 6.5.2.18 any other details as may reasonably be required by the Municipality.
- 6.5.3 the Municipality may require that the area covered by a site development plan must extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact.
- 6.5.4 the Municipality may determine the extent of the area covered by a site development plan.
- 6.5.5 an applicant must submit a site development plan to the Municipality if it is required in terms of this Land Use Scheme, before any development on the relevant land unit may commence.
- 6.5.6 a site development plan may not be rejected if it is consistent with the development parameters of a base zone, overlay zone, or condition of approval.
- 6.5.7 the Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- 6.5.8 The following provisions apply with regard to site development plans:
  - 6.5.8.1 an approved building plan must be in accordance with an approved site development plan;
  - 6.5.8.2 if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development;
  - 6.5.8.3 if the Municipality considers it necessary, a stormwater impact assessment or storm water management plan or both may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality depending on the magnitude of the development.
- 6.5.9 In considering an application for the approval of a site development plan, the Municipality shall take into account any objections, comments and/or representation timely lodged in writing by any interested party in respect of such application, and when it has taken a decision on such application, it shall forthwith notify the applicant and any such interested party of such decision in writing.
- 6.5.10 An applicant may at any time before an application has been decided amend the application in writing in accordance with Municipal procedures.



## 7 LAND USE SCHEME MAPS

### 7.1 Land Use Scheme Maps

The Land Use Scheme Maps depict:

- a) The zoning of land in accordance with the use zone in which the land is located; and
- b) Overlay zones, if applicable to the land.

### 7.2 Updating of Scheme Maps

The Municipality must update the Scheme Map within a reasonable time after use rights have been granted or have lapsed.

7.2.1 The Municipality may keep the Scheme Map in an electronic format.

7.2.2 The Municipality may provide an extract of the Scheme Map to members of the public on payment of a fee determined by the Municipality in terms of the tariff policy of the Municipality.

### 7.3 Uncertainty or disputes on location of zones:

Should uncertainty or disputes arise relative to the precise location of any zone boundary as depicted on a map, the location thereof shall be determined by applying the following rules:

7.3.1 Where a zone boundary is shown as approximately following the centre of streets or other public thoroughfares, pipelines, railway lines or servitudes, it shall be deemed to follow the centreline thereof;

7.3.2 Where a zone boundary is shown as approximately following the boundary of a property, the property boundary shall be deemed to be the boundary of the zone for that portion of the zone boundary which approximates the property boundary;

7.3.3 Where a zone is shown as approximately following the edge or shore line of bodies of water or floodlines, it shall be deemed to follow such lines, and in the event of change in such edge or shorelines or floodlines, it shall be deemed as moving with the same.

7.3.4 Where a zone boundary is shown as being parallel to or an extension of features noted above, it shall be so construed;

7.3.5 Where a zone boundary is shown as approximately following the topographical contour line or top-of-the-bank line, it shall be deemed to follow such line, and in the event of the change in such line, it shall be deemed as moving with that line, provided further that:

- Where features on the ground are at a variance with those shown on the relevant map or in other circumstances not mentioned above, the Municipality shall interpret the zone boundaries; and
- Where a zone boundary is not located in conformity to the above provisions and in effect divides or splits a property, or where a zone boundary does not relate to an erf or other formal cadastral land parcel, the disposition of such zone boundary shall be determined by dimensions indicated on the relevant map or by measurements directly scaled from the map.

7.3.6 In the case of any conflict between the text or clauses of this Land Use Scheme and any maps or drawings used to illustrate any aspect of this Land Use Scheme, the text or clause of this Land Use Scheme shall prevail;

- 7.3.7 Where any public street is closed, the land contained therein shall thereupon be deemed to carry the same zone as the adjacent land and where such adjacent lands are governed by different zones, the centreline on the public street shall be deemed to be the zone boundary;
- 7.3.8 **Where a land use zone is assigned to an area or portion of land other than an erf or formal cadastral land parcel, this** shall not be construed as assigning a legal, cadastral status such as an erf, public street or township to the relevant area or property but shall be interpreted to direct the use of the relevant portion of land and buildings thereon.

## 8 GENERAL PROVISIONS

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### 8.1 *Hazardous Substance*

- 8.1.1 Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless a risk management and prevention plan has been submitted by the owner, and the Municipality has given approval thereto.
- 8.1.2 The Municipality's approval in terms of Subsection **Error! Reference source not found.** above does not exempt the owner from applying for permission in terms of other relevant legislation.

### 8.2 *Maintenance of Property*

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

### 8.3 *Placement of vehicles in residential zones*

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

### 8.4 *Splay of Corners*

- 8.4.1 Except where shown on the map, the corners of all streets and street junctions shall be splayed from the junction of the street boundaries for a distance of 2 metres (calculated to the nearest metre): Provided that this provision shall not be applied to townships established before the adoption of this Scheme.
- 8.4.2 In calculating the area of a corner erf, the portions thereof cut off by the splay, shall be included in the area of the erf.

## 8.5 Lines of No Access

8.5.1 Entrance to and exit from a property from or to a public street or road may be prohibited across any boundary-. Provided that:-

8.5.1.1 the local authority may, on receipt of a written application, relax the access restriction subject to such conditions as it may deem desirable, if as a result of exceptional circumstances, observance of the access restriction would interfere with the development of the property to an unreasonable degree;

8.5.1.2 consent granted in terms of this clause shall not be construed as a relaxation of any restriction on access imposed by any other law, or contained in the title deed of the property or imposed by the controlling authority.

## 8.6 Conditions in Townships

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

8.6.1.1 Except with the written consent of the local authority and subject to such conditions as it may impose, neither the owner nor any other person shall:-

8.6.1.1.1 *have the right, save and except to prepare the erf for building purposes, to excavate any material there from;*

8.6.1.1.2 *sink any boreholes thereon or abstract any subterranean water there from; or*

8.6.1.1.3 *make or permit to be made, on the property for any purposes whatsoever, any tiles or earthenware pipes or other articles of a like nature. (These conditions shall not apply to Industrial 1 and 2 use zones).*

8.6.2 No person shall be permitted to sink any well and water may only be extracted from boreholes with electrical driven pumping equipment.

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

8.6.4 If a property is affected by a 1:50 year flood line no building may be erected below the elevation of such flood line unless the local authority has approved specific proposals relating to the manner of construction, siting of buildings, material used, alteration of flood line by raising the natural elevation of the land, etc.

