



MARULENG LOCAL MUNICIPALITY

FINAL LAND USE SCHEME

2021

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LIST OF ACRONYMS

ATM	Automotive Teller Machine
CBD	Central Business District
ECA	Environmental Conservation Act
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
GIS	Geographic Information Systems
IDP	Integrated Development Plan
LED	Local Economic Development
LUMS	Land Use Management Scheme
LUS	Land Use Scheme
MSA	Municipal Systems Act
NEMA	National Environment Management Act
NDP	National Development Plan
NSDF	National Spatial Development Framework
RSDF	Regional Spatial Development Framework
SDF	Spatial Development Framework
SPLUMA	Spatial Planning and Land Use Management Act

PART 1: INTRODUCTION TO THE SCHEME

1 LEGAL CONTEXT FOR THE PREPARATION OF THE SCHEME

1.1. *Municipal Systems Act 32 of 2000*

In accordance with the Municipal Systems Act (Act No. 32 of 2000), each Municipality must prepare and review its LUMS for their area of jurisdiction. A key component of an IDP is a Spatial Development Framework (SDF), which should give effect to the Municipality's vision for the area and should include basic guidelines for a LUMS that apply to the entire Municipal area.

1.2. *National Environment Management Act, NEMA (Act 107 of 1998)*

Land use and management within the municipal area is subject to the completion of Environmental Impact Assessment (EIA) in terms of NEMA. The SDF and the LUMS should take guidance and input from it. Any land use planning and development should comply with NEMA and aligned to the environmental strategic assessment which forms part of the municipal SDFs.

In accordance with NEMA, Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option; NEMA 107 of 1998.

1.3. *Spatial Planning and Land Use Management Act, No 16 of 2013 (SPLUMA)*

The preparation, key components and legal effect of the SDFs are provided for in terms of Chapter 4 of the SPLUMA. According to the Act, all land use must be aligned with a municipal IDP and SDF.

In accordance with Section 24 of the SDF and SPLUMA, each municipality must, after public participation, adopt and approve a single land use scheme for its entire area within five years from the commencement of the Act.

In accordance with Section 27 of the SPLUMA, 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.

2 TITLE OF THE SCHEME

This land use scheme shall be known as Maruleng Land Use Scheme 2021, hereafter referred to as the “scheme”.

3 THE SCHEME AREA

This scheme area incorporates all areas within the jurisdiction of Maruleng Local Municipality. The scheme is applicable to all areas of the municipality.

4 RESPONSIBLE AUTHORITY

Maruleng Local Municipality, hereafter referred to as the municipality is the responsible municipality to enforce and carry the provisions of the scheme.

5 COMPLIANCE WITH THE SCHEME

Every person and legal entities must comply with the scheme. Government departments, public authorities and municipalities must also comply.

6 EFFECTIVE DATE

- 6.1.** The effective date of the scheme shall be the approval date of the scheme by the office of the Premier and the scheme is operational.

- 6.2. Whether the property is registered or not, in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the property within the scheme area may be used in accordance with the land use rights as obtained in the scheme.
- 6.3. A land use register as compiled in terms of Section 31 of SPLUMA shall be the authoritative source of land use rights development of a property within a scheme area
- 6.4. It shall be the responsibility of the land owner to furnish the municipality with the land use rights obtain via the legislation other than the Town Planning Scheme, Township Ordinance or this scheme for inclusion in the Land Use Rights Register

7 LAND USE RIGHTS

- 7.1. Whether or not property is registered in terms of the Deeds Register Act; 1937 (No. 47 of 1937); the property within the scheme area may be used in accordance with the land use rights contained in the scheme.
- 7.2. A land use scheme register to be compiled in terms of Section 31 of the SPLUMA shall be authoritative source of land use and development property within the scheme area.
- 7.3. It shall be the responsibility of the owner to notify the municipality in terms of the land use rights obtained other than the SPLUMA

8 CONFLICTS BETWEEN PROVISIONS OF THE SCHEME, CONDITIONS OF TITLE AND LEGISLATIONS

- 8.1. A consent granted by Maruleng Local Municipality by virtue of the provisions of this Scheme does not entitled any person the right to use the property, to erect or to use the building thereon in any manner or for any purpose which is prohibited by the provisions of any condition registered against the title deed under which such property is held, or imposed by any legislation in respect of such property.
- 8.2. Where a provision of this Scheme is inconsistency with any other Maruleng Local Municipality by-law, the provisions of this Scheme shall prevail
- 8.3. Any approval granted in terms of this scheme, shall in no way exempt any property owner or applicant from compliance with any other law, by-law, regulation, title deed, or other restriction applicable to any property and an owner of a property shall accordingly not be entitled to utilised any rights grated in terms of the scheme, until such time as such owner or applicant had complied with any such other law, by-law, regulation or restrictive condition. The owner or








applicant shall submit proof to the local municipality that such restrictive conditions had been complied or removed.

- 8.4.** Any person making an application in terms of this scheme will be required to specifically comply with the provisions of the National Environmental Management Act, 1998, the Environmental Conservation Act, 1989 and the EIA Regulations, and any other duly operating laws regulating the use land that are applicable.

9 GENERAL SCHEME ARRANGEMENTS

9.1. Policy objectives/imperatives

The reviewed Scheme should be according to the vision, strategies and policies of the Municipal IDP and SDF. This should be done in the interests of the general public to promote sustainable and quality of life. The objectives are as follows:

-  Efficient, effective and compatible land development that is desirable and also accommodates the identified socio-economic needs of the municipality
-  The coordination of land development, which includes land use change, new development and subdivision, with the availability of infrastructure and social amenities
-  An accessible, responsive environment that is integrated with the transportation networks and promotes public transportation
-  Equitable distribution of the benefits and burdens resulting from the land development process
-  Promote sustainable planning and development within the municipality, through the management and coordination promotion of growth across the municipality along with desirable development, in order to correct the distortions of historical planning systems and their negative effects on the environment, without negating the complexities of the development challenges
-  Simplification of procedures concerning subdivisions, land use, occupations and building regulations in order to permit a reduction in costs and increase in the supply of housing development
-  Provide the means to enforce compliance with prescribed rules and regulations to develop land within the municipal area

- ✚ Promote certainty of land use which protect investment in property thus endanger investor confidence
- ✚ All spheres of government must ensure an integrated approach to land use and land development and all departments must provide their sector inputs and comply with prescribed requirements
- ✚ the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development, applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs
- ✚ Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.

9.2. Areas under Traditional Leadership

- ✚ A traditional council may conclude a service level agreement with the municipality, subject to the provisions of any relevant national or provincial legislation in terms of which the traditional council may perform such functions as per the agreement, provided that the traditional council may not make a land development or land use decision.
- ✚ If the traditional council does not conclude a service level agreement with the municipality as contemplated in the subsection above, the traditional council is responsible for providing proof of the allocation of land in terms of the applicable traditional/customary laws to the applicant of the land development and land use application in order for the applicant to submit it in accordance with the applicable laws.

9.3. The Relationship between the municipal IDP, SDF and Scheme




- 9.3.1. The SPLUMA, 2013 and the Municipal Systems Act, 32 of 2000 provide that there should be a direct relationship between Spatial Development Framework and the Municipal Land Use Management Scheme
- 9.3.2. Scheme is developed as part to regulate various development priorities identified in the IDP and visual reflected in the SDF.
- 9.3.3. If the SDF is reviewed and major changes are made, changes should be translated into the scheme.
- 9.3.4. It gives effect to the municipal SDF and determines the use and development of land and buildings within the municipality in order to promote:
- 9.3.5. Provide site specific details on land use rights where the SDF broadly indicated the development outcomes
- 9.3.6. Sets out the procedures and conditions relating to the use and development of land in any zones, thus regulating the form and the nature of development in a site.

9.4. The Purpose of the Scheme

The main purpose of this Scheme regulates and manages land use, give effect and consistence to Maruleng Spatial Development Framework in order to promote:

-  Economic growth
-  Social inclusion
-  Efficient land development; and
-  Environmental management.

This Scheme will:








-  Set out the procedures and conditions relating to the use and development of land in any zone
-  Indicate the zoning of the municipal area into land use zones; and
-  Register of all amendments to such land use scheme

10 TRANSITIONAL ARRANGEMENTS






10.1. Town Planning Scheme

This proposed scheme, will replaces all other town planning schemes in operation, all existing legislative, common practices and customary procedures to obtain land use rights, within the municipal area unless permitted in the scheme.

Chapter 2 of the SPLUMA outlines the principles, norms and standards for spatial planning and land use management function. The objectives of the Act are:

-  To provide for a uniform, effective and comprehensive system of spatial planning and land use management
-  To ensure that the system of spatial planning and land use management promotes social and economic inclusion
-  To provide for development principles, norms and standards
-  To provide for the sustainable and efficient use of land
-  To provide for cooperative government and intergovernmental relations amongst all spheres of government; and
-  To redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems.
-  To promote good governance and administration

These principles apply to all organs of the state and other authorities responsible for the implementation of legislation regulating the use and development of land, and they guide:

-  The preparation, adoption and implementation of any spatial development framework, policy or by-law concerning spatial planning and the development or use of land
-  The compilation, implementation and administration of any land use scheme
-  The sustainable use and development of land
-  The consideration by a competent authority of any application that impacts or may impact upon the use and development of land; and
-  The performance of any function in terms of SPLUMA or any other law regulating spatial planning and land use management

The utilization of the stated norms and principles is critical for the establishment of a more equitable planning and development of land within the municipal area and following should be emphasized:

- ✚ Spatial justice
- ✚ Spatial sustainability
- ✚ Efficiency
- ✚ Spatial resilience

The stated norms, principles and standards, must other things:

- ✚ Ensure that land development and land use management processes, including applications, procedures and timeframes are effective and efficient; which will:
 - Report on the existing land use patterns
 - Framework for desired spatial pattern
 - Existing and future land use pattern, programmes and projects relative to key sectors of the economy
 - Mechanisms for identifying strategically located vacant and underutilized land and providing for access to and use of such land
- ✚ Standardize the symbology of all maps and diagrams at an appropriate scale
- ✚ Differentiate between geographic areas, types of land use and development needs; and
- ✚ Provide for the effective monitoring and evaluation of compliance with and enforcement of the SPLUMA

Chapter 3 of the SPLUMA makes it possible for Traditional Authorities to perform land use management duties on behalf of the municipality within the traditional area in terms of Land Development and Land Use.

- ✚ (1) A traditional council may conclude a service level agreement with the municipality in whose municipal area that traditional council is located, subject to the provisions of any relevant national or provincial legislation in terms of which the traditional council may perform land use management powers and duties on behalf of the municipality in the traditional area concerned.
- ✚ (2) If a traditional council concludes a service level agreement with the municipality as contemplated in subregulation (1), that traditional council must undertake land use management in its traditional area in accordance with provisions of that service level agreement.

Chapter 4 of the SPLUMA makes it compulsory for all spheres of government to participate in the spatial planning and land use management processes that impact on each other. At the same time the municipality should assist to integrate, coordinate, align and express development policies and plans emanating from various sectors of other spheres of government.

In terms of Chapter 5, the municipality should allow the participation of the traditional council in the performance of its duties.

The implication of the scheme is that land may only be used for purposes permitted by a land use scheme. In instances where, where no town planning scheme or land use scheme applies to a piece of land, before a land use scheme is approved in terms of SPLUMA and such land may be used only for purposes listed in Schedule 2 of SPLUMA and for which such land was lawfully used or could lawfully have been used immediately before the commencement of the Act.

Wherein municipal boundaries are altered, the affected municipalities in consultation with each other amend their respective scheme accordingly, until such time the necessary amendments are affected, the provisions of such land use scheme remain in force in the areas to which they are applied prior to the alteration of the municipal boundaries.

Section 32 of SPLUMA makes provision for mechanisms to enable the enforcement of a land use scheme and they include amongst others, the following:

- ✚ Passing by-laws
- ✚ Apply to court for an order to interdict any person from using land in contravention of the scheme; and
- ✚ The designate a municipal official or appoint any other person as an inspector to investigate any non-compliance.

10.2. Existing Land Use Rights

Currently, the Spatial Development Framework, the town planning scheme and customary procedures adopted by different traditional councils are guiding and regulating land use development and management.

10.2.1. The Spatial Development Framework

The Maruleng recent reviewed SDF is the strategic planning instrument that guides and informs all the planning and development decisions with regard to planning, management and development. The SDF does not grant the use of land, however, it see to achieve the following within the municipality:

- ✚ Set out objectives that reflect desired spatial form of the municipality
- ✚ Identify strategies and policies to achieve the objectives which indicate
 - The desired pattern of land use
 - The direction of growth
 - Address spatial restoration
 - Provide strategic guidance in respect to location and nature of development
 - Set out basic guidelines for a land use management system
 - Provide a visual presentation of the desired spatial form of the municipality

The latest and adopted Maruleng SDF (2016) is done in terms of the SPLUMA prescriptions and is fully compliant thereto.

With the approval of the scheme and being operational, the spatial planning would be guided by the land use development principles, norms and standards. At the same time, the Land Use Scheme will direct and facilitate the use and development of land as per the prescriptions and procedures of SPLUMA.

10.3. Current Applications

- 10.3.1. All land use rights applications submitted before the effective date shall be finalised as if the scheme was not approved,
- 10.3.2. Should the application was not approved, within the 12 months after the effective date where the applicant has to furnish the municipality with further information required to decide on the application. The municipality in its own discretion further grant the application 12 months period for approval
- 10.3.3. Should the application not comply with the conditions of the approval within the 12/24 months period of approval, it will be deemed to have the application lapse. The municipality, in its own discretion, grant a further 12 month period for proclamation, as applicable, on good cause shown by the applicant.

11 CONTENT OF THE SCHEME

The scheme comprises of the following main components.

Part 1: Introduction

Part 2: General terminology and its land use definitions

Part 3: General development conditions applicable to all properties




Part 4: Land use zones and buildings

Part 5: Law enforcement

Part 6: Administration of land use developing rights

Part 7: Application procedure, content and format

The Map consists of:

-  The index sheet
-  The Reference to the system of Notation
-  Zoning Sheets

PART 2: GENERAL TERMINOLOGY AND LAND USE DEFINITIONS

12 General Terminology

In this scheme, except where the context otherwise requires, or it is otherwise expressly provided, the following words and expressions have the respective meanings assigned to them.

Ablution

A building or room containing washing facilities and toilets

Ancillary use

A use, building or activity which is subservient to, related to and reasonably required for the conducting of the dominant use on the property.

Annexure




Means documents comprising the provision, inter alia, special rights and conditions applicable to those properties shown on the A series of the map by encircled figures

As-Built Plan

As set of drawings prepared by a suitable qualified person reflecting existing buildings, structures and engineering services within a property. They show the exact appearance dimensions, geometry and location of all elements of buildings, structures and engineering services. The plan should include the site plan, floor plan, elevations, parking, etc.

Average depth

The average depth of a property means:

-  An average perpendicular distance between the public street or road and the points at which the site boundaries meet with the rear boundary
-  In a case of a corner property, the average of the perpendicular distance between each public street or road and the point at which the site boundary meet
-  In a case pf a panhandler or irregular property, the average depth as determined by the property

Average Width

The average width of a property means:

- ✚ The average of the length of the street boundary and the rear boundary
- ✚ In a case of a corner property, the average of the length of the shortest of the street boundary and the opposite site boundary
- ✚ In a case of a panhandler or irregular property, the average width as determined by the property

1: 100 year Flood line

Means a line indicating the 1:100 year flood line as defined in the National Water Act, 1996 (Act 36 of 1998), as amended from time to time

Basement

Means any floor of a building situated under the ground floor, beneath the natural horizontal ground level of the area

Balcony

A floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings, or by main containing walls of rooms abutting and projecting floor and includes a roof, if any, over such floor and pillars supporting such roof

Use Zones and Development controls

This refers of categories of terms, use zones and development controls in the scheme that will fit closest land use rights granted by other legislations previously applicable before the effective date.

Building

Means a building as defined in the National Building Regulations and Building Standards Act, 1997 (103 of 1997)

Bulk

A term use to describe the size, volume, area and configuration of structures and their physical relationship of their exterior walls and their location on property boundaries, other buildings or structures or other walls of the same building

Consent

Means a land use right that may be obtained by a way of consent from the municipality in terms of the scheme

Consolidation

Means the joining of two or more pieces of land into a single piece

Controlling Authority

Means the controlling authority as defined in all applicable legislation, as far as town planning is concerned, within the jurisdiction area of the local municipality as the case may be.

Current applications

Applications submitted before the effective date in terms of previously applicable legislations that has not lapsed

Deed of Grant

Means a deed in respect of an ownership unit issued or deemed to have been issued in terms of the Regulations of the Administration and Control of Township, 1962, (Regulations R293 of 1962).

Erf

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

Environmental Impact Assessment

Means an investigation of potential environmental, socio-economic and cultural heritage impact of land use activities in terms of the requirements of the National Environmental Management Act, 1998 (Act 107 of 1998).

Land Use Management System

Means a system through which a municipality regulated and manages land use and confers land use rights through the use of this scheme and land development procedures and protocols contained

Land Use Scheme

A land use scheme determines and regulates the use and development of land in an area in accordance with the SPLUMA and its components of land use management system.

Land Use Rights

Means the particular legal rights to use and develop a specific property.

Permission to occupy

Means permission granted to occupy an allotment in terms of Proclamation R188 of 1968.

Property

Any portion of land and /or building whether survey or not.

Site

Means any portion of land identifiable by means of boundaries or beacons and includes any building on such a site

Site development Plan

A plan that shows the proposed development of a property and any salient natural features thereof in accordance with the guidelines

Title deed

Means a legal deed or document approved in terms of the Deed Registry Act, 1937 as amended constituting evidence of a right, especially to ownership of property and conditions thereof.

Township







Means a formal settlement area which was planned and established in terms of relevant applicable legislations for township establishment purposes, and for which a general plan was approved and a township register was or can be opened in a deed register. A township may be classified as a rural settlement by the municipality for the purposes of the land use control in terms of this scheme.

Transitional Residential Settlement Area

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

Undevelopable land

Undevelopable land:

-  Land situated within 1: 100 year floodline area
-  Land where the gradient is steeper than 1:3
-  Environmental sensitive area
-  Unique landscape features
-  Cultural heritage sites
-  Geological unsuitable

Zone

Means a part of the scheme, as shown in the map, by means of a distinctive notation or edging or other distinctive manner as depicted in the Land use Table of this scheme, and use zone has the same meaning.

13 LAND USE DEFINITIONS

13.1. "ADDITIONAL DWELLING UNIT" - Means a second dwelling unit, or such number of additional dwelling units as determined by the policy of the local authority, on the same property provided that the total coverage does not exceed the prescribed coverage defined in Table "C" of the scheme.

13.2. "AERODROME" – Means any demarcated area on land or water or any building which is used or intended to be used either wholly or in part, for the arrival or departure of aircraft, and includes any building, installation or equipment within such area which is used or intended to be used in connection with the arrival, departure or movement of aircraft.

13.3. "AGRICULTURAL USE" – Means land used or a building designed or used for the purposes such as, but not limited to ploughing, depasturing, horticulture, poultry farming, dairy farming, breeding and keeping of livestock, apiaries, forestry, mushroom and vegetable production, flower production, orchards and any other activity commonly connected with farming or associated therewith, and include the sale of own produced goods. It includes residential buildings that are connected with the main farming activities such as accommodation for the farmer, farm manager and associated farm settlement.

13.4. "ANCILLARY AND SUBSERVIENT USES" Means uses or activities which support and compliment the main use on the property and which shall not exist on their own when the main use on the property is discontinued.