8.6.5 The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, before, the outbuildings.

8.6.6 The loading and off-loading of goods shall only take place within the boundaries of the erf to the satisfaction of the local authority unless loading facilities have been provided by the local authority in the

street reserve. (This condition shall not apply in the Low Density Residential and High Density Residential use zones and neither in the Low Medium Density Residential and High Medium Density Residential use zones if subdivision of the land into separate units has been effected.)

- 8.6.7 The positioning of buildings, including outbuildings, on the erf and entrances to and exists from the erf, the construction and maintenance of internal roads and landscaping of the erf, where required to a public street system, shall be done in consultation with and to the satisfaction of the local authority.
- 8.6.8 A screen wall or walls shall be erected and maintained to the satisfaction of the local authority as and when required by it.
- 8.6.9 If the property is fenced, such fence and the maintenance thereof shall be to the satisfaction of the local authority.
- 8.6.10 The registered owner is responsible for the maintenance of the whole development of the property. If the local authority is of the opinion that the property, or any portion of the development is not kept in a satisfactory state of maintenance the local authority shall be entitled to undertake such maintenance at the cost of the registered owner.
- 8.6.11 No material or goods of any nature whatsoever shall be dumped or placed within the building restriction along any street and such area shall be used for no other purpose that the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such a boundary this condition may be relaxed by the local authority and subject to such conditions as may be determined by it.
- 8.6.12 A site development plan, drawn to a scale of 1:500, or such other scale as may be approved by the local authority shall be submitted to the local authority for approval prior to the submission of any building plans in any use zone. No building shall be erected on the property before such site development plan has been approved by the local authority and the whole development on the property shall be in accordance with the approved site development plan: Provided that the plan may, from time to time be amended with the written consent of the local authority: Provided further that amendments or additions to buildings which in the opinion of the local authority will have no influence on the total development of the property, shall be deemed to be in accordance with the approved site development plan. Such site development plan shall show at least the following:
- 8.6.12.1 the positioning, height, coverage and the floor area ratio of all buildings and structures; vehicular entrances and exits to and from the property, internal roads and parking areas;
  - 8.6.12.2 the proposed sub divisional lines, if the property is to be subdivided;
  - 8.6.12.3 entrances to buildings and parking areas;
  - 8.6.12.4 building restriction areas (if any);
  - 8.6.12.5 parking areas and, where required by the local authority, vehicular and pedestrian traffic systems;
  - 8.6.12.6 the elevational and architectural treatment of all buildings and structures;
  - 8.6.12.7 the programming of the development of the property if it is not proposed to develop the whole property simultaneously.
- 8.6.13 The local authority may, after receipt of building plans submitted in terms of its by-laws, require the owner to submit, for its approval, proposals for the provision of suitable and sufficient facilities on the erf for the loading, unloading, fuelling, parking of vehicles or for the storage of refuge containers.

- 8.6.14 The local authority shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the elevation and architectural treatment of the proposed building or structure.
- 8.6.15 Standard servitudes, unless indicated otherwise in this Scheme or the Property Title Deed, which is applicable on all erven:
- 8.6.15.1 The erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along the midblock (back) boundary and at least one side boundary, depending on the location of municipal services on the property, except in a Residential 4 use zone, where only one boundary (other than a street boundary), depending on the location of the municipal services on the property is subject to the 2m servitude. Properties in all Business, Industrial and Commercial use zones are not subjected to this proviso. In the case of a pan-handle erf, an additional servitude for municipal purposes, 2m wide, across the access portion of the erf is applicable, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
- 8.6.15.2 No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 2m thereof.
- 8.6.15.3 The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose; subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.
- 8.6.16 Conditions applicable to all properties
- 8.6.16.1 The following conditions shall be applicable to all erven and/or properties:
- 8.6.16.1.1 *Except with the written consent of the Local Municipality and subject to such conditions as it may impose, nobody shall:*
- 8.6.16.1.2 *Save and except to prepare the erf for building purposes, excavate there from any material;*
- 8.6.16.1.3 *Sink any wells or boreholes thereon or subtract any subterranean water there from.*
- 8.6.16.1.4 *Where, in the opinion of the Local Municipality it is impracticable for storm water to be drained from higher lying erven direct to a public street system, the owner of the lower lying erf shall be obliged to accept and/or permit the passage over the erf of such stormwater: Provided that the owners of any higher lying erven from which storm water is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of the lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.*
- 8.6.16.1.5 *The siting of buildings, including outbuildings, erected on the property, and entrances to and exits from the property shall be to the satisfaction of the Local Municipality.*

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

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

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

8.6.16.1.9 *No informal structures may be erected on any property within the area of the land use scheme, provided that the Local Municipality, in consultation with the community, may consent to the erection of an informal structure on erven zoned Low Density Residential in certain areas.*

## **8.7 Animals in residential zones**

8.7.1 No animals may be kept for commercial purposes on a land unit in urban residential areas where formal land use management procedures are in effect.

8.7.2 Horses and donkeys may be kept for the personal use of the owner or occupier of a property and his dependants provided that:

8.7.2.1 no horses or donkeys may be kept on a land unit unless the Municipality is satisfied that special factors exist, including the availability of suitable land in the vicinity for grazing and exercising;

8.7.2.2 an application for an annual permit to keep horses or donkeys must be submitted by the applicant and may be approved or refused by Municipality;

8.7.2.3 a permit may not be renewed if the applicant has given cause for justifiable and substantial complaint relating to the keeping of horses or donkeys, from neighbours or residents living in the area;

8.7.2.4 the applicant must submit to the Municipality, for its prior approval, plans of stables and must construct the stables in accordance with the Municipality's requirements; and

8.7.2.5 stables must be properly maintained, and manure must be handled, to the Municipality's satisfaction so as not to cause any public nuisance.

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

8.7.2.7 No person may keep on any land unit, cattle, sheep, goats, pigs, indigenous mammals or other wild animals, without the permission of the Municipality, notwithstanding whether the animal is kept for commercial or domestic purposes.