13.5. "ANIMAL CARE CENTRE" Means a place for the care of domestic pets and animals, operated on either a commercial or welfare basis and includes boarding kennels and pet training centres;

13.6. "ANNEXURES" – Means documents comprising of provisions, inter alia, special rights and conditions applicable to those properties shown on the A Series of the map by encircled figures.

13.7. "APPROVED TOWNSHIP" – Means an approved township as defined in the Ordinance

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

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

13.10 "BASEMENT" – Means any floor of a building situated under the ground floor, beneath the natural horizontal ground level of the area.

13.11 “BED-AND-BREAKFAST ACCOMODATION” – A commercial accommo- dation establishment of up to and including four (4) guest rooms. The main function is to provide temporary accommodation under personal supervision of the owner and his/her family from his/her dwelling house. Meals (usually breakfast) are provided to paying guests only. Only one (1) kitchen per establishment is allowed. A bathroom for each guest room may be provided, but a bathroom may also be shared with the host family.

13.12 “BOARDING HOUSE” - Means land and buildings consisting of habitable rooms without a kitchen, which are let or rented to persons and where one or more meals are provided in a communal dining-room and a communal kitchen and includes a caretaker’s flat on the property.

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

13.14 “BUILDING” - Means and includes structures or constructions of any nature whatsoever.

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

13.16 “BUILDING RESTRICTION AREA” – Means an area wherein no building, except those permitted in the scheme, may be erected.

13.17 “BUILDERS YARD” – Means land or buildings which are used for the storage of materials:

13.17.1

Materials which: -

- (a) are commonly used for building work; or
- (b) resulted from demolition or excavation works; or
- (c) are commonly used for other civil engineering works such as installation of services;

13.17.2 Vehicles and implements necessary or ancillary to the works and services

13.17.3 May include administrative offices incidental to the above-mentioned uses.

13.18 "CAMPING SITE" - Means land and buildings used for temporary overnight accommodation of caravans, motor homes and tents and may include ablution facilities, caretaker's flat, communal kitchen/s and ancillary and subservient shops and other related buildings for the use of such visitors.

13.19 "CAR WASH" - Means land and/or buildings used for the washing, polishing and cleaning of vehicles by means of mechanical apparatus or by hand.

13.20 "CEMETERY" Means a place for the burial of human remains, and may include associated buildings such as an office, chapel and wall of remembrance, but does not include a crematorium;

13.21 "COMMERCIAL USE" – Means uses such as distribution centres, wholesale trade, storage, warehouses, cartage and transport services, laboratories and computer centres and may include offices that are ancillary and subservient to the commercial use of the land.

13.22 "COMMUNE" - Means a dwelling unit where not more than six unrelated persons live together and share communal facilities, such as a kitchen, lounge, bathroom, etc., but does not include a household enterprise. The use is further subject to the policy of the local municipality as amended from time to time.

13.23 "CONFERENCE FACILITY" – Means a building designed for use or used as a temporary lecture hall, training facility, conducting of workshops, meetings, conferences, symposiums and related uses, but does not include "Institution" and "Place of Instruction". The area used for a conference facility may be restricted by the local municipality, and is further subject to the policy of the local municipality as amended from time to time.

13.24 "CONSENT USE" – Means the consent of the local municipality in terms of Table "A" to be read in conjunction with Clauses 21, 22 and 23.

13.25 "CONSERVATION PURPOSES" - Means purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity.

13.26 "COVERAGE" – Means the area of a property covered by buildings as seen vertically from above and expressed as a percentage of the area of the erf, but excluding a structure without a roof or covered by hailnet.

13.27 "CREMATORIUM" - Means a building with the necessary specialised equipment used for the cremation of human and animal tissue subject to the provisions of the Crematoriums Act, 1965 (Act 18 of 1965).

13.28 “DISPENSING CHEMIST” – Means an enterprise supplying only medicine as defined in the Act on the Control of Medicine and Related Material, 1965 (Act No. 101 of 1965), as amended, as prescribed by a registered medical practitioner only.

13.29 “DOMESTIC STAFF QUARTERS” Means an outbuilding of not more than 25m², including sanitary and cooking facilities, and used for the accommodation of domestic staff employed at a dwelling unit only;

13.30 “DOMINANT USE” - Means the predominant or major use of a property, and may consist of primary or consent uses permitted on the property;

13.31 “DWELLING OFFICE” – Means an existing dwelling unit that is converted and used as an office, provided that the elevation treatment of the buildings maintain a residential character and appearance complementary to the environment, and is also in accordance with the policy of the local municipality.

13.32 “DWELLING UNIT” – Means an interconnected suite of rooms which does not include more than one kitchen, designed for occupation and use by a single family or extended family and which may include such outbuildings and domestic staff quarters as are ordinarily incidental thereto.

13.33 “ERF” - Means land in an approved township registered in a deeds registry as an erf, lot, plot or stand or as a portion of the remainder of any erf, lot, plot or stand or land indicated as such on the general plan of an approved township, and includes any particular portion of land laid out as a township which is not intended for a public open place, whether or not such township has been recognised, approved or established as such in terms of the Ordinance or other relevant legislation;

13.34 “EXISTING USE” – Means the otherwise legal use of land and/or buildings exercised on or before the fixed date as contemplated in section 43 of the Ordinance and which is contradictory to the stipulations of the scheme.

13.35 “FILLING STATION” – Means land used or a building designed or used for fuelling, washing, polishing and lubricating of motor vehicles, as well as for emergency repairs to vehicles, but excluding a “Public Garage”, panel beating, spray painting or any major repair work and can include the retail trade of emergency spare parts, as a complimentary subservient service. A Convenience Store not exceeding 250m² is permitted as a primary right.

13.36 “FIXED DATE” – Means the date on which the local municipality gives notice in the Provincial Gazette that this scheme is in operation.

13.37 “FLAT” – Means a group of dwelling units contained in a building(s) with a communal entrance.

13.38 "FLOOR AREA" - Means the sum of the total area occupied in a building at the floor level of each storey: Provided that in the calculation of the floor area the following areas shall not be included:

- (a) Unroofed buildings, open roofs and areas occupied by external fire- escapes;
- (b) Parking spaces for the occupants of the building;
- (c) Entrance passages and corridors (excluding entrance halls, porches and corridors in a dwelling unit or a residential building where such entrance halls, porches and corridors are not enclosed by outer walls or windows);
- (d) Accommodation for the lift motors and other mechanical or electrical equipment necessary for the proper use of the building;
- (e) Housing for domestic workers on the roof of a building: Provided that the floor area thus excluded shall not exceed 3% of the permissible floor area of such building;
- (f) A veranda or balcony in a building: Provided that such veranda or balcony shall not be enclosed except to conform to safety precautions listed in the National Building Regulations; and
- (g) Areas reasonably used for the cleaning, maintenance and care of the building or buildings, except dwelling units for supervisors, cleaners and caretakers.

13.39 "FLOOR AREA RATIO" or "F.A.R." – Means the ratio obtained by dividing the floor area of a building or buildings by the total area of the property, thus –

$$\text{F.A.R.} = \frac{\text{Floor area of a building or buildings}}{\text{Total area of the property on which the buildings(s) is erected}}$$

13.40 "FUNERAL PARLOUR" – Means a building used or designed for use as a mourning or funeral chapel and includes such other buildings designed for use in connection therewith and which is normally ancillary to or reasonably necessary for the business of a funeral undertaker, but shall exclude a crematorium.

13.41 "GRANNY FLAT"– An additional dwelling unit which may be erected on a "Residential 1" erf in addition to the main dwelling, with the proviso that if a second dwelling unit has already been erected, no granny flat shall be permitted, and vice versa.

13.42 "GROSS LEASIBLE FLOOR AREA" – Means floor area that is designed for the occupation and control by a tenant, or that is suitable therefore, measured from the centre line of joint partitions and the internal surface of external walls.

13.43 “GROUND FLOOR” – Means the storey of which the floor is on the lowest natural ground level.

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

13.45 “GUEST HOUSE” – A commercial accommodation establishment of five (5) up to and including sixteen (16) guest rooms. No permanent residents (except for the manager) are allowed. The main function is to provide temporary accommodation under personal supervision. If meals are provided, it should be served to paying guest only. Only one (1) kitchen per establishment is allowed. Each guest room must have it's own en-suite bathroom. All other facilities such as a bar and swimming pool are for paying guests only.

13.46 “GYMNASIUM” – Means a business where people do physical and aerobic exercises with or without apparatus.

13.47 “HEIGHT” – Means the height of the building expressed in the number of storeys.

13.48 “HOTEL” - Means an accommodation enterprise which includes places of entertainment and restaurants and is also licensed in terms of the Liquor Act, 2003 (Act No. 59 of 2003) and may also include conference facilities.

13.49 “HOUSEHOLD” - Means a group of persons regarded as a domestic unit in terms of legislation, common law or customary law.

13.50 “HOUSEHOLD ENTERPRISE” - Means a small scale enterprise which is used by the occupant for the conduct of a practice or occupation with the aim of deriving income there from and which is practiced by a maximum of four (4) persons, of which at least one is a full time resident of the property, from a dwelling unit in such a way that the residential character and primary use of the dwelling unit and environment shall not, in the opinion of the local municipality, be in any way harmed or changed. No retail trade is permitted from the property.

13.51 “INFORMAL BUSINESS” – Means the conducting of a business which, with the consent of the local municipality after consultation with the adjacent owners, is conveyed from place to place, whether by vehicle or otherwise, in a street or at any other place accessible to the public, at any open property or in, on or from any vehicle or moveable structure, subject to such requirements laid down by the local municipality.

13.52 “INFORMAL STRUCTURE” – Means a residential shelter of a temporary nature that does not comply with the provisions of the Act on National Building Regulations and Building Standards, 1977 (Act No. 103 of 1977) and any amendments thereof.

13.53 “INDUSTRY” – Means the use of land or a building for a factory, distributing depot, wholesale, storage, warehouse for the storage of wholesale merchandise, carting and transport services, laboratories, workshop and motor workshop and may also include offices which are normally associated with or which are reasonably essential for the main use.

13.54 “INSTITUTION” – Means a building designed to be used as a charitable institution, hospital, nursing home, old age home, clinic, sanatorium, either public or private but excludes institutions used mainly as offices or for administrative work, and may, with the permission of the local municipality include activities which is directly related to and subservient to the main use.

13.55 “KIOSK” – Means a building designed and use for the preparation or retail sale of meals and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets. Cafeteria has a similar meaning.

13.56 “LAND” - Also includes any improvements on land, any interest in land as well as land covered by water, and property shall have a corresponding meaning.

13.57 “LIFESTYLE ESTATE” – Means a low density rural residential development, usually located outside the urban node and includes a golf estate, equestrian centre, eco-estate / village, aero estates and water or nature related residential development. The residential density allowed in a lifestyle estate will be determined by means of municipal policy as amended from time to time. The notation for the individual rural residential properties within the estate will have a meaning as defined in Table A of this Scheme and indicated as such on the scheme maps.

13.58 “LOADING SPACE” – Means a rectangular area of not less than 3m by 16m in size.

13.59 “LOCAL MUNICIPALITY” – Means the Maruleng Local Municipality and/or any employee in his service to whom the authority is delegated.

13.60 “MAP” – Means the scheme map (also marked Map 3) as amended from time to time.

13.61 “MEDICAL CONSULTING ROOMS” – Means a building designed or adapted as professional rooms for medical practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as veterinary surgeons, and may include a dispensing chemist not exceeding 20m² but not uses included in the definition of "Institution".

13.62 “MINING AND QUARRYING PURPOSES” – Means land where the extracting of minerals occurring naturally, for example solids such as coal and ores; liquids such as crude petroleum and gasses such as natural gas. Mining includes underground and surface mines, quarries and the operation of oil and gas wells and all supplemental activities for dressing and beneficiating ores and other crude materials such as crushing, screening, washing, cleaning, grading, milling, flotation, melting, refining, pelleting, topping and other preparation needed to render the material marketable. It also includes all associated works such as rock dumping, tailing dams, workshops and buildings for mining purposes. Reclamation of minerals from mine dumps and worked out mines is included.

13.63 “MINING 2” – Means land with ore bodies and/or mineral potential / occurrences with or without mining rights in terms of existing mining and mineral legislation. The minerals are therefore likely to be extracted in future.

13.64 “MINOR STRUCTURAL CHANGES” – Means small structural changes to an existing building for which a building plan is not a requirement.

13.65 “MOBILE DWELLING UNITS” – Means a prefabricated mobile unit of an interconnected set of rooms that does not include more than one kitchen and is designed for use by a household and which is moveable.

13.66 “MUNICIPAL PURPOSES” – Means such use of land for which the local municipality is authorised in terms of any empowering legislation.

13.67 “NATIONAL PARK” – Means a natural area of land designated to:

- (a) protect the ecological integrity of one or more ecosystems for present and future generations;
- (b) exclude exploitation or occupation inimical to the purposes of designation of the area; and
- (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.

13.68 “NATURAL HERITAGE SITE” – Means land or an area declared in terms of the relevant Act to protect, preserve, and / or manage localised provincially significant natural features due to their special interest or unique characteristics; these are relatively small areas focused on the protection of specific features, species, natural landscapes and biotic communities occurring on any private, communal or state land.

13.69 “NATURE RESERVE” – Means a Provincial Nature Reserve or a Private Nature Reserve., and further means-

(a) an area declared, or regarded as having been declared, in terms of section 23 of the National Environmental Management: Protected Areas Act, 2003, as a nature reserve; or

(b) an area which before or after the commencement of the National Environmental Management: Protected Areas Act, 2003, was or is declared or designated in terms of provincial legislation for a purpose for which that area could in terms of section 23(2) of the said Act be declared as a nature reserve,

and includes an area declared in terms of section 23(1) of said Act as part of an area referred to in paragraph (a) or (b) above.

13.70 "NOXIOUS INDUSTRY" – Means an industry which is listed in Schedule 1 to the scheme.

13.71 "NURSERY" – Means a business where plants or seeds are cultivated, grown and sold, and includes the selling of products or items that are related to horticulture.

13.72 "OFFICE" – Means a building or part thereof, designed or used for administrative, professional and related purposes, including a bank, insurance company, building society, medical consulting rooms and related offices or rooms.

13.73 "OCCUPANT" – Means in relation to any building, structure or land includes the following: Any person actually occupying such building, structure or land or is legally entitled to occupy it, or anybody having the authority to manage such property, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.

13.74 "OUTBUILDING" – Means a building which, in the opinion of the local municipality, is usually functionally necessary but subordinate to the use of another building, permitted as a use in terms of Table "A" on the same property.

13.75 "OVERNIGHT ACCOMMODATION" – Means a residential unit or rooms with or without kitchen, used for provision of temporary accommodation to persons.

13.76 "OWNER" - In relation to the property:

(a) the registered owner; or

(b) where such a person is deceased, insolvent, mentally disordered or

defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other whatsoever; or

(c) the occupant, or the lessee by virtue of a lease which is registered by law; but not for purposes of lodging an application in terms of the provisions of this scheme; or

(d) when an owner, as defined above is absent from the area or his address unknown, "owner" shall mean an agent of such an owner or any person that receives rent or that is entitled to rent in respect of the premises;

(e) de facto occupant but not for purposes of lodging an application in terms of the provisions of this scheme;

(f) the holder of any right in land whether registered or unregistered, and may include the interest of a labour tenant and sharecropper, a customary law interest, the interest of a beneficiary under a trust arrangement and beneficial occupation for a continuous period of not less than 10 years prior to the dispossession in question; or

(g) the holder of any right in land as determined by the provisions of the Interim Protection of Informal Land Rights Act, 1996.

13.77 "PANEL BEATER" – Means the replacement, reparation and/or panel beating of the body and spare parts of vehicles and the spray painting thereof.

13.78 "PANHANDLE" – Means the access section of a panhandle erf, which section must be at least 3m wide provided that this section is not considered as a part of the erf for the purpose of this scheme.

13.79 "PARKING AREA" – Means parking and manoeuvring space necessary to provide traffic with access and parking space as well as efficient connection with the adjoining street.

13.80 "PARKING SPACE" - Means a rectangular area measuring not less than 5,5m x 2,7m for perpendicular or angled parking and 6,0m x 2,7m for parallel parking. For calculation purposes of parking requirements listed within Table A, Column 7, a parking place should be calculated at 30m² which include the area of the parking place and such manoeuvring space which is necessary for free access to each parking place within a parking area.

13.81 "PLACE OF AMUSEMENT" – Means land used or a building designed for or used as a public hall, theatre, cinema, music hall, concert hall, billiards saloon, sports arena, skating rink, dance hall, or for other recreational purposes, or for trade- or industrial exhibitions or for pinball games with more than three (3) machines.

13.82 "PLACE OF INSTRUCTION" – Means a building designed for use as a school, college, technical or academic institution, crèche, lecture hall, nursery school, after school care centre, or other educational

centre and a hostel in connection therewith and includes a convent or monastery, a library, art gallery and a museum.

13.83 “PLACE OF PUBLIC WORSHIP” – Means a building designed for use or used for religious purposes such as a church, chapel, oratory, prayer house, mosque, synagogue or other place of public devotion, and includes a building designed to be used as a place of religious instruction.

13.84 “PLACE OF REFRESHMENT” - Means a drive-in restaurant, café, tea-room or coffee shop, being a building other than a hotel, residential club, or boarding house, designed and used for the preparation or retail sale of meals and refreshments as well as the retail sale of fresh produce, cold drinks, tobacco, reading material and sweets.

13.85 “PRIMARY RIGHT”- In relation to land or buildings means any use specified in terms of Table “A” as a primary use, being a use that is permitted without the need first to obtain the Council’s consent;

13.86 “PRIVATE CLUB” – Means land used or a building designed or used for the private gathering of a group of persons being members of that club with a common objective.

13.87 “PRIVATE NATURE RESERVE” – Means an area of land declared as a Private Nature Reserve in terms of Section 21(3)(a) of the Limpopo Environmental Management Act, 2003 to protect the area for the promotion or preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife; preservation of biotic diversity; to allow and support sustainable economic activities in the area; and develop and manage the area in the interest of conservation, education and sustained resource utilisation.

13.88 “PRIVATE OPEN SPACE” – Means land zoned or used as a sport-, play-, rest- and recreational ground or as an ornamental or pleasure garden and a tearoom / restaurant, to which, without permission, the general public has no right of admission.

13.89 “PROTECTED AREA” – Means an area of land declared as a Protected Environment in terms of Section 21(1)(a) of the Limpopo Environmental Management Act, 2003 that will substantially promote the preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife or the preservation of biotic diversity in general with the nature primarily orientated to support sustained economic activities. Such area may comprise private, communal, or state land or any combination thereof which is contractually developed and managed with joint resources for conservation, education, recreation and sustainable resource utilisation purposes.

13.90 “PROVINCIAL NATURE RESERVE” – Means an area of land declared as a Provincial Nature Reserve in terms of Section 15(1)(a) of the Limpopo Environmental Management Act, 2003 to protect

the area because of its natural landscapes, indigenous fauna and flora and biotic communities; to propagate scarce and endangered species of Fauna and Flora; and to sustainably utilise the area for scientific, educational and eco-tourism purposes.

13.91 "PUBLIC OPEN SPACE" – Means any land zoned for use by the general public as an open space, park, garden, recreation site, sport field or square.

13.92 "PUBLIC GARAGE" – Means a building used for the maintenance, repair or fuelling of vehicles and associated purposes, and may include a vehicle workshop, the display and sale of new and used motor vehicles, the cleaning and washing thereof, the sale of spare parts, accessories, fuel and lubricants and may also include a place of refreshment and convenient store as subservient use but excludes spray-painting, panel beating or a scrap yard, provided that the convenience store or place of refreshment, including store rooms, shall not exceed 250m².