## 9 CONDITIONS APPLICABLE TO THE APPROVAL OF SPECIFIC LAND USE RIGHTS

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### 9.1 Home Enterprise

9.1.1 The following activities are seen as a primary right (no Consent Use procedure is required) if the resident(s) are the only person(s) involved in the Home Enterprise on a Low Density Residential, Low Medium Density Residential, High Medium Density Residential and High Density Residential , or Agriculture zoned property:

9.1.1.1 Administrative and Professional Services including an insurance broker, financial services, clerical work, editor, translator, secretarial work, debt collector, counsellor, architect, engineer, draughtsman, photographer, broker, bookkeeper, attorney, town planner, etc.

9.1.1.2 Home Industries and occupations including embroidery, knitting, needlework, sewing, dressmaking, tailoring, baking, catering, biltong making, pottery, artist, framing, jewellery making, etc.

9.1.1.3 Support Services including hairdresser, beauty and massage therapist, laundry and ironing services, garden and pool services, off-site contracting services, renting out of catering and party equipment, clothes and costume hire, maintenance of electronic components and computers.

9.1.1.4 The employment of a maximum of two additional persons on the erf (excluding domestic workers) for activities

9.1.2 The following activities are not permitted as a Home Enterprise:

9.1.2.1 Medical suites, service or repair of engines and heavy equipment, commercial stables, kennels, welding or the parking and repair of industrial, commercial or construction vehicles, a tavern or a tuck shop, estate agency, employment agency, travel agency, security services, bank, *shop, spaza shop, taverns, restaurant, butchery, place of entertainment, service industry*, undertaker, *animal care centre*, escort agency, *place of instruction, child care facility, place of education, home care facility, panel beater, spray painter, vehicle rental, motor workshop*, tow-in-service, cartage and transport services, manufacturing of concrete products, noxious activity and/ or any such use or industries which, in the opinion of the *Municipality*, does not conform to the definition of a *Home Enterprise*.

9.1.3 The Home Enterprise may be approved by the Municipality, provided it conforms to the following conditions:



- 9.1.3.1 The proprietor(s) of the *Home Enterprise* shall permanently reside on the *property*.
- 9.1.3.2 The *dominant use* of the *property* shall remain residential.
- 9.1.3.3 An interference with the amenities of the neighbourhood by means of noise, smell, dust, aesthetic appearance or any other manner, shall not be permitted.
- 9.1.3.4 The size of the *Home Enterprise* shall not exceed 40m<sup>2</sup> of the *property* or 25% of the floor area of the *dwelling unit* and *outbuildings* on the *property*, whichever is the smallest, including *ancillary* storage. The floor area used for a home occupation may not exceed 40 % of the dwelling unit. If a larger floor area is required, the application must be made for approval to carry on a home occupation.
- 9.1.3.5 No retail trade may take place on the *property*, however, the occasional and incidental selling of related goods is permitted, provided that it is *ancillary* to the *Home Enterprise* and does not exceed 10% of the area allowed under condition **Error! Reference source not found.**
- 9.1.3.6 No goods may be stored or displayed in such a manner that it will be visible from outside the *property*.
- 9.1.3.7 Parking, as well as loading and off-loading activities (including employees) directly related to the *Home Enterprise*, shall only take place on the *property*.
- 9.1.3.8 Loading and off-loading of goods may only be done with a vehicle, not exceeding a gross mass of 3 500kg.
- 9.1.3.9 A maximum of 2 (two) vehicles (excluding client vehicles) relating to the *Home Enterprise* shall be permitted on the *property*.
- 9.1.3.10 The exhibition of only one sign at the main entrance to the *property* is permitted. Non-illuminated signs or plaques must be placed on the *boundary* fence, *building* or a free standing sign on the *property*, to indicate only the name, profession/ occupation, business logo and telephone number of such a permanent resident shall be permitted: Provided that the aforementioned notice/sign or plaque shall not exceed 650 mm x 450mm in size. This may not be erected on the *road* reserve or encroach any *road* reserves bordering on the *property*.
- 9.1.3.11 All relevant legislation in respect of Trading Licences, Health and Building Regulations are applicable to the Home Enterprise (if an application for a Home Enterprise is approved, an application for a trading licence where applicable must be lodged).
- 9.1.3.12 On receipt of a complaint of whatever nature, the Municipality reserves the right to impose further conditions and/ or requirements, or to withdraw the consent completely without any liability for compensation for damages, or losses thus incurred, but only after the matter has been investigated and the „offender“ has been afforded a reasonable time to rectify the situation.
- 9.1.3.13 The necessary amendments must be affected to the building plans, in accordance with provisions of the National Building Regulations; be it for new additions or for the amended use of existing rooms.
- 9.1.3.14 Any Written Consent granted in terms of Clause **Error! Reference source not found.** shall lapse if the resident vacates the *erf* and may not be transferred to a new *owner* / resident.
- 9.1.3.15 Any Written Consent granted shall automatically lapse if the *Home Enterprise* has not commenced within 12 (twelve) months or operated for a continuous period of 12 (twelve) months.

## **9.2 Conditions applicable to Residential 3 and 4 Erven**

- 9.2.1 The internal roads, internal street lights and stormwater management system on the erf shall be constructed and maintained by the registered owner(s), to the satisfaction of the Municipality.

- 9.2.2 The registered owner of the erf shall make available and accessible, to the satisfaction of the Municipality, at least 15m<sup>2</sup> per unit, as a functional children's play area.
- 9.2.3 This requirement is not applicable to old age homes and retirement village developments.
- 9.2.4 Playground equipment, according to the requirements of the residents, shall be provided on the erf by the owner or body corporate.
- 9.2.5 The developer may not offset the play area provided, in lieu of parks and open space contributions, in accordance with the policy of the Municipality.
- 9.2.6 A minimum of 10% of the area of the erf shall be landscaped, which may include the 15m<sup>2</sup> play area per unit described above, provided that landscaping may include any permeable surface to ensure stormwater drainage.
- 9.2.7 This requirement may be relaxed by the Municipality, in terms of a Site Development Plan, based on the exceptional characteristics of the erf.
- 9.2.8 Should residential developments occur in any other zoning category, sub-clause 16.2 above shall apply.
- 9.2.9 Should the erf be subdivided into individual portions, developed with a single Dwelling Unit, sub-clause i shall not be applicable.

### **9.3 Conditions Applicable to Filling Stations**

- 9.3.1 Screen walls shall be erected by the owner(s) of the property, where required by the Municipality and shall be maintained by the registered owner(s), to the satisfaction of the Municipality.
- 9.3.2 No material of any kind, whatsoever shall be stored or stacked to a height greater than any screen wall on the property.
- 9.3.3 No repairs to vehicles or equipment of any kind may be conducted outside the building, unless approved by the Municipality by means of Written Consent B.