13.93 "QUARRYING" – Means land used for the purposes as described in terms of the definition "Mining and Quarrying Purposes".

13.94 "RAILWAY PURPOSES" – Means the use of land or a building designed or used for rail and/or incidental or related railway uses.

13.95 "RESIDENTIAL BUILDING" – Means a building, other than a "dwelling unit", group housing, hotel, flat and institution, that is designed for and used as a boarding house, residential club, hostel, residential hotel,

commune or rooms to let. The rooms within or forming part of a residential building does not include any kitchen of their own.

13.96 "RESORT" – Means a place frequented by people for relaxation or recreation - for a specified purpose or quality (i.e. health, holiday, mountain resort). Specialised resorts (i.e. youth camps, church, cultural). Picnic resorts, holiday towns and hotels/motels, rest camps, camping. [Nature, water, historically (i.e. mining towns, trading posts, trek routes, old bridges) orientated].

13.97 "RESTAURANT" – Means a building or part of a building used for the preparation and sale of meals and refreshments, confectionery for consumption on the erf of the property and includes entertainment subsidiary to the main use and can include a place of refreshment, as well as a drive-through restaurant.

13.98 "RETAIL TRADE" – Means any trade other than "Wholesale trade" as defined in this scheme.

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

13.100 “RURAL GENERAL DEALER” – Means a building or part of a dwelling unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments. The area used for the rural general dealer shall not exceed a total floor area of 30m².

13.101 “RIGHTS” – Means land use rights obtained in terms of this scheme.

13.102 RURAL SETTLEMENT TYPES:

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

13.102.2 “FORMAL RURAL SETTLEMENT” – Means a settlement which is planned and surveyed (General Plan). A formal rural settlement can be handled in the same manner as an approved township.
“SEMI FORMAL RURAL SETTLEMENT” – Means a settlement situated either on private, tribal or state land. Settlement is planned and surveyed (not a general plan). Management is done by a communal property association or tribal authority or local municipality

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

13.103 “SCHEDULES” – Means a supplement(s) to the scheme containing special procedures and/or some areas or properties to which specific rights or provisions are applicable and such schedules may from time to time be amended by the local municipality. Where any discrepancy exists between the Schedules and the provisions of the Clauses and tables, the most prohibitive conditions shall prevail.

13.104 “SCHEME” – Means this land-use scheme in operation and includes the clauses, Map 3A and the annexure.

13.105 “SCRAPYARD” – Means land or buildings used for the dismantling, stacking, storing or preparing for resale of any used material, waste metal, scrap vehicles, scrap machinery or any other scrap material whether or not such dismantling or stacking is done with a view to disposal or re-use of such waste.

13.106 "SERVICE INDUSTRY" – Means a use, which, in the opinion of the local municipality is a small-scale industry, incidental to the needs of the local community, with emphasis on maintenance and repair, as well as retail trade in connection therewith, that shall not cause the deterioration of the amenity of the neighbourhood or cause disturbance in consequence of noise, appearance, odour or activities or any reason whatsoever, but excludes a filling station and public garage.

13.107 "SHOP" – Means land used or a building designed or used for the purpose of carrying on retail trade and the necessary accompanying storage and packing and includes any accompanying uses on the same property appurtenant but ancillary to the retail trade being carried on. The following uses are not regarded as appurtenant to a shop: A noxious trade, drive-in-restaurant, place of refreshment, scrap yard, parking garage, public garage, vehicle workshop, filling station and warehouse.

13.108 "SITE" – Means any portion of land identifiable by means of boundaries or beacons and includes any building on such site.

13.109 "SITE DEVELOPMENT PLAN" – Means a plan as described in Schedule 2 to the scheme.

13.110 "SHORT TERM RENTAL" - A dwelling unit and/or second dwelling unit which is used for the purposes of letting for overnight or holiday accommodation, with or without the provision of meals to guests for a short-term stay. Rental period shall range between 1 to 30 days and can include rental of the entire dwelling unit, individual rooms or portions of rooms.

13.111 "SOCIAL HALL" – Means a building designed for use, or used for cultural activities, social meetings, gatherings and recreational purposes, that is not profit seeking in it's primary purpose, and includes a non-residential club but excludes a place of amusement.

13.112 "SPAZA" – Means a building designed for or a portion of a residential unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments, where the residential use of the property remains the primary use of the property. The area used for a spaza shall not exceed 20% of the total floor area of the main building on the site / erf with a maximum of 30 m², and is further subject to the policy of the local municipality as amended from time to time.

13.113 "SPECIAL CONSENT" – Means the consent of the local municipality granted in terms of the provisions of Clause 21.

13.114 “SPORT, PLAYGROUNDS AND RECREATION” – Means any land zoned for use as private or public sport fields, playground and recreation site including any building, structure or facility appurtenant thereto.

13.115 “STOREY” – Means the space in the building between one floor level and the next floor level or ceiling or roof above.

13.116 “STREET” – Means the area or part of any street, road, bridge, subway, avenue, lane, sanitary lane, thoroughfare or right-of-way, as shown on the general plan of a township or in respect of which the public has acquired a right-of-way by prescription or otherwise and “ROAD” shall have a corresponding meaning.

13.117 “SURROUNDING OWNERS” - Means the registered owners of the properties directly adjacent to the subject property as well as properties abutting any streets to which the subject property has direct access within such a radius, with the subject property as centre point, as determined by the local municipality and also such other owners or interested parties as the local municipality may specify.

13.118 “TAVERN” – Means land or a building designed for or a portion of a building used for the purposes of selling and serving liquor, other beverages and prepared food / snacks, to be consumed on the property.

13.119 “TAXI PARKING AREA” – Means a demarcated part of a parking lot which may be used by minibuses (taxis) aiming to provide a public transport service; the provision of parking places for taxis shall form part of the parking spaces for the purposes of determining parking provision on any property.

13.120 “TAXI RANK” – Means a place usually within the road reserve at which mini buses (taxis) are allowed to wait and / or stop for passengers boarding or alighting.

13.121 “TEMPORARY BUILDING” – Means a building designated as such by the owner after consulting with the local municipality and which is used, or will be used, for a specified period for a specified purpose, but does not include a building shed.

13.122 “TEMPORARY CONSENT” – Means the temporary consent of the local municipality envisaged in accordance with the provisions of Clause 23 of the scheme.

8.2.123 “TOURISM” – Means the business of providing services to tourists; the practice of travelling for pleasure; organised touring; accommodation and entertainment of tourists as an industry.

8.2.124 “TOWNSHIP” – Means a settlement area which was planned and established in terms of the Development Facilitation Act, 1995, the Town-planning and Townships Ordinance, 1986 or any other

relevant legislation utilised for township establishment purposes and for which township a general plan was approved and a township register opened in a deeds registry office. A township may be classified as a rural settlement by the local authority for the purposes of land-use control in terms of this Scheme.

8.2.125 “TRANSPORT USES” – Means the use of land and/or buildings for the operation of a business consisting of the transportation of goods and/or passengers by rail, air, road and pipelines and includes uses such as stations, transportation amenities and facilities, parking, administrative offices and ancillary uses such as warehouses, container parks, workshops as well as residential uses and amenities for personnel, and may further include any uses such as business, shops or offices which are of service and convenience to passengers, as approved by the local municipality.

8.2.126 “VEHICLE SALES LOT” – Means land used or a building designed or used for the display and sale of motor vehicles, which are roadworthy and of good outward appearance.

8.2.127 “WHOLESALE TRADE” – Means the sale of goods or produce in large quantities to other retailers and excludes sales to the general public.

8.2.128 “WILDERNESS AREA” means a “Protected Area” and includes areas designated for the purpose of retaining and intrinsically wild appearance and character or capable of being restored to such and which is undeveloped and without roads, without permanent improvements or human habitation.

8.2.129 “WILDLIFE ESTATE” means a self sustainable nature based low density rural residential development which may form part or include a country estate, private nature reserve or game farm. The residential component of a wildlife estate is usually clustered to ensure minimum impact on the natural environment. The residential density allowed in a wildlife estate will be determined by means of municipal policy and policy of relevant provincial and national departments, as amended from time to time. The notation for the individual rural residential properties will have a meaning as defined in Table 1 of this Scheme and also be indicated as such on the scheme maps.

13.130 “WRITTEN CONSENT” – Means consent granted by the local municipality in terms of Clause 22 of the scheme.

13.131 “ZONE” – Means a part of this scheme, as shown on the map, by means of a distinctive notation or edging or other distinctive manner as depicted in Column 2 of the Land Use Table of this scheme, and use zone has the same meaning.

PART 3: GENERAL DEVELOPMENT CONDITIONS APPLICABLE TO ALL PROPERTIES




14 General Development Conditions

14.1. Use of all land



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

14.2. Excavations, boreholes and earthmoving

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

-  Excavate any materials from an erf within an approved township or other land within the jurisdiction area of the municipality, save as may be necessary to prepare such erf or land for building, gardening, landscaping and related purposes, provided that this condition is not applicable to agriculture, industrial or mining zoning properties
-  Sink any wells or boreholes on such erf or other land within the municipal jurisdictional area or extract any underground water there from, save as may be necessary on land where the local municipality is not providing the utilities, subject to compliance to other laws from other controlling authorities, and
-  Manufacture or permit the manufacturing of tiles or earthenware, pipes or other articles of similar nature for any purpose whatsoever on the erf in approved township or any other land within the jurisdiction area of the local municipality

14.3. Protection of land and the environment

-  No person may spoil or damage land in any use zones so as to impair its use or the purpose for which it was zoned
-  No person may develop land without complying with the requirements of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended from time to time.

14.4. Handling and drainage of storm water

Where in the opinion of the local municipality, it is impracticable for a storm water to be drained from higher lying erven direct to a public street, the owner of the lower lying erf shall be obliged to accept and permit the passage of such storm water over the overlying erf, provided that all the owners of the higher lying erven from where the storm water is discharged over a lower lying erf, shall be liable to contribute a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find reasonably necessary to lay or construct for the purpose of leading away the water so discharged over the erf, subject to the approval of the pipeline or drain by the local municipality.

14.5. Placement and development of buildings

- 14.5.1. The siting of buildings, including outbuildings erected on the erf, as well as exists and entrances to a public street system shall be to the satisfaction of the municipality
- 14.5.2. No building whatsoever may be erected on a property which will probably be flooded by a public stream on average every one hundred (100) years: provided that the municipality may permit the erection of buildings on such portion if it is convinced that the said portion will not be prone to flooding, and contaminant approval of the Limpopo Department Economic Development, Environment and Tourism has been obtained.
- 14.5.3. No buildings or structures shall be erected on any geological unstable land such the safety of the proposed buildings or structures are not assured, for example certain dolomitic areas, without prior approval by the municipality of special precautionary measures.

14.6. Building in restriction area

- 14.6.1. No building or structure other than boundary walls, fence, garden decorations, pergolas, carports, guard houses, antenna, satellite dishes, tennis court or swimming pools shall be erected within any building restriction area. Loose tools shed and shelter for domestic animals and pets not exceeding 1.5m in size and 1.5 m in height can also be placed within the building restriction area. Provided with no exemption shall apply along any provincial or national road in so far as it would be contrary to the requirements of the controlling authority.

- 14.6.2. No material or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens and access roads.
- 14.6.3. The building lines as defined are applicable to all properties according to the use zones as set out therein.
- 14.6.4. The municipality has the right to use a 2m strip next to any two boundaries of a property and in a case of a panhandler, an additional servitude, 2m wide across the access portion of the erf for the installation of the engineering services, and such strips are to be considered as building restriction areas (no building or other structure shall be erected within the foresaid servitude area and no large rooted trees shall be planted within the area).
- 14.6.5. The municipality may on written application by the landowner, at its discretion consider special precautionary measures and subject to such conditions as it may deem fit, permit the following within the building restriction area:
- 14.6.5.1. The erection of a building in the building restriction area in the case of corner properties or where due to the slope of the property or adjoining land, or the proximity of buildings already erected, compliance with the building line requirements will hamper development of the property to unreasonable extent or where the building line is not needed for the installation of services
- 14.6.5.2. During considerations of the site development plan, relax the building restriction area for all erven, if it is of the opinion that such relaxation would result in an improvement of the development potential of the erf and the esthetical quality of the building
- 14.6.5.3. The erection of the building or structure in the building restriction area in the case of corner erven or if due to the gradient of the property or of the adjoining land, or the proximity of buildings which have already been erected in front of the building line, compliance with the building line requirements will hamper the development of the property to unreasonable extent.
- 14.6.5.4. The use of temporary parking or erection and use of temporary structure in the building restriction area
- 14.6.5.5. The relaxation of the building line on any boundary other than a street boundary of any erf upon consolidation of such erf with adjoining erf, and
- 14.6.5.6. The erection of buildings if it is convinced that the said portion will no longer be subjected to flooding, subject proof of approval by all the duly authorised public bodies operations in terms of existing laws.
- 14.6.6. The erection of buildings on distances from boundaries other than street boundaries must comply with the National building regulations and building standards, 1977 (Act no 103 of 1977) and any amendments thereof

14.6.7. Where an erf or other land borders on a national or provincial road, or if provided otherwise in the conditions of title, the applicable building line shall be the building line prescribed by the controlling authority.

14.7. Lines of no access

Entrance to and exit from a property to a public street or road shall be prohibited where a line of no access is laid down, provided that the municipality may, on receipt of a written application, relax the access restrictions subject to such conditions as it may deem desirable, if as a result of exceptional circumstances, observance of such access restrictions would interfere with the development of the property to unreasonable degree, provided further that no such relaxation shall be granted in respect of entrance to or exit from a property or to a provincial or national road without the approval of the controlling authority.

14.8. Screen walls and fence

14.8.1. A screen wall or walls shall be erected and maintained to the satisfaction of the local municipality if and when required by it.

14.8.2. Where a property has to be fenced, such fence shall be maintained to the satisfaction of the local municipality

14.9. Maintenance of buildings, garden and sites

14.9.1. The owner is responsible for the maintenance of the entire development on the property

14.9.2. Where the amenity of any use zone is detrimentally affected by the conditions of any garden, yard, building or any development on a property, the local municipality, by notice served upon the owner or occupant of the premises on which such conditions exist, require him/her to take, within a period of 28 days or such other period the local municipality in its discretion may deem reasonable from date of the service of the notice, such steps as may be necessary to abate such conditions and the measures required to be taken at his expense to abate the condition complained of, shall be set out in such notice.

14.10. Exemption of existing buildings

Since the alterations or additions to existing buildings shall be carried out in compliance with the provisions of this Scheme, existing legal buildings on land not depicted by a notation indicating a use zone.

14.11. Buildings used for more than one purpose

14.11.1. Where a building is used, or a proposed building is designed for more than one purpose, it shall be deemed to be partially used or to have been partially designed, for each such purpose or use, provided for the use for single or dominant use. The local municipality shall in its discretion, when considering a building plan, or upon application for the purpose being made by the person being in charge of the erection of the building, or proposing to erect a building, decide which use is predominant.

14.11.2. The local municipality shall notify the applicant, within twenty-eight (28) days, or such other period the local municipality, in its discretions may deem reasonable after official receipt of the buildings or applications in terms of any decision.

14.12. Proposed developments

14.12.1. Any proposed development shall incorporate the planning for future roads, pedestrian paths, parks and other social amenities or municipal basic services infrastructure and municipal facilities contained in this scheme.

14.12.2. At its discretion, the municipality may waiver the future use of such land for the public purpose should an acceptable alternative be provided. Such option shall require an amendment of the scheme.




PART 4: LAND USE ZONES AND BUILDINGS

15 INTERPRETATIONS OF THE USE ZONES AND USE OF LAND AND BUILDINGS

15.1. Structures which may be erected in any use zone

- 15.1.1. The scheme does not prohibit the erection of entrance structures (other than entrance halls and entrance passages), guard houses, boom-gates, storage and refuse areas, pergolas, garden ornaments, garden walls or fences, swimming pools and tennis courts. The structures mentioned shall be regarded as part of the development on the property for which the required land use rights have been approved.
- 15.1.2. If any other structures as indicated above, are to be situated within the building lines of the property or any building restriction area, the relaxation of the building line or area will be required. Any such relaxation will still be subject to municipality’s approval.

15.2. Erection and use of buildings or use of land


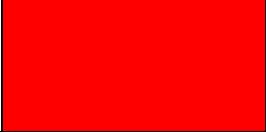

















- 15.2.1. For the purpose of this clause, the expression erection and use of a building includes the use of land and of a building as well as the conversion of a building that use, whether or not it entails the structural alterations thereof.
- 15.2.2. A land use zone is demarcated portion of and or area in terms of which regulations pertaining to the potential use and development of that land are imposed
- 15.2.3. A land use zone indicates the existing land use rights on a property
- 15.2.4. A land use zone shall contain regulations with regard to:
 - 15.2.4.1. Statement of intent and objectives, describing the desirable development and have as goal the implementation of the municipal development objectives
 - 15.2.4.2. The purpose for which buildings and land in each of the zones:
 -  May be erected and/or used as specified
 -  May be erected and/or used only with a special consent issued by the municipality, by way of an application, it include compactible and desirable uses that was considered to be low impact uses and require limited procedural mechanisms for considerations.
 - 15.2.4.3. The bulk of development, including:
 -  The density, scale and intensity of development




- ✚ The type, extent and scale of buildings and structures that may be erected in terms of the maximum coverage, floor area ratio and height of buildings and structures
- ✚ The erf or land parcel area and dimensions.

- 15.2.4.4. Site development including building lines, minimum on site and/or off-site parking and loading requirements
- 15.2.4.5. Any other control identified by the municipality as being relevant to the achievement of the desirable future development of the locality
- 15.2.5. No person shall without consent being granted in terms of relevant, use or cause or permit to be used, any building or property or part thereof for a purpose other than the purpose for which it was zoned.
- 15.2.6. All developments must comply with the regulations contained in the applicable zone and all applications for land use rights shall be considered against the regulations.
- 15.2.7. If the use of land or building changes because of the rights that have been granted to a property or have already vested in the property and the property shall comply with all the conditions laid down and which are applicable to the use.
- 15.2.8. Where the use of land or a building can only be conducted with the permission of the municipality, the use may not be conducted prior to the permit being issued
- 15.2.9. Where the use of land or a building can only be conducted with the permission of the municipality, the use may not be conducted prior to the permit being issued.

15.3. Land use zones

SCHEME LEGEND		
Land use zone	Notation/Reference to the Map	Statement of Intent
Residential 1		This zone is intended to promote the development of attached and detached dwelling units as part of a larger planned residential development. It creates opportunity for medium density residential development and to achieve densification of urban land.
Residential 1 Rural Settlement		This zoning should be used primarily for residential purposes either on freehold or communal bases, and includes associated land uses that support livelihoods; i.e. backroom gardens, kraal, spaza shops, etc. This may include low cost housing provided as new developments or as in-situ upgrades.
Residential 2		Allows a density of between 10 and 20 dwellings per hectare
Residential 3		This zone is intended to promote the development of multi-unit residential units for a wide range of residential accommodation at a high density; together with a mix of activities to cater for broader community needs around central urban areas, along corridors and to achieve densification of urban land.

Rural Residential		This zone seek to define all the dwelling units within lifestyle and wildlife estates within the municipal area located within the main towns but outside the urban edge
Business 1		The zoning one would seek for general business in the form of shopping centers or malls. This category is mostly unrestricted which means the developer or owner would be allowed to have almost any type of shop on the premises.
Business 2		A zoning for a shopping Centre, but with certain restricted businesses e.g. because of the location or immediate surroundings a restriction may be placed on opening a bottle store or a pet shop
Business 3		A more strict zoning which will not allow a wider variety of businesses to open and operate in the centre.
Industrial 1		Provides zoning for normal factories, warehouses or storage depots
Industrial 2		Specifically for operations which can involve noxious and/or unpleasant odours and emissions.
Institutional		Land used for institutional purposes as defined which include place of instruction, place of worship and others
Educational		Land used for educational purposes such as crèches, primary schools, and high schools and for higher education purposes.
Municipal		An area where the land is used for municipal purposes or buildings. These include a municipality, municipal offices, halls etc.
Agricultural		Land and buildings for farming/agricultural purposes. Agricultural use of property, and/or urban agricultural purposes such as the sale of produce solely cultivated or bread from the site; horse riding facilities and related schooling uses, but shall not include sporting and recreation purposes or a race course.
Public Garage		Garage for temporary parking or storage of small to medium-size motor <u>vehicles</u> , usually for a <u>fee</u>
Public Open Space		Land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.
Private Open Space		Land used for recreational purposes such as parks, picnic sites, and garden etc. but is privately owned.
Government		Land that is vested in the National Government of the Republic of South Africa
Protected Areas		Protected areas or conservation areas are locations which receive protection because of their recognized natural, ecological and/or cultural values
Resort		A place that is frequented for holidays or recreation or for a particular purpose
Mining 1 & Quarrying		A place for mining purpose and quarrying
Mining 2		Land zoned for conservation purposes
Existing Public Roads		Land zoned for the development of roads, both national, provincial and municipal roads

Rail Transportation Services		Conveyance of passengers and goods on wheeled vehicles running on <i>rails</i> /tracks.
Special residential		
Aerodrome/airfield		A small airport or airfield
Internal Access & Open Space		Land zoned for internal access within the residential, business and other land uses

15.3.1. The zone number is indicated in the top left hand corner of the table and the zone code in the top right hand corner

15.3.2. The colour notation shown in the table, also containing the colour codes, shall be used on all plans and documents prepared in terms of the scheme.

Residential 1 Rural Settlement		Dwelling Unit	Additional Dwelling Unit	Other uses not permitted in Columns 3, 4 & 5 (Also refer to schedule 3)		1 per erf	2 per erf	20 units/ha	50%	70%	1.0	1.2	>500 m ² =5m <500 m ² = 3m	2m 2m	2m 2m	Not exceed 2 storey or written consent
	(200,200, 52)		Agricultural land	Bed & breakfast		1 dust free per bedroom										
			Place of worship	Commune		1 per bedroom										
			Spaza shop	Duette Dwelling		1 per dwelling unit										
			Residential unit	Dwelling Office		2 per 100m ² G.L.F.A										
			Dwelling house	Household Enterprise		2 per household enterprise										
			Backroom	Institution		6 per 100m ² G.L.F.A										
				Mobile Dwelling Unit		1 dust free per mobile dwelling unit, and if required by the local municipality additional parking for visitors										
				Place of Instruction		6 per 100m ² G.L.F.A										
				Place of Public Worship		6 per 100m ² G.L.F.A										
				Public Phone Shop												
				Social Hall		6 per 100m ² G.L.F.A										
				Spaza		1 per Spaza/Kiosk										
				Tea Garden		3 per 100m ² G.L.F.A										
				Service Industry		1 per 100m ² G.L.F.A. as well as an additional 1 per 100m ² office floor ratio										

Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"					TABLE "D"		TABLE "E"				
		Uses Permitted	Uses/Rights permitted only with the special consent of the local municipality (Clause 21)	Uses/Rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.L.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R		Building Lines			Building Height Parameters	
							Existing rights	Relaxation in terms of clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17		
Residential 2	(255,225,0)	Dwelling Unit		Additional Dwelling Unit	Other uses not permitted in Columns 3, 4 & 5 (Also refer to schedule 3)	1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors	20 units/ha	None	45 units/ha	60%	70%	1.2	1.4	5m	2m	2m	Not exceed 2 storey or written consent	
		Group Housing																
		Overnight Accommodation																1 dust free per bedroom and 6 per 100m ² public room area
		Residential Buildings																1 dust free per bedroom
		Retirement Village																1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors
		Bed & Breakfast																1 dust free per bedroom
		Commune																1 per bedroom
		Conference Facility																8 per 100m ² G.L.F.A
Guesthouse	1 dust free per mobile dwelling unit, and if required by the local municipality additional																	

						parking for visitors												
			Institution			8 per 100m ² G.L.F.A												
			Mobile Dwelling Unit			1 dust free per mobile dwelling unit, and if required by the local municipality additional parking for visitors												
			Place of Instruction			8 per 100m ² G.L.F.A												
			Place of Public Worship			8 per 100m ² G.L.F.A												
			Social Hall			8 per 100m ² G.L.F.A												
				Kiosk		1 per kiosk												
				Tea Garden		3 per 100m ² G.L.F.A												
1. Residential 3		Dwelling Unit		Additional Dwelling Unit	Other uses not permitted in Columns 3, 4 & 5 (Also refer to schedule 3)	1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors	45 units/ha	65 units/ha	More than 65 units/ha	60%	85%	1.5	2	5m	2m	2m	Not exceed 5 storey unless written consent	
		Flats																
		Group Housing																
		Retirement Village																
		Overnight Accommodation				1 dust free per bedroom and 6 per 100m ² G.L.F.A												
	(255,225,0)	Residential Buildings				1 dust free per bedroom												
		Conference Facility				8 per 100m ² G.L.F.A												
		Hotel				1 dust free per bedroom plus 6 per 100m ² G.L.F.A												
		Institution				8 per 100m ² G.L.F.A												
		Place of Instruction				8 per 100m ² G.L.F.A												
		Place of Public Worship				8 per 100m ² G.L.F.A												
		Social Hall				8 per 100m ² G.L.F.A												
Rural Residential		Dwelling unit in Lifestyle Estate			Other uses not permitted in	-	1 per erf/ farm portion	-	-	-	-	-	-	5m	2m	2m	Not exceed 5 storey unless	

					Columns 3, 4 & 5													written consent
	(225,250,10)	Dwelling unit in Wildlife Estate						1 per erf/ farm portion										

Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"					TABLE "D"		TABLE "E"			
		Uses Permitted	Uses/Rights permitted only with the special consent of the local municipality (Clause 21)	Uses/Rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.I.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R		Building Lines			Building Height Parameters
							Existing rights	Relaxation in terms of clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Business 1		Dwelling Unit			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit and if required by local municipality, additional parking for visitors	45 units/ha	-	65 units/ha	90%	100%	3.0	>3.0	2m	2m	2m	Not exceed 5 storey unless written consent
		Flats															
	(255,0,0)	Residential Building				1 dust free per bedroom											
	Hotel				1 dust free per bedroom plus 6 per 100m ² public room area												
	Institution				8 per 100m ² G.L.F.A												
	Multi-Purpose centre				8 per 100m ² G.L.F.A												
Offices/medical Consulting Rooms					4 per 100m ² G.L.F.A												

		Parking Garage				-														
		Place of Instruction				8 per 100m ² G.L.F.A														
		Place of public worship				8 per 100m ² G.L.F.A														
		Restaurant				4 per 100m ² G.L.F.A														
		Shops				4 per 100m ² G.L.F.A														
		Social Hall				8 per 100m ² G.L.F.A														
		Tavern				4 per 100m ² G.L.F.A														
		Vehicle sales lot				4 per 100m ² G.L.F.A														
			Bakery			4 per 100m ² G.L.F.A														
		Commercial Use				4 per 100m ² G.L.F.A														
		Conference Facility				8 per 100m ² G.L.F.A														
			Dry Cleaner			4 per 100m ² G.L.F.A														
		Filling Station																		
			Funeral Parlour			4 per 100m ² G.L.F.A														
			Informal Business			-														
			Place of Amusement			4 per 100m ² G.L.F.A														
		Public Garage				40% of uncovered site area must be paved. Workshop floor area: 6 per 100m ² G.L.F.A. Lubrication bay, wash-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showroom: 2 spaces per 100m ² of floor area														
		Public Phone Shop				-														
			Service Industry			2 per 100m ² G.L.F.A														
		Telecommunication Mast				-														
		Wholesale Trade				4 per 100m ² G.L.F.A														

Business 2		Dwelling Unit/s			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit and if required by the local municipality, additional parking for visitors	45 units/ha	-	65 units/ha	60%	80%	1.8	>1.8	2m	2m	2m	Not exceed 5 storey unless written consent
		Flats															
	(255,140,140)	Residential Building				1 dust free per bedroom											
		Multi-Purpose Centre				8 per 100m ² G.L.F.A											
		Offices/Medical Consulting Rooms				4 per 100m ² G.L.F.A											
		Restaurant				6 per 100m ² G.L.F.A											
		Shops				6 per 100m ² G.L.F.A											
		Tavern				6 per 100m ² G.L.F.A											
			Bakery			6 per 100m ² G.L.F.A											
			Dry cleaner			6 per 100m ² G.L.F.A											
			Informal business			-											
			Place of amusement			8 per 100m ² G.L.F.A											
			Place of instruction			8 per 100m ² G.L.F.A											
			Place of public worship			8 per 100m ² G.L.F.A											
			Public phone shop			-											
			Service Industry			2 per 100m ² G.L.F.A											
			Social Hall			8 per 100m ² G.L.F.A											
		Telecommunication Mast			-												

Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"					TABLE "D"		TABLE "E"																	
		Uses Permitted	Uses/Rights permitted only with the special consent of the local municipality (Clause 21)	Uses/Rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.I.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R		Building Lines			Building Height Parameters														
							Existing rights	Relaxation in terms of clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)															
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18														
Business 3	(255,140,140)	Dwelling Unit/s			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit and if required by the local municipality, additional parking for visitors	30 units/ha	45 units/ha	65 units/ha	60%	70%	0.8	1.4	3m	2m	2m	Not exceed 5 storey unless written consent														
		Flats																													
		Offices/Medical Consulting Rooms																4 per 100m ² G.L.F.A													
			Conference Facility															8 per 100m ² G.L.F.A													
			Kiosk															3 per 100m ² G.L.F.A													
			Fitness Centre															8 per 100m ² G.L.F.A													
	Telecommunications Mast		-																												
Industrial 1	(255,140,140)	Bakery			Other uses not permitted in Columns 3, 4 & 5	2 per 100m ² G.L.F.A	-	-	-	80%	100%	1.2	2.0	5m	2m	2m															
		Commercial Use				1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area																									
		Dry Cleaner				2 per 100m ² G.L.F.A																									
		Funeral Parlour including a Crematorium				2 per 100m ² G.L.F.A																									

		Industries				1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area													
	(200,130,255)	Kiosk (only own employees)				-													
		Public garage				40% of uncovered site area must be paved. Workshop floor area: 6 per 100m ² . Lubrication bay, was-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showrooms: 2 spaces per 100m ² of floor area													
		Service industries				1 per 100m ² G.L.F.A, as well as an additional 1 per 100m ² office floor area													
		Warehouse				1 per 100m ² G.L.F.A													
			Builders yard			-													
				Dwelling unit related to but subordinate to the main use															
			Panel beater			1 per 100m ² G.L.F.A, as well as an additional 1 per 100m ² office floor area													
			Public phone Shop			-													
			Scrap Yard			1 per 100m ² G.L.F.A, as well as an additional 1 per 100m ² office floor area													
			Telecommunication Mast			-													

Industrial 2		Bakery			Other uses not permitted in Columns 3, 4 & 5	2 per 100m ² G.L.F.A	-	-	-	80%	100%	1.2	2.0	5m	2m	2m	Not exceed 5 storey unless written consent
		Builders yard				1 per 100m ² G.L.F.A											
		Commercial Use					1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area										
		Dry Cleaner					2 per 100m ² G.L.F.A										
		Funeral Parlour including a Crematorium					2 per 100m ² G.L.F.A										
		Industries					1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area										
	(200,130,255)	Kiosk (only own employees)					-										
		Panel Beaters					1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area										
		Public garage					40% of uncovered site area must be paved. Workshop floor area: 6 per 100m ² . Lubrication bay, was-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showrooms: 2 spaces per 100m ² of floor area										
		Service industries					1 per 100m ² G.L.F.A, as well as an additional 8 per										

					100m ² office floor area															
		Scrap yard				1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area														
		Warehouse				2 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area														
				Dwelling unit related to but subordinate to main use			-													
				Noxious industries [also refer to Schedule 1]			1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area													
				Public phone shop			-													
				Telecommunication Mast			-													

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							Existing rights	Relaxation in terms of clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Institutional	(75,220,255)	Dwelling Unit/s related the main use			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit	-	-	-	60%	100%	1.0	1.2	5m	2m	2m	Not exceed 5 storey unless written consent
		Institutions				8 per 100m ² G.L.F.A											
		Place of instruction				8 per 100m ² G.L.F.A											
		Place of Public Worship				8 per 100m ² G.L.F.A											
		Place of Amusement				8 per 100m ² G.L.F.A											
		Place of refreshments				2 per 100m ² G.L.F.A											
		Social Hall				8 per 100m ² G.L.F.A											
Telecommunications Mast					-												
Educational	(150,240,255)	Dwelling Unit/s related the main use			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit	-	-	-	60%	100%	1.8	1.2	5m	2m	2m	Not exceed 5 storey unless written consent
		Place of instruction				8 per 100m ² G.L.F.A											
		Place of Public Worship				8 per 100m ² G.L.F.A											
		Institutions				8 per 100m ² G.L.F.A											


				Place of refreshments		2 per 100m ² G.L.F.A											
				Telecommunications Mast		-											
Municipal		Dwelling Unit			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit	-	-	-	-	-	-	-	5m	2m	2m	Not exceed 5 storey unless written consent
	(200,200, 200	Aerodome				-											
		Agricultural Use				-											
		Camping site				-											
		Cemetery				-											
		Community hall				-											
		Dumping site				-											
		Multi-purpose centre				-											
		Municipal purposes				-											
		Nature conservation purposes				-											
		Parking				-											
		Recreation				-											
		Reservoir				-											
		Sewerage Farm				-											
				Informal Business		-											
				Telecommunications Mast		-											

			Taxi Rank			-												
Agricultural		Dwelling Unit			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit	1 per erf/portion	2 per erf/portion	-	30%	50%	0.3	0.5	5m	2m	2m	Not exceed 5 storey unless written consent	
	(255,235,205)	Agricultural Use				-												
		Farm Settlement				-												
			Animal care centre			2 per 100m ² G.L.F.A												
			Art Dealer & Gallery			6 per 100m ² G.L.F.A												
			Bed & Breakfast			1 per 100m ² G.L.F.A												
			Bed & Breakfast			1 dust free per bedroom												
			Guest House			1 dust free per bedroom												
			Farm Stall			6 per 100m ² G.L.F.A												
				Household enterprise		2 per 100m ² G.L.F.A												
			Institution			8 per 100m ² G.L.F.A												
			Nursery			In accordance with local municipality's policy												
			Place of Instruction			8 per 100m ² G.L.F.A												
			Place of public worship			8 per 100m ² G.L.F.A												
			Place of refreshment			8 per 100m ² G.L.F.A												
			Recreation			In accordance with local municipality's policy												
				Rural General Dealer		2 per dealer												

			Social Hall			8 per 100m ² G.L.F.A											
			Tea Garden			6 per 100m ² G.L.F.A											
			Telecommunications Mast														
Public Garage		Parking Garage			Other uses not permitted in Columns 3, 4 & 5	-	-	-	90%	100%	1.0	2.0	5m	2m	2m	-	
		Filling Station				70% of uncovered area must be paved	-	-	60%	80%	0.6	0.6	5m	2m	2m		
	(220,180,0)	Public Garage				40% of uncovered site area must be paved. Workshop floor area: 6 per 100m ² . Lubrication bay, wash-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showrooms: 2 spaces per 100m ² of floor area											
		Dwelling unit for caretaker				-											
		Place of refreshment				2 per 100m ² G.L.F.A											
Public Open Space		Camping site			Other uses not permitted in Columns 3, 4 & 5	In accordance with municipality's policy	-	-	-	-	-	-	5m	2m	2m	-	
		Gardens				-											
	(180,255,180)	Parks				-											
		Place of refreshment				-											
		Playgrounds				-											


		Public open space				-											
		Public Sport Grounds				-											
		Recreation				-											
		Squares				-											
				Informal Business		-											
		Place of Amusement				-											
		Municipal Purposes				-											
		Telecommunication Mast				-											



1	2	TABLE "A"				TABLE "B"	TABLE "C"					TABLE "D"		TABLE "E"			
		Uses Permitted	Uses/Rights permitted only with the special consent of the local municipality (Clause 21)	Uses/Rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.I.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R		Building Lines			Building Height Parameters
							Existing rights	Relaxation in terms of clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)	
3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			
Private Open Space		Camping Site			Other uses not permitted in Columns 3, 4 & 5	In accordance with municipality's policy	-	-	-	-	-	-	-	5m	2m	2m	-
		1 Dwelling unit for caretaker				-											
	(220,180,0)	Private Open Space				-											

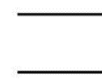




		Recreation				In accordance with municipality's policy												
			Informal Business			-												
			Private Club			In accordance with municipality's policy												
				Nursery		In accordance with municipality's policy												
				Place of Refreshment		2 per 100m ² G.L.F.A												
Government	R.S.A	Government uses			Other uses not permitted in Columns 3, 4 & 5													-
Protected Areas		All declared Provincial Nature Reserves: <ul style="list-style-type: none"> Dwelling Units used for permanent staff Accommodation and related facilities for visitors Offices subservient to the main use Restaurant Business/trade related to conservation/tourism for convenience of staff & visitors Other uses as permitted in terms of relevant declaration legislation 			Other uses not permitted in Columns 3, 4 & 5	In accordance with municipality's policy	-	-	-	-	-	-	-	-	5m	2m	2m	-
						In accordance with the policy of the Department of Environmental Affairs and Tourism or relevant Environmental Management Authority or local municipality												

	(-45° 45') (0,178,0)	All declared Private Nature Reserves:	<ul style="list-style-type: none"> • Dwelling units used for permanent staff • Accommodation & related facilities for visitors • Offices subordinate to the main use • Restaurant • Business/Tourism related to conservation/tourism for convenience of staff & visitors • Other uses as permitted in terms of relevant declaration legislation 			In accordance with the policy of the Department of Environmental Affairs and Tourism or relevant Environmental Management Authority or local municipality												
		All other protected Areas as defined in par. 8.2.89: Uses as permitted in terms of relevant declaration legislation		Place of Refreshment		In accordance with the policy of the Department of Environmental Affairs and												

						Tourism or relevant Environmental Management Authority or local municipality												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"					TABLE "D"		TABLE "E"				
		Uses Permitted	Uses/Rights permitted only with the special consent of the local municipality (Clause 21)	Uses/Rights permitted only with the written consent of the local municipality (Clause 22)	Uses/rights not permitted	Parking spaces G.I.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare			Maximum coverage permitted as % of erf		Maximum F.A.R		Building Lines			Building Height Parameters	
							Existing rights	Relaxation in terms of clause 22	Relaxation in terms of Clause 21	Existing right	Relaxation in terms of Clause 22	Existing right	Relaxation in terms of Clause 21	Street (m)	Side (m)	Rear (m)		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
Resort	 (180,255,180)	Camping site			Other uses not permitted in Columns 3, 4 & 5		-	-	-	-	-	-	-	5m	2m	2m	Not exceed 5 storey unless written consent	
		Curlo Site				2 per 100m ² G.I.F.A												
		Dwelling Units used for permanent staff				1 dust free per dwelling unit-												
		Dwelling units used for temporary accommodation of resort visitors				1 dust free per dwelling unit												
		Offices related to, but subservient to the main use				In accordance with the local Municipality's policy												
		Recreation				In accordance with the local Municipality's policy												
		Resort					-											
Restaurant					6 per 100m ² G.I.F.A													

			Conference facility			6 per 100m ² G.L.F.A												
				Place of amusement		6 per 100m ² G.L.F.A												
			Shops for convenience of staff & visitors			4 per 100m ² G.L.F.A												
			Public phone shop			-												
			Telecommunication Mast			-												
Mining 1 & Quarrying		Kiosk			Other uses not permitted in Columns 3, 4 & 5													
	(-45°, 45°) (178,0,222)	Mining Purposes																
		Offices related to, but not subordinate to the main use																
		Quarrying purposes																
		Social hall																
		Dwelling units only for key staff																
		Residential building																
		Telecommunication Mast																
Mining 2		Agriculture			Other uses not permitted in Columns 3, 4 & 5													
	(-45°) (178,0,222)	Nature conservation purposes																
		Dwelling unit only for key staff																
		Residential building																

			Telecommunication Mast															
Existing public Roads		Street or Road		Informal business		In accordance with the local Municipality's policy												-
Rail Transportation Services		Railway and rail Transport purposes (Transnet)			Uses permitted under Use Zone 1 to 24 and 26													-
Special		Uses not defined or provided for under any other use zone as per relevant annexure			Uses permitted under Use Zone 1 to 24 and 26	As per approved site development plan and in accordance with relevant annexure												-
		Private streets																
		Security and access control Infrastructure Municipal Infrastructure																
Aerodome		Aerodome and buildings necessary for the use of aerodome	Dwelling units and build-ings for key personnel, places of refreshment, shops, commercial, special uses which are subsidiary and related to the uses mentioned in column 3		Buildings not permitted in column 3,4 & 5													
Informal access & open space		Informal access and open space		Informal business	Buildings not permitted in column 3,4 & 5													

16 REGULATIONS ON THE BULK OF DEVELOPMENT

The development of bulk is regulated by means of densities, coverage, and floor area ratio, height, parking and loading requirements and building lines.