### **9.4 Conditions Applicable to Early Childhood Development Centres**

#### **9.4.1 A Maximum of Six Children**

- 9.4.1.1 No signage other than a sign indicating the street name and/or number, will be permitted.
- 9.4.1.2 On receipt of written complaints, Council may, after investigating the centre concerned, impose the following requirements:

The Municipality may, if it is of the opinion that the **Early Childhood Development** centre is being conducted in a manner which is or is likely to be detrimental to the residential environment or a source of nuisance, serve a notice in writing on the operator calling upon him/her to:

Comply with the instructions set out in such notice, and

Cease using the premises in question for an **Early Childhood Development** centre by a date specifies in such notice.

The Municipality may limit the actual floor area of any building and the area of the site of such building devoted to the **Early Childhood Development** centre.

#### **9.4.2 Six Children and more**

The following conditions of approval may be applicable to **Early Childhood Development** centres providing for more than six children, unless otherwise specified:

- 9.4.2.1 The specified maximum number of children is to be adhered to. Application to amend this condition of approval will be required should the applicant wish to increase the attendance at the facility.
- 9.4.2.2 The operator is to be the owner or lessee of the property.
- 9.4.2.3 For small-scale centres, the operator is to reside on the property, except if the facility operates from the premises of a place of worship, school or community centre.
- 9.4.2.4 Council may, if it is of the opinion that the **Early Childhood Development** centre is being conducted in such a manner which is or is likely to be detrimental to the surrounding residential environment or a source of nuisance, serve a notice in writing on the operator calling upon him/her to –
- 9.4.2.5 Comply with the instructions set out in such notice, and
- 9.4.2.6 Cease using the premises in question for a **Early Childhood Development** centre by a date specified in such notice.
- 9.4.2.7 For small-scale centres, the residential appearance of the building is to be retained to a standard that does not detract from the residential character and streetscape of the surrounding area.
- 9.4.2.8 Hours of operation are to be adhered to as specified.
- 9.4.2.9 Except with the consent of Council, no advertising sign or notice other than a single un-illuminated sign or notice not projecting over a street and not exceeding 0.2m<sup>2</sup> in area, and which indicates only the name of the ECD centre, shall be erected.
- 9.4.2.10 The operator must comply with all licencing, health and building regulations.
- 9.4.2.11 If more than six children are to be cared for, application for registration in terms of the Child Care Act must be lodged with the Provincial Government.
- 9.4.2.12 The approval of a Site Development Plan shall be required. The operator shall not deviate from this plan (which must be dated and numbered) without prior consent from Council.

#### **9.5 Conditions Applicable to Informal Trade.**

- 9.5.1 Informal trade facilities must comply to the health regulations of the Municipal Health Department and may not trade in any meat or poultry products, fish, alcohol or pharmaceutical products.
- 9.5.2 Informal trade will only be allowed in areas specifically demarcated for such use by the Municipality.
- 9.5.3 No open fires will be allowed within a demarcated informal trade area and the storage of products or fresh produce will be restricted to the facilities of each trader stall.
- 9.5.4 Preparation of food for retail purposes (fast foods) required a health certificate from the Department of Health and will be subject to regular inspections by health officers.
- 9.5.5 All refuse must be placed in refuse containers to be provided by the Municipality and the storage of refuse in or around an informal trade stall will not be permitted.

#### **9.6 Conditions Applicable to Taverns**

- 9.6.1 When considering applications for taverns, the Municipality shall give due consideration to the relevant provisions of the Liquor Act, particularly the following:

- 9.6.1.1 The premises are, or will be on completion, suitable for the purposes for which it will be used under the license,
- 9.6.1.2 If the premises are situated in the vicinity of a place of public Worship, School or Residential area, the business will be carried on in a manner that will not disturb the proceedings of the activities taking place in these areas, or prejudice the neighbours,
- 9.6.1.3** The applicant concerned is of good character which includes records such as criminal, insanity, insolvency, and
- 9.6.1.4** That the granting of the license is in public interest.
- 9.6.2 The gross floor area used in conducting the Tavern, including storage of any goods, may not exceed 40m<sup>2</sup>, or if the sum of the gross floor area of the dwelling house, second dwelling unit and ancillary building on the property is less than 100m<sup>2</sup>, 40% thereof.
- 9.6.3 A tavern will not be permitted by Dipaleseng Municipality on premises situated within a 300m of a similar licence, place of worship or a place of instruction (e.g. school, crèche etc).
- 9.6.4 Taverns may be allowed to operate between 10am in the morning until 2 am the next morning.
- 9.6.5 Taverns may not operate in mobile structures. The Liquor Board requires the structures in which a tavern is operated to be permanently fixed on the ground.
- 9.6.6 Sanitation facilities should be provided to the satisfaction of the Dipaleseng Municipality. Although it is not a legal requirement, the Liquor Board recommends two separate toilet facilities for male and females.
- 9.6.7 Storage facilities, for especially empty bottles, must be provided.
- 9.6.8 Facilities for the disposal of waste must be provided and provision must be made for the recycling of cans and bottles.
- 9.6.9 Stock will not be delivered to the tavern by heavy delivery trucks and the owner must fetch the stock at the depot.
- 9.6.10 Reasonable side and rear spaces must be provided to limit the impact on neighbouring properties.
- 9.6.11 The main use of the property shall remain residential and the occupant shall reside in the dwelling unit.
- 9.6.12 Where a portion of a dwelling unit is used as a tavern, it must should have a separate entrance.
- 9.6.13 The building or structure to accommodate the tavern shall be so designed to harmonise with and, in its external appearance, substantially conform to the existing residential development on the site and in the area.
- 9.6.14 The applicant must indicate how parking would be provided in a manner that does not disturb traffic flow and/or cause inconvenience to the neighbours. Provision for parking must be made within the property boundaries. No parking will be allowed in the street/outside the relevant erf.
- 9.6.15 The amenity of the neighbourhood must not unduly be interfered with by the proposed use. The activity may not be noxious or hazardous to the health and safety of the surrounding property owners and may not be a nuisance to the neighbours.
- 9.6.16 In accordance with the stipulations of Section 24 of the Constitution of the RSA (Act 200 of 1993), the permission shall be withdrawn without payment of any compensation whatsoever, where the general amenity of the neighbourhood is harmed in the opinion of the local authority or a nuisance is created.
- 9.6.17 A site development plan and building plans, drawn to scale, shall be submitted to the municipality. No building shall be erected on the property before to such plans have been approved, and the whole development of the property shall be in accordance with the approved plans. The applicant shall conduct no other use than that of tavern, as approved by the Municipality.