16.1. General Regulations

16.1.1. The land use and development suited to use of site development plan to regulate bulk include, but are not limited to the following:

- ✚ Land uses that are secondary to the main use
- ✚ Land uses allowed on farm portions such as industries, agriculture
- ✚ Land uses that require large portions of open land with limited or no building
- ✚ Multiple housing development
- ✚ Commercial and use
- ✚ Land or property where more than one land use is permitted.

16.1.2. Where a building is used for more than one purpose, it shall for the purpose of density, height, coverage and parking be treated as being used and the bulk restrictions and requirements shall be reflected as such.

16.1.3. Prior to conversion, the existing land use rights obtained in terms of the above, their bulk regulation may exceed that provision of the scheme.

16.2. Densities and Subdivision

16.2.1. The local municipality shall compile a policy on residential densities permissible in different townships and rural settlements and specific residential to guide decisions with applications for the relaxation of densities.

16.2.2. Where the existing land use rights on a property are for a dwelling house, a maximum of the dwelling house may be erected on a property subject to the bulk regulations on the property and the density directives in the applicable zone will not be exceeded.

16.2.3. Where the existing land use rights on a property are for dwelling units, the number of the dwelling units must not exceed the maximum number of units per hectare

16.2.4. Existing erven with rights of dwelling units may be subdivided provided that:

16.2.4.1. The density directives will not exceed the applicable provisions

16.2.4.2. Will not exceed the provisions of the development restriction

16.3. Coverage of buildings

- 16.3.1. The coverage of buildings shall not exceed the coverage provisions of the scheme, except in cases where the consent of the municipality has been granted.
- 16.3.2. Any building line along a proposed new road shall be measured from that boundary
- 16.3.3. Where an erf or other land borders on a national or provincial road, it shall be the building line prescribed by the controlling authority and such building line shall not be relaxed.
 - 16.3.3.1. Permit the erection of a building in the building restriction area in a case of corner erven due to the gradient of the property and of the adjoining land
 - 16.3.3.2. Relax the building restrictions during the considerations of the site development plan
 - 16.3.3.3. Relax the building restrictions upon the consolidation and adjoining of the erven

16.4. Building lines

No building or structure other than boundary walls, fences or temporary buildings or structure which are required in connection with the building operations executed on the property shall be erected in any building restricted area. The following should also be considered:

16.5. Floor area ratios

- 16.5.1. The table above contain the floor area ratio of the area of an erf and the extent to which it may be relaxed by means of an application for a variance.
- 16.5.2. The floor area ratio shall apply to all new buildings and/or additions or alterations to the existing buildings.
- 16.5.3. The floor area ratio may not be exceeded except with permission of the municipality obtained in terms of an application for a variance, prior to the erection of new buildings or additions to existing buildings.

16.6. Height of buildings

- 16.6.1. The table above contains the height, which is allowed on a property within a specific use zone.
- 16.6.2. The height of buildings shall not exceed the height stipulated in the Table, provided that:
 - 16.6.2.1. The Municipality may permit the maximum number of storeys to be exceeded in terms of an application for a variance, if it is satisfied that the greater height is necessary or desirable as a result of the topography and location of the site or any other development related

reason whilst having minimal negative impact on the neighbourhood amenity. The extent of impact on the neighbourhood amenity shall be determined by the municipality

- 16.6.2.2. Subject to the sub-section above, no part of a building shall project above a line drawn from a point at street level on the opposite boundary of the street at an angle of 45 degrees to the horizontal.
- 16.6.2.3. Any chimney, ornamental tower, tower-like projection or similar architectural feature or lift servicing room or room wherein mechanical or electrical equipment is installed, shall not be taken into account when calculating the height.
- 16.6.2.4. Where 75% or more of a floor is used for the parking of vehicles, it shall not be counted as a storey.
- 16.6.2.5. Public or private open space buildings may not exceed 1 storey in height unless otherwise permitted in the Scheme.
- 16.6.2.6. For the purposes of this section basements shall not be included as a storey: provided further that the floor area ratio as determined in the Scheme is not exceeded; and
- 16.6.2.7. For the purpose of this section the maximum height of a storey shall not exceed 6m in respect of the ground storey and 4,5m in respect of any other storey.

16.7. Parking and loading requirements

- 16.7.1. Table "C", Columns 12 and 13 contain the parking and loading requirements, applicable on a property within specific use zone.
- 16.7.2. The parking and loading requirements shall not exceed the requirements stipulated in Table "C" Columns 12 and 13.
- 16.7.3. Effective and paved on-site parking and loading spaces together with the necessary manoeuvring area shall be provided for any development
- 16.7.4. Provisions relating to parking and loading requirements:
 - 16.7.4.1. The municipality may, at its discretion, either decrease or increase the requirements contained in Table "C" for specific developments.
 - 16.7.4.2. 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, or alternatively 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 tied to the subject site.
 - 16.7.4.3. 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.

- 16.7.4.4. The levying of a parking fee for the hire of parking spaces as required in terms of this clause shall not be regarded as a business.
- 16.7.4.5. The gross floor area per parking space shall be calculated on 15m², excluding maneuvering and road areas, and shall be applicable on all new buildings (except a single dwelling unit) and/or extensions to existing buildings (except a single dwelling unit).
- 16.7.4.6. Effective loading spaces, together with the necessary maneuvering area, shall be provided to new shops, industries and warehouses as well as extensions to existing shops, in the ratio of 2 spaces for the first 1000m² (or part thereof) floor area, as well as 1 space for every additional 1000m² (or part thereof) floor area.
- 16.7.4.7. 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.
- 16.7.4.8. The gross floor area per loading space shall be calculated at 50m² and shall be applicable to new buildings and/or additions.
- 16.7.4.9. Visitor's parking spaces may not be reserved for exclusive by any person under any circumstances.

16.8. Alternative to the provision of On-site Parking

- 16.8.1. Where the parking accommodation, in respect of a property has been determined in terms of the table, the Municipality may, if satisfied of the necessity and desirability thereof and on account of the size of the property, the availability of public parking in the direct vicinity of the property, the nature of the buildings on the property and the likely parking demand, instead of the provision of the parking spaces on the property, grant Written Consent for the provision of the required number of parking spaces elsewhere than on the property of the building concerned.
- 16.8.2. The Municipality may consider the provision of a fewer number of parking spaces required, , by means of Written Consent and shall in addition to any other relevant factors, have regard to the following, which shall be included in a report by a suitably qualified professional:
 - 16.8.2.1. Accessibility of the property for private or public transport;
 - 16.8.2.2. The availability of existing parking and/or public transport facilities in the vicinity of the property;
 - 16.8.2.3. Availability of off-street parking in the vicinity of the property;
 - 16.8.2.4. The number of staff members and customers related to the use of the property;
 - 16.8.2.5. The socio-economic structure and density of the population which the development serves;
 - 16.8.2.6. The size and nature of the proposed development and the size of vehicles likely to be used in connection with the proposed development;

- 16.8.2.7. The likelihood of a reduction in parking provision causing injury to the amenity of the area in which it is, or will be situated including, without prejudice to the generality of the foregoing, increased traffic and parking difficulties;
- 16.8.2.8. The likelihood of parking shared by different land uses;

16.9. Building lines

- 16.9.1. The table also contain the building line requirements, applicable on a property within specific use zone.
- 16.9.2. The building lines shall not exceed the building line requirements stipulated in the table

Provisions relating to building lines:

- 16.9.3. No buildings or structures, other than boundary walls, fences or temporary buildings or structures which are required in connection with building operations be executed on the property, shall be erected within any building restriction area.
- 16.9.4. 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.
- 16.9.5. The erection of buildings on distances from boundaries other than street boundaries must comply with the Act on National Building Regulations and Building Standards (Act 103 of 1977) and any amendments thereof.
- 16.9.6. Where an erf or other land borders on a national or provincial road, or if provided otherwise in the conditions of title, the applicable building line shall be the building line prescribed by the Controlling Authority and such building line shall not be relaxed, modified or amended without the written consent of the Controlling Authority.
- 16.9.7. The local municipality has the right to use a 2m strip next to any township boundaries of a property (street boundary excluded) for the installation of engineering services, and such strips are to be considered as building restriction areas (no building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area).
- 16.9.8. The local municipality may, after receipt of an application from the owner, and subject to such conditions as the municipality may find expedient-
- 16.9.9. Permit the erection of a building in the building restriction area in the case of corner erven or if, due to the gradient of the property or of the adjoining land, or the proximity of buildings which have already been erected in front of the building line, complying with the building line requirements will hamper the development of the property to an unreasonable extent;

- 16.9.10. During the consideration of a site development plan, relax the building restriction area for all erven, if it is of the opinion that such relaxation would result in an improvement of the development potential of the erf and the aesthetical quality of the building,
- 16.9.11. Permit the erection of a swimming pool or a tennis court within the building restriction area;
and
- 16.9.12. Relax the building line on any boundary other than a street boundary of any erf upon consolidation of such erf with and adjoining erf.

17 CONDITIONS APPLICABLE TO SPECIFIC DEVELOPMENTS

The municipality hereby establishes policies to guide the establishment of specific developments. Subject to the general conditions stated above, the municipality may impose, but not limited to the following conditions:

17.1. Child day care centre

In granting its consent for a day care centre, the Municipality may impose, but is not limited to, the following conditions:

- 17.1.1. The designs of the facility must accommodate play areas, landscaping, car parking areas and other facilities.
- 17.1.2. In residential areas, Child Care Centres should maintain an appearance sympathetic to residential design and character of the neighbourhood.
- 17.1.3. One car parking space per five children cared for at the centre is required.
- 17.1.4. Car parking on site at the rate of one bay per trade employee working on the premises at any one time and one drop-off bay per six children attending the premises at any one time, except in traditional settlement zone.
- 17.1.5. Adequate reversing and manoeuvring areas are required to be provided for vehicles.
- 17.1.6. Day Care Centres will only be permitted to operate between 6.00 am and 7.00 pm weekdays, and 7am to 2pm on Saturdays. These operating times may be varied at the discretion of the Municipality provided the adjacent owners have been contacted and either raise no objection to the customized hours or conditionally support the customized operating hours subject to condition(s) which are acceptable to the proponent.
- 17.1.7. If a Child Care Centre contains a residential component an additional 2 car parking bays will be required to be provided on-site.

17.2. Home occupation

In granting its consent for a home occupation, the Municipality may impose, but is not limited to, the following conditions:

- 17.2.1. The total area used for a home occupation activity on a land unit, including storage shall not consist of more than 40% of the total floor area of the dwelling units on the land unit or 40m², whichever is the lesser area, unless the prior written consent of the Municipality is obtained to permit use of a greater area.

- 17.2.2. A home occupation may only be conducted by the permanent resident of the residential property or a member of his family residing on the property.
- 17.2.3. The home occupation may also be conducted from an ancillary building, second dwelling unit or a new extension to an existing building,
- 17.2.4. The conducting of a home occupation, including any alterations or extensions to the buildings required for the home occupation may not deviate in appearance from the residential character of the existing buildings on the property. The Municipality reserves the right not to approve any building plans where the elevation of the building or proposed extensions to buildings as a result of the intended home occupation will result in a noticeable deviation from the existing residential character of the property,
- 17.2.5. The occupation may not adversely affect the amenity of the neighbourhood in any way including:
- a. The parking of motor vehicles,
 - b. The transporting of materials or goods to or from the dwelling,
 - c. The appearance of any building, works or material used,
 - d. The hours of operation,
 - e. Electrical interference,
 - f. The storage of chemicals, gasses or other hazardous materials, and
 - g. Emissions from the site,
- 17.2.6. No more than three persons in total shall be engaged in home occupation activities within a property, including the occupant or occupants and any assistants
- 17.2.7. The occupation may not impose a load on any municipal service greater than normally required for domestic use.
- 17.2.8. No motor vehicle may be serviced or repaired for gain,
- 17.2.9. Only one commercial vehicle (commercial goods vehicle, commercial passenger vehicle or tow truck), not exceeding 2 tons capacity and with or without a trailer, registered to a resident of the dwelling may be present at any time. The vehicle may not be fuelled or serviced on the site.
- 17.2.10. No goods, other than goods manufactured or serviced in the home occupation may be offered for sale.
- 17.2.11. Materials used or goods manufactured or serviced or repaired in the home occupation must be stored within a building.
- 17.2.12. No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site,
- 17.2.13. On-site parking sufficient to cater for the vehicles generated by the home occupation shall be provided, and the Municipality may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient

- 17.2.14. Only a single signboard, measuring 300mm x 420mm (A3 size), indicating the name and contact details of the home occupation may be affixed to the boundary wall or fence of the property.
- 17.2.15. Should the way in which the use is conducted in any way invade the privacy of the adjacent property owners or be a nuisance, the Municipality reserves the rights to take the necessary steps to rectify the nuisance at the cost of the land owner.
- 17.2.16. The rights for a home occupation shall lapse after 24 months, at which time the applicant must indicate whether he or she is in a position to relocate to a suitable zoned property and, if not, such applicant must re-apply for the rights for a home occupation.

17.3. Informal trade

Council shall establish a system for identifying and demarcating trading sites. Council will be responsible for identifying and allocating trading areas. In granting its consent for informal trade, the Municipality may impose, but is not limited to, the following conditions:

- 17.3.1. Trade should first obtain a licence to trade from Municipality, in a public road or public space, from structures other than an umbrella. Trading structures requiring Council permission are Caravans, Containers, Marquees, Trailers, Wendy Houses and any other formal roofed structure.
- 17.3.2. Container trading is permitted only in Council identified or approved sites.
- 17.3.3. Trading structures are prohibited from use as overnight sleeping facilities at the place of business.
- 17.3.4. The structures should not be on a verge next a formal business that sells the same goods without consent of that business owner.
- 17.3.5. Informal trade will only be allowed in areas specifically demarcated for such use by the Municipality.
- 17.3.6. Traders should at all times follow acceptable hygiene practices. Informal trade facilities must comply with the health regulations of the Municipal Social Development Department and may not trade in any meat or poultry products, fish, alcohol or pharmaceutical products or any other product that require a certificate, licence or permission by a duly authorized public agency without such certificate, licence or permission
- 17.3.7. Advertising is limited to the name of the business, nature of the business as well as goods and services provided. The use of containers for third party or remote advertising is not permitted on trading sites and/or structures.
- 17.3.8. Permanent ground signs are not permitted.
- 17.3.9. 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.

- 17.3.10. Preparation of food for retail purposes (fast foods) requires a health certificate from the Department of Health and will be subject to regular inspections by health officers.
- 17.3.11. 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.

17.4. Second dwelling

A second dwelling unit may be erected on residential erven, agricultural holdings and farm portions with an existing or rights for a free-standing dwelling. In granting its consent for a second dwelling, the Municipality may impose, but is not limited to, the following conditions:

- 17.4.1. Total floor space of a second dwelling shall not exceed 120m².
- 17.4.2. A second dwelling shall be constructed in an architectural style that is complementary to the architecture of the main dwelling house.
- 17.4.3. A second dwelling that is a separate structure to a dwelling house shall not exceed two storeys in height.
- 17.4.4. The combine coverage of all buildings on the erf shall not exceed the maximum coverage allowed in term of this Scheme.
- 17.4.5. The combined floor area ratio of all buildings on the erf shall not exceed the maximum coverage allowed in terms of this Scheme.
- 17.4.6. Only one additional second dwelling unit shall be allowed per erf, agricultural holding or per farm portion.
- 17.4.7. The existence of a second dwelling shall not in itself be sufficient reason for the municipality to grant an application to subdivide the land containing the dwelling units.

17.5. Filling station and or service station

In granting its consent for a filling/service station, the Municipality may impose, but is not limited to, the following conditions:

- 17.5.1. A site development plan shall be submitted as set out in this scheme.
- 17.5.2. A filling station is subject to an Environmental Impact Assessment and a Record of Decision issued by the environmental controlling authority.
- 17.5.3. Layout of a Fuelling and Service Station including the siting of pumps, buildings and vehicular ingress or egress shall be to the satisfaction of The Municipality and Controlling Authority where applicable.

- 17.5.4. Fuelling and Service Station shall be sited and designed so as to satisfy the Municipality or the Controlling Authority that traffic entering and leaving the property will not adversely affect movement of pedestrians or vehicles on any public road or place.
- 17.5.5. An approval of filling station is subject to a detailed feasibility study including traffic impact assessment.
- 17.5.6. No material or equipment of any nature whatsoever shall be stored or stacked to a height greater than the height of the screen wall: Provided that the Municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- 17.5.7. No repairs of any nature to vehicles or equipment shall be performed outside the garage building, except in an area which is screened to the satisfaction of the Municipality for that purposes: Provided that the Municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- 17.5.8. Fuel pumps or oil and fuel installations shall be sited outside the building to the satisfaction of the Municipality

17.6. Tavern

In granting its consent for a tavern, the Municipality may impose, but is not limited to, the following conditions:

- 17.6.1. When considering applications for taverns, the Municipality shall give due consideration to the relevant provisions of the Liquor Act, particularly the following:
 - 17.6.1.1. The premises are, or will be on completion, suitable for the purposes for which it will be used under the license.
 - 17.6.1.2. If the premises are ,in the opinion of the municipality, situated in the vicinity of a Place of Public Worship, School or Residential area, the applicant has to demonstrate that 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,
 - 17.6.1.3. The applicant concerned is of good character which includes records such as criminal, insanity, insolvency, and:
 - 17.6.1.4. That the granting of the license is in public interest.
- 17.6.2. Taverns may be allowed to operate between 10 am in the morning until 2 am the next morning.
- 17.6.3. Taverns may not operate in mobile structures.
- 17.6.4. Sanitation facilities will be provided to the satisfaction of the Municipality in the ratio of two separate facilities for males and females.
- 17.6.5. Storage facilities, for especially empty bottles, must be provided.