- 9.6.18 If there is any change in use or the owner wants to conduct an additional use on the property, the owner/occupant should re-apply.
- 9.6.19 All consumption of liquor should be within the property.
- 9.6.20 The applicant may not advertise in any way on the property, except as provided in terms of South African Manual for Outdoor Advertising Control

### **9.7 Conditions Applicable to Truck Stops**

- 9.7.1 An application for the establishment of a truck-stop must include the following supportive documents and reports:
  - 9.7.1.1 Approval from the relevant roads authorities for access to the truck-stop along national or provincial roads;
  - 9.7.1.2 a feasibility study to illustrate the economic viability of a truck-stop on the application property, with special reference to the fuelling component or filling station, as well as the impact of such a facility on other similar uses, filling stations or service stations in close proximity to the application property
  - 9.7.1.3 official support from an oil company for the fuelling component or filling station, as part of the truck-stop on the application property
  - 9.7.1.4 a Record of Decision (ROD) in terms of the provisions of the Environmental Conservation Act, 1989, authorizing the establishment of a truck-stop on the application property
- 9.7.2 The workshop or vehicle servicing areas must be screened of to the satisfaction of the Municipality.
- 9.7.3 Parking and fuelling facilities for heavy-duty vehicles, long haul vehicles, trucks and busses shall be separated from parking and fuelling facilities for light motor vehicles.

### **9.8 Conditions Applicable to Spaza Shops**

- 9.8.1 Spaza shops shall be limited to the sale of convenience goods to the local community.
- 9.8.2 The gross floor area used in conducting the Tuck shop, including storage of any material or goods, may not exceed 40% of the total floor area, not exceeding 40m<sup>2</sup>.
- 9.8.3 The main use of the property shall remain residential and the occupant shall reside in the dwelling unit.
- 9.8.4 Spaza shops must be operated quietly without any disturbance to the neighbours. The comments of adjacent land-owners shall weigh heavily in the consideration of an application.
- 9.8.5 Spaza shops that sell perishable goods and flammable substances must comply with health and fire regulations and bylaws. The availability of suitable and adequate storage facilities is of utmost importance in this regard.
- 9.8.6 The applicant may not advertise in any way on the property, except as provided in terms of SAMOAC.
- 9.8.7 Adequate facilities for the disposal of waste must be provided and provision shall be made for the recycling of cans and bottles.
- 9.8.8 No stock delivery by heavy delivery trucks will be allowed and the owner must collect stock from the depots themselves.
- 9.8.9 The building or structure to accommodate the tuck shop shall be so designed to harmonise with and, in its external appearance, substantially conform to the existing residential development on the site and in the area.
- 9.8.10 The applicant must indicate how parking would be provided in a manner that does not disturb traffic flow and/or cause inconvenience to the neighbours.
- 9.8.11 The amenity of the neighbourhood must not unduly be interfered with by the proposed use.

- 9.8.12 In accordance with the stipulations of Section 24 of the Constitution of the RSA (Act 200 of 1993), the permission shall be withdrawn without payment of any compensation whatsoever, where the general amenity of the neighbourhood is harmed in the opinion of the local authority or a nuisance is created.
- 9.8.13 Any person who wishes to establish a temporary structure for the use of a Spaza shop must have written permission from the Municipality approving the type of structure to be used, the placement of the structure, and the duration for which the structure is allowed.

## 10 OVERLAY ZONES

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### 10.1 Purpose of Overlay Zones

- 10.1.1 Overlay zones provide a mechanism for land use management whereby the Municipality may give effect to specific guidelines contained in a spatial development framework or policy plan. These guidelines could promote development, require a limitation to or set additional land use types, stipulate more or less restrictive development rules, or identify specific development rules. It provides a mechanism for elevating specific policy guidelines, as approved by the Municipality, to land use regulations.
- 10.1.2 An overlay zone will apply in addition to the base zone of a property (as stated in Section 4.1). An overlay zone may only be introduced if it complies with the requirements set out in this scheme, and may not be introduced for the purposes of promoting, causing or facilitating social exclusion and separation.

### 10.2 Requirements and Procedures

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



## 11 MANAGEMENT ZONES

### 11.1 Context

11.1.1 A management zone is used to indicate, direct and/or manage development issues of concern or importance within the Municipal area such as:

11.1.1.1 Environmental considerations,

11.1.1.2 Development incentives or disincentives,

11.1.1.3 Engineering services matters

11.1.1.4 Any other issue regarded as necessary by the Municipality.

11.1.2 A management zone is used to indicate, regulate and/or manage development issues of concern or importance within the Municipal area such as environmental considerations, development incentives or disincentives, engineering services matters and any other issue regarded as necessary by the Municipality.

11.1.3 A management zone may contain any form of regulation regarded as necessary by the Municipality in its endeavour to ensure sustainable and safe development.

11.1.4 Such regulations contained in a management zone shall apply in addition to any other development regulation contained in the Scheme.

### 11.2 Management Zones

11.2.1 Incremental Land Use Management Zones

11.2.1.1 The Incremental Land Use Management Zones are indicated on key **Map 8A**

11.2.1.2 The incremental introduction of land use management and regulation in areas includes an agreement between the Community and Dipaleseng Municipality on the following matters.