- 17.6.6. Facilities for the disposal of waste must be provided and provision must be made for the recycling of cans and bottles.
- 17.6.7. Stock will not be delivered to the tavern by heavy delivery trucks exceeding 4 tons in weight.
- 17.6.8. Reasonable side and rear spaces (not less than 3m) must be provided to limit the impact on neighbouring properties.
- 17.6.9. A liquor license shall be obtained in terms of the relevant legislation. In the event of the liquor license being withdrawn or suspended, the Municipality's consent for the tavern shall automatically lapse.
- 17.6.10. The extent and position of the tavern shall be clearly identified on a plan, and the Municipality may restrict the floor area or specific location of the tavern on the property.
- 17.6.11. 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.
- 17.6.12. The Municipality may require structural alterations to the property for safety, fire or health reasons.
- 17.6.13. Additional on-site parking may be required, which shall be provided to the satisfaction of the municipality.
- 17.6.14. The amenity of the neighbourhood, in the opinion of the municipality, must not unduly be interfered with by the proposed and existing use.

17.7. Guest house/B&B

In granting its consent for a guest house, the Municipality may impose, but is not limited to, the following conditions:

- 17.7.1. Only one second dwelling unit or separate guest rooms/suites to be used as a self-catering guest house, per stand be allowed;
- 17.7.2. The owner of the guest house or duly appointed representative must permanently reside on the premises. The personal particulars of the representatives must always be kept with Municipal Department of Town Planning; Sufficient parking, in the ratio of 1 parking space per room/suite, must be provided on the above-mentioned premises;
- 17.7.3. Should food be served/sold on the premises, the kitchen facilities must comply with the criteria for food handling as required by the Health Department. No refreshments may be sold to the general public, in other words it will sold guests and companions.
- 17.7.4. The necessary license and certificate of acceptability, must be obtained from the Health Department;

- 17.7.5. Should, in the opinion of the municipality, the appearance of the area be negatively influenced or in the event of any justifiable complaints in connection with the mentioned guest house, this approval maybe withdrawn
- 17.7.6. All advertising signs must comply with the Municipal By-Laws for control of outdoor advertising;
- 17.7.7. The property and/or any structure with land use rights for guest house/B&B can used for events and promotions such as social assemblies; gatherings; meetings; conferences; recreational and/or office parties only if adequate measures are put in place to avoid unreasonable behaviour or neglectful actions by participant on a frequent basis.
- 17.7.8. Should it at any time come to the attention of the municipality that the above conditions have been contravened, or the numbers of rooms do not coincide with our records, the municipality will take the necessary legal action to rectify such illegal land uses and/or approved special consent use may be withdrawn.

17.8. Telephone kiosk

In granting its consent for a telephone kiosk, the Municipality may impose, but is not limited to, the following conditions:

- 17.8.1. Telephone kiosks will only be allowed where communication services and infrastructure is inadequate.
- 17.8.2. Within the formal townships, kiosks may be allowed where large numbers of people converge such as taxi ranks and bus stops in informal trade areas. These kiosks shall be mobile and shall be removed at the end of normal business every day.
- 17.8.3. Aesthetical considerations will be regarded when an application is considered. All kiosks shall be painted and maintained to the satisfaction of the Municipality.
- 17.8.4. Kiosks may not be allowed on residential or environmental sensitive properties, nor in street reserves if in the opinion of the municipality they will negatively affect the character of the neighbourhood.
- 17.8.5. A maximum of two kiosks will be allowed per applicant.
- 17.8.6. The on-site placement of the kiosk must be verified by the Municipality.
- 17.8.7. The Municipality will be under no obligation to provide any engineering service to the kiosks.

17.9. Truck shop

In granting its consent for a truck stop, the Municipality may impose, but is not limited to, the following conditions:

- 17.9.1. An application for the establishment of a truck stop must include the following supportive documents and reports:

- 17.9.1.1. Approval from the relevant roads authorities for access to the truck stop along national or provincial roads.
- 17.9.1.2. 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 stations or service stations in close proximity to the application property.
- 17.9.1.3. Official support from an oil company for the fuelling component or filling station, as part of the truck stop on the application property.
- 17.9.1.4. A record of Decision (ROD) in terms of the provisions of the National Environmental Management Act of 1998, authorizing the establishment of a truck stop on the application property.
- 17.9.2. The workshop or vehicle servicing areas must be screened off to the satisfaction of the Municipality.
- 17.9.3. 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.

17.10. Tuck shop

In granting its consent for a tuck shop, the Municipality may impose, but is not limited to, the following conditions:

- 17.10.1. Tuck shops shall be limited to sale of convenience goods to the local community.
- 17.10.2. Tuck shops must be operated quietly without any disturbance to the neighbours. The comments of neighbouring landowners and occupants shall weigh heavily in the consideration of an application. Similarly the complaints of neighbouring and owners and occupants when considering withdrawing the consent.
- 17.10.3. Tuck shops that sell perishable goods and flammable substances must comply with health and fire regulations and bylaws. The availability of suitable and adequate storage facilities is of utmost importance in this regard.
- 17.10.4. The extent and position of the retail component shall be clearly defined on a plan, the area used for a tuck shop may not open directly onto a bedroom or toilet, and no goods or stock which will be sold from the shop may be stored in a bedroom or toilet.
- 17.10.5. One single signboard, not exceeding 1,5m x 1,5m may be displayed on the property.
- 17.10.6. Adequate facilities for the disposal of waste must be provided and provision shall be made for the recycling or collection of cans and bottles.
- 17.10.7. No stock delivery by heavy delivery trucks (not exceeding 4 tons) will be allowed and the owner must collect stock from the depots themselves.
- 17.10.8. Any new structure, or alteration to the existing dwelling house, second dwelling or outbuilding, shall conform to the residential character of the area to the satisfaction of the Municipality.

- 17.10.9. 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.
- 17.10.10. The amenity of the neighbourhood must not unduly be interfered with by the proposed use.

17.11. Lifestyle residential settlement

In granting its consent for formal and quasi-formal rural residential settlement, the Municipality may impose, but is not limited to, the following conditions:

- 17.11.1. The maximum density shall be 1 dwelling unit per hectare of developable land of the total property.
- 17.11.2. Developable land shall not include:
- 17.11.2.1. Areas within a 1:100 year flood line area
 - 17.11.2.2. Areas where the gradient is steeper than 1:3 (33%)
 - 17.11.2.3. Environmentally sensitive areas, such as wetlands and natural habitats, or areas forming an integral link between such areas of environmental sensitivity,
 - 17.11.2.4. Unique landscape features
 - 17.11.2.5. Cultural heritage sites, and
 - 17.11.2.6. Any other areas that, due to a physical or other constraint, cannot reasonably be developed, which areas shall all form part of the portion of land to be conserved.
- 17.11.3. The minimum size of a rural residential erf will be 2500m² and the minimum width of such erf shall be 35 metres.
- 17.11.4. A maximum of 40% of the total property may be developed with the residential use.
- 17.11.5. A minimum of 40% of the total property must be utilised as a conservancy.
- 17.11.6. The building line on all rural residential erven shall be 5m, on the street, side and rear boundaries.
- 17.11.7. The conservancy area and other land, facilities or utilities communally owned shall be properly maintained and administered by Body Corporate, Communal organization or similar institution, and all property owners shall belong in perpetuity to such body and be held accountable for the maintenance of public areas. This condition shall be brought onto the Title Deeds of the rural residential properties;
- 17.11.8. The portion of the property reserved as a conservancy shall be planned and designed to be contiguous and connected to adjacent systems and the broader open space system of the locality and Municipal area;
- 17.11.9. No lifestyle residential erf shall be situated closer than 20m from a flood line, stream or other identified environmentally sensitive area;

- 17.11.10. No lifestyle residential erf shall be situated closer than 20m from any declared nature reserve or prime and unique agricultural land resource;
- 17.11.11. The design of services shall give preference to the combination of facilities and utilities such as the sharing of water source, reservoir, sewage system and other; and
- 17.11.12. Should the keeping of livestock take place on the property, no residential unit shall be located less than 100m from the agricultural buildings provided for the livestock.

17.12. Transitional settlement

A Transitional Settlement shall be an area declared or acquired to provide temporary housing for persons in identified informal settlements or in need of temporary or emergency housing and which area of land shall be formalised in terms of the relevant legislation by the Municipality. In declaring an informal or emergence settlement as a transitional settlement area, the Municipality may impose, but is not limited to, the following conditions:

- 17.12.1. A Transitional settlement shall only be declared and established by the Municipality and by means of a Consent Use in terms of this Scheme.
- 17.12.2. A Transitional Settlement shall consist mainly of housing and street but may also contain ancillary engineering services and social facilities which in the opinion of the Municipality is necessary for the provision of a safe, orderly and healthy living environment
- 17.12.3. The Municipality shall formalise the area designated as Transitional Settlement at its earliest convenience within a reasonable time in pursuance of its responsibility and legal obligations.
- 17.12.4. The cadastral entity and the basic layout plan allows service departments to plan and budget for services provision and/or upgrading
- 17.12.5. Industry Scrap Yard Commercial Workshop Tavern Office Building Warehouse Funeral Parlour Extractive Industry Institution Petrol Filling Station Medium Density Houses Service Garage Launderette are prohibited

17.13. Environmental conservation

In granting its consent for development within conservation zones, the Municipality may impose, but is not limited to, the following conditions:

- 17.13.1. Land use right application must specify and motivate each or combination of land use(s) being sought that is freely permitted under this zone. The merits of each or combinations of land uses will considered and approved by the municipality individually and or in combinations.

- 17.13.2. The amendment scheme will specifically list the approved land uses falling under this zone and no other land uses will be permitted on the property.
- 17.13.3. Any land use development in this zone will be subject to environmental authorisation in terms of the National Environmental Management Act

17.14. Mixed uses

- 17.14.1. Land use right application must specify and motivate each or combination of land use (s) being sought that is freely permitted under this zone. The merits of each or combinations of land uses will be considered and approved by the municipality individually and or in combinations.
- 17.14.2. The amendment scheme will specifically list the approved land uses fall under this zone and no other land uses will be permitted on the property.

17.15. Rented rooms

In granting its consent for rented rooms, the Municipality may impose, but is not limited to, the following conditions:

- 17.15.1. Rented rooms should be of formal building materials and have access to separate or shared toilet, bathing, cooking and living facilities.
- 17.15.2. Subject to approval of the building plans.
- 17.15.3. May not exceed thirty units per property.
- 17.15.4. Each sleeping room shall not be smaller than 6m²
- 17.15.5. Rental units must meet minimum acceptable accommodation standards.
- 17.15.6. Obligation to ensure reasonable standards of visual and acoustic privacy between different rented rooms, including their outdoor living space.
- 17.15.7. Maintenance of refuse storage areas in a clean and tidy condition
- 17.15.8. The stand sizes should not be small than 350 m² in size.
- 17.15.9. The local municipality will not consent to the subdivision of land or an erf if such subdivision does not comply with the density stipulations as set out in the table or any other reasonable conditions the local municipality may impose.
- 17.15.10. The local municipality will not consent to rented rooms in a settlement where the majority of owners in a meeting that complies with all the protocol prescribed.

17.16. Telecommunication

In granting its consent for base telecommunication transmission station/cell mast, the Municipality may impose, but is not limited to, the following conditions:

- 17.16.1. Subject to approval of the building plans.
- 17.16.2. Subject to provisions of environmental legislations on the erection of telecommunication mast, as amended from time to time.
- 17.16.3. The establishment and related activities shall be undertaken in such a manner that their impact upon the environment is minimized.
- 17.16.4. The telecommunication mast shall be as modest as possible through the choice of materials, color, and design, which shall complement the aesthetics of the surrounding built and natural environment
- 17.16.5. The palisade or fencing shall be erected in such a way that it will not cause injury or discomfort to adjoining properties.
- 17.16.6. Ensure that lightning is shielded away from adjacent properties to avoid light pollution.
- 17.16.7. The telecommunication mast shall be developed as per the provisions of the Civil Aviation Authority with due regard for adjacent land uses.
- 17.16.8. Visual amenity and visual aspects relating to the Base Telecommunications Transmission Station shall be at the discretion of the Municipality. In the event where in opinion of the municipality the mast type will have huge negative impact on the surroundings, the municipality may on its discretion recommend a mast type that will blend well with the sounding environment.
- 17.16.9. Advertising shall not be permitted on telecommunications masts, provided that where an antenna is to be installed on existing or proposed advertising structures, such advertising shall be to the satisfaction of the Municipality.
- 17.16.10. Rooftop antennas shall not protrude more than 6.00 meters above the highest point of the building or structure onto which it is erected, provided that the Municipality may, by Special Consent, relax this requirement.

18.1. Site development plan

- 18.1.1. The land owner shall submit a site development plan for approval on all developments other than a single dwelling house on a property, unless an exemption has been granted by the municipality
- 18.1.2. A site development plan and a landscaping development plan unless otherwise determined by the municipality compiled by a person suitable.
- 18.1.3. The site development plan shall be approved by the municipality prior to the approval of the building plans for the development
- 18.1.4. An approved site development plan shall be amended with the approval of the controlling authority, and the building plans should be aligned to the conditions and restriction of the property
- 18.1.5. The local municipality can accept the site development plan in support of the land use rights application that have the details as specified
- 18.1.6. The municipality shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the extent, elevation and architectural treatment of the proposed building
- 18.1.7. No building shall be erected on the property before the approval of the site development plan by the municipality and the whole development on the property shall be in accordance with the approved Site Development Plan, with the understanding that the municipality may consider building plans that deviate within reason from the approved site development plan. In such instance the Site Development Plan should be amended accordingly and lodged with the Municipality prior to approval of the building plan.
- 18.1.8. Buildings may be sited contrary to any provision of the local authorities building by-laws, if such siting is in accordance with an approved site development plan.
- 18.1.9. The local municipality shall use its best endeavours to consider a site development plan, within 30 (sixty) days after submission thereof.
- 18.1.10. The Site Development Plan shall be drawn to a scale of 1:500, or such other scale as may be accepted to the municipality, and shall show at least the following:
 - 18.1.10.1. Municipal sewers, connections, internal layout, storm water, catchment pits and storm water layout or method of disposal.
 - 18.1.10.2. Entrances to the property and entrances for emergency vehicles (emergency exits shall be shown),

- 18.1.10.3. Internal roads (also for pedestrians with a maximum fall of 1 in 8) and kerb lines,
- 18.1.10.4. Building lines, servitudes and other limitations (e.g. flood lines), side spaces, back spaces, road widenings and corner splays. Topographical features, outcrops of rock, trees, bushes and the like. Earthworks, berm walls and their proposed treatment,
- 18.1.10.5. Open areas (walking trials, recreation area, private gardens, children's playgrounds and the like),
- 18.1.10.6. Siting of all buildings (distinctively marked and recognizable respectively). Also existing buildings or buildings to be demolished. Distances between buildings and from property boundaries shall be shown,
- 18.1.10.7. Phasing of development, especially group housing,
- 18.1.10.8. The siting, height, coverage and floor area ratio of all existing and intended buildings on the property.
- 18.1.10.9. Contours and ground level heights (1,0m contour intervals),
- 18.1.10.10. Street names, adjoining properties (buildings in outline) and true north position,
- 18.1.10.11. Position, height, material and trim of fences, boundary walls, screen walls, retaining walls and gates,
- 18.1.10.12. Loading and off-loading areas,
- 18.1.10.13. Refuse areas and/or Refuse Collection Points.
- 18.1.10.14. The positions of firehouse valves and firehouse reels, and
- 18.1.10.15. Landscaping.

18.2. Dolomite areas or land with detrimental soil conditions

All erven in townships situated on dolomite areas or on land with detrimental soil conditions shall be subject to the following conditions as well as those which may be imposed by the Municipality:

- 18.2.1. No French drain shall be permitted on the erf.
- 18.2.2. Trenches and excavations for foundations, pipes, cables or for any other purpose shall be properly refilled with damp soil in layers not thicker than 150mm and shall be compacted until the same grade of compaction as that of the surrounding materials is obtained to the satisfaction of the Municipality,
- 18.2.3. All pipes which carry water shall be watertight and shall be provided with watertight flexible couplings.
- 18.2.4. The entire surface of the erf shall be drained to the satisfaction of the Municipality in order to prevent surface water from damming up, and water from roof gutters shall be discharged away from the foundations.

- 18.2.5. Proposals to overcome detrimental soil conditions to the satisfaction of the Municipality shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Municipality.
- 18.2.6. If required, a soil report drawn up by a qualified person acceptable to the Municipality indicating the soil conditions of the erf and recommendations as to suitable founding methods and depths shall be submitted to the Municipality simultaneously with the submission of building plans prior to the commencement of any building operations on the erf.
- 18.2.7. Ramps and garden paths shall be sealed with tar, cement or bitumen in order to reduce the seepage of water from the surface to the satisfaction of the Municipality.

18.3. Subdivision of land, inclusive of township establishment

The following issues, as applicable, shall be considered when an application for subdivision, including subdivision through township establishment, is evaluated:

- 18.3.1. The strategic development plans of the municipality on the application property, as contained in the zone,
- 18.3.2. The suitability of the land for subdivision,
- 18.3.3. The existing use and possible future use or development of the subject and nearby land,
- 18.3.4. The impact of the proposed subdivision on the future use of land in the locality e.g. shall it result in pressure for further densification of the locality,
- 18.3.5. The availability of subdivided land and/or erven in the area and the need for the creation of further erven or subdivisions,
- 18.3.6. The effect of the development on the use or development of other land which has a common means of drainage,
- 18.3.7. The subdivision pattern having regard to the physical characteristics of the land including existing vegetation,
- 18.3.8. The density of the proposed development,
- 18.3.9. The area and dimensions of each erf in the township establishment,
- 18.3.10. The layout of roads having regard to their function and relationship to existing roads,
- 18.3.11. The movement of pedestrians and vehicles throughout the township and the ease of access to all erven,
- 18.3.12. The provision and location of public open space and other community facilities,
- 18.3.13. The phasing of the subdivision or township,
- 18.3.14. The design and siting of buildings having regard to safety and the risk of spread of fire,

- 18.3.15. The provision of off-street parking
- 18.3.16. The provision and location of common property,
- 18.3.17. The availability and provision of municipal services,
- 18.3.18. If the land is not serviced and no provision has been made for a waterborne sewer system, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each erf or subdivided land parcel.
- 18.3.19. Whether, in relation to subdivision plans, indigenous (native) vegetation can be protected through subdivision and siting of open areas.

18.4. Panhandle erven

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

- 18.4.1. A panhandle shall provide access only to the erf of which it forms part as well as the property in favour of which a servitude of right of way has been registered over the panhandle, except where the municipality otherwise determines.
- 18.4.2. The panhandle shall provide access from a street to the panhandle portion.
- 18.4.3. The minimum width for the access portion of a panhandle erf shall be 4 meters provided that this may be relaxed to a minimum of 3m with the written approval of the Municipality.
- 18.4.4. The area of the panhandle portion, excluding the panhandle, shall be in accordance with the density requirements of this scheme.
- 18.4.5. Except with the written consent of the municipality the slope of the panhandle shall not exceed 1:5,
- 18.4.6. The registered owner of the panhandle shall at his own expense pave the panhandle to the satisfaction of the local municipality.

18.5. Temporary use of land

Notwithstanding anything to the contrary contained in this Scheme, it shall be competent for the Municipality, subject to any environmental procedures and/or authorisations, to consent to the temporary use of any land or building within any zone, for any of the following:

- 18.5.1. The erection and the use of temporary buildings or the use of existing buildings for the purposes of site offices, store room, workshops or such other uses, such consent will lapse after the completion of the permanent building
- 18.5.2. The ad hoc building or land for concerts, fairs and others

18.5.3. The use land or building for state or municipal purposes provided that any such consent shall be of a period not exceeding 12 months.