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

11.2.2 Access, Physical Barriers and Fencing Management along National and Provincial Roads

11.2.2.1 The Access, Physical Barriers and Fencing Management Zones are indicated on key **Map 8B**

11.2.2.2 Access to National and Provincial Roads shall be restricted as indicated Access Management Zone Maps.

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




11.2.3 Environmental Management Zones

11.2.3.1 The Environmental Management Zone are indicated on key **Map 8C Biodiversity**

11.2.3.2 The Environmental Management Zone contains three regulatory components; the Biodiversity Categories in **Table 11-1**, the Land Uses suited to each category in **Table 11-1** and a description of the land uses indicated on **Table 11-2** as per the Mpumalanga Biodiversity Sector Plan

**Table 11-1: Bio-Diversity Categories**

Biodiversity Conservation Category	Description
<b>Protected Areas (PAs) - 4,4%</b>	Managed primarily for sustaining biodiversity and ecological processes
	Various categories of PAs:
	Special Nature Reserves
	National Parks
	Nature Reserves
	World Heritage Sites
<b>2. Irreplaceable – 2,4%</b>	Protected Environments
	Highest biodiversity status outside the PAs
	All land in this category must be protected to reach targets
	Therefore, all land must fall into land use category: Conservation Management
<b>3. Highly Significant – 12,3%</b>	Basic land rules the same as for PAs
	Land has high biodiversity status and should be maintained as natural vegetation cover. If development is unavoidable, land uses must be sufficiently dispersed (or clumped) and of right scale to lessen impact
<b>4. Important &amp; Necessary –9,5%</b>	Land has high biodiversity status and should be maintained as natural vegetation cover.
	Significantly important areas of natural vegetation
	Designation seeks to minimize conflict with competing land uses and represents most efficient selection of areas to meet biodiversity targets
	Guidelines required aimed at benefiting site-specific biodiversity assets and vulnerabilities
<b>5. Ecological Corridors</b> 	Actively discourage intensive land uses antagonistic to biodiversity
	Purpose is to provide intact mega-pathways for long term biological movement
	Selected primarily along river lines and altitudinal gradients to provide for natural retreat and advance of plants and animals in response to environmental change
<b>6. Least Concern – 25,5%</b>	Corridors need to retain existing natural vegetation cover and in some key areas undergo active repair and restoration
	Landscapes serve to assist:
	the functioning of ecosystems the maintenance of viable species populations

Biodiversity Conservation Category	Description
	the provision of environmental goods and services
	Preferred sites for all development
7. No Natural Habitat Remaining	Lost most of its biodiversity assets and ecological functioning
	Preferred sites for all development
	Development should avoid areas of high agricultural potential.

### 11.2.3.3 Land Uses suited to the Bio-Diversity Categories

No	Land Use	Protected Areas	Irreplaceable	Highly Significant	Important & Necessary	Ecological Corridor	Least Concern
1	Conservation Management	Y	Y	Y	Y	Y	Y
2	Extensive Game Farming	Y	Y	Y	Y	Y	Y
3	Extensive Livestock Production	R	Y	Y	Y	Y	Y
4	Rural Recreational Development	N	N	R	R	R	Y
5	Rural (Communal) Settlement	N	N	R	R	R	R
6	Dry land Crop Cultivation	N	N	N	N	R	Y
7	Intensive Animal Farming (incl Dairy)	N	N	N	N	R	Y
8	Irrigated Crop Cultivation	N	N	N	N	R	Y
9	Timber Production	N	N	N	N	N	R
10	Urban & Business Development	N	N	N	N	N	R
11	Major Development Projects	N	N	N	R	R	R
12	Linear Engineering Structures	N	R	R	R	R	R
13	Water Projects & Transfers	N	N	R	R	R	R
14	Underground mining	N	N	R	R	R	Y
15	Surface mining, Dumping & Dredging	N	N	N	N	R	R
Guidelines apply only to untransformed land with natural vegetation cover							
Y	YES – permitted and actively encouraged activity						
R	RESTRICTED - to compulsory, site-specific conditions & controls when unavoidable, not usually permitted						
N	NO – not permitted, actively discouraged activity						

### 11.2.3.4 Definition of Land Use Types

Table 11-2: Definition of Land Use Types

Land Use Type	Includes	Assumes
Conservation compatible land uses		

Land Use Type	Includes	Assumes
Conservation management	Formal and informal protected areas managed for biodiversity, wildlife production and recreational/educational tourism conducted in natural habitats on extensively managed landscapes on public or private land	Specified management objectives to maintain or enhance current biodiversity
		Controls or guides the use of resources only at sustainable rates
		Controls all administrative and management developments, including zoning, minimal size, facilities carefully dispersed or clumped to achieve least impact
		Ecologically and sociologically sensitive practices and processes throughout
Game farming	Game production and tourism-orientated forms of use on extensive land portions of natural land cover	Similar minimum size criterion for economic sustainability and strictly limited development for revenue generating purposes such as tourism or sectional ownership
	Includes commercial hunting along with other consumptive and non-consumptive use of wild natural resources	
Extensive Livestock Production	Mainly cattle and sheep production off extensive areas of natural veldt	Ecologically and economically sustainable management applied to farm portions above a certain minimum size, based on ecological and economic viability
	Includes mixed livestock/wildlife options, with or without tourism	
Rural Recreational Development	Development for lifestyle or investment type recreational ownership such as share-block schemes, multi-ownership reserves and eco-estates	Large measure of natural land cover and biodiversity friendly management contributing to perceived value
	Only for extensive land portions with limited development, excludes golf estates	Limit to be set to development density, such as 250ha per family dwelling unit
<b>High Impact Rural Land Uses</b>		
Rural Communal Settlement	All communal land used for residential, cultivation and grazing activities	Land use generally does not have production orientation due to socio-economic factors and priority for residential/subsistence needs
Dry land Crop Cultivation	All tillage cultivation of non-irrigated crops, mostly single-season annuals, but including perennial and orchard-type tree crops, if cultivated with an indigenous grass layer	Crop production methods that conserve water and protect against soil erosion, More or less limited and responsible use of fertilizers, pesticides and other agro-chemicals and genetically modified organisms
Intensive animal farming	All intensive animal production systems, of domestic or wild species, that are dependant primarily on imported foodstuffs and confinement, includes dairy farming and all areas in production for dairy, including pastures, fodder and grain crops, much of which is irrigated	These are intensive production areas with relative dense development, not dependant on the use of natural vegetation for productivity
Irrigated crop cultivation	All irrigated crops and irrigated tree crops (orchards)	Intensive production activity with high nutrient and agro-chemical inputs and often two crops per year

Land Use Type	Includes	Assumes
Timber production	All timber plantations	Monoculture of alien timber species with heavy impact on hydrology and soil erosion and for introduction and spread of a variety of alien invasive species
<b>Urban Industrial Land Uses</b>		
Urban and Business Development	All physical, residential, industrial and business development – these are the urban or built landscapes	
Major Development Projects	All non-urban infrastructure development, industrial processing, construction etc that are not included in another category	
Linear Engineering Structures	All hardened roads, railways, canals and pipelines. It does not necessarily include power and telephone lines, although these can have a measurable impact on particular species	
Water Projects and Transfers	All substantial impoundments, dams, weirs, pipelines, canals and bulk water transfer schemes, including those associated with power generation	
Underground mining	All underground mineral extraction and the surrounding footprint of related development which may include small areas for residential and industrial uses	
Surface Mining, Dumping and Dredging	All strip and opencast mining excavations or quarrying, plus the consequent visual, physical and chemical impacts of these activities, particularly on ground water reserves, all mine waste and refuse dumps, urban waste sites and land-fill sites for whatever purposes.	

## 12 COMPLIANCE AND ENFORCEMENT

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### 12.1 *Enforcement*

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

### 12.2 *Power of entry for enforcement purposes*

12.2.1 An authorised employee may, with the permission of the occupier or owner of land, at any reasonable time, and without a warrant, and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this land use scheme.

12.2.2 An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of this land use scheme.

12.2.3 An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

### 12.3 *Serving of Notices*

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

### 12.4 *Findings and Appeals*

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

### 12.5 *Advertising Signs*

12.5.1 No advertising sign or display board that is visible from the outside of the property, may be displayed or erected without the consent of the Municipality.

12.5.2 The Municipality will disallow such application if it is convinced that the proposed sign or board will be injurious to the amenity of the neighbourhood. Provided further that this Clause does not prohibit the display of a name-plate not exceeding 300mm x 450mm on a fence, entrance, entrance hall or front door of a property or building in use zone Low Density Residential provided that such name-plate be utilised exclusively to indicate the name and vocation of the occupant.

### 12.6 *Permission Granted Before Approval of this Scheme*

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

**12.7 Contravention of the Scheme**

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

## 13 Administration of Land Development Rights

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The **Municipality** may approve or refuse applications for the following categories of **consents** and may impose any such conditions it deems necessary:

- a. Written Consent
- b. Special Consent
- c. Building Line Relaxation Consent

### 13.1 *Written Consent of the Municipality*

13.1.1 An application, in terms of this clause shall mean a memorandum, which may include explanatory *maps*, plans or *diagrams* (if necessary) in which the application is motivated, as well as the applicable application fee.

13.1.2 An *applicant* shall, at his/her own expense, hand deliver or dispatch by registered mail, notice to all *owners* of *land* abutting upon or sharing a common *boundary* with that *land* (specifically including any *land* which is only separated by a *road*), including home *owners* associations, or else as determined by the *Municipality*, within 7 (seven) *days* after submitting the application to the *Municipality*, informing them of the application, to the satisfaction of the *Municipality*.

13.1.3 30.3 The notice referred to in sub-clause 10.1.2 shall:

(a) Reflect details of the application, including the street address, the name of the township and the number of the **property** concerned and the nature and general purpose of the application.

(b) Shall reflect that the application documents relating to the application will be open for inspection at specified times and at a specified place, at the **offices** of the **Municipality** and that any objections or representations must be substantiated with reasons and must be submitted, in writing, to the **Municipality** under cover of registered post, or by hand within a period of 28 (twenty eight) **days** from the date on which the application was submitted to the **Municipality**.

13.1.4 The *applicant* shall submit proof to the satisfaction of the *Municipality* that the provisions of sub-clause 10.1.2 have been complied with.

13.1.5 The *applicant* shall notify adjoining properties and any other any additional affected party(ies), as may be determined by the *Municipality*.

- 13.1.6 No Written Consent may be approved by the *Municipality*, contrary to a restrictive condition contained within a Title Deed / Deed of Transfer to an *erf*.
- 13.1.7 Applications requiring only a SDP shall ensure that same complies with the requirements of Clause 10.1.4. Should the *Municipality* approve the SDP, it shall be regarded as a Written Consent having been given, provided that the *Municipality* will require the *applicant* to additionally comply with Clause 10.1.5 and/or provide any additional information, if so required.
- 13.1.8 Applications requiring only a building plan shall ensure that same complies with the *National Building Regulations*. Should the *Municipality* approve the building plan, it shall be regarded as a Written Consent having been given, provided that Land Use Management Division has recommended the building plan for *approval*. The *Municipality* will require the *applicant* to additionally comply with Clause 10.1.5 and/or provide any additional information, if so required.

### **13.2 Special Consent of the Municipality**

An application for Special Consent shall be in accordance with Clauses 10.2.1 to 10.2.6, as listed in Table C, or any other Clause of this **Scheme**.

- 13.2.1 An application to the *Municipality* for its Special Consent, shall be:
- (a) Made in writing in the format prescribed in Clause 10.3;
  - (b) Submitted by the **owner(s)** of the **property** concerned, or his/her duly authorised representative;
  - (c) Accompanied by the applicable application fees, as prescribed from time to time.
- 13.2.2 An application received in terms of sub-clause 10.2.1 may be approved or refused by the *Municipality*. Any *person* who is aggrieved with a decision of the *Municipality* has the right to object to such decision in the manner described in Clause 36.
- 13.2.3 Where an application in terms of sub-clause 10.2.1 is approved:
- (a) The **Municipality** shall keep and maintain a Register of **consents** granted and such register shall be open for inspection to any **person**.
  - (b) The rights obtained in this manner shall lapse if:
    - (i) Not exercised within a period of 24 (twenty four) months from the date of **approval**; or
    - (ii) Exercised within the prescribed period, but interrupted for a continuous period of 18 (eighteen) months.



13.2.4 The *Municipality* may impose any such condition it deems necessary for the orderly use of the rights thus obtained and such conditions shall have the same force and effect as if they were part of the *Scheme* and shall be regarded as such.

13.2.5 The *Municipality* may, should there be any breach of a condition imposed, reconsider its decision in this regard, and it may;

- (a) Serve a notice on the **owner(s)** to remedy any non-compliance within a period to be specified in the notice; and/or
- (b) Impose further conditions; and/or
- (c) Withdraw the **consent in toto** without recourse or compensation.

13.2.6 No Special Consent application may be approved by the *Municipality*, contrary to a restrictive condition contained within a Title Deed / Deed of Transfer to an *erf*.

### 13.3 Special Consent Application Process

13.3.1 The *applicant* shall, within a period of 7 (seven) *days* of submitting an application to the *Municipality*, cause a site notice(s) of the application to be displayed on the *property*, in English and at the discretion of the *Municipality*, any other official language(s), which notice:

- (a) Shall be in a format as specified by the ***Municipality***.
- (b) Shall be posted in a conspicuous place on the ***property***, where it is easily visible and can easily be read

from each and every adjacent public street, or other public place: Provided that in the instance of an application, in respect of more than one ***property*** which is contiguous, but not notarially tied or consolidated the ***Municipality*** may, in its discretion, grant exemption from such display on certain of the properties concerned.

- (c) Shall not be less or smaller than 594mm x 420mm and any letter thereon shall be at least 6 mm in ***height***.

- (d) Shall be maintained in a clearly legible condition for a period of 14 (fourteen) ***days***.

- (e) Shall reflect details of the application, including:

- (i) the street address, the name of the township and the number of the ***property*** concerned and the nature and general purpose of the application.
- (ii) the date on which the notice was posted on the ***property*** and the name, postal address and telephone number of the ***applicant***.

- (iii) that the application documents relating to the application will be open for inspection at specified times and at a specified place at the **Municipality offices**.
- (iv) that any objection or representations must be substantiated with reasons and must be submitted, in writing, to the **Municipality** under cover of registered mail or by hand, within a period of 28 **days** from the date on which the site notice first appeared.

13.3.2 An *applicant* shall, at his/her own expense, hand deliver or dispatch by registered mail, notice to all *owners* of *land* abutting upon or sharing a common *boundary* with that *land* (specifically including any *land* which is only separated by a *road*), including home *owners* associations, or else as determined by the *Municipality*, within 7 (seven) *days* after submitting the application to the *Municipality*, informing them of the application, to the satisfaction of the *Municipality*.

13.3.3 The *applicant* shall submit proof, including an affidavit in respect of the site notices, to the satisfaction of the *Municipality* that the provisions of sub-clauses 32.1 and 32.2 have been complied with.

13.3.3.1 The **Municipality** will require the **applicant** to notify adjoining properties and any additional stakeholders and interested parties which may include a notice in a newspaper, circulating in the local area.

#### 13.4 Building Line Relaxation

The **Municipality** may on application relax the **Building Line** stipulated in Table 6-1 for properties in any Use Zone, if such relaxation would, in its opinion, constitute an improvement in the development of the **property**.

13.4.1 The following provisos shall be applicable to the relaxation of *building lines*:

- (a) The relaxation of **building lines** may be approved on consideration of submitted building plans and/or SDP's, provided that provision is made for the affected **neighbour's** endorsement of the relaxation, on the building plan and/or SDP and an application form specifically for this purpose shall be submitted to the **Municipality**. The **Municipality** shall determine who the affected **neighbours** are.
- (b) If the **neighbour** refuses to sign in terms of (a) above, a registered copy of the application shall be posted to the affected **neighbour(s)** and the proof thereof shall be submitted to the **Municipality**. Should no response be received from the affected **neighbour(s)** within a period of 28 (twenty eight) **days** of receipt of the application so posted, the **Municipality** shall treat the application as if there is no objection.
- (c) Such a copy as referred to in (b) above shall inform the **neighbour's** that they have 28 (twenty eight) **days** to respond, in writing, to the **Municipality**, in the absence thereof, the **Municipality** shall deem the application as having had no objection.
- (d) In adjudicating the application for relaxation, the **Municipality** shall consider *inter alia* the following:

- (i) The desirability of the relaxation, in relation to the size of the **property** and positioning and **height of buildings** thereon, the amenity of the neighbourhood, **road** reserve widths and sight distances, as well as possible adverse effects on neighbouring properties;
- (ii) **Existing buildings** and **consents** for relaxations already granted in the immediate vicinity of the application;
- (e) If a valid objection is received, the matter will be referred to the relevant Appeal committee, for consideration.

## 14 Schedules

<b>SCHEDULE NUMBER</b>	<b>1</b>
<b>PROPERTY DISCRIPTION</b>	Erven 380, 381 and 382 Grootvlei
<b>LAND USE CATEGORY (ZONING)</b>	<b>SPECIAL</b>
<b>PRIMARY RIGHTS</b>	
<b>SECONDARY RIGHTS</b>	
<b>NO RIGHTS OR RIGHTS EXCLUDED</b>	None
<b>DENSITY</b>	
<b>HEIGHT</b>	
<b>COVERAGE</b>	
<b>FLOOR AREA RATIO (FAR)</b>	
<b>PARKING REQUIREMENTS</b>	As per Scheme
<b>LOADING REQUIREMENTS</b>	As per Scheme
<b>SITE DEVELOPMENT PLAN (SDP)</b>	
<b>BUILDING LINES</b>	As per Scheme
<b>SPECIAL BUILDING LINES</b>	As per Scheme
<b>LINES OF NO ACCESS</b>	
<b>ADDITIONAL CONDITIONS / SPECIAL RIGHTS / RESTRICTIONS:</b>	The erf shall only be used for such purposes that the Dipaleseng Municipality may permit and subject to such conditions the municipality may deemed fit

<b>SCHEDULE NUMBER</b>	<b>2</b>
<b>PROPERTY DISCRIPTION</b>	Erven 380, 381 and 382 Grootvlei
<b>LAND USE CATEGORY (ZONING)</b>	<b>SPECIAL</b>
<b>PRIMARY RIGHTS</b>	
<b>SECONDARY RIGHTS</b>	
<b>NO RIGHTS OR RIGHTS EXCLUDED</b>	None
<b>DENSITY</b>	
<b>HEIGHT</b>	
<b>COVERAGE</b>	
<b>FLOOR AREA RATIO (FAR)</b>	
<b>PARKING REQUIREMENTS</b>	As per Scheme
<b>LOADING REQUIREMENTS</b>	As per Scheme
<b>SITE DEVELOPMENT PLAN (SDP)</b>	
<b>BUILDING LINES</b>	As per Scheme
<b>SPECIAL BUILDING LINES</b>	As per Scheme
<b>LINES OF NO ACCESS</b>	
<b>ADDITIONAL CONDITIONS / SPECIAL RIGHTS / RESTRICTIONS:</b>	The erf shall only be used for such purposes that the Dipaleseng Municipality may permit and subject to such conditions the municipality may deemed fit