18.6. Play and Recreational Areas in Residential Complexes

18.6.1. Where a residential complex is developed at a density greater than 20 units per hectare, the developer shall, make available at least 12,5 m² per dwelling unit for play and recreation areas.

18.6.2. The play and recreation areas shall have physical characteristics and locations which render them readily usable for appropriate recreational purposes, and their locations shall be selected with a view to minimize hazards from vehicular traffic and to maximize security.

18.6.3. The recreation areas shall incorporate landscaping and shall be properly maintained by the body corporate or related body. The areas shall accommodate children's play apparatus.

18.6.4. No such area may be smaller than 250m² and shall provide for level areas to promote children's games.

18.7. Guidelines for traffic impact studies

A traffic impact study shall be required for the following land development when required by the municipality:

- a. Churches with large auditorium
- b. Shopping centre with complexes
- c. Garage/filling station
- d. Office blocks
- e. Business uses
- f. Large housing developments
- g. New township
- h. Major changes in development including phased developments.

PART 4: LAW ENFORCEMENT

19 APPLICATION OF THE SCHEME AND THE POWERS OF THE MUNICIPALITY

19.1. Binding force of conditions

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

19.2. Entry upon and inspections of properties

19.2.1. The municipality, may though, through its authorised officials, enter upon any property at all reasonable times to conduct any inspection which the municipality or its representatives may consider necessary or desirable for the application of the scheme

19.2.2. No person shall in any manner hinder, obstruct or interfere with the execution of any duties by any authorised officer of the municipality.

19.3. 19.3. Serving of notices

19.3.1. Any directive, notice or other document which in terms of this scheme, requires or is authorized to be served, shall be signed by the Municipal Manager or another official authorized thereto by the local municipality, and shall be served in any of the following ways:

19.3.2. On the person concerned, in person, or on his authorized representative.

19.3.3. If service cannot be effected in the manner contemplated in sub-clause at his residence or place of business or place of employment, on a person apparently not less than 16 years of age and apparently residing or employed there.

19.3.4. If no such person can be found on the property mentioned in sub-clause by affixing such directive, notice or other document at a conspicuous place on the premises and by dispatching a copy of such directive, notice or other document by pre-paid registered post to the last known place of residence, business, employment or post box of the person concerned.

19.3.5. If such person upon whom a notice is to be served has chosen a domicilium et executandi, on such domicilium.

19.3.6. Where any service is effected in accordance with the provision of sub-clause such service shall be deemed to have been effected at the time when a letter containing such directive, notice or other document would have been delivered in the ordinary course of postal deliveries and proof that such Maruleng Land-Use Management Scheme, 2020 directive, notice or other document was properly addressed and registered, shall be deemed sufficient proof of service thereof.

19.3.7. Any directive, notice or other document which in terms of the provisions of this land-use scheme is required to be given to the owner or occupant of any particular premises, may be addressed to the "owner" or "occupant" of such premises in respect whereof the directive, notice or other document is given, without any further name or description, and shall be deemed to be in compliance with the provisions of this clause.

19.4. Powers of municipality in case of contravention of scheme

19.4.1. Where any person, with any conflict with any provision of the scheme in operation.

19.4.1.2. Undertakes or proceeds with erection or alterations of or addition to a building or causes it to be undertaken or proceed with Performs, undertake or proceeds with other work or causes it to be performed Uses any land or building or causes it to be used. The local municipality shall direct such person in writing:

- a. To discontinue such erection, alteration or additions
- b. Remove such building
- c. Cause the building to comply.

PART 5: ADMINISTRATIVE OF LAND USE DEVELOPMENT RIGHTS

20 PLANNING APPLICATIONS

20.1. Criteria for the considerations of applications

20.1.1. The municipality may, when application is made for its consent/approval in terms of the scheme, refuse or grant such application subject to conditions relating to the use and development of land in any zone, with due considerations to:

- 20.1.1.1. The character of other use in the area
- 20.1.1.2. The amenities and aesthetical concerns in the locality
- 20.1.1.3. Health and safety of the area
- 20.1.1.4. The impact on the environment in the area
- 20.1.1.5. The need and the desirability
- 20.1.1.6. IDP and SDF and the review thereof
- 20.1.1.7. The impact of any sector plan
- 20.1.1.8. The existing and planned bulk engineering services of the area

20.1.2. The local municipality may upon the granting of any consent in terms of this scheme, impose conditions regarding the payment of contributions for the provision of services, open spaces and parks, as envisaged in Section 42(1)(v) of SPLUMA, for which purposes the provision of Section 49 and 50 of the SPLUMA shall mutatis mutandis apply.

20.2. Application in terms of the scheme may be submitted by:

- 20.2.1. The registered owner of land, including the state or municipality in respect of land owned by it.
- 20.2.2. Communities occupying land on a customary basis in former homeland territories. Such communities must comply with formalities of Interim Procedures governing Land Decisions which require the consent of the Minister as the nominal landowners that were approved.
- 20.2.3. An authorised agent acting on behalf of the owner of land
- 20.2.4. The executor of the estate of the deceased land owner.

20.3. Application in terms of the scheme

Types of applications that shall be submitted, admitted and decided upon in terms of the scheme are:

- I. Special consent

- II. Written consent
- III. Variance
- IV. Non-conforming land use right
- V. Temporary consent
- VI. A subsequent application, being an application for consent to submit an application similar to an application that was refused within a period of two preceding years,
- VII. An application for the relaxation of a building line or building restriction area
- VIII. An application for the relaxation of lines of no access
- IX. An application for the approval of a Site Development Plan

20.3.1. Application for a special consent

- 20.3.1.1.** An application of one or more land uses specified as special consent subject to restrictions required with regards to bulk and other conditions.
- 20.3.1.2.** When the scheme categorises a certain land uses, it does not mean that the land uses will automatically on application be approved by the municipality
- 20.3.1.3.** An application in terms of the above shall mean a memorandum, which may include explanatory maps, plans or diagrams as well as application fee
- 20.3.1.4.** The applicant shall be within a period of seven (7) days of submitting an application to the municipality, be required to place advertisement of the proposed development application on local newspapers for two (2) consecutive weeks
- 20.3.1.5.** The applicant shall submit proof including the affidavit in respect of the advertisement to the satisfaction of the municipality
- 20.3.1.6.** The municipality will require the applicant to notify adjoining properties and any additional stakeholders and interested parties.

20.3.2. Application for a written consent

- 20.3.2.1. An application for more than one land uses as specified as written consent subject to restrictions with regard to bulk engineering services.
- 20.3.2.2. When the scheme categorise certain land uses as written consent, it does not mean that the land use will automatically, on application be approved by the municipality
- 20.3.2.3. An application in terms of the clause, shall mean a memorandum which may include explanatory maps, plans and categorise in which the application is motivated as well as the application fee
- 20.3.2.4. An application in terms of the scheme which requires public participation

- 20.3.2.5. The applicant shall submit a proof of that to the municipality
- 20.3.2.6. No written consent application may be approved by the municipality contrary to the restrictive conditions specified in the zoning categories.

20.3.3. Application for a variance

- 20.3.3.1. Where an application proposes an inconsistency with or deviation from any regulation contained, the municipality may approve an application by granting a variance to the specific regulation
 - a. relaxation in the density of an erf
 - b. relaxation of coverage
 - c. relaxation of floor area ratio
 - d. relaxation of height
 - e. relaxation of parking
- 20.3.3.2. When deciding on an application for a variance the municipality shall have due regard to the spirit and intent of the and the particular development under considerations
- 20.3.3.3. An inconsistency shall be regarded as minor, if and when in the opinion of the municipality
 - 20.3.3.3.1. The expected impact of the proposed use is not significantly different than that envisaged by the applicable land use zone, and
 - 20.3.3.3.2. The proposed development is a “once-off” deviation and is not likely to trigger further deviations of the land use scheme, and
 - 20.3.3.3.3. The proposed development is still consistent with the development objectives and strategies of the Municipality as set out in the current Spatial Development Framework.
- 20.3.3.4. An application in terms of the stated clauses, shall require public participation
- 20.3.3.5. The applicant shall submit proof to the satisfaction of the municipality that all the provisions have been complied with.

20.3.4. Non-conforming land use rights

- 20.3.4.1. The land use rights, or components thereof, granted in terms of the scheme, that after conversion in terms of clause (best fit) do not conform to the development regulations contained in the scheme shall be regarded as non-conforming land use rights which shall remain in effect

- 20.3.4.2. Should a non-conforming land use right not be exercised or conducted for a sum period of 15 months within a consecutive period of 36 months, or if such use is destroyed or damaged to the extent of at least 75% of its value, or after a period of 15 years after the effective date, such land use right shall lapse, unless extraordinary circumstances are shown, in which case the Municipality may agree to the continuation of the non-conforming land use right.
- 20.3.4.3. The further extension of a non-conforming land use right shall be restricted to the extent that such use may, on application, be increased once only, and then by no more than 10% of the existing right, subject thereto that if such existing use has a detrimental impact on the surrounding land uses or the environment, such extension will be refused by the Municipality.
- 20.3.4.4. If applicable, a non-conforming right may be made to conform and/or be extended by applying for a variance to the relevant regulation in terms of this scheme or by applying for an amendment of the relevant zone or other regulation.
- 20.3.4.5. This section shall also apply to existing land use rights that do not conform to the development regulation of the scheme due to the amendment of the Scheme after the approval of the land use rights.

20.3.5. Applications for temporary consent

Notwithstanding any other provision of this scheme, the local municipality may, upon receipt of a written request, give its consent to the temporary use of any land or building within any use zone, for any of the following purposes:

- 20.3.5.1. The erection and use of temporary buildings, or the use of existing buildings for site offices, Camp site, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; provided that such consent shall ipso facto lapse upon completion of the permanent structure or on the expiry date thereof as determined by the local municipality.
- 20.3.5.2. The occasional and short term use of land or buildings within any use zone for public religious exercises, place of instruction, institution, place of amusement or social hall.
- 20.3.5.3. The use of land or buildings thereon for state or municipal purposes.
- 20.3.5.4. The use of land or the erection of buildings necessary for the purpose of informal retail trade.
- 20.3.5.5. Any temporary consent granted in terms of this clause shall not be granted for any period in excess of 12 months, which period may however be extended by the local municipality for further periods of 12 months each, subject to a maximum period of 5 years in aggregate.

20.3.5.6. Simultaneously and integrated applications

20.3.5.6.1. An application in terms of the Scheme may if it is extricable integrated with another land use right application, the Municipality may on its discretion allow it to be submitted simultaneously with that application.

20.3.5.7. Subsequent Application

20.3.5.7.1. Should an application be refused by either the Municipality or the appeal authority, no application containing similar proposals to those refused, may be submitted on the same land within a period of two years from date of refusal, unless the applicant demonstrates that conditions have changed to such an extent that a new application, containing similar proposals, may be approved.

20.4. Applications in terms of provincial legislation

20.4.1. Application for the amendment of the Scheme

Application for the amendment of the Scheme shall be submitted and decided in terms of either Sections 28 or 56 of the Ordinance, as applicable, or related and succeeding provincial legislation.

20.4.2. Establishment of a township

An application for, or intention of, the establishment of a township shall be submitted and decided in terms of either Sections 96 or 108 of the Ordinance, as applicable ,or related and succeeding provincial legislation.

20.4.3. Extension of boundaries of an approved township

An application for, or intention of, the extension of boundaries of an approved township shall be submitted and decided in terms of Section 88 of the Ordinance, or related and succeeding provincial legislation

20.4.4. Alteration, amendment or cancellation of General Plan

An application for or intention of, the alteration, amendment or cancellation of the general plan of an approved township shall be submitted and decided upon in terms of Section 89 of the Ordinance or related and succeeding provincial legislation .

20.4.5. Subdivision or consolidation of erven

An application for the subdivision or consolidation of an erf or erven in an approved township shall be submitted and decided in terms of Section 92 of the Ordinance or subsequent provincial

legislation replacing the said Section/s of the Ordinance or related and succeeding provincial legislation.

20.4.6. Subdivision or consolidation of farm land

An application for the subdivision or consolidation of farm-land shall be submitted, administered and decided in terms of the provincial legislation or related and succeeding legislation. Such application shall also require an application for the same in terms of the Subdivision of Agricultural Land Act, 1970 (70 of 1970), only if the subject land is administered in terms of this act or related and succeeding legislation.

20.4.7. Removal, Amendment and Suspension of Title Restriction

An application for the subdivision or consolidation of an erf or erven in an approved township shall be submitted and decided in terms of Section 92 of the Ordinance or subsequent provincial legislation replacing the said Section/s of the Ordinance or related and succeeding provincial legislation.

20.4.8. Permanent closure of Public Place

An application for the subdivision or consolidation of an erf or erven in an approved township shall be submitted and decided in terms of Section 92 of the Ordinance or subsequent provincial legislation replacing the said Section/s of the Ordinance or related and succeeding provincial legislation.

20.4.9. Consent required in terms of a condition of title, a condition of establishment of a township, condition of an existing scheme or land use scheme

An application for the subdivision or consolidation of an erf or erven in an approved township shall be submitted and decided in terms of Section 92 of the Ordinance or subsequent provincial legislation replacing the said Section/s of the Ordinance or related and succeeding provincial legislation.

20.4.10. Consent required in terms of any law referred to in Regulation 52 (4)

An application for the subdivision or consolidation of an erf or erven in an approved township shall be submitted and decided in terms of Section 92 of the Ordinance or subsequent provincial legislation replacing the said Section/s of the ordinance or related and succeeding provincial legislation.

20.5. Application in process

20.5.1. When either the Municipal IDP and SDF or Scheme is amended while there is an application pending, the application shall be further administered, considered and decided as if such amendment did not take place, unless:

- 20.5.2. The amended municipal IDP or SDF or Scheme specifically prohibits the development sought,
- 20.5.3. The development will defeat the development objectives of the amended municipal IDP or SDF,
or
- 20.5.4. The application was submitted more than 12 months previous to the date of the amendment of the municipal IDP, SDF or Scheme,
- 20.5.5. In which case, the application shall be considered and decided in terms of the amended municipal IDP, SDF or Scheme, subject thereto that the applicant has had fair notification of the amendment and opportunity to make representations and/or objections which, if made, were fairly and procedurally considered.

20.6. New applicant

Where the owner of land in respect of which an application has been made, has changed, and the new owner of such land notifies the Municipality in writing that he wishes to continue with the application, the Municipality may, if the application has not lapsed, consent to the continuation of the application subject to any condition it may deem expedient, and the owner who continues with the application shall be deemed to be the applicant.

20.7. Register of approval and relevant conditions

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

PART 6: APPLICATION PROCEDURE, CONTENT AND FORMAT

21 APPLICATION PROCEDURES

The procedures contained in this section are applicable to all applications in terms of the Scheme, specified above. The procedures shall also apply to all applications submitted for consideration and decision by the Municipality, which includes the applications specified in Clause 20.4, in addition to the procedures prescribed by the relevant legislation.

21.1. Application Any owner (hereinafter referred to as “the applicant”) intending to apply to the local municipality:

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

21.1.2. Shall pay the prescribed application fees with the submission of the application.

21.2. Acknowledgement of application

21.2.1. The Municipality shall acknowledge the application with regards the:

- Validity and clarity of the application,
- Completeness, with regard to the required supporting documents/information and or motivations
- Extent and manner of notification that will be required, with due consideration of the content of the proposal and the possible impact on surrounding properties.

21.2.2. The Municipality shall forthwith provide the applicant with the acknowledgement report and include the reference number of the application in the report if further processing is allowed.

21.3. Notification of Application

21.3.1. Notices

21.3.1.1. The applicant shall, if required by the Municipality, give notice of the application, which may include any or all of the following methods:

21.3.1.2. publish at his own expense, a notice containing full particulars of the application for which he/she is applying, and the land to which it relates once per week for two consecutive weeks in English and other language spoken by the majority of residents in the vicinity of the site, in a newspaper which is published and circulated in the area;

21.3.1.3. Place maintain a similar site notice(s) of the application on the property and maintain in a conspicuous place on each separate portion of the land or building to which such application applies for a period of not less than 14 consecutive days, calculated from the date of the first notice in the newspaper mentioned in (a) above and/or

21.3.1.4. By either hand delivering or posting by registered post a notice in the form prescribed to every landowner or lessee of land adjacent to the application property or any landowner or lessee of land likely to be affected by proposals contained in the application. Service of such notice shall be effected on or before the date of the commencement of the period for objections.

21.3.2. **The notice** referred to:

- 21.3.2.1. shall contain the name and address of the applicant; the description, address and locality of the property that is the subject of the application as well as particulars of the existing zoning and the purpose for which the land and buildings will be used and shall state that it lies for inspection at the local municipality offices and that any objection to or representation in connection with such application shall be lodged simultaneously with the local municipality and the applicant within a period of 28 days calculated from the day when the notice was first published and displayed on the site; and
- 21.3.2.2. The notice shall not be less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.

21.3.3. **Notice by Municipality-** the Municipality may, at its discretion, give further notice of the applications as it may deem necessary, including the placing of a notice on the municipal notice board and/or website.

21.3.4. Public Participation

- 21.3.4.1. The Municipality may, in its sole discretion, instruct the applicant to take any reasonable measures to ensure that all persons and/or institutions likely to be affected by the proposals in the application will receive fair notice of the intended development.
- 21.3.4.2. The Municipality may, in its sole discretion, instruct the applicant to take any reasonable measures to ensure that all persons and/or institutions likely to be affected by the proposals contained in the application will have fair opportunity to make representations to and/or objections against the application, which includes holding a community meeting, which purpose shall be to:
 - 21.3.4.3. The purpose, if applicable, of the community meeting shall be to:
 - 21.3.4.3.1. Present the proposals contained in the application to the land owners, persons, institutions and communities most affected thereby,
 - 21.3.4.3.2. Ensure that the proposed amendment are accommodating of local development desires and needs,
 - 21.3.4.3.3. Facilitate consultative planning, and
 - 21.3.4.3.4. Ensure that the proposed amendment has the approval of the majority of landowners, persons, institutions and communities most affected thereby.

21.3.5. **Comments –**

The applicant shall request, on or before the date of the commencing of the period of objections in the form prescribed, circulate for comment the application to any or all of the persons, bodies or institutions mentioned below:

- 21.3.5.1. The respective Traditional Authority and Ward Councillor of the area of jurisdiction within which the property is located.
- 21.3.5.2. The provincial Department of Agriculture and Land Administration, when a township is established, agricultural land is affected or a development is proposed that may have an impact on surrounding Municipalities areas of jurisdiction,
- 21.3.5.3. The Provincial Department of Roads and Transport, when the proposed amendment is likely to impact on Provincial roads,
- 21.3.5.4. The Provincial and/or National Department of Public Works if any provincially or State owned properties are affected,
- 21.3.5.5. The National Department of Transport, when the proposed amendment is likely to impact on National roads,
- 21.3.5.6. The National Department of Agriculture when agricultural land is affected,

- 21.3.5.7. Everybody providing any engineering service to the land concerned or to the municipality,
- 21.3.5.8. The Department of Minerals and Energy and any person holding mineral, mining or prospecting rights on the land, and
- 21.3.5.9. Any other department or division of the Limpopo Provincial Government, any other National Department which or any other person who, in the opinion of the municipality, may have an interest in the application.

21.3.6. Serving of notices

- 21.3.6.1. Any directive, notice or other document which in terms of this scheme, requires or is authorized to be served, shall be signed by the Municipal Manager or another official duly authorized in this regard by the municipality, and shall be served in any of the following ways:
 - 21.3.6.1.1. On the person concerned, in person, or on his duly authorized representative.
 - 21.3.6.1.2. If service cannot be effected in the manner contemplated in sub-clause (a), at his residence or place of business or place of employment, on a person apparently not less than 16 years of age and apparently residing or employed there.
 - 21.3.6.1.3. If no such person can be found on the property mentioned in sub-clause (b), by affixing such directive, notice or other document at a conspicuous place on the premises and by dispatching a copy of such directive, notice or other document by pre-paid registered post to the last known place of residence, business, employment or post box of the person concerned
 - 21.3.6.1.4. If such person upon whom a notice is to be served has chosen a domicilium et executandi,
- 21.3.6.2. Where any service is effected in accordance with the provision of sub-clause (c), such service shall be deemed to have been effected at the time when a letter containing such directive, notice or other document would have been delivered in the ordinary course of postal deliveries and proof that such directive, notice or other document was properly addressed and registered, shall be deemed sufficient proof of service thereof.
- 21.3.6.3. Any directive, notice or other document which in terms of the provisions of this scheme is required to be given to the owner or occupant of any particular premises, may be addressed to the "owner" or "occupant" of such premises in respect whereof the directive, notice or other document is given, without any further name or description, and shall be deemed to be in compliance with the provisions of this clause.

21.3.7. Proof of Notification

Before the lapsing of the period for objections, the applicant shall provide proof to the municipality that all persons, bodies or institutions as prescribed were notified or requested for comment as directed by the Municipality and in accordance with the provisions of the Scheme.

21.3.8. Notice period

- 21.3.8.1. A reference to days in the periods for notification shall mean calendar days and shall be counted by excluding the first day and including the last, except when either the first or last

day is a Sunday or Public Holiday, in which case, additional days will be added to the period to compensate for the Sunday/s and /or Public Holiday/s.

- 21.3.8.2.** Members of the public or any institution, wishing to make representations or to object to the application, shall be allowed a period of 28 days from the date of notification in the newspaper of the application.
- 21.3.8.3.** Affected stakeholders, persons or institutions, having been requested for comment, shall provide the applicant and municipality with their comment, shall provide the applicant and municipality with their comment within a period of 28 days from being requested, or such further period as allowed by the Municipality.

21.4. Comments, Representations and Objections

- 21.4.1.** The local municipality shall consider and hear any objection or representation (in writing or record in writing the oral representations) received within the aforementioned period of twenty-eight (28) days, at a hearing arranged by the local municipality within a reasonable time period.
- 21.4.2.** A reasonable time period referred to above shall be deemed to be 90 days calculated as from lapsing of 28 days referred to in paragraph 21.4.1 above.
- 21.4.3.** The Municipality shall issue acknowledgements of receipt of objections and/or representations to all persons making such submissions within seven days of the lapsing of the period for making objections and representations.
- 21.4.4.** After the lapsing of the period allowed for the submission of comments, or such further period as granted by the municipality, the applicant shall submit to the municipality:
 - 21.4.4.1.** A copy of every comment received and his reply thereto,
 - 21.4.4.2.** An indication of the requests for comments not responded to, and
 - 21.4.4.3.** In the latter case, proof of the manner and extent of follow-up work done in trying to obtain the comment from the concerned person, body or institution.

21.5. Handling of Objections and/or Representations

- 21.5.1.** The municipality shall direct the applicant with regards to the comments outstanding, which directions may:
 - 21.5.1.1.** Extend the period allowed for the providing of comment;
 - 21.5.1.2.** Entail the issuing of a final notice or request for comment to the concerned person, body or institution, and/or
 - 21.5.1.3.** Entail the disregard of comment from the concerned person, body or institution.
- 21.5.2.** The municipality shall within 21 days of the lapsing of the period for making objections and representations, provide a copy of each representation and objection received to the applicant.

- 21.5.3.** Should a comment received from a person, body or institutions constitute objections against the application, the municipality shall request the applicant to submit a written reply to such comment.
- 21.5.4.** The applicant shall, within 21 days of receipt of copies of the objections or representations;
- 21.5.4.1.** Submit to the municipality a written reply to such objections or representations and/ or comments and/or
- 21.5.4.2.** Amend his or her application, subject to such conditions as the Municipality may impose in respect of service or notification of the amended application.

21.6. Consideration of the application

- 21.6.1.** After the proceedings set out in Clause 21.5 have been finalized, the application shall be deemed to be a complete application to be decided upon.
- 21.6.2.** The municipality shall forthwith consider the application and, if so required/it so determines, shall hold a hearing before making a decision on the application.
- 21.6.3.** Notice of the hearing be delivered to the concerned parties not less than 14 days before the date of the hearing.
- 21.6.4.** Where the objections, representations and/or comments from more than one person, body or institution are contained in one document, it shall be deemed sufficient notification if the person who is the signatory, or his duly authorized representative, is notified.
- 21.6.5.** Every party concerned in the hearing, or their duly authorized representative, must appear in person at the hearing, failing which shall invalidate the objection, representation or comment.
- 21.6.6.** At the hearing, every party concerned, or his duly authorized representative, may set out the grounds for his objection, representation and/or comment
- 21.6.7.** Having duly considered the application, the Municipality may: Approve the application subject to any amendment which it may, after consultation with the applicant, deem fit, or refuse it,
- 21.6.7.1.** Postpone a decision on the application, either wholly or in part,
- 21.6.7.2.** Refer the matter to mediation and/or
- 21.6.7.3.** Refer the application to the Municipal Tribunal for consideration and decision.
- 21.6.8.** Within 21 days of taking a decision, the municipality shall, in writing, inform the applicant and all parties to the hearing of the decision and the reasons thereof.

21.7. Appeal against the decision of the Municipality

- 21.7.1.** The applicant, or any party having been informed of the decision of the municipality may, within a period of 21 days of being thus informed, appeal against the decision to the Municipal/District Appeal Tribunal by lodging at the Township Board a Notice of Appeal in the form and containing the information prescribed, paying the fees prescribed and providing the municipality with a copy of the Notice of Appeal.

- 21.7.2.** The municipality shall, within 21 days from the receipt of a copy of the Notice of Appeal, submit the following documents at the Municipal/District Appeal Tribunal.
- 21.7.2.1.** A copy of the complete application to which the appeal relates,
 - 21.7.2.2.** A copy of every objection lodged, all representations made and all comments constituting an objection,
 - 21.7.2.3.** Every reply by the applicant to an objection, representation and/or comment contemplated above.
 - 21.7.2.4.** A copy of the minute's record of proceedings of the hearing held by the municipality,
 - 21.7.2.5.** The decision and the reasons for the decision of the Municipality,
- 21.7.3.** The Municipal/District Appeal Tribunal shall, within 21 days of being provided with the documents, provide a copy thereof to:
- 21.7.3.1.** If the applicant is the appellant, every other party to the hearing, and /or
 - 21.7.3.2.** If the appellant is not the applicant, the applicant.
- 21.7.4.** The Municipal/District Appeal Tribunal shall afford to any person, body or institution contemplated hereinafter referred to as a third party, a period of 21 days from being provided with a copy of the Notice of Appeal, the opportunity to oppose the appeal.
- 21.7.5.** The third party shall, within a period of 30 days from the date on which he became a party to appeal, deposit with the Municipal/District Appeal Tribunal such amount of money as may be prescribed as security for the payment of the expenses and if he fails to so deposit the amount he shall cease to be a party to the appeal.

21.8. Consideration of appeal

The Municipal/District Appeal Tribunal shall consider and decide on the application as provided for in the Ordinance or subsequent provincial legislation dealing with land use management matters.

21.9. Implementation of approved application

- 21.9.1.** Having approved an application, but not before the time periods allowed for an appeal, or having been notified of a decision by the Municipal/District Appeal Tribunal having the effect of approving of the application, for the Municipality shall forthwith:
- 21.9.1.1.** Issue to the applicant the documents of approval,
 - 21.9.1.2.** Register the approved rights and conditions in the Register of Land Use Rights, and the amendment shall come into operation on the date specified in the approval documents.
- 21.9.2.** The municipality shall provide a copy thereof to every third party to the appeal upon request.
- 21.9.3.** Clause 21.6.5.aboveshall apply mutatis mutandis

21.10. Amendment of Application

While the application is pending before the Municipality the applicant may of his own accord and with the consent of the Municipality, or at the request of the Municipality after the payment of the prescribed fees, amend his application: provided that where the amendment is, in the opinion of the Municipality, substantial in terms in the proposed scale, form and character of development, it shall instruct the applicant to give such notice of the amendment as it may deem necessary.

21.11. Register of all Amendments

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

21.11.1. Minimum Notification Procedures

21.11.1.1. Newspapers

21.11.1.2. Notices on site

21.11.1.3. Notices to adjacent land owners in relation to the following applications: The notice shall include all affected parties, institutions and communities as determined by the municipality

- I. Township Establishment
- II. Subdivision of an erf
- III. Consolidation of an erf
- IV. Subdivision or consolidation of farm land
- V. Application for a special consent
- VI. Application for a written consent
- VII. Variance
- VIII. Amendment of the scheme
- IX. Relaxation of a building line
- X. Extension of boundaries of an approved township
- XI. Alteration, amendment or cancellation of General Plan
- XII. Site Development Plan
- XIII. Subsequent application

22 APPLICATION CONTENT AND FORMAT

22.1. Supporting documents Applications in terms of the Scheme shall contain at least the documents prescribed herein.

22.1.1. Affirmation of rights approved in terms of Clause 9.2.2 Application form, signed by the applicant, Application fees, as prescribed by the Municipality,

22.1.1.1. Applicable Power of Attorney provided by the land owner and Resolution in case the land owner is a legal person or resolution from the Traditional Authority or Community.

22.1.1.2. Documentary proof of the existing land use rights approved in terms of Clause 9.2.2

22.1.1.3. A copy of the Title Deed to every property concerned, if registered,

22.1.1.4. A copy of the SG Diagram to every property concerned, if registered.

22.1.1.5. A diagram prepared by land surveyor with coordinates of all points where the boundary line changes the direction, if the property is unregistered. This diagram must have a reserved erf number obtained from the Surveyor General.

22.1.1.6. A Locality Plan on an applicable scale, if requested by the municipality Description of all existing and proposed servitudes and/or services on the subject properties,

22.1.1.7. As-built plans of all existing buildings and structures

22.1.2. Application for land use rights, either Special Consent Use or a Non-Conforming Land Use.

22.1.2.1. Application form, signed by the applicant, Application fees, as prescribed by the Municipality,

22.1.2.2. Applicable Power of Attorney provided by the land owner and Resolution in case the land owner is a legal person or resolution from the Traditional Authority or Community.

22.1.2.3. A motivating memorandum in support of the application, with specific reference to:

22.1.2.4. The Land Use Zone and Management Zone and other regulation in terms of the Scheme on the property/ies,

22.1.2.5. A copy of the Title Deed to every property concerned, if registered,

22.1.2.6. A copy of the SG Diagram to every property concerned, if registered,

22.1.2.7. A Locality Plan on an applicable scale, Description of all existing and proposed servitudes and/or services on the subject properties,

22.1.2.8. A copy of the Land Use Rights Certificate on every property concerned,

22.1.2.9. A copy of the approved and proposed Site Development Plan, if requested by the Municipality,

22.1.2.10. A copy of the approved and proposed Landscape plan, if requested by the Municipality,

22.1.2.11. A copy of the approved and proposed Urban Design Plan, if requested by the Municipality. The bondholder's consent,

22.1.2.12. The mineral rights holder's consent, except if has been previously granted for land use application that was approved.

22.1.2.13. A Land Use Plan, on an applicable scale, showing the existing land uses on the subject and surrounding properties, and in the case of non-conforming land use rights, a copy of the existing land use rights.

22.1.3. Application for variance

22.1.3.1. Application form, signed by the applicant,

22.1.3.2. Application fees, as prescribed by the Municipality,

22.1.3.3. Applicable Power of Attorney/Company Resolution or resolution from the Traditional Authority or Community, Motivating memorandum in support of the application, with specific reference to:

- ✚ The Land Use and Management Zones and other regulation in terms of the Scheme on the subject property/ies,
- ✚ A discussion on the inconsistency or deviation proposed in relation to the applicable regulation,
- ✚ A motivation to the effect that the proposed variance is considered to be minor, as discussed in Clause 11.2.2.3 of the Scheme, Locality Plan on an applicable scale, A Land Use Zone Plan, in colour and on an applicable scale, showing the current zones on the application and surrounding properties, and A copy of the Land Use Rights Certificate on every property concerned.

22.1.4. Application for a subsequent application

- 22.1.4.1. Application form, signed by applicant,
- 22.1.4.2. Application fees, as prescribed by the municipality,
- 22.1.4.3. Applicable Power of Attorney, Company Resolution or resolution from the Traditional Authority or Community,
- 22.1.4.4. Motivating memorandum in support of the application, with specific reference to:
 - 22.1.4.4.1. Date and details of the application previously refused,
 - 22.1.4.4.2. The reasons for the refusal of the application,
 - 22.1.4.4.3. The changed circumstances that may result in an approval of the subsequent application.
 - 22.1.4.4.4. Locality Plan on an applicable scale,
 - 22.1.4.4.5. A copy of the Land Use Rights Certificate on every property concerned.

22.1.5. Application for approval of a Site Development Plan, Landscape Plan or Urban Design Plan

- 22.1.5.1. Application form, signed by applicant
- 22.1.5.2. Applicable fees prescribed by the Municipality,
- 22.1.5.3. Applicable Power of Attorney, Company Resolution or Resolution from the Traditional Authority or Community,
- 22.1.5.4. A copy of the Title Deed to every property concerned,
- 22.1.5.5. A copy of SG Diagram to every property concerned,
- 22.1.5.6. Locality Plan on an applicable scale,
- 22.1.5.7. A copy of the Land Use Rights Certificate on every property concerned,
- 22.1.5.8. The proposed Site Development Plan, Landscape Plan or Urban Design Plan, as applicable.

22.1.6. Application for relaxation of building line

- 22.1.6.1. Application form, signed by applicant,
- 22.1.6.2. Application fees prescribed by the Municipality,
- 22.1.6.3. Applicable Power of Attorney Company Resolution or Resolution from the Traditional Authority or Community,
- 22.1.6.4. A copy of the Title to the subject property,
- 22.1.6.5. A copy of the SG Diagram applicable on the properties,
- 22.1.6.6. A copy of every servitude diagram applicable on the properties,
- 22.1.6.7. Motivating memorandum in support of the application, with specific reference to:
 - 22.1.6.7.1. The need and purpose of the proposed relaxation of building line,
 - 22.1.6.7.2. Applicable conditions and/or regulations that may be contained in the Scheme,
 - 22.1.6.7.3. A conceptual Site Development Plan, showing:
 - ✚ The existing structures on the application property/ies,
 - ✚ The proposed structures on the application property/ies,
 - ✚ All current building lines on the application property/ies,

- ✚ All existing servitudes on the application property/ies, and
 - ✚ The existing structures and building lines on all adjacent properties.
- 22.1.7. The Municipality may, at its discretion, request the applicant to submit a Site Development Plan as detailed in Clause 18.1 of the Scheme in support of the application, and
- 22.1.8. A Locality Plan on an application scale.
- 22.1.9. Applications submitted in terms of Clauses 20.4 shall contain at least the documents as prescribed in the provincial legislation as provided Regulation herein.

22.1.7. Application for the amendment

- 22.1.7.1. Application form, signed by applicant, giving a clear description of the type, nature and extent of the amendment sought,
- 22.1.7.2. Application fees, prescribed by the Municipality,
- 22.1.7.3. Application Power of Attorney, Company Resolution and/or resolution from the Traditional Authority or Community,
- 22.1.7.4. A copy of the Title Deed to every property concerned,
- 22.1.7.5. A copy of the SG Diagram to every property concerned,
- 22.1.7.6. The consent from National Agriculture, if applicable,
- 22.1.7.7. Motivating memorandum in support of the application, with specific reference to and including:
- ✚ The interest of the applicant in bringing the application,
 - ✚ A discussion on the relevant section of the Scheme, as it is currently, and the need for bringing the application,
 - ✚ A discussion on the proposed amendment,
 - ✚ An indication of prevailing development trends,
 - ✚ The expected impact on the current, adopted municipal Spatial Development Framework and IDP,
 - ✚ A discussion on the expected area of influence and possible impact of the amendment, including the possible impact on the environment and probable mitigating measures,
 - ✚ A discussion on the impact of engineering services,
 - ✚ Need and Desirability of the proposal,
 - ✚ An indication of the persons, communities and institutions likely to be affected by the amendment and likely impact on them,
- 22.1.7.8. A Locality Plan on an applicable scale,
- 22.1.7.9. A Land Use Plan, in colour and on an applicable scale, showing the existing land use rights on the subject and surrounding properties,
- 22.1.7.10. A Land Use Zone Plan, in colour and on an applicable scale, showing the land use zones on the subject and surrounding properties,
- 22.1.7.11. A Proposed Land Use Zone Plan, in colour and on an applicable scale, showing the proposed amendment to the land use zones.

22.2. Document formats

22.2.7. Confirmation of land use rights on a property shall be in the format indicated below:



65 Springbok Street

PO Box 627

Hoedspruit 1380

LAND USE RIGHTS CERTIFICATE

Our reference: _____ (Municipal ref number)

Enquiries: _____ (Municipal official)

Date: _____

TO WHOM IT MAY CONCERN

Mr./Mrs _____

Erf /Stand No/Farm Portion: _____

Township/Traditional Settlement/Village/Farm: _____

Owner: _____

Type of Land Tenure: _____

Residential/Postal Address: _____

Erf/Stand/Portion Size: _____

(Note: A locality plan must accompany the Land Use Rights Certificate in cases where erven are not registered in the office of the Surveyor General)

Land Use Rights

Zoning in terms of the Scheme: _____

Land use/s allowed in terms of use zone: _____

The bulk of development allowed: _____

Land use rights obtained in terms of other legislation: _____

Legislation used to obtain Land Use Rights: _____

Yours faithfully,

Signature

_____ (Name of official)

Department of Development Planning

22.2.8. All notices of applications, in the media or on-site, shall be in the format indicated below:

Notice in terms of the Maruleng Land Use Scheme, 2021

Application for: (specify the type of application, if more than one, list all)

Maruleng LM Application Reference Number: _____ (reference number as on the review report)

The applicant, _____ (being the owner/intended owner or agent on behalf of the owner/intended owner), of: _____ (description of all properties concerned in the application e.g. erf/stand number and township, traditional settlement or farm name), situated at: _____ (give clear description of locality of property)

Hereby gives notice in terms of the Maruleng LM Land Use Scheme, 2021, of the application for:

_____ (Description of application, sufficiently detailed so that the proposed development is clearly understood).

Particulars of the application will lie for inspection during normal office hours at _____

_____, for the period of 28 days from (date of notice)

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at Maruleng Local Municipality, (applicable address), within a period of 28 days from (date of notice), being _____ (date of last day for objections).

(Name and address of applicant)

An affidavit concerning a notice on-site shall be in the format set out below)

AFFIDAVIT

Application property/ies: _____

Application reference number: _____

Application: _____

Applicant: _____

Applicant address: _____

I, _____, the undersigned, hereby declare that the notice/s for the mentioned application, prescribed by the Maruleng Land Use Scheme, 2021 and/or Spatial Planning and Land Use management Act 2013 (SPLUMA 16 of 2013), was displayed and maintained on the application property for the prescribed period of time from _____, to _____, being fourteen days in total.

(Number) notices were displayed and maintained and were put up at _____

(Locality)

I hereby declare that I am fully aware of the contents of this affidavit and that I have no objection against the taking of this oath.

Signature Date

Commissioner of Oaths: