



Thulamela Municipality

DRAFT LAND USE SCHEME 2020



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Compiled by



PART I- GENERAL: INTRODUCTION TO THE SCHEME

1.1 Title

- 1.1.1 This scheme shall be known as the Thulamela Land Use Management Scheme, 2020, promulgated by virtue of Notice No:____dated_____in the Limpopo Provincial Gazette No:_____and shall hereafter referred to as them "Scheme".

1.2 Responsible Authority

- 1.2.1 The Thulamela Local Municipality hereafter referred to as the "municipality" or its successor in title shall be the authority responsible for enforcing and carrying out the provisions of this Scheme.

1.3 Date the Scheme came into effect

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

1.4 Purpose

- 1.4.1 As described in the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) and the Thulamela By-law on Spatial Planning and Land Use Management, 2016, a Land Use Scheme must give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote:

- (a) Economic growth;
- (b) Social inclusion;
- (c) Efficient land development;
- (d) Minimal impact on public health, the environment and natural resources;
- (e) Harmonious and compatible land use patterns;
- (f) Aesthetic considerations;
- (g) Sustainable development and densification; and
- (h) The accommodation of cultural customs and practices of traditional communities in land use management.

1.5 Principles

- 1.5.1 Any competent authority taking a decision in respect of any matter contemplated in this Scheme, shall be guided by the Development Principles enshrined in Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).

1.6 Objectives

- 1.6.1 A scheme is a tool used by municipalities to guide and manage development according to the vision, strategies and policies of the Integrated Development Plan (IDP) and Spatial Development Framework (SDF) and the interests of the general public to promote sustainable development and quality of life.

- 1.6.2 The aims of this Scheme are to:

- a) Provide a single, user-friendly mechanism applicable to all land whereby land use is obtained, held and regulated,
- b) Simplify land use management,
- c) Provide for sufficient participation in planning matters by all concerned and interested parties, especially the marginalized poor and uninformed,
- d) incorporate indigent heritage and cultural values into the land use planning of the Scheme Area,
- e) Ensure there is sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreational and open space,
- f) Provide for housing choice and variety in neighbourhoods with a community identity and high levels of amenity,
- g) Be flexible in content and administration to provide for different local circumstances,
- h) Encourage private sector initiative and pro-active co-operation between the private sector and the Municipality,
- i) Assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments as well as providing opportunities for home-based employment,
- j) Balance the usually stagnant nature of land use control with the usually more dynamic nature of private sector-driven investment and development,
- k) Provide greater integration and linking of the usual municipal planning functions of *forward planning* (Municipal SDF) and *land use control* (scheme),
- l) Provide a mechanism whereby desirable development can be facilitated in the Municipality,
- m) Provide integrated environmental management mechanisms to protect and enhance the environmental values and natural resources of the Scheme Area,
- n) Provide for developments with special requirements, and

- o) Provide a mechanism whereby national, provincial and regional plans and policy directives can be implemented.

1.6.3 This Scheme is intended to be transparent and to provide information to officials, consultants, home-owners, developers and politicians on what may or may not occur on a parcel of land or what the municipality may consider at its own discretion.

1.7 Legal status of the Scheme

1.7.1 This Land Use Scheme is prepared in terms of the Section 24 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), Chapter 3 of the Thulamela By-law on Spatial Planning and Land Use Management, 2016 and is in substitution of the following Schemes previously in operation in the Thulamela Local Municipal area:

- (a) Thulamela Town-planning Scheme, 2006;
- (b) Mutale Town Planning Scheme, 2009;

1.7.2 In accordance with Section 26 of the Act-

- (a) has the force of law, and all owners and users of land, including a municipality, a state-owned enterprise and organs of state within the municipal area are bound by the provisions of such a land use scheme;
- (b) replaces all existing schemes within the municipal area to which the land use scheme applies;
- (c) provides for land development right.

1.7.2.1 Land may only be used for the purposes permitted-

- (a) by a land use scheme;
- (b) by town planning scheme, until such scheme is replaced by a land use scheme; or
- (c) in terms of Clause 1.7.2.2 of the Scheme.

1.7.2.2 Where no town planning or land use scheme applies to a piece of land, before a land use scheme is approved in terms of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013) such land may be used only for the purposes listed in Schedule 2 of the Act and for which such land was lawfully used or could lawfully have been used immediately before the commencement of the Act.

- 1.7.2.3 Permitted land use may, despite any other law to the contrary, be changed after following a prescribed process as set out in law.
- 1.7.2.4 The use of all land included in the area of this Land Use Scheme shall be controlled by the Land Use Scheme. No land or building may be used for any purposes other than that permitted in this Land Use Scheme and it's binding to all persons and the State.
- 1.7.2.5 Nothing in this Scheme overrides a restrictive condition.

1.8 A statement identifying the powers, functions and duties of the municipality in relation to the scheme

1.8.1 Public document

- (a) This Scheme (i.e. including the zoning maps and the register of land use rights) must be available for public inspection in the Municipal Offices during normal municipal office hours and extracts from this Scheme are obtainable at the Municipal Offices on payment of the prescribed tariffs.

1.8.2 In accordance with Section 32 of the Act the Municipality may

1.8.2.1 pass by-laws aimed at enforcing its land use scheme

1.8.2.2 apply to a court for an order:

- (a) interdicting any person from using land in contravention of its land use scheme;
- (b) authorising the demolition of any structure erected on land in contravention of its land use scheme, without any obligation on the municipality or the person carrying out the demolition to pay compensation; or
- (c) directing any other appropriate preventative or remedial measure.

1.8.2.3 The Municipality:

- (a) may designate a municipal official or appoint any other person as an inspector to investigate any non-compliance with its land use scheme; and
- (b) must issue each inspector with a written designation or appointment in the prescribed form, stating that the person has been appointed in terms of this Act.

1.9 A record of dates of the adoption and amendments

1.9.1 In accordance with Section 31 of the Act

- 1.9.1.1 The municipality must keep and maintain a written record of all applications submitted and the reasons for decisions in respect of such applications for the amendment of its land use scheme.
- 1.9.1.2 The written record referred to in subsection 1.9.1.1 must be accessible to members of the public during normal office hours at the municipality's publicly accessible office.

1.10 Key legal requirements of applicable legislation

1.10.1 The Constitution of the Republic of South Africa 1996, (Act No. 108 of 1996)

Chapter 7, Section 151 of the Constitution provides for the establishment of the local sphere of government consisting of wall-to-wall municipalities for the whole of the territory of the Republic of South Africa. Sections 152 and 156 of the Constitution outline the scope of the powers and functions of municipalities. Section 156 of the Constitution clearly states that municipalities have executive authority in respect of and has the right to administer the local government matters listed in parts B of schedules 4 and 5 to The Constitution, which inter alia, include administering all spatial planning, land use management and land development controls within their areas of jurisdiction.

1.10.2 Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000)

The Municipal Systems Act defines the legal nature of municipalities as part of a system of co-operative government. It also clarifies the rights and duties of the municipal council, local communities, and the municipal administration. Clarifying the rights and obligations of different parties is an important step towards strengthening the democratic contract at the local level.

1.10.3 Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)

The Act aims to develop a new framework to govern planning permissions and approvals, sets parameters for new developments and provides for different lawful land uses in South Africa. The Act is a framework law, which means that the law provides broad principles for a set of laws that will regulate spatial planning. The Act also provides clarity on how planning law interacts with other laws and policies. This Thulamela Land Use Scheme is being prepared in terms of Chapter 5 Sections 24 to 30 of the Act.

1.10.4 Thulamela Local Municipality Spatial Planning and Land Use management By-Law (2016)

Chapter 3 of the Thulamela Local Municipality Spatial Planning and Land Use Management By-Law (2016) is in line with Chapter 5 of the Spatial Planning and Land

Use Management Act, 2013 (Act 16 of 2013). This Land Use Scheme is also being prepared in terms of Chapter 3 of this By-Law.

1.10.5 National Environmental Management Act, 1998 (Act No. 107 of 1998)

Requirements for Environmental Impact Assessments for scheduled uses in terms of the National Environmental Management Act and EIA Regulations. NEMA makes provision for the formulation of Environmental Implementation Plans, which are the vehicles for implementing the NEMA principles to which municipalities are legally obliged to conform with.

1.10.6 National Environmental Management: Biodiversity Act, 2004 (Act No.10 of 2004)

The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) provides for the management and conservation of biodiversity at national and bioregional scale. Once a bioregional plan is published, municipal IDPs and SDF's need to take them into consideration.

1.10.7 Environmental Conservation Act, 1989 (Act No. 73 of 1989)

This Act provides for the listing of activities that require certain environmental impact assessment procedures to be complied with before implementation. This act is of particular note for the activities of settlement planning and land use management.

1.10.8 National Water Act, 1998 (Act No.36 of 1998)

This Act provides that no person or authority shall establish a township unless the township layout plan indicates the 1:100 year flood line. The act makes provision for river flow management and allows the Minister of Water Affairs to regulate activities that impact on stream flow. Applications to the Department of Water Affairs need to be submitted in terms of this act for the use of dams, rivers and forests.

1.10.9 National Heritage Resources Act, 1999 (Act No.25 of 1999)

This Act provides for the creation of the South African Heritage Resources Agency (SAHRA), which together with provincial heritage resources authorities are obliged to identify those places that have special national and or provincial significance in terms of heritage assessment criteria. A heritage resource is protected by law from certain actions (alteration, subdivision or change in land use) without the necessary consents from the relevant authority. There can be no alteration or demolition of premises over 60 years old without the necessary permissions.

1.10.10 Conservation of Agricultural Resources Act, 1983 (Act No.43 of 1983)

The Conservation of Agricultural Resources Act, 1983 (Act No.43 of 1983) provides for the conservation of natural agricultural resources through prevention of erosion and the destruction of water resources, and veld protection measures.

This Act empowers the Minister of Agriculture to prescribe control measures relating to the utilization and protection of land that is cultivated, the maximum number and the kind of animals that may be kept on the veld etc.

1.10.11 National Forest Act, 1998 (Act No.84 of 1998)

This Act provides measures to protect coastal and other forests from disturbance, damage or destruction.

1.10.12 National Land Transport Act, 2009 (Act No. 5 of 2009)

Section 38 (2) of this Act states that all persons are bound by the plans prepared in terms of this Act and that no change in land use can occur without the consent of the Transport Planning Authority.

1.10.13 Mineral and Petroleum Resources Development Act, 2002 (Act No.28 of 2002)

The Minister of Minerals and Energy has to consent or decline an application for township development in terms of Section 53 of the said act.

1.11 Reference to strategic planning documents

1.11.1 The Municipal Systems Act, 200 (Act No.32 of 2000) provides that there should be a direct relationship between Spatial Development Framework and the Municipal Land Use Management Scheme:

- (a) Scheme is developed as part to regulate various development priorities identified in the IDP and visual reflected in the SDF.
- (b) If the SDF is reviewed and major changes are made, changes should be translated into the scheme.
- (c) It gives effect to the municipal SDF and determines the use and development of land and buildings within the municipality in order to promote.
- (d) Provide site specific details on land use rights where the SDF broadly indicated the development outcomes.
- (e) 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.

1.12 Authority of Land Use Scheme

- 1.12.1 The Scheme has been prepared in terms of Section 24 of the Spatial Planning and Land Use Management Act, 2013, (Act No. 16 of 2013) and enactment in terms of the Thulamela By-Law on Spatial Planning and Land Use Management.
- 1.12.2 As from the commencement date as published in the Provincial Gazette, these regulations shall apply to all the land under the jurisdiction of the Thulamela Local Municipality.
- 1.12.3 If any provision in this Scheme is struck down as invalid by a court of law, such provision shall be severed from the Scheme, but shall not affect the validity of the remaining provisions.

1.13 Scheme Maps

- 1.13.1 The Scheme Map comprises of a series of maps reflecting all areas that fall within the jurisdiction of Thulamela Municipal area.
- 1.13.2 The Scheme Maps are available electronically on the Municipality's GIS System.
- 1.13.3 A hardcopy of a map or maps could be made available upon request and at a fee. Printed maps should include a title block with the following information:
 - (a) A descriptive heading identifying the area of the Scheme;
 - (b) The Municipality's name and contact details;
 - (c) North point and scale;
 - (d) Date of map printed;
 - (e) A legend interpreting the colour notation.
- 1.13.4 Printed scheme maps are only valid for the day on which it was printed, and it remains the responsibility of the user of the maps to ensure accuracy of maps where it may have any significant personal, legal or financial implications.

1.14 Area of the Land Use Scheme

The Scheme is applicable to the area of jurisdiction of the Thulamela Local Municipality, as proclaimed by LIM 343.

1.15 Conflict between provision of this Land Use Scheme, conditions of title and Legislation

- 1.15.1 Any consent or authorization or approval granted by the Municipality by virtue of provisions of this Scheme does not entitle any person to use any land, or to erect or use buildings thereon in any manner or for any purpose which is prohibited by the provisions of any condition registered against the title deed under which such land is held, or any other law which prohibits such use in respect of such land or any rights which attach to land situated within the area of the Scheme.
- 1.15.2 If the use of land for any purpose is permitted in terms of this Scheme, but is otherwise restricted in the Title Deed of such land, the onus lies with the owner of such property to:
- (a) remove or amend the title restriction by following the required procedure provided in the applicable legislation; and
 - (b) submit proof to the satisfaction of the Municipality that such restrictive title condition has been removed.
- 1.15.3 If the use of land for any purpose is permitted in terms of this Scheme, but is otherwise restricted in terms of any other law, the onus lies with the owner of such property to:
- (a) procure the authorization required in terms of such law to use the land for such purpose or to remove or cancel such restriction in the manner prescribed or by other appropriate relief; and
 - (b) submit proof to the satisfaction of the Municipality that such authorization has been procured, alternatively that such restriction has been removed.
- 1.15.4 Where the scheme regulations are in conflict with national and provincial legislation, the provisions of such legislation shall prevail, save where such regulations are a local authority competency, as mandated by the National Constitution.
- 1.15.5 If the scheme regulations conflict with a by-law or any other subordinate legislation, these regulations shall prevail.

1.16 Rectification of errors on land use scheme map

- 1.16.1 If the zoning of a land unit is incorrectly indicated on the zoning map or incorrectly indicated in the register of land use rights, or wrongly converted from a zoning map of a former land use scheme, the owner of an affected land unit may submit an application to the Municipality to correct the error.
- 1.16.2 An owner contemplated in subsection 1.16.1 must apply to the Municipality in the form determined by the Municipality and must:

- a) Submit written proof of the lawful land use rights; and
 - b) Indicate the suitable zoning which should be allocated.
- 1.16.3 The onus of proving that the zoning is incorrectly indicated on the land use scheme map and incorrectly indicated in the register of land use rights is on the owner.
- 1.16.4 The owner is exempted from paying application fees and from liability for the costs of public participation upon application to rectify an error on the land use scheme map.
- 1.16.5 If the Municipality approves the application, the Municipality must update the electronic zoning map and register of land use rights.
- 1.16.6 The Municipality may refuse an application to correct the zoning map and register of land use rights if the owner fails to submit written proof of the lawful use rights.
- 1.16.7 The Municipality may correct a zoning map and the register of land use rights if it finds an error on the map after:
- a) Notifying the owner in writing of its intention to correct the wrong conversion or error;
 - b) Inviting the owner to make representations within a specified period in respect of the proposed correction of the errors on the zoning map and in the register of land use rights; and
 - c) Considering any representations received from the owner.

PART II-DEFINITION

2.1 General Terminology

2.1.1 In this Scheme, unless the context otherwise indicates, or it is otherwise expressly provided, any word shall, when used in the context of the Scheme, have the meaning assigned to it hereunder.

"ACT" or "THE ACT"	:	The Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013);
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. Notwithstanding anything contained in this Scheme, the classification of not by the Municipality of an ancillary use shall be decisive and final;
ADDITIONAL STRUCTURES TO A MOBILE DWELLING UNIT	:	Any structure attached to or detached from a mobile dwelling unit, but which is incidental thereto;
ADVERTISING BOARD	:	Any board, supported by a free standing structure which also includes a gantry that spans the road, which is used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement;
AGRICULTURAL HOLDING	:	A Portion of land not less than one morgen in extent used solely or mainly for the purpose of agriculture or horticulture or for breeding or keeping domestic animals, poultry or bees;
ANTENNA	:	Means any system of wires, poles, rods, reflective surfaces or similar devices, used to transmit or receive electronic communication signals or electromagnetic waves;
APPEAL AUTHORITY	:	The executive authority of the Municipality, the Municipal Appeal Tribunal established in terms of the By-Law or any other body or institution outside of the municipality authorised by that Municipality to assume the obligations of an appeal authority for purposes of appeals lodged in terms of the Spatial Planning and Land Use Management Act, 2013;
APPLICANT	:	A person who makes a land development application contemplated in Section 45 of the Spatial Planning and Land Use Management Act, 2013;
APPROVAL	:	Written approval;
APPLICATION	:	Means a land development and land use application as contemplated in the Act;
APPROVED TOWNSHIP	:	A township declared an approved township in terms of the relevant section of the By-Law;
AWNING	:	A cantilevered or suspended roof, slab or covering (not being the floor or balcony) projecting from the wall of a building;
AREA OF THE SCHEME	:	The area described in Section 1.14 of this scheme.

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 such projecting floor, and includes a roof, if any over such floor and pillars supporting such roof;
BAR	:	Premises used primarily for sale or dispensing of alcoholic beverages for on-site consumption, and where food may be available for consumption on the premises as ancillary to the main use;
BASE ZONE	:	The zone which determines the lawful land use and development parameters for a land unit in terms of this Land Use Scheme, before the application of any overlay zone;
BASEMENT	:	Any storey of a building which is below the level of the ground storey of the building;
BOREHOLE	:	A narrow shaft drilled/bored in the ground either vertically or horizontally. A borehole may be constructed for many different purposes, including the extraction of water, other liquids (such as petroleum) or gases;
BOTTLE STORE/LIQUOR STORE	:	Land used or a building designed or used for the purpose of carrying on retail trade in liquor products as defined in terms the Liquor Act, 1989 (Act 27 of 1989);
BOUNDARY	:	In relation to a land unit means one or more of the cadastral lines separating such land unit from another land unit or from a road reserve;
BOUNDARY WALL	:	<p>Means any wall, fence or enclosing structure erected on or next to a cadastral property boundary, and any other structure, including security devices, such as spikes, barbed wire, razor wire or electric fences, affixed to or on top of a boundary wall:</p> <ul style="list-style-type: none"> • Solid boundary walls may not be any higher than 1.8m on street boundaries, and no higher than 2,1m on lateral boundaries. • Palisade-type fences may not be higher than 2.1 m on either street or lateral boundaries. • Fences may not be higher than 2,1 m on street boundaries.
BUILDING	:	Any construction or structure which, when completed, will be covered with a durable and waterproof roof;
BUILDING LINE	:	Means an imaginary line on a land unit, which defines a distance from a specified cadastral boundary, within which the erection of buildings or structures are completely or partially prohibited;
BUILDING RESTRICTION AREA	:	An area wherein no building, permanent structure or swimming pool may be erected or constructed;
BUTCHERY	:	A building or shop where meat is being prepared for sale to the general public;
BY-LAW	:	The Thulamela By-Law on Spatial Planning and Land Use Management;

CADASTRAL LINE	:	Means a line representing the official boundary of a land unit as recorded on a diagram or general plan approved by the Surveyor General and registered in the Deeds Offices;
CANOPY	:	A cantilevered or suspended roof, slab or covering projecting from the wall of a building, excluding the floor of a balcony;
CARPORT	:	Means a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently enclosed;
COMMENCEMENT DATE	:	The date on which this Land Use Scheme comes into operation;
COMMUNAL LAND	:	Land under the jurisdiction of a traditional council determined in terms of Chapter 2 of the Limpopo Traditional Leadership and Institutions Act 6 Of 2005 and which was at any time vested in- <ul style="list-style-type: none"> (a) The government of South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936); or (b) The government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Amendment Act, 1993 (Act No. 152 of 1993);
COMMUNAL PROPERTY ASSOCIATION	:	Means an association which is registered or qualifies for registration in terms of Section 8 of the Communal Property Registration Act, 1996 (Act No. 28 of 1996);
CONTROLLING AUTHORITY	:	The controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940) or the Commission as defined in the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 70 of 1998) as the case may be;
CONSENT	:	Special permission granted by Council, after due consideration of all relevant facts and lawful, reasonable and procedurally fair administrative action, in terms of which a specific type of land use or activity is permitted, in addition to the primary use right applicable to the land unit concerned;
CONSERVATION PURPOSES	:	Purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or build environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity;
CONSOLIDATION	:	The joining of two or more pieces of land into a single entity;
CONSTITUTION	:	The Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);

COUNCIL	:	The Thulamela Local Municipality as a Municipal Council established in terms of section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any municipal standing committee or municipal official with delegated powers in terms of the area of jurisdiction of which these town planning conditions apply;
COVERAGE	:	<p>The area of a property covered by buildings, measured over the external wall as seen vertically from above and expressed as a percentage of the area of the property. The following portions of buildings shall be disregarded in the calculation of coverage:</p> <ul style="list-style-type: none"> - Stoeps, entrance steps and landings; - Open balconies and retractable awnings; - Cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes, swimming pools and minor decorative features not projecting more than 500 mm from the wall of the building; - Eaves not projecting more than 1 m from the wall of the building; - A basement, provided that the finished level of the top of the basement roof slab does not project above the existing ground level;
CRITICAL BIODIVERSITY AREAS (CBA'S)	:	CBAs are areas outside the Protected Areas network and must be maintained in a good ecological condition (natural or near-natural state) in order to meet biodiversity targets. CBAs collectively meet biodiversity targets for all ecosystem types as well as for species and ecological processes that depend on natural or near natural habitat that have not already been met in the Protected Area network;
CUL-DE-SAC	:	A dead-end street with only one inlet and outlet, commonly used to calm vehicle traffic;
DIAGRAM	:	A diagram as defined in the Land Survey Act, 1997 (Act No. 8 of 1997);
DEED OF GRANT		Means a deed in respect of an ownership unit issued or deemed to have been issued in terms of the Venda Land Affairs Proclamation, 1990 (Proc. No. 45 of 1990);
DEEDS REGISTRY	:	Means a deeds registry as defined in Section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);
DENSITY	:	A measurement of the intensity of a residential development, expressed as a number of dwelling units per hectare, or a dwelling unit per Erf size;
DEVELOPMENT CHARGE	:	A once-of amount which has to be paid by a developer to cover the cost that the Municipality incurred or has to incur to upgrade existing service infrastructure and/or to provide new infrastructure in order to create the necessary capacity and standard of service required to accommodate a development. A development charge is levied in terms of the applicable By-Law;

DRIVING SCHOOL	: A business that employs instructors who teach people how to drive a car/truck/motorbike;
DROP-IN CENTRE	: A community-based facility providing basic services aimed at meeting the emotional, physical and social development needs of vulnerable children;
ECOLOGICAL SUPPORT AREA'S (ESA'S)	: ESAs are areas that must be maintained in at least a fair ecological condition (semi-natural/moderately modified state) in order to support the ecological functioning of a CBA or Protected Area, or to generate or deliver ecosystem services, or to meet remaining biodiversity targets for ecosystem types or species when it is not possible or necessary to meet them in natural or near-natural areas. ESAs must retain ecological processes, which often require at least semi-natural ecological condition;
ENGINEERING SERVICES	: Services installed in the process of development land for the reticulation of water, electricity and sewerage and the building of streets, roads and storm water drainage systems, including all related services and equipment;
ENVIRONMENTAL IMPACT ASSESSMENT (EIA)	: A process of examining the environmental effects of development in terms of the requirements of the National Environmental Management Act, (Act No. 107 of 1998);
ERECTION OF A BUILDING	: Includes the structural alteration of or making of any addition to a building other than a structure or alteration which is the opinion of the local authority, is of a limited extend such as inter alia, the removal of non-weight baring internal walls, the erection of removal partition, safes and toilets inside an existing building or repair work inside or outside a building;
ERF	: Any portion of land registered in the Deeds Office as part of an approved township or land indicated as such on the General Plan of an approved township;
EXISTING USE	: A use carried out or in an operation on an erf or site that was permitted in terms of the previous Town Planning Scheme or other legislation regulating use of land and buildings, but which is contrary to this Land Use Scheme; it shall remain and existing use right, subject to the transitional provisions as contained in the By-Law;
FAMILY	: One person maintaining an independent household; or two or more persons related by blood, marriage or civil union maintaining a common household; or not more than four unrelated persons without dependants maintaining a common household; but does not exclude up to six foster children, or dependants under legal guardianship as part of a household;

FARM	:	A portion of land identified and described as such on a diagram in terms of the Land Survey Act, 1997 (Act No. 8 of 1997), and includes a portion of a farm similarly identified;
FARM STALL	:	A building used for retailing of fresh farm produce produced on site, including homemade items.
FENCE	:	An artificially constructed linear barrier of wood, masonry, wire, metal or any other manufactured or natural material or combination of materials erected for the enclosure of properties or areas or erected to act as a barrier;
FILE	:	The lodgement of a document with the appeal authority of the Municipality;
FLOOD LINES	:	An indicative line indicating the maximum level likely to be reached by flood waters on average once in every 100 years [paraphrased from Section 144 of the National Water Act, 1998 (Act No. 36 of 1998);
FLOOR AREA	:	<p>The total leasable area of all floors/storeys of a building (including a basement storey), measured over the external walls of each floor/storey in the building, provided that in the calculation of the floor area the following areas shall not be included</p> <ul style="list-style-type: none"> - Unroofed structures, open roofs and areas occupied by fire-escapes of staircases, whether inside or outside the building; - Entrance halls, communal corridors(not occupied by kiosks and seating for places of refreshment) and staircases not enclosed by external walls – therefore excluding closed entrance halls and foyers; - Areas used to accommodate lift motors, and other mechanical or electrical equipment necessary for the property use of the building; - Chimneys, ornamental features, outdoor or uncovered swimming pools, canopies covered by shade nets; - Public toilets; - Housing for servants on the roof of the building, provided that the floor area thus excluded shall not exceed 3 % of the permissible floor area of such building; All balconies or verandas in a building, provided that such veranda or balcony shall not be enclosed except by means of a parapet at most (1) one meter high; - Areas reasonably used for the cleaning, maintenance and care of the building or buildings, excluding dwelling units for supervisors, cleaners and caretakers and parking for the use of the building;
FLOOR AREA RATIO (F.A.R)	:	The ratio obtained by dividing the floor area of a building(s) by the total area of the property on which the building(s) is erected;
GENERAL DEALER	:	A general merchant store is a rural or small-town store that carries a general line of merchandise. It carries a broad

selection of merchandise, sometimes in a small space, where people from the town and surrounding rural areas come to purchase all their general goods;

GENERAL PLAN	:	A plan, which representing the relative positions and dimensions of two or more pieces of land, has been signed by a person recognised under any law then in force as a land surveyor, or which has been approved or certified as a general plan by a Surveyor General and includes a general plan or a copy thereof prepared in a Surveyor General's office and approved or certified as such;
GARAGE	:	A building for the storage of one or more motor vehicles, and includes a carport but does not include a motor repair garage or service station;
GRINDING MILL	:	Any of various machines for grinding (as of grain or sugarcane) or for dressing by grinding (as of metal parts) can also be regarded as a factory, especially one that's equipped for grinding;
GROUND FLOOR	:	The storey on which there is an entrance or entrances to the building from the lowest natural ground level as determined by the approved building plan;
GROSS FLOOR AREA	:	The sum of the total area covered by a building at the floor level of each storey: Provided that in calculating the floor area, the floor area for parking and vehicle manoeuvring area be excluded;
GROSS LEASABLE FLOOR AREA		The floor area designed for occupation and control by a lessee, or which is suitable for such purposes, measured from the centre line of joint partitions and/or the outer surfaces of the external walls, but shall exclude toilets, lift shafts, service ducts, loading bays and interior parking;
GUARD ROOM	:	Room used by guards which is primarily located on the gate for security purposes and can be put on building lines;
HABITABLE ROOM	:	Refers to a room designed or used for human habitation but excludes a storeroom;
HARDWARE STORE	:	A shop/store selling tools, implements, and other items used for building and related purposes including gardening;
HEIGHT	:	Of a building means a vertical dimension of a specified level to another specified level, as set out in the development rules of a zone, measured in metres; provided that chimneys, flues, masts, antennas, satellite dishes not exceeding 1,5 m in diameter and external geysers with associated equipment not protruding more than 1,5 m above the top of the roof shall not be counted for the purpose of height control;
HIGH BIODIVERSITY AREAS:		Areas which have been identified by the Limpopo Conservation Plan as Critical Biodiversity Areas and Ecological Support Areas;
HOUSEHOLD	:	A group of persons regarded as a domestic unit in terms of legislation, common law or customary law;

ILLEGAL STRUCTURE	: Means any structure of building of temporary or permanent nature that is built contrary to the approved plans on file at the municipality, or a building that is built in contravention of any zoning, town planning, or title deed condition or restrictive; or Any structure of a temporary nature in contrary with the provisions of the Act on National Building Regulations and Building Standards, 1977 (Act No. 103 of 1977) and any amendments thereof;
ILLEGAL TOWNSHIP	: Land held under farm title or as an agricultural holding in terms of the Agricultural Holdings (Transvaal) Registration Amendment Act, 1929 (Act 19 of 1929), or other forms of ownership, used in the opinion of the municipality for purposes contemplated in the definition of a township where such use is not being exercised as a result of the establishment of a township contemplated in terms of the By-Law or a township established in terms of any other law, but excludes informal areas as may be determined by the Municipality;
INFORMATION CENTRE	: Any centre that is responsible for disseminating relevant information to the general public and can be public or private owned;
INSPECTOR	: A person designated or appointed as an inspector under Section 32 of the Spatial Planning and Land Use Management Act, 2013;
INTERNET CAFÉ	: A café or a convenience store or a fully dedicated internet-access business that provides internet access to the public. The fee for using a computer is generally charged as a time-based rate;
INTEGRATED DEVELOPMENT PLAN (IDP)	: A participatory planning process aimed at developing a strategic development plan to guide and inform all planning, budgeting, management and decision making in a Municipality, in terms of the requirements of Chapter 5 of the Municipal Systems Act, 2000 (Act No.32 of 2000);
INTERESTED PARTY	: Refers to any person or body who, in accordance with the provisions of this Land Use Scheme, and within any time period prescribed, has submitted, in writing, any objection, comment or representation in respect of any matter in the Land Use Scheme providing for objections, comments or representations;

KITCHEN : A room or any portion of a room or outside area equipped with cooking and washing facilities, which can be used for the preparation of meals, including a kitchenette, but excluding outside entertainment areas. Cooking facilities include any stove, hotplate, oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. Washing facilities include a sink and any plumbing provided for such facility. A water kettle, coffee percolator, microwave oven and bread toaster are not regarded as cooking facilities;

LAND : (a) Any Erf, agricultural holding or farm portion, or portions thereof, servitudes, lease areas and includes any improvements or building thereon and sectional title units, exclusive use areas and common property registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986); and
(b) The area of communal land to which a household holds an informal right recognized in terms of the customary law applicable in the area where the land to which such right is held is situated and which right is held with the consent of the registered owner of the land;

LAND DEVELOPMENT AREA : An erf or the land which is delineated in an application submitted in terms of the By-Law or any other legislation governing the change in land use and "land area" has a similar meaning;

LAND DEVELOPMENT : The erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of this land use scheme;

LAND DEVELOPMENT OFFICER : The authorised official defined in regulation 1 of the SPLUMA Regulations, 2015;

LAND USE : The name of the use rights listed in this zoning scheme, and can be a collective description for one or a number of land use activities and ancillary uses;

LANDSCAPING : The placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements for the purposes of enhancing the aesthetic appeal, environmental management, amenity and value of a property or area;

LAND SURVEYOR CERTIFICATE : A certificate issued by a professional land surveyor;

LAND-USE MANAGEMENT : Means establishing or implementing any statutory or non-statutory mechanism in terms of which the use of land is or may be restricted or in any other way regulated;

LAND USE RIGHTS : The inherent rights to use and develop land that is attached to a property. The land use rights determine what is allowed on the property in terms of the type of development, the bulk and intensity thereof and the conditions to which the

	development or land use are subject. The components of the land use rights are: <ul style="list-style-type: none"> - The land use allowed as defined in the land use definitions, - The bulk of development allowed, as defined in the density, FAR, coverage, height restrictions, and parking requirements;
LAWFUL NON-CONFORMING USE	: An existing use of property, including buildings or structures thereon and the use thereof, that was lawful before the commencement date of this zoning scheme, but which does not conform to the use or development rules stipulated in this zoning scheme;
LIMPOPO ENVIRONMENTAL MANAGEMENT ACT "LEMA"	: The Limpopo Environmental Management Act, 2003 (Act No. 7 of 2003);
LISTED ACTIVITIES	: Means a development action that is likely to result in significant environmental impact as defined by the Minister of Minister of Environment Affairs in terms of Section 24 and 24D of the National Environmental Management Act, 1998 (Act 107 of 1998), and its later amendments;
LIVING ROOM	: A room designed or used for human occupation in accordance with the standards prescribed in the National Building Regulations, but does not include a storeroom, kitchen scullery, toilet, bathroom or a passage;
LOADING BAY	: An area which is clearly demarcated for the loading and off-loading of goods from commercial vehicles and which has vehicular access to a public street to the satisfaction of Council;
LOFT	: An open space between the upper surface of the topmost floor and the ceiling above it, designed for, or used for, human occupation. For purposes of measuring height, a loft shall be counted as a storey;
MALL	: A large retail complex containing a variety of stores and often retail shops, restaurants, place of entertainment and other business establishments housed in a series of connected or adjacent buildings or in a single large building;
MAP	: The scheme map (also marked Map3) as amended time to time;
MEDICAL CONSULTING ROOMS	A building designed or adapted as professional rooms for medical practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as veterinary surgeons, and may include a dispensing chemist not exceeding 12m ² but not uses included in the definition of "Institution".
MEZZANINE	: An intermediate floor in a building, especially a low one between the ground floor and the first floor, and for the purposes of measuring height, a mezzanine shall be counted as a storey;

MINOR STRUCTURAL CHANGE	:	Small structural changes to an existing building for which a building plan is not a requirement;
MUNICIPAL AREA	:	The area of jurisdiction of the Thulamela Local Municipality demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);
MUNICIPALITY	:	The Thulamela Local Municipality;
MUNICIPAL PLANNING TRIBUNAL	:	The Thulamela Municipal Planning Tribunal established in terms of the Thulamela By-Law on Spatial Planning and Land Use Management;
MUNICIPAL SERVICES	:	means infrastructure services such as electricity cables and poles, water pipes, sewerage pipes, street furniture, light poles traffic signs etc;
MUNICIPAL PURPOSES	:	Such purposes as the local authority is authorised to carry out in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) or any other law;
MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK	:	The integrated spatial development framework that must be included in a municipality's integrated plan in terms of Section 26 (e) of the Municipal Systems Act, Act 32 of 2000) and in terms of Section 20 of the Spatial Planning and Land Use Management Act, (Act 16 of 2013);
NATIONAL BUILDING REGULATIONS	:	The National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
NATURAL GROUND LEVEL	:	The existing ground level at any point unless there have been excavations in which case the level shall be determined by the Municipality;
OBJECTOR	:	A person who has lodged an objection with the Municipality to a draft municipal spatial development framework, draft land use scheme or an application;
OCCUPANT	:	Any person who physically inhabits a property;
ORDINANCE	:	The Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986);
OUTBUILDING	:	A building other than the main building, which, in the opinion of the Municipality, is ordinarily necessary in connection with the use of the main building. In the case of a dwelling house, it will include a garage(s) and servant's quarters, storerooms, studios, exercise room, hobby rooms, wash rooms, and home enterprises but without a kitchen in the latter case. An outbuilding will be erected simultaneously or after the main building; it shall not exceed 20% of the floor area of the main building, up to a maximum of 50m ² without the consent approval but subject to building plans approval however if it exceeds 50m ² permission should be granted by the municipality but does not constitute second dwelling unit;

OUTDOOR ADVERTISING	:	The act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place outdoors;
ORCHARD	:	An orchard is an intentional planting of trees or shrubs that is maintained for food production. Orchards comprise fruit- or nut-producing trees which are generally grown for commercial production;
OVERLAY ZONE	:	<p>A category of zoning applicable to a particular area or land unit which:</p> <ul style="list-style-type: none"> (a) Stipulates development rules and/or use rights in addition to the base zone requirements, which may be more or less restrictive; and (b) May include provisions and development rules relating to primary uses, additional uses or consent uses, provisions in the base zone, subdivision and sub divisional areas, special planning areas, development incentives, density limitations, urban form, urban renewal, heritage and environmental protection, management of the urban edge, scenic drives or local areas, or any other purpose, as set out in this zoning scheme or regulations promulgated in terms of the Municipal Systems Act; and 'overly zoning' has a corresponding meaning;
OWNER	:	The person registered in a deeds registry as the owner of land or who is the beneficial owner in law;
PANHANDLE	:	<p>The access section of a panhandle erf which section must be at least 3m wide provided that this section is not considered as part of the erf for the purpose of this scheme which section:</p> <ul style="list-style-type: none"> (a) shall provide access from a street to the panhandle portion; (b) shall have a slope that not exceeds 1:8; (c) shall provide access only to the erf of which it forms a part as well as the (d) property in favour of which a servitude of right of way has been registered (e) over the panhandle; (f) shall for the purpose of this Scheme not be considered as a part of the erf; (g) no building or structures except screen walls or dense barriers erected (h) along the boundaries of the panhandle to the extent and of the material, (i) design, height, position and maintenance as determined by the Municipality shall be erected in the panhandle
PARAPET	:	A low projection, wall or moulding which finishes the uppermost edge of a building with a flat or low-pitched roof;

PARKING SPACE	:	An area measuring not less than 5.5m by 2.5m for perpendicular or angled parking and 6,0m by 2,5m for parallel parking, which clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Municipality;
PERGOLA	:	Any unroofed horizontal or approximately horizontal grille or framework, such that the area of the solid portions of the horizontal projection does not exceed 25% of the total area thereof;
PERMISSION TO OCCUPY (PTO)	:	A permission granted o occupy an allotment in terms of the Venda Land Affairs (Permission to Occupy) Regulations, 1991;
PIT TOILET	:	A pit toilet is a type of toilet that collects human faeces in a hole in the ground. Urine and faeces enter the pit through a drop hole in the floor, which might be connected to a toilet seat or squatting pan for user comfort;
PLAZA	:	An urban open space or square, primarily designed for outdoor use by pedestrians;
PREVIOUS PLANNING LEGISLATION	:	Any planning legislation that is repealed by the Act or the provincial legislation;
PORCHE	:	A roof (not being the floor of a balcony) projecting from the outside of a building above a doorway, and forming a covered entrance to such building, and includes any paved area there under, and any low walls or railings enclosing such pave area an any pillars supporting such roof;
POULTRY FARMING	:	Is the form of animal husbandry which raises domesticated birds such as chickens, ducks, turkeys and geese to produce meat or eggs for food;
PRIMARY USE	:	In relation to property means any land use specified in this Land Use Scheme as a primary use, being a use that is permitted within a zoning without the need to obtain the municipal approval;
PROVINCE	:	The Province of Limpopo referred to in Section 103 of The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
REGULATIONS	:	The Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015;
RESIDENTIAL COMPLEX		Any multi-unit residential complex which contains private drives, roadways or streets;
REZONING	:	The change of zoning in relation to a particular land unit or units or portion of a land unit, in terms of planning law;
RESTRICTIVE CONDITIONS	:	A servitude or condition registered against the title deed of immovable property restricting its utilisation, and any other statutory restriction on the planning, development or utilisation of immovable property;

ROAD RESERVE	:	The designated area of land that contains or are able to contain a public street or private road, and associated verge, which land may or may not be defined by cadastral boundary;
SCHEDULES	:	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 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;
SCHEME	:	Thulamela Land Use Scheme;
SEPTIC TANK	:	An underwater sedimentation tank used for wastewater treatment through the process of biological decomposition and drainage. Septic tanks allow a safe disposal of wastewater and hence are widely popular in areas that have a poor drainage system or are off the mains sewage network;
SERVICES AGREEMENT	:	A written agreement which is concluded between a developer of land and Council and in terms of which the respective responsibilities of the two parties for the planning, design, provision, installation, financing and maintenance of internal and external engineering services and the standard of such services are determined;
SERVITUDE	:	A registered right that grants the use of a portion of land for specified purposes;
SITE	:	Any portion of land identifiable by means of boundaries or beacons and may include any building on such 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 contained in the Scheme;
SPATIAL DEVELOPMENT FRAMEWORK	:	The Thulamela Spatial Development Framework prepared and adopted in terms of sections 20 and 21 of the Act and Chapter 2 of the By-Law;
STADIUM	:	A place or venue for (mostly) outdoor sports, concerts, or other events and consists of a field or stage either partly or completely surrounded by a tiered structure designed to allow spectators to stand or sit and view the event;
STOREY	:	The space in a building between one floor level and the following floor level or ceiling or roof above;
STORMWATER	:	Water resulting from natural processes, precipitation and/or the accumulation thereof, and includes groundwater and spring water ordinarily conveyed by the storm water system, but excludes water in a drinking-water or waste-water reticulation system;
STORMWATER SYSTEM	:	Constructed and natural facilities, including pipes, culverts and water courses, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of storm water;

STREET BOUNDARY	: Means the boundary between a land unit and an abutting public street or private road, provided that the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles, shall be deemed to be a common boundary for the purpose of determining building lines, street centreline setback and site access requirements;
STRUCTURE	A construction, permanent or temporary by nature, of any material or combination of materials with or without a roof;
SUBDIVIDE	: In relation to a land unit, means to subdivide the land unit, whether by means of: <ul style="list-style-type: none"> (a) Survey; (b) The allocation, with a view to a separate registration of land units, of undivided portions thereof in any manner; or (c) The preparation thereof for such subdivision;
SURROUNDING PROPERTIES	: Properties immediately adjacent to and abutting on the subject property, including properties located in line with and across any street or road from the subject property;
SURROUNDING PROPERTY OWNERS	: 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;
TAVERN	: Land or a building designed for or a portion of a building used for the purposes of selling and serving liquor, other beverages and subservient prepared food/snacks, to be consumed on the premises but excluding a place of amusement provided that the establishment and operation of a tavern shall be subject to a license in terms of the liquor Act, 2003 (Act No 59 of 2003) as well as a license in terms of the Business Act, 1991 (Act No. 71 of 1991) in respect of the sale or supply to consumers of any foodstuff in the form of meals for consumption on the property;
TELECOMMUNICATION MAST	: A structure in the form of a mast and a base station, which is designed for communication over a distance by means of telephone, radio, television and internet wave technology or other technology as may be permitted in terms of the relevant legislation. Telecommunication masts are regarded as infrastructure and not as a land use;
TEMPORARY BUILDING	: 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 of time for a specific purpose but does not include a building shed;
TEMPORARY STRUCTURE	: Any building or structure that is so declared by the owner and that is being used or is to be used for a specific purpose for a specified limited period of time, but does not include a builder's yard;

THEATRE	:	A collaborative form of performing art that uses live performers typically by actors or actresses, to present the experience of a real or imagined event before a live audience in a specific place, often a stage;
TEMPORARY CONSENT	:	The temporary consent of local municipality envisaged in accordance with the provisions of the Scheme;
TERRACE	:	An area to which occupants of a building have access, created on a flat roof over a portion of a storey, resulting from the setting back of part of the building above such a storey;
THE ACT	:	The Spatial Planning and Land Use Management Act, 2013 (Act no. 16 of 2013), Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 and any subsidiary legislation or other legal instruments issued in terms thereof;
TOWNSHIP	:	A settlement area which was planned and established in terms of the Venda Affairs Proclamation, 1990 or the Spatial Planning and Land Use Management Act, 16 of 2013 for which township general plan was approved and a township register was opened in the deeds registry office. A township may be categorised as a rural settlement by the local municipality for the purpose of land use control in term of this scheme.
TOWNSHIP REGISTER	:	An approved subdivision register of a township in terms of Section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);
TRADITIONAL COMMUNITIES	:	Communities recognised in terms of Chapter 2 of the Limpopo Traditional Leadership And Institutions Act, 2005 (Act No. 6 Of 2005);
TRAFFIC IMPACT ASSESSMENT	:	A study of demand for travel generated by a proposed development in relation to the existing and planned road system, provided that such a study must be conducted by a competent, registered civil or traffic engineer;
URBAN EDGE	:	A demarcated line which is designated as an urban edge in terms of an approved policy which may follow cadastral boundaries or not;
VERANDAH	:	A covered area or floor outside and immediately adjoining a building at or below the level of the ground floor thereof. The veranda includes the covered area or floor, the roof or other feature covering it and any walls or railings enclosing such covered area or floor;
WATER ACT	:	The National Water Act, 1998 (Act No 36 of 1998), as amended;
WATERCOURSE	:	(a) A river, stream, channel or canal in which water flows regularly or intermittently; (b) A marsh, wetland, dam or lake into which or from which water flows; and includes the bed and banks of a watercourse;

WRITTEN CONSENT	:	Consent granted by the Local Municipality;
ZONE	:	The part of the zoning scheme which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use and development rules of property.

2.2 Land Use Definitions

- 2.2.1 In these clauses, unless the context otherwise indicated, or it is otherwise expressly provided, any word shall, when used in the context of the Scheme, have the meaning assigned to it hereunder.
- 2.2.2 Should a dispute arise with regards to the meaning of a land use definition, the interpretation of the Municipality shall be correct and final, after which the necessary amendment shall forthwith be brought onto the definitions by the Municipality to prevent a further dispute.

2.2.3 Definitions

"Abattoir" means a Place where livestock or poultry is slaughtered, refrigerated, inspected and prepared for distribution thereof to retail outlets.

"Adult entertainment business" means an establishment or any part thereof, where for any form of consideration, live performances, films, slides or similar electronic reproductions, photographs, books, magazines, equipment or toys are hired, sold or occur which are characterized by an emphasis on human nudity, partial nudity, pornographic or erotic sexual activities. Adult entertainment business includes a massage parlour, brothel or escort agency, where the massage or manipulation of the human body is administered with the purpose of obtaining an erotic response, unless such manipulation is administered by a registered medical practitioner or similar professional person. Adult entertainment business furthermore includes and forms of administration, liaison, or services relating to the sale, renting, hiring, booking or reservation of any goods or services related to the adult entertainment business.

"Aerodromes" include small general aviation airfields, large commercial airports, and military airbases. ... To put it in context, an airport is a subset of an aerodrome. An aerodrome or airdrome is a location from which aircraft flight operations take place, regardless of whether they involve cargo, passengers, or military.

"Agriculture" means the cultivation of land for crops and plants, the keeping and breeding of animals, beekeeping, or the operation of a game farm, and includes such activities and buildings as are reasonably connected with the main farming activities, such as dwelling units for the farmer, farm manager and farm labourer's, the packing of agricultural produce grown on the property for delivery to the market and a plant

nursery, and includes intensive horticulture and intensive animal farming but excludes, a farm shop, harvesting of natural resources and agricultural industry.

Intensive animal farming means the breeding, feeding and keeping of animals or poultry on an intensive basis, but excludes the breeding, feeding and keeping of wildlife;

Intensive horticulture means the culture of plants on an intensive scale, including the culture of plants under a roof or a greenhouse, as well as the sale of self produces plants on a property;

"Agricultural Buildings" means a building designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the agricultural use of the land on which the building is situated and includes warehousing, packaging of produce, workshops, drying facilities, but not an agricultural industry or farm stall.

"Agricultural Industry" means an enterprise for the processing of agricultural products on or in close proximity to the land unit where these agricultural products are produced, and where processing in such proximity is necessary due to the nature, perishability or fragility of such agricultural products, and includes wineries, farm packaging stores and chicken hatcheries but does not include the trading of processed products.

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

"Agri-village" means a private settlement of restricted size established and managed as a legal entity that is situated within an agricultural or rural area and where residence is restricted to bona fide rural workers and their dependents, of the farms, forestry or conservation enterprises situated in the area. The development of agri-villages may represent a partnership between the farmer, the farm worker and the state.

"Agri-Park" means a networked innovation system of agro-production, processing, logistics, marketing, training and extension services, located in a District Municipality. As a network it enables a market-driven combination and integration of various agricultural activities and rural transformation services.

"Airfield" means land and buildings thereon used for the landing, take-off, parking, fuelling, and maintenance of aircrafts, limited to aircrafts used for domestic flights, pleasure flights or training, crops spraying, firefighting or emergency rescue services and uses related and subservient to the main use, including a national air-force base. An airfield includes a heliport.

"Airport" means land and buildings thereon used for the landing, take-off, parking and maintenance of aircrafts, including uses related and subservient to the main use, including air traffic control, passenger halls, offices, restaurants, shops, freight storage facilities, loading and off-loading facilities, customs offices, conference facilities and hotel, car hire services or agencies, as well as other uses aimed at the convenience of passengers.

"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.

"Animal care centre" a building used for nursing or caring for animals, including ancillary but subservient consulting rooms and offices.

"Animal Refuge" means property used for the temporary boarding, treatment, care, breeding, rehabilitation or training of domestic animals and pets, but does not include a veterinary clinic.

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

"Back-packer Inn" means a dwelling house, second dwelling unit or both in which the occupant of the dwelling supplies communal lodging for compensation to transient guests, limited to a maximum of 2 rooms, with a condition to put a sign after approval of consent from planning within 5 years. Lodging may include the serving of meals to guests, but does not include self-catering facilities, with the exception of communal cooking facilities.

"Bakery" means a building designed or used for large-scale preparation and baking of bread, cakes, pastries and other flour-based products for distribution to wholesalers and/or retailers, as well as such retail as may be approved by the municipality.

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

- (a) the dominant use of the dwelling unit concerned shall remain for the living accommodation of one family;
- (b) the use shall not impair the amenity of the adjoining properties and the neighbourhood;
- (c) and the land complies with the requirements contained in this Scheme for a bed and breakfast establishment;
- (d) it shall not consist of more than (5) five guest room for the temporary accommodation of a maximum of (10)transit guest
- (e) only one kitchen per establishment is allowed and a bathroom for each guest room may be provided.

This definition does not include a guesthouse.

"Biosphere" means an area of terrestrial ecosystem, which is internationally recognized within the framework of UNESCO's Programme on Man and the Biosphere (MAB).

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

"Botanical Garden" means a park intended for the display of rare indigenous or exotic plants or trees. A botanical garden includes environmental facilities, a place of refreshment, a nursery and a conference centre.

"Boutique Hotel" means a building designed for hotel purposes developed on a property not smaller than 5000m² which consist of a maximum number of 21 (twenty-one) en-suite bedrooms. A Boutique Hotel must have a 5 (five) star grading in terms of the South African Tourism Grading council and must also include the following ancillary uses; a boardroom (not exceeding seating for 45 (forty-five) persons and a SPA/ wellness facility not exceeding 2 (two)rooms. The public may not use the SPA/wellness facility and only guests residing at the Boutique Hotel may make use of this facility.

"Brickyard" means a property used for the manufacturing, storage and wholesale of bricks to the general public, provided that raw material used for the manufacturing of bricks are not exploited or mined on the property without the necessary mining and environmental permits.

"Builder's Yard/Shed" means land or buildings used for the storage of materials:

- a) Required for or normally used in building operations; or
- b) Derived from demolition or excavation operations; or
- c) Required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes.

"Bulk Retail Trade" means the wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principle goods being sold typically require large floor areas for direct display to the purchaser or consumers. Bulk retail includes a storage yard and in-house repair or adjustment facilities for products purchased from the bulk retailer.

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

"Bus Station" or "Bus Terminus" means a designated place where a bus starts or ends its scheduled route, or where buses that travel long distances stop to let passengers get.

"Camping Site" means a property or part thereof on which tents, caravans or mobile dwelling units are utilized by visitors and tourists for temporary accommodation purposes and includes communal ablution, cooking, braai, laundry and recreational facilities, administration offices, retail of convenience goods and a restaurant for the sole use of guests, residents and visitors.

"Canteen" means a building or part thereof and/or premises used for the preparation and serving of food and related products and consumables, to the staff of a business only.

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

"Carwash" means an establishment where motor vehicles, excluding construction, service or large passenger vehicles such as buses, are washed polished and cleaned by means of mechanical apparatus or by hand.

"Cemetery" means a place where the deceased are buried and may include buildings that are necessary for the administrative and clerical uses associated therewith, including a chapel or a similar use for the conducting of funeral services, but excluding a crematorium.

"Day-Care Centre" means the use of a portion of a dwelling house, second dwelling unit, residential building or outbuilding, by an occupant, to provide day care, pre-school, playgroup or after school services for a limited number of children, excluding a crèche/nursery school.

"Clinic" means a hospital for day patients with no overnight accommodation. Clinics can be privately operated or publicly managed and funded.

"Coal Yard" means the storage and retail sale of coal or charcoal to the public.

"Commonage" means land used for small-scale, subsistence farming activities to cultivate fresh produce or to raise small number of livestock or poultry for own consumption or resale.

A commonage has a social and economic upliftment quality and will mostly, but not exclusively, represents communal agricultural land shared between various households or a community. A commonage does not provide for residential purposes but may include facilities for the informal trade of the produce produced on the land.

"Commercial Use" means uses such as distribution centres, wholesale trade, storage, warehouses, cartage and transport services, laboratories and computer

centres and may include offices that are subordinate and complementary to the commercial use of the land.

"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.

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

"Confectionery" means a building designed or used for the preparation and baking of bread, cakes, pastries and other baked products for retail sale to the public.

"Conference Centre" means a place of assembly used for the conducting of conferences, seminars, gatherings, indoor recreation, exhibitions and such other uses which are ancillary to or reasonably necessary for the use of the building as a conference centre, including the supply of meals and alcoholic beverages to delegates only, provided that conference remains the primary use on or in the Centre. A conference centre may include administrative offices directly and subservient to the main concern.

"Conservancy" means an informally protected land used in its natural state with the objective of preserving the biophysical characteristics of that land, including flora and fauna prevalent on the land.

"Conservation Area" means an area of land possessing some outstanding or representative ecosystems, geological or physiological features and/or species where wild life is left undisturbed by man.

"Craft production" Craft production is a commercial use that involves on-site production and assembly of goods primarily involving the use of hand tools and/or small-scale equipment. Due to the limited scale of the activities and small boutique nature of craft production establishments, the craft production of alcoholic beverages is limited to no more than 20 000 litres of product per year. The following regulations also apply: Retail sale and onsite tasting of beverages and/or the ability for producers to act as wholesaler of its own production for off-site consumption are subject to the appropriate licenses.

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

"Crematorium" means a building where the deceased are reduced to ash and may include facilities for associated religious and administrative functions directly related to the main use, including a chapel. This definition is subject to the provision of the Crematorium Act, 1965 (Act No. 18 of 1965).

"Cultural Heritage Site" means land identified as a protected area in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) or any other act concerned with conserving heritage resources of cultural significance for the present community and future generations and may include places to which oral traditions are attached or which are associated with living heritage, historical settlements, landscapes and natural features of cultural or historic significance, archaeological and paleontological sites, sites with meteoric or fossil debris, sites regarded as a source of understanding of the evolution of the earth, life on earth and the history of people, graves and burial grounds, sites relating to the history of South Africa and any building, object or art form regarded as of cultural or historic significance.

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

"Dispensing Chemist" means an enterprise supplying only medicine as defined in the Medicine and Related Substances Control Act, 1995 (Act No. 101 of 1995), as amended, as prescribed by a registered medical practitioner only.

"Drive-through Restaurant" means a building used for the preparation of light meals or fast foods for take away purposes, including a roadhouse and drive-through facility for express collection of meals directly from a motor vehicle.

"Dry Cleaner" means an industrial laundry cleaning service, making use of specialized industrial dry cleaning and steam-cleaning equipment, including certain noxious chemicals and processes deemed a nuisance or threat to the public.

"Duette Dwelling" means two individual dwelling units attached to each other by a common wall (260mm firewall). Each dwelling unit will be located on its own erf and has accessibility to a public street by means of either separate entrances or right of way servitude. The density of duette dwellings will be in accordance with the residential density policy of the local municipality.

"Duplex dwelling" means a building consisting of two or more dwelling-units each of two storeys with an internal stair case.

"Dwelling House" means single, freestanding dwelling unit on a property and can include a second dwelling unit.

"Dwelling Unit" means a self-contained, inter-leading group of habitable rooms consisting bathroom(s) , toilet(s) and not more than one kitchen, used permanently or semi-permanently for the living accommodation and housing of a single family,

together with such outbuildings, including servant's quarters and a garage for vehicular parking, as are ordinarily used therewith. A building may contain several dwelling units with a maximum of 3 bedrooms per unit where so provided for by the approved density of the property. Group housing, town houses, duplexes, simplexes, low-rise apartment, high-rise apartment, flats, semi-detached, apartment housing, and garage suites are all included as dwelling units. (Please advise on the number of rooms per unit)

"Depot" means a place for the storage of large quantities of things for distribution and/or future use. It also mean a place where buses, trains or other vehicles are housed and maintained and from where they are dispatched for services.

"Eco Estate" means a development that:

- Do not introduce an artificial concept onto the landscape - such as golfing, equestrian centres or vine yards.
- Allow no agricultural activity at all; and
- Are relatively inexpensive to establish, relying mostly on nature's own landscaping rather than man-made landscapes (and often the resultant high levies that these man-made landscape demands).

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

"Equestrian Estate" means a development that has an equestrian centre and includes residential units.

"Factory Shop" means a retail operation ancillary to an industry or warehousing and packaging where only goods that are partially or entirely manufactured, processed or assembled in the industry or stored and packaged in the warehouse, are sold.

"Farm Stall" means a temporary or permanent building, located on a farm, where a farmer sells fresh produce and products produced and processed on the same farm to the public, including the sale and display of arts and crafts. A farm stall may include the sale of convenience goods and a place of refreshment subservient to the main use.

"Filling Station" means a property and the buildings thereon designed or used exclusively for the purposes of fuelling, washing, polishing and lubricating motor vehicles and may include a convenience shop, the size of which may be restricted by the Municipality. An automatic teller machine (ATM) shall be regarded as part of a convenience shop. A filling station may include a separate car wash facility, but does not include a motor sales market, workshops, panel beating or spray-painting facilities.

"Flat" means a group of dwelling units containing one or more floors with a communal entrance.

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

"Fuelling Facility" means a private facility, not available to the public, for the storage and dispensing of fuel to vehicles.

"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 crematorium. It also includes facilities for associated administrative and religious functions, cold storage facilities for preparation for burial, as well as the sale of funeral related articles and products: Provided that the establishment and operation of a funeral parlour shall be subject to the provisions of the Regulations relating to Funeral Undertaker's Premises promulgated in the Government Gazette by virtue of Notice No. R237 on 08 February 1985 in terms of Section 33 and 39 of the Health Act, 1977 (Act No. 63 of 1977).

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

"Game Reserve" means land or place reserved for wild life; exclusive occupation and use.

"Golf Estate" means development that has a golf course and includes residential units.

"Government Use" means land or buildings thereon used for government purposes in the interest of the general public, including military establishments, police stations, magistrate's courts and prisons, including the related administrative or office function. In the event that the land is utilised for private use, the necessary rezoning should be executed.

"Guest House" means buildings with communal dining and kitchen facilities used for temporary paid accommodation including: backpackers, bed and breakfast establishments and other similar facilities, but excludes Hotels, Conference Centres, self-catering units, chalets, student accommodation and boarding houses. A guesthouse consists of not more than twelve (12) guestrooms for a maximum of 24 guests, provided that a maximum of sixteen guestrooms may be provided in areas designated for a density of Medium-Low Residential and/or along major roads which shall be managed by the owner or the manager who shall reside on the same property.

"Guard house" House used by guards with a kitchen, which is located on close proximity/ on the gate for security purposes temporary structures and can be put/ built on building lines but fixed guard houses should respect building lines.

"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, simplex, duplex and all such development, but excludes uses included in the definition of "Dwelling Unit", "Residential Building" or "Flat".

"Gymnasium" means a building used for physical training and exercise with or without apparatus and may include swimming pools, squash courts and other sporting activities, administrative offices, steam baths, Turkish baths, sauna's, and a single place of refreshment for patrons only not exceeding 100m², as well as a child care/play facility restricted for use by gymnasium members whilst exercising in the gymnasium.

"Harvesting of Natural Resources" means the gathering of fauna and/or flora within a nature reserve or conservancy area for sale or use by a person or agency other than a recognized environmental agency provided that such harvesting:

- Is sustainable
- Does not deplete the resources below acceptable levels, and
- Is not to the detriment of the eco-system.

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

"Helipad" means any portion of land, building or structure or part thereof which has been demarcated and approved by the Civil Aviation Authority for the purposes of landing or taking off of helicopters or associated vertical lift-off aircraft.

"Heliport" means land, and/or a facility specifically designed and used for the landing and take-off of rotary wing aircraft and any associated aircraft storage or repair facilities.

"Heritage site" means Historic site or heritage site is an official location where pieces of political, military, cultural, or social history have been preserved due to their cultural heritage value. Historic sites are usually protected by law, and many have been recognized with the official national historic site status. A historic site may be any building, landscape, site or structure that is of local, regional, or national significance.

"Home occupation" means the practice of a profession or occupation, in or from a part of a dwelling unit/house, by the occupant of the dwelling unit/house, provided the dominant use of the dwelling unit/house shall remain residential. Only the following land uses be considered for the Home Business:

- i. Spaza
- ii. Shop
- iii. Dwelling house office
- iv. Service enterprise
- v. Other uses not listed above, to the satisfaction of the municipality

A home occupation shall exclude the following: the practice of any panel beating, spray painting, day care facility, armed response, joinery, upholstery, workshop activity, refilling or repair of gas cylinders, social congregation of people and any noxious practices or uses which will interfere with the ambience of the surrounding properties or be a nuisance value by virtue of noise, appearance smell or activities and other reason whatsoever. A Home occupation is subject to the further regulation contained in the Scheme.

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

"Hotel" means a building that has been registered as a hotel in terms of Section 1 of the Hotels Act, (Act No. 70 of 1965) designed and used for temporary overnight accommodation for transient guests, where lodging and meals are provided, including ancillary facilities normally directly related to a hotel such as restaurants, cocktail bars, shops, conference facilities, entertainment facilities, gymnasiums, beauty salon, swimming pools and liquor sales outlets, but excluding self-catering accommodation. A hotel may comprise of a single or separate building.

"Household enterprise" means a small scale practice of an activity, business, hobby or occupation in a dwelling unit excluding; commune, a guest house, a block of tenants, a boarding house, hostel and hotel with the aim of deriving an income.

"Informal business" means 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 other place accessible to the public, at any open property or in, on or from any vehicle or moveable structure, subject to such requirement laid down by the local municipality.

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

- (a) an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled,

- sorted, chilled, frozen or stored in cold storage; or livestock (including poultry) are slaughtered; or
- (b) electricity is generated for the use in processes referred to in (a) and (b) above and includes;
- (c) can office, caretaker's quarters or other uses which are subservient and ancillary to the use of the land as a factory

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

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

"Industry" means the use of land and/or buildings as factory including offices and training that are relevant and secondary thereto, and also retail trade in goods that are wholly or partly produced, processed or assembled on the property, provided such retail trade is complementary and secondary to the industrial use, provided further that a dwelling unit for supervising personnel may also be erected on the premises.

"Institution" means a property or building used for the purposes of a social, health or welfare facility, including the administration thereof, and includes but is not limited to a clinic, home for the aged, indigent or handicapped, reformatory or place of detention, haven for vagrants and substance abusers, shelter for the homeless, soup kitchen, care centre, rehabilitation centre, charitable institution, nursing institution and sanatorium, whether of a commercial or charitable nature, but does not include a prison.

"Kennels" means land used for the purposes of keeping, breeding, accommodating and lodging any domestic animal.

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

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

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

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

“Lodge” means a building(s) designed and used for temporary overnight accommodation for transient guests where lodging and meals are provided and may further include ancillary facilities directly related to the lodge and for the use of guests only, such as a restaurant, cocktail bar, conference facility, entertainment facilities, a gymnasium and beauty salon, but excluding liquor sale outlets. A lodge may provide self-catering facilities and/or units.

“Markets” means the selling of products from temporary or permanent structures or facilities in areas specifically demarcated for such purposes by the Municipality or a property owner, such as markets, flea markets, fresh produce markets and hawkers’ stalls.

“Medical suite” means a property or building, not being a hospital or clinic, which is used for human medical or medical related consultation, examination or treatment and dispensary of medicine by a registered medical practitioner but does not include live-in facilities or a pharmacy. A hairdresser, body-care centre, cosmetic salon, doctor’s consulting rooms, physiotherapists’ rooms, manicure and pedicure salon, health spa and other similar uses are regarded as a medical suite.

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

“Mobile Dwelling Unit” means a prefabricated combined suite of rooms, which may not include more than one kitchen, designed for occupation and use by a single family as a permanent residence, which is provided with the necessary service connecting points and so manufactured that it can be moved as a unit or units on wheels.

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

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

"Motor dealership" means land and building used for an integrated service which provide a full range of related activities in respect of a specific vehicle range and include a motor workshop, offices, the sale of new spare parts and the sale of new and use vehicles of that specific range only within a motor showroom: provided that a motor showroom shall be in an approved building enclosed on all sides with bricks or glass walls.

"Motor workshop" means land and building used for the following:

- Repair and servicing of vehicles, excluding penal beating or spray painting: and
- Installation of motor spare parts and accessories

"Multipurpose centre" means a one-stop, integrated development centre, where community's needs for access to information, services, resources and technology from government and non-government sourced are addressed.

"Municipal Purposes" means a building or property, in Municipal ownership, used for such purposes as the Municipality is authorized to carry out in terms of the Municipal Structures Act, 1998, or any other law, including utility infrastructure such as water supply facilities and power supply facilities, but excluding a waste disposal facility or sewer purification plant.

"National Park" means a natural area of land designated to:

- (a) Protect the ecological integrity of one or more ecosystem for present and future generations;
- (b) Exclude exploitation or occupation inimical to the purposes of the 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.

"Nature Reserve" means a national park or some other park, which is in the ownership of a public authority or has been declared as such in terms of legislation and remains in private ownership. It consists of an area which is utilized as a game park or reserve for flora and fauna in their natural habitat and may include:

- Buildings that are reasonably connected with the management of a nature reserve, inclusive of facilities for day visitors and;
- May include accommodation and tourist facilities with the Consent of Council.

"Noxious Enterprise Trade" or "Noxious Industry" means an industry or trade which is dangerous or troublesome to the broad public in Council's opinion, or which

has a disturbing effect on the environment, whether it is due to smell, smoke, noise, flow-off, dust or solid waste and exclude panel beating and spray-painting but includes the following activities:

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

"Nursery" means land and buildings used for the cultivation of grass, plants or trees for commercial purposes, and may include related and subservient uses such as offices. A nursery may provide for the retail sale of the cultivated products, gardening provisions, garden furniture or garden ornaments as well as a Restaurant, which is subservient to the main use and other ancillary uses.

"Office" means a building or portion thereof used for the performance of administrative functions or the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, such as, but not limited to, a financial institution, bank, insurance agency, real-estate agency, public administration and professional office.

"Overnight Accommodation" means an enterprise consisting of more than 16 guest rooms for the temporary accommodation of transit guest and which is conducted room a building that has been specifically designed for such purpose and may include; a conference room, catering for business meeting or training session on the property. The rooms within or forming part of residential building may include a kitchen of their own.

"Panel Beater" means the replacement, reparation and/or panel beating of the body and spare parts of vehicles and the spray painting thereof.

"Parking" means property or any portion thereof that is reserved for parking purposes, including maneuvering area.

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

"Parking Garage" means land used or a building designed or used exclusively for the temporary parking of motor vehicles not being for trade or sale.

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

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

"Place of Education/Instruction" means place for education or training at pre-school, school or post-school levels or used as a school, college, technical college, university, lecture hall, research institution, convent, library, computer resource centres, art gallery, museum or other centre of education, including pre-primary school facilities, skills training, arts and crafts classes, driving school facilities and hostels directly related and ancillary to the educational facility. A place of education includes a canteen.

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

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

"Prison" means a building used for the confinement of persons convicted and sentenced to imprisonment by a court of law or the confinement of persons awaiting trial.

"Private club" means land used or a building designed to be used as a private meeting-place for a group of people with a collective aim. Should liquor be sold or

consumed at such premises it must be legalised by means of a liquor license issued in terms of Section 23 of the Liquor Act, 1989 (Act no. 27 of 1989).

"Protected area" means land or an area described in terms of the National Environmental Management: Protected Areas Act 57 of 2003 that promotes the preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife or preservation of biodiversity in general with the nature primarily oriented to support sustained economic activities. Such are 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.

"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.

"Private Open Space" means land vested in private ownership or municipal land under long term lease, with or without access control, used primarily as private grounds for outdoor sports, rest or recreation area, park, garden or play area and telecommunication infrastructure.

"Private Road" means any street or road having been set aside as a private thoroughway or the parking of motor vehicles, which is privately owned and allows for restricted access or access control. It may include private open space.

"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 spares parts, accessories, fuel and lubricants and may also include a place of refreshment and convenient store as subservient use but excludes spray-painting, panel beating or a scrapyard, provided that the convenience store or place of refreshment, including store rooms, shall not exceed 250m².

"Public Open Space" means land which is under or will be under the ownership of the Municipality or other public authority, which is not leased on a long-term basis, and which is used or earmarked for use by the general public as an open space, park, recreation park, garden, esplanade, picnic area, playground or square and telecommunication infrastructure and may include area where encroachment agreements or servitudes are registered.

"Public Road" means any street or road having been set aside as a public thoroughway for vehicles, of which the ownership as such vests in the local, provincial or national authority in terms of the relevant planning legislation or in terms of any other law, and

may include encroachment areas with encroachment agreements or servitudes, and other infrastructure.

"Public Transport Rank" means land and buildings thereon used as a temporary parking area for buses and or taxi's, boarding facilities for passengers, a ticket sales office, an administration office directly related to the main use, rest rooms and a washing bay, but excluding workshops.

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

"Railway Line" any land indicated on an approved plan, diagram or map as having been set aside for railway lines used by freight or passenger trains, including maintenance vehicles and may furthermore include a shunting yard.

"Railway Station" means land and buildings thereon used as a parking area for trains, boarding facility for train passengers, tickets sales office, loading and storage facility for railway freight, including uses related and subservient to the main use, including offices, restaurants, convenience shops, rest rooms and informal trade.

"Recycling Centre" means land or building within which used materials are separated and processed for shipment and for eventual re-use in new products.

"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 may or not include any kitchen of their own.

"Resort" means a tourist orientated development comprising of a combination of temporary accommodation facilities, recreation facilities, entertainment facilities, convenience and curio shops, restaurants, cocktail bars, conference facilities and beauty salons, including a health hydro, guest farm, hotel, lodge, chalets, tented accommodation, game farm and caravan park, but excluding guest houses, bed and breakfast establishments and back-packer inns. Hotels situated within urban areas, which mainly provides overnight accommodation, without a combination of services and facilities aimed at the tourism industry, are not regarded as a resort. A resort does not include a filling station. Any person shall occupy no facility within the resort for a period exceeding three (3) months within a period of twelve (12) months, except with the consent of the Municipality.

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

"Retail Shop" means land or building used for the purposes of conducting retail trade and the necessary accompanying storage and packaging and includes any

accompanying use on the same site which is incidental and subordinate to the retail business: Provided that such accompanying storage and packaging and accompanying use shall not give rise to any disturbance or nuisance. The following uses shall not be considered as incidental to a retail shop: an industry, drive-in restaurant, place of refreshment, scrap yard, commercial use, warehouse, public garage, filling station, parking garage, place of amusement, adult entertainment business and motor sales market.

"Retirement Village" means a residential development intended for the accommodation or settlement of persons upon their retirement and which may include a frail care centre, place of communal activity, office building, medical suites, launderette, shop and restaurant and other ancillary and subordinate uses, for the sole use of occupants and guests.

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

"Rural Residential" mean land in a rural setting, used and developed for dwellings that are not primarily associated with agriculture. Some agriculture may take place on the land (excluding intensive animal farming) however it will be ancillary to the use for a dwelling. These lots are larger than typical residential lots, but are usually too small for agricultural use.

"Rural Settlement" means a rural settlement can comprise of the following:

- Formal Rural Settlement: Means a settlement, which is planned and surveyed with a General Plan. A formal rural settlement can be handled in the same manner as a proclaimed township.
- Semi-Formal Rural Settlement: Means a settlement situated either on private, tribal or state land. The settlement is planned and surveyed; however, no General Plan exists. A communal property association or tribal authority or local municipality does management.
- Informal Rural Settlement: Means a settlement situated either on private, tribal or state land. The settlement is not planned or surveyed and therefore no General Plan exists. A communal property association or tribal authority or local municipality does management.

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

"Second Dwelling Unit" means an additional dwelling unit situated on the same erf as a dwelling or dwelling house, and which may be attached or detached to the original dwelling or dwelling house. The second dwelling unit can exist independently from the first dwelling unit, and which has its own sewer, water and electrical connections.

The intention is that this definition would include what is commonly known as a “granny flat”, but that a “second dwelling unit” not be limited to a “granny flat”.

“Scrap-yard” means land or buildings used as a junk-yard or scrap-yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, scrap machinery, or any other scrap materials, whether or not such dismantling or storage is with a view to the disposal or re-use of such scrap.

“Self-Catering units” means a dwelling unit, flat or rooms including facilities for the preparation of meals and ablution facility rented out on a temporary basis for the private use of guests, catering for themselves. Self-catering units will only be permitted under zoning which allows for dwelling units. (For instance, Airbnb).

“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 the 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.

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

“Service Trade” means an enterprise:

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

"Sewer Purification Plant" means land or buildings and infrastructure used for the communal processing, purification and/or disposal of sewer.

"Shooting range" means an area provided with targets for the controlled practice of shooting that complies with an applicable compulsory specification set in terms of the Standards Act, 1993 (Act No. 29 of 1993).

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

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

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

"Show room" means land or a building designed or used only for display of products and materials and excludes the sales or delivery of such products or material in the same property.

"Social Hall" means a building used for social assemblies, gatherings, meetings, and recreation, including a non-residential or private club, but does not include a "Place of amusement".

"Spaza shop or Tuck Shop"; means a shop on a residential property only for the selling of daily convenience good and prepared and pre wrapped food, excluding alcoholic beverages, table games or electronic. The area used for spaza shall not exceed a total floor area of 30 m², and is further subject to the policy of the local municipality as amended from time to time.

"Sport and Recreational Grounds" means land and buildings thereon intended for outdoor and indoor sport and recreational events, which are held primarily for public entertainment, where patrons attend on a recurring basis, and may include the following: sport stadiums, arenas, gymnasiums, animal racing tracks, vehicle racing tracks, public swimming pools, golf course, including retail for patrons only and offices ancillary to the main use.

"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.

"Student accommodation" refers to the provision of temporary housing accommodation for students with common kitchen, study area, recreational facilities (Please align this document with Higher Education Regulation for Student Accommodation). This definition excludes Guest houses/lodges, Bed & Breakfast facilities, Boarding houses and Backpackers inn.

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

"Sustainable Farming" means land used by the owner or occupant for small-scale, subsistence farming activities to cultivate fresh produce for own consumption, including dwelling units and may also represent communal agricultural land shared between various households, but does not make provision for commercial farming activities.

"Tea Garden" means land and a building designed and used for the preparation of retail sale of meals and light refreshments, and includes a café, tea room or coffee shop, but does not include a "Restaurant" an/or the subservient serving and consumption of liquor on the property. The area used for a tea garden may be restricted by the local municipality and is further subject to the policy of the local municipality as amended from time to time.

"Tavern" means land or a building designed for or a portion of a building used for the purposes of selling and serving liquor, other beverages and subservient prepared food/snacks, to be consumed on the premises but excluding a place of amusement provided that the establishment and operation of a tavern shall be subject to a license in terms of the liquor Act, 1989 (Act No 27 of 1989) as well as a license in terms of the Business Act, 1991 (Act No. 71 of 1991) in respect of the sale or supply to consumers of any foodstuff in the form of meals for consumption on the property.

"Taxi Holding Area" means area, usually, off-street, where mini buses (taxis) hold before proceeding to loading points and where generally there is no passenger activity. A holding area can either be included within or separate from a terminal facility.

"Taxi Parking Area" means 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 provisions on any property.

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

"Transport Depot" means land and/or buildings used for the transfer of goods or persons from one road motor vehicle to another such vehicle for hire or reward, or for the storage of goods delivered by road transport, and includes the maintenance, repair, garaging or parking.

"Testing Station" means an establishment licensed to issue warrants of fitness for motor vehicles and testing and issuing drivers license.

"Transport Terminus" means land and buildings designed as a terminus or gathering place for various forms of transport arriving and departing from different directions or routes and may include wash bays for the vehicles, ablution facilities and places of refreshment.

"Telecommunication Centre" means land and a building used for telecommunication and includes cell phone masts and the base station, satellite dish antennas, antennas and electronic equipment.

"Telecommunication Infrastructure" means telecommunication (including cellular telecommunication) infrastructure includes any one or more of the following services and or structures accommodated on a property, inside a building or fixed to a building:

- (a) Cell phone base station;
- (b) Antenna support structure, including any solid lattice structure, mast pole, monopole, guyed tower, lattice tower, freestanding tower or any other structure designed and primarily used to support an antenna;
- (c) Antenna structure, including any system of wires, poles, rods, or similar devices, used for the transmission or reception of electromagnetic waves, attached to a building or a mast, and includes cabling between the equipment room and the antenna;
- (d) Base station, antenna support structure and all associated infrastructure such as antenna, microwave dish, equipment room and access road;
- (e) Equipment room including a structure to house telecommunication equipment, or a container, or a room or rooms within a building with another permanent use;
- (f) Microwave dish, including any device incorporating a reflective surface that is solid, open mesh, or bar configured that is the shape of a shallow dish, cone, horn, or other, and is used to transmit and/or receive electromagnetic waves.

"Telephone Kiosk" means a structure, either mobile or not, containing telephone equipment for the use of the public for financial gain of the owner. A telephone container is included in this definition.

"Tourist Facilities" means amenities or facilities for tourists or visitors such as lecture rooms, restaurant, gift shops, restrooms or recreational facilities, but does not include a hotel or overnight accommodation.

"Traditional Healing Practice" means a use providing an alternative health service to the community in an attempt to cure illnesses and restore general health, based on

the exercising of traditional healing practices, including administering of traditional medicine derived from the natural environment.

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

"Urban Agriculture" means land used for the cultivation of crops and raising of small numbers of livestock, on relatively small areas within urban areas, for own consumption or sale in neighbouring markets. Urban agriculture includes commonages.

"Utility Services" means land, buildings, structures, or infrastructure required and used for the provision of water, sewer, waste disposal, storm water or electricity engineering and associated services for the proper functioning of urban development and includes but is not limited to water reservoirs, and purification works, electricity substations and transmission lines and waste water pump stations. A utility does not include a waste disposal site, sewage purification plant or telecommunication infrastructure.

"Vehicle Sales Market" means land used, with or without buildings, for the sale or display of motor vehicles and/or boats and/or caravans, including a showroom, but does not include any form of workshops, sale of spare parts or scrap yards.

"Veterinary Clinic" means a building or part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian, including temporary boarding facilities for treated animals and related retail, may include a grooming parlour but excludes an animal refuge.

"Warehousing and Packaging" means a building or use of land for the exclusive purpose of packaging, storage and distribution of goods, which in the opinion of the Municipality are not dangerous, noxious or unsightly, and office facilities directly related to and subordinate to the main use and retail trade in goods which are processed or assembled on the Erf.

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

"Water Purification Plant" means land or buildings and infrastructure used for the communal processing, purification and/or distribution/reticulation of water.

"Wholesale Trade" means land or a building used for the sale of articles only to retailers, other wholesalers, contractors or manufacturers for resale or use in their enterprise.

"Wildlife estate" means a development that has a wildlife centre and includes residential units.

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

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

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

“4x4 Trail” means a series of roads, tracks, and routes, designed for use by off-road vehicles as a recreation or adventure facility, and include buildings normally required for the administration and maintenance thereof, but does not include tourist accommodation or tourist facilities.

PART III: GENERAL CONDITIONS APPLICABLE TO ALL PROPERTIES CLAUSES

The criteria discussed in the sections below shall apply in addition to the zone regulations. The criteria may regulate any aspect of development considered necessary by the Municipality. All developments and land use rights applications shall adhere, to the applicable regulations contained in these development criteria, with the understanding that the Municipality may, at its discretion, grant a departure thereto.

3.1 Conditions applicable to all properties

3.1.1 Closed streets

- 3.1.1.1 As from the date of the closure of a street or portion thereof in pursuance of the provisions of the Spatial Planning and Land Use Management By-law, amended, the land which formerly comprised such streets or portion thereof that has been closed shall be used only for such purposes as the Municipality may determine, on condition that where such land has been zoned on the Map it may be used only for the purpose for which it has been zoned.

3.1.2 Prohibition of access

- 3.1.2.1 Entry to or exit from any property to or from a public street, shall be subject to the following conditions:
- (a) Entrances to and exits from such property, "Residential 1" and "Residential 4" excluded, shall be located, constructed, drained and maintained to the satisfaction of the Municipality, and if required by the Municipality, constructed with a dust-free surface, internal driveways included: Provided that entrance gates to such property shall be located at least 6,0 m from the edge of the tar of a street or road.
 - (b) The Municipality may prohibit the entrance to or exit from a property to a public street from any boundary of such property. With the proviso that the Municipality may revoke such access prohibition on receipt of a written application for its permission, subject to any conditions that the Municipality may impose, except in the case of access restrictions in respect of National or Provincial Roads.

3.1.3 Building lines in new townships and on subdivisions

- 3.1.3.1 In any township established or in respect of any subdivision of land effected after the coming into operation of this Scheme and not indicated in the electronic data base of the scheme (Table 1), there shall be Building Lines along all streets as stipulated in Clause 3.1.4.

3.1.4 Building lines relative to streets

- 3.1.4.1 Building lines relative to any existing street, widening of an existing street or proposed new street shall be as indicated in Table 1 on condition that such building lines, if indicated on either of the afore-mentioned Table, shall override the building lines as indicated in the afore-mentioned Table. The building lines as laid down in Table 1 shall, in the case of dwelling-houses, residential buildings and hotels, be additional to the widths of any servitude of right-of way:

Provided that:

- (a) where building lines are not specified in Table 1, the following shall be applicable:
 - i. "Residential 1": 2,0 m.
 - ii. "Residential 1": 5,0 m.
 - iii. "Residential 2" and "Residential 3", erven: 2,0 m.
 - iv. "Agricultural" and "Undetermined" zoned properties: 10,0 m.
 - v. All other Use Zones: 5,0 m.
- (b) if no building line is indicated on the Table 1 or in these Clauses, the Municipality may fix a building line;
- (c) where blocks of flats are erected with habitable rooms on the ground floor in "Business 1" or "Business 2" Use Zones an additional minimum distance of 3,5 metres between the building line and the street boundary shall be imposed;
- (d) on corner erven in "Residential 1" Use Zone where the building line is more than 3,5 metres the Municipality may on any one frontage reduce such building line to 3,5 metres; and
- (e) on a property which is zoned "Residential 1", a minimum street building line of 5,0 m shall be applicable to a garage or car-port which provides access perpendicular to the street. Where such access is parallel to the street then the garage or car-port may be erected on the street boundary of the property. (See Annexure 1, Diagram 1).

- 3.1.4.2 Where a building line or a set-back on any street boundary or proposed street boundary or other boundary is indicated in Table 1 or is determined in terms of Clause 9 hereof, no building or structure, other than those not prohibited in Clause 3.1.7 below, shall be erected on the land between the building line and the street boundary, proposed street boundary or other boundary:

Provided that:

- (a) the Municipality may grant its permission to relax any such building line or set-back; and
- (b) if two or more erven are consolidated, the building line or set-back required in terms of this scheme in respect of the former common boundary shall fall away: Provided further that the provisions of this paragraph shall mutatis mutandis also apply if two or more erven are notarially tied.

- 3.1.4.3 In "Business 1" and "Business 2" Use Zones no boundary wall, fence or screen higher than 0,76 metres or any building other than temporary buildings for building operations may be erected on the land between the building line and the street boundary.

- 3.1.4.4 In "Business 1", "Business 2", "Business 3" and "Business 4" Use Zones the parking of motor vehicles shall be permitted in the area between the building line and the street boundary and the Municipality may give its permission to the aforementioned area or part thereof being used for other purposes:

Provided that

- (a) the area may be used for serving and consuming meals and refreshments only if used in conjunction with a Place of Refreshment and subject to an approved site development plan;
- (b) the area shall not be used for the storage of goods, wares, merchandise or for advertisement;
- (c) the area shall, if used as permitted in the afore-mentioned paragraph (a), be included in the Floor Area Ratio and in the Coverage,
- (d) should the Municipality require additional ground for street widening, any structure shall be removed at no cost to the Municipality and the Municipality shall not be liable for any compensation other than for the ground so acquired.

- 3.1.4.5 Except with the permission of the Municipality no basement shall be permitted on any building restriction area.

3.1.5 Canopies in front of building lines

- 3.1.5.1 Subject to permission being granted by the Municipality in terms of the by-laws, canopies shall be permitted to project in front of the street building line: Provided that canopies of public garages excluding the columns, may encroach over the building line by a maximum of 3,0 m.

3.1.6 Land for street widening

- 3.1.6.1 The Municipality may require land along street boundaries for street widening.

3.1.7 Building restriction areas

- 3.1.7.1 Subject to any other provision of this Scheme, no person shall -
- 1.1.7.1.1 erect a building or make any alteration, extension or addition to an existing building, in such a manner that such building or any part thereof projects over or encroaches on a building restriction area stipulated in Table 1;
- 3.1.7.2 Notwithstanding the provisions of Sub-clause (3.1.7.1) and Table 1 or any by-law.
- 1.1.7.2.1 any step, gate, fence or wall not exceeding 2,00 metres in height measured from natural ground level, or any open porch, may encroach on the building restriction area;
- 1.1.7.2.2 in the case of a building consisting of flats, balconies may, project to a maximum distance of 0,70 metres over the building restriction area:

Provided that:

- (a) such balconies are single units and not enclosed;
- (b) the aggregate length of all such balconies shall not exceed 50 % of the length of the building;
- (c) a single storey garage; car-port or shelter; laundry; private swimming-pool; change room for a private swimming-pool, tennis court, squash court; or storeroom may be erected on any portion of a building restriction area other than where such structures are adjacent to a street boundary:

Provided that:

- i. the position thereof is not detrimental to the amenities of the adjoining property or properties;
- ii. the height above natural ground level thereof shall not exceed 3,00 metres;

- iii. the external face of the boundary wall shall be of face brick, unless an alternative durable finish is agreed to in writing by the owner or owners of the adjoining property or properties;
- iv. except with the permission of the Municipality the distance between the main building and such other building is a minimum of 2,0 metres;
- v. any car-port, shelter, which is attached to the main building and which is built on any boundary other than a street boundary, shall be completely open on two sides, and the length thereof shall not exceed 7,50 metres.
- vi. it be erected on or directly against the erf boundary or at least 1 metre from the boundary.

1.1.7.2.3 the Municipality may, subject to such conditions as it may deem fit, give permission that:

- (a) any building to encroach on any of the building restriction areas specified in Table 1: Provided that where it is adjacent to property zoned for residential uses, including Special for residential uses it shall be subject to the approval of a Site Development Plan;
- (b) any other wooden and/or metal structure designed and used exclusively as a doll's house, poultry-house, aviary, pigeon loft, potting-shed, tool-shed, coal-shed, cycleshed, summer-house, pump-house, reservoir or dog kennel to be erected within a building restriction area, provided it is screened off behind a wall of at least 2,0 m high and not visible from a street and adjacent properties and it shall not be used for residential purposes or a Home Enterprise/Occupation;
- (c) the maximum height of 3 m, as required by Proviso (ii) of Sub-clause (2)(c), and the maximum height of 2 m of a wall, as required by Sub-clause (2)(a), to be exceeded; and

1.1.7.2.4 The reference to southern boundaries in Table 1 shall mean the boundaries of a property, which approximate the southern most side(s) of such property.

1.1.7.2.5 The building restriction areas on southern boundaries shall be maintained to prevent winter over shadowing onto the adjacent properties, except where special circumstances will allow an encroachment with permission of the Municipality but shall not apply where such boundaries are common with a street or road.

- 1.1.7.2.6 The percentage of the area of the property to be kept open as specified in Table B shall be maintained as a unified open space which may form not more than two separate open spaces for outdoor living areas: Provided that this may be relaxed with the permission of the Municipality. (See Annexure 1, Diagram 5).

TABLE 1: BUILDING RESTRICTION AREAS IN RESPECT OF ALL BUILDINGS

Use zone	Building line in meters		
	On street boundary	On rear boundaries	On other boundaries
Agriculture	10	2	2
Industrial 1	5	2	2
Industrial 2	5	2	2
Mining and quarrying	10	5	2
Protected areas	-	-	-
Open Space	4	1.5	2
Residential 1	4	1.5	2
Residential 2	4	1.5	2
Residential 3	4	1.5	2
Residential 3	4	1.5	2
Rural Residential	4	1.5	2
Rural Settlement	4	1.5	2
Traditional Residential Area	4	1.5	2
Tourism and accommodation	4	1.5	2
Transportation			
Special			

3.1.8 Sitting of buildings and access:

- 3.1.8.1 Entrance to and exit from a property from or to a public street or road may be prohibited across any boundary, provided that:
- (a) The Local Municipality may, on receipt of a written application, relax the access restriction subject to such conditions as it may deem desirable, if as a result of exceptional circumstances, observance of the access restriction would interfere with the development of the property to an unreasonable degree;
 - (b) Consent granted in terms of this clause shall not be construed as a relaxation of any restriction on access imposed by any other law or contained in the title deed of the property or imposed by the controlling authority.
- 3.1.8.2 Any step, gate, fence or wall should be erected along/within the property building line/building restriction area.

3.1.9 Advertisement signage

- 3.1.9.1 No signage or advertisements shall be displayed or hoardings permitted without the approval of the Municipality. Any person proposing to erect any sign, advertisement or hoarding shall submit drawings of such sign or advertisement or hoarding for approval. No hoarding or advertisement shall be permitted which is likely to cause injury to the amenity of the neighborhood. Nameplates not exceeding 0.2 m² in extent are not considered to fall under this heading. This clause does not apply to casual advertisements for entertainments, property for sale, auctions to be held on the premises or meetings, provided they are not, in the opinion of the Municipality, unduly ostentatious, and do not interfere with pedestrian or vehicular access or visibility.

3.1.10 Loading and parking requirement

- 3.1.10.1 Any person intending to erect, alter or extend a building or development or use any Erf located within the Thohoyandou CBD and Extended CBD as earmarked in terms of the relevant Municipal SDF, shall provide parking at 6 parking bay's per 100 m² GLA onsite parking, irrespective of the land use and irrespective of the standards and requirements as set out in Table 3 and column 13, Table "C".
- 3.1.10.2 Any person intending to erect, alter or extend a building or development or use any Erf shall provide onsite parking within the boundaries of the site in accordance with the standards and requirements as set out in Table 3 and column 12, Table "C".
- 3.1.10.3 When computing the total number of parking and loading spaces required in respect of any specific use or building, such number shall be determined to the greater whole number of parking/loading space.
- 3.1.10.4 Where the use proposed is not contained in this clause, parking shall be provided at the discretion of the General Manager: Planning and Development.
- 3.1.10.5 A parking space shall be an area which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Municipality. The parking space plus manoeuvring area of the parking shall be to the satisfaction of the Municipality.
- 3.1.10.6 The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the Municipality, unless the Municipality has provided loading facilities in the street reserve.
- 3.1.10.7 The gross floor area per loading space shall be calculated at 50 m² and shall be applicable to new buildings and/ or additions.

3.1.10.8 The levying of a parking fee for the hire of parking spaces provided in terms of this section shall not be regarded as a business.

3.1.10.9 Notwithstanding any provision of this Clause the Municipality may, at its sole discretion, in lieu of the provision of on-site parking by the developer:

- (a) Instruct a developer to provide at his own cost and to the satisfaction of Council the number of car parking spaces that the developer would have been required to provide on-site in terms of the Scheme, on land reserved in terms of the Scheme for public vehicular parking purposes;
- (b) Agree to a developer providing public vehicular parking on another site, which has been identified by the Developer and is acceptable to the Council and further subject to the registration of a Notarial Deed in restraint of separate alienation of the land concerned;
- (c) Provided that the vehicular parking as contemplated in sub-clauses (a) and (b) above, shall be constructed and completed to the satisfaction of the Council before a building completion certificate, as provided for in the National Building Regulations and Building Standards Act (Act 103 of 1977), as amended, is issued in respect of the building or buildings to which the provision of the relevant vehicular parking relates; and
- (d) Instruct a developer to contribute to a Parking Reserve Fund by way of a payment in lieu of the provision of on-site parking. The payment shall be calculated on the basis of the actual cost to the Council or its nominee of providing on land designated in the Scheme for public vehicular parking purposes, the number of car parking spaces that would have been required to be provided by the developer on the site of the development in terms of the Scheme.

3.1.11 Excavations and boreholes

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

- 3.1.11.1 excavate any material from an erf or other land within the jurisdictional area of the local municipality save as may be necessary to prepare such erf or land for building purposes;

- 3.1.11.2 sink any wells or boreholes on such erf or other land within the jurisdictional area of the local municipality or extract any underground water there from, save as may be necessary on land where the local municipality does not provide the service, provided that other relevant legislation will still apply; and
- 3.1.11.3 manufacture or permit the manufacturing of tiles or earthenware, pipes or other articles of similar nature for any purpose whatsoever on a property within the area of the Scheme.

3.1.12 Splaying of corners, street widening

- 3.1.12.1 In calculating the area of a corner erf the portion thereof cut-off by the splay be included in the area of the erf.
- 3.1.12.2 Upon the subdivision of any land, where any portion of such land is physically separated by the execution or proposed execution of public works, and provided that such portion does not fall below 75% of the minimum area as laid down in this Scheme for the said land, the portion so separated may be regarded as an existing erf, subject to the application procedures in the Scheme.

3.1.13 Protection of land and the environment (flora, fauna, habitats and natural systems)

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

3.1.14 External appearance of buildings

- 3.1.14.1 The external appearance of all classes of buildings which any person proposes to alter, extend or erect, and their harmonious relationship with their environment, shall be subject to the approval of the Municipality, which approval the Council may withhold or may grant unconditionally or subject to such conditions as it may deem proper.
- 3.1.14.2 Every person who proposes to alter, extend or erect any building shall submit to the Municipality for its approval the drawings, plans and schedule required in terms of the National Building Regulations.

- 3.1.14.3 The Municipality shall, within two months from the date of the submission to it of such drawings and particulars, signify in writing its approval or disapproval of the proposal and shall in the case of disapproval and where the applicant so requests, state its reasons for disapproving the proposal.
- 3.1.14.4 The Municipality may disapprove a proposal for the erection, alteration or extension of a building if it is of the opinion that the external appearance of such building would be unsightly in itself or where it is of the opinion that owing to the climatic or other conditions prevailing in the locality the materials to be used in the building are likely to deteriorate and become unsightly or untidy in appearance, or if it considers that the building is architecturally sub-standard or unsuitable for the locality, or, having regard to the character of the locality, existing or as contemplated by this Scheme, or of the buildings erected in such locality, is of the opinion that it would disfigure or be out of harmony with, the locality or neighbouring buildings.
- 3.1.14.5 Any person aggrieved by a decision of the Municipality under this clause may appeal to the Municipal Appeal Tribunal against such decision.

3.1.15 Handling and drainage of storm water

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

3.1.16 Placing and development of buildings

- 3.1.16.1 The siting of buildings, including outbuildings erected on the erf, as well as exits and entrances to a public street system shall be to the satisfaction of the local municipality.
- 3.1.16.2 No building of any nature shall be erected on that portion of the property which is likely to be inundated by the floodwater of a public stream on an average of 100 years, as determined by the relevant legislation from time to time and the local municipality.

3.1.17 Screen walls and fences

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

3.1.18 Maintenance of buildings, gardens and sites

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

3.1.19 Exemption of existing buildings

- 3.1.19.1 The stipulations of the Land Use Scheme are not applicable to existing buildings other than existing buildings in accordance with National Building Regulations and Building Standards Act (Act 103 of 1977). Where such buildings are altered or added to and where such altered use, alteration, rebuilding or construction is in the opinion of the local municipality substantial, the stipulations of this land-use scheme are considered to be binding and valid in respect of those parts that are changed, altered or rebuilt: Provided that additions and constructions that do not exceed 30m² in total (or is of a limited extent such as the removal of non-load bearing internal walls, the erection of moveable partitions, safes and toilets inside an existing building, or repair work inside or outside a building), are not considered to be substantial.

3.1.20 Buildings used for more than one purpose

- 3.1.20.1 Where a building is used, or a proposed building is designed for more than one purpose, it shall, for the purposes of Clauses 3.1.21, 3.1.18, 3.1.19 and 3.1.5, (density; height; coverage and parking and loading requirements), be deemed to be partially used or to have been partially designed, for each such purpose or use: Provided that for the purposes of this clause if more than 75% of a building is otherwise designed or used for a single use or a single use is predominant in such building, it shall be dealt with as if used or designed for such predominant use. The local municipality shall, in its discretion when considering a building plan, or upon application for this purpose being made by the person in charge of the erection of a building, or proposing to erect a building, decide which use is predominant.
- 3.1.20.2 The local municipality shall notify the applicant, within thirty (30) days or such other period the local municipality in his discretion may deem reasonable, after official receipt of the building plan or application in terms of any decision in terms of sub-clause 3.1.16.1.

3.1.21 Densities and occupation

- 3.1.21.1 Column 5 and 6 in Table "B" stipulates the maximum permitted density of dwelling units that may be erected per hectare of land or per erf or per land portion (whichever may be relevant). The extent to which the density may be increased by Special Consent or Written Consent of the Municipality, as the case may be, is stipulated in Columns 2 and 3 of Table "A".
- 3.1.21.2 The subdivision of a property (where relevant) shall comply with the density stipulations as set out in Table "B".
- 3.1.21.3 In addition to any other conditions that may be applicable to the subdivision of a property, the following further conditions will be applicable to panhandle subdivisions:
- (a) the panhandle shall provide access from a street to the subdivided property;
 - (b) the panhandle shall be 3m or wider along its entire length, unless the Municipality grants Written Consent for a lesser width, subject to such conditions it may deem appropriate;
 - (c) the area of the subdivided property, excluding the area of the panhandle, shall be in accordance with the density provisions of this Scheme;
 - (d) except with the Written Consent of the Municipality, the slope of the panhandle shall not exceed 1:8;
 - (e) a panhandle shall provide access only to the property 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 determines otherwise;

- (f) the registered owner of the panhandle property shall, when required by the Municipality, at his expense, pave the panhandle to the satisfaction of the Municipality prior to or simultaneously with the erection of any building on the property and such roadway shall thereafter be maintained dust free to the satisfaction of the Municipality;
- (g) the registered owner of the panhandle property shall, when required by the Municipality, erect screen walls, fencing or barriers along the boundaries of the panhandle to the satisfaction of the Municipality.
- (h) No buildings or structures except screen walls and barriers shall be erected in the panhandle portion of a property.

3.1.21.4 Not more than one household, together with two other persons, which may not exceed a maximum of eight (8) persons may live on a permanent basis in a single dwelling unit: Provided that additional occupants may be permitted with the Written Consent of the Municipality first had and obtained.

3.1.21.5 The Municipality may, upon application being made for its Special Consent or its Written Consent, as the case may be, permit the increase in density of dwelling units on a property as stipulated in Columns 5 and 6 in Table "B".

3.1.21.6 Nothing in this Scheme shall prohibit the erection and/or use of outbuildings to accommodate bona fide employees on a productive farm on a property zoned "Agricultural" in terms of this Scheme.

3.1.22 Height of buildings and balconies

3.1.22.1 Column 11 in Table "B" stipulates the permissible height of a building on a property. The extent to which the height may be increased by Written Consent of the Municipality, prior to the erection of any new building, is stipulated in Column 12 of Table "C" and Table 2.

3.1.22.2 The Municipality shall consider a proposed increase in the height of any building exceeding five (5) storeys with due consideration to any height restriction and/or restrictions laid down by the South African Civil Aviation Authority and/or any other competent authority and/or restrictions in the Title Deed: Provided that, an application for an increase in height of buildings on properties in the demarcated CBD (as per Column 11 Table B) shall not be unreasonably withheld by the Municipality.

- 3.1.22.3 If a proposed dwelling unit or proposed residential building on a property in use zones "Residential 1, 2, 3, 4" or "Agricultural" exceeds 1 storey and contains any balcony to be situated within 5 metres from any boundary thereof and, in the opinion of the Municipality, such building may impact on the amenity, privacy, aesthetic value of, or view from an adjacent property, an application for Written Consent shall be submitted to the Municipality for approval prior to the erection of such building.

3.1.23 Coverage of buildings

- 3.1.23.1 Column 7 in Table "B", stipulates the permissible coverage of buildings and structures which may be constructed on a property. The extent to which the coverage may be increased (relaxed) by Written Consent of the local municipality, is stipulated in Column 6 of Table "B".
- 3.1.23.2 Coverage of buildings shall not exceed the coverage stipulated in Table "C" except in cases where the Written Consent of the Municipality is first had and obtained, and then only on condition that the total number of parking spaces required in terms of the Scheme and in accordance with Table "C", Column 12 can be provided to the satisfaction of the Municipality.

3.1.24 Floor Area Ratio (F.A.R.)

- 3.1.24.1 Column 9 in Table "B", stipulates the permissible Floor Area Ratio which may be applied to determine the extent of permissible floor area that may be executed on a property. The extent to which the Floor Area Ratio may be increased with the Special Consent of the Municipality is stipulated in Column 10 of Table "B".

3.1.25 Site development plans

- 3.1.25.1 The Municipality may require of the owner of any property intending to erect a building or structure thereon, to provide one or all of the following plans in addition to buildings plans required in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977):
- (a) A Site Development Plan and, if required, a Landscape Development Plan to be considered for approval before any building plans are submitted.
 - (b) Such plan shall be fully detailed, to a minimum scale of 1:200 (or such other scale as may be acceptable to the Municipality), which shall be amplified by means of sketch plans, sections and elevations of all buildings to an appropriate scale of 1:100: Provided that the Municipality may accept scales other than the afore-mentioned and which fully illustrates the following aspects:
 - i. the siting, height, FAR and coverage of all buildings and

- structures (proposed extensions included) and the number of dwelling-units per hectare;
- ii. landscaping, communal open spaces, children's play areas, private living areas, backyards, laundry rooms, drying areas for washing, refuse-bin area, and swimming pool, as well as the location, height, construction and finish of screen walls or other acceptable forms of screening;
- iii. entrances to and exits from the erf to any public street;
- iv. the proposed lines of subdivision if the erf is to be subdivided;
- v. entrances to buildings, parking spaces, loading spaces and vehicular and pedestrian traffic systems;
- vi. building restriction areas and the building set-backs on any boundary;
- vii. the location of existing buildings on adjoining erven;
- viii. contour lines with 0,5 m intervals or other intervals or height indications to the satisfaction of the Municipality;
- ix. the grouping of dwelling-units and the phasing of the development if it is envisaged not to develop the whole erf simultaneously;
- x. the design, height and finish of all buildings and physical barriers on the street boundaries if these are required by the Municipality;

- (c) An approved Site Development Plan shall only be amended with the Permission of the Municipality and no building plan which does not comply with the details, provision and conditions as set out in the approved Site Development Plan, shall be approved by the Municipality.
- (d) No individual dwelling-unit which is linked to another dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of which the dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant Permission thereto.

3.1.25.2 The landscaping in terms of the Landscape Development Plan shall be completed within three months of the completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.

3.1.25.3 A Professional Landscape Architect shall prepare the landscape development plan, which shall comply with the following requirements:

- (a) The plan shall be fully detailed to a scale of 1:200 (or such other scale as may be acceptable to the Municipality).
- (b) The existing natural features and vegetation on the property shall be indicated.
- (c) The proposed soft and hard landscape design information shall specify the species, quantities and qualities of the plants.

3.1.25.4 The Municipality shall, on receipt of a Site Development Plan and/or Landscape Development Plan (hereafter referred to as "the plans"):

- (a) consider same and, if found to comply with the aforesaid requirements, approve the plans; or
- (b) having regard to the character and quality of the area to which such plans apply, or of the existing and/or future buildings or structures therein, the proposed building or structure would, in the opinion of the Municipality, detract from the character and quality thereof, refuse to approve plans and shall give notice of its decision to the owner, if refused the reasons for such refusal.

3.1.25.5 Save as far as Section 7(6) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) no owner of any property shall commence the erection of any building or structure before the afore-mentioned Site Development, Landscape and Building Plans have been approved of by the Municipality.

3.1.26 Loading spaces and areas shall be provided as follows:

3.1.26.1 The Municipality may, upon application being made for approval of a Site Development or Building Plan and any amendment thereof, require of the owner of the property to submit proposals for the provision, on the property, of appropriate and sufficient facilities for loading and off-loading of goods, which proposals shall, indicate positions for parking, stopping or fuelling of service vehicles.

3.1.26.2 No owner or occupant of a building in respect whereof proposals in terms of this clause are required, may undertake or permit the loading, off- loading, parking or fuelling of vehicles otherwise than in accordance with the Written Permission from the Municipality and in accordance with any conditions imposed.

3.1.26.3 In any Business or Industrial land use zone, the owner of a property shall, if required by the Municipality, provide loading space to the satisfaction of the Municipality, regardless of the size of the building erected thereon.

3.1.26.4 In addition to normal parking requirements, the Municipality may require a drop-off zone in respect of a "Place of Education" or "Crèche" as provided under Use Zone 1, 2, 3 and 4.

3.1.27 Dolomite area or on land with detrimental soil conditions

3.1.27.1 All erven in townships situated on dolomite areas or on land with detrimental soil conditions shall be subject to the following conditions:

- (a) No French drain shall be permitted on the erf;
- (b) 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 grad of compaction as that of the surrounding materials is obtained to the satisfaction of the Municipality;
- (c) All pipes which carry water shall be watertight and shall be provided with watertight flexible couplings;
- (d) 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;
- (e) 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;
- (f) If required, a soil report and/or dolomitic stability study 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;
- (g) 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.

3.1.27.2 These conditions are applicable as contained in a geotechnical overlay zone (future addition), or the geotechnical report that was compiled for a township establishment.

3.1.28 Subdivision and Consolidation of land inclusive of township establishment

3.1.28.1 The following issues, as applicable, shall be considered when an application for subdivision, is evaluated:

- (a) All erven shown on a General Plan, as approved by the Surveyor General before 1 September 1970 shall be entitled to a relaxation of the density provision, not exceeding 1% of the area;
- (b) In calculating the area of a corner Erf the portion thereof cut-off by the splay shall be included in the area of the erf for the purpose of density and FAR;
- (c) Upon the subdivision of any land, where any portion of such land is physically separated by the execution or proposed execution of public works, and provided that such portion does not fall below 75 % of the minimum area as laid down in the Square meters allowed per Erf for the said land, the portion separated may be regarded as an existing erf.

3.1.29 Subdivision of farm land

3.1.29.1 Conditions applicable to the subdivision of farmland for the exclusive utilization of land for agricultural purposes:

- (a) Subdivisions will be subject to the consent of Department of Agriculture Fisheries and Forestry or its successor, on farm portions located outside the urban edge and farm portions inside the urban edge only if the farm portion is not excluded from the provisions of the Subdivision of Agricultural Land Act 70 (Act 70 of 1970) or subsequent legislation;

3.1.29.2 Conditions applicable to the subdivision of farm land for the utilisation of land other than agricultural purposes

- (a) Subdivisions only be allowed where it is preceded by a successful land use rights application if applicable;
- (b) Access to each subdivided portion by means of a public road or a registered right-of-way servitude with a minimum width of 16 meters;
- (c) The applicant is responsible for the upliftment of any restrictive title conditions;
- (d) The applicant will be responsible for any costs incurred if the proposed subdivision results in the replacement, alteration or amendment of any existing municipal services;
- (e) Proof of sufficient potable household water be provided for each subdivided portion with a minimum of 1 500 liters per day prior to approval of the subdivision;
- (f) Septic tanks and french drains should be build according to engineering standards and DWAF specifications;
- (g) No septic tank/french drain will be allowed within the 1:50 year flood line or closer than 100m from any open water or bore hole;
- (h) Consent from Controlling Authority must be obtained where direct access is required from a provincial or national road;
- (i) Approval of building plans prior to the construction of any structure or building;
- (j) Obtaining the consent of the relevant irrigation board, if applicable;
- (k) A minimum size of 1-hectare (10 000 m²) per subdivided portion, with a relaxation of up to 8 565m² (one morgen) that may be granted under special conditions;
- (l) Subdivisions into smaller portions can be considered on merit in cases where such a smaller portion is separated from the remainder of the farm by a road / street, railway line or canal;
- (m) A developer will be responsible for distribution of water to the relevant subdivisions including the registration of suitable servitudes of aqueduct;
- (n) The developer will be responsible for the establishment of a section 21 Company (property owners association) that will be responsible for paying all charges and levies raised by the board or the State, from time to time. All the owners in the development must belong in perpetuity to the association (enforced as a condition of title.).

3.1.30 Saving for special purposes

3.1.30.1 Without prejudice to any powers of the Council derived from any law, or to the remainder of this Scheme, nothing in the afore going provisions of this part of the Scheme shall be construed as prohibiting or restricting or enabling the local authority to prohibit or restrict the following:

- (a) The use of land or the erection of buildings required for the purposes of recreation or sports ground not being a recreational or sports ground ordinarily open to the public on payment of a fee;
- (b) The letting of a dwelling house or dwelling unit on a long-term basis (agreements longer than 1 month) in such a manner that a maximum of one family with four other persons are accommodated therein; provided that if any additional persons and guest are to be accommodated, the use will be construed as that of a Guest House, Boarding House or Residential Building and the relevant permission therefore must be obtained.
- (c) The occasional use of a place of public worship, place of instruction or institution, as a place of amusement or social hall;
- (d) The practise, subject to the provisions of any applicable by-law, in or from any dwelling unit, dwelling house or residential building of a profession or occupation by a person who, with his family permanently occupies such dwelling unit, dwelling house or residential building for residential provided that no other person not residing on the property is employed in relation to the occupation or profession : purposes subject to the following conditions,
 - i. The applicant must reside permanently in the dwelling unit, dwelling house or residential building with his/her family and the total area used in terms of Clause office shall not exceed 25% of the total area of the dwelling unit, dwelling house or residential building (all outbuildings; garages; stoeps and verandas excluded).
 - ii. The structure of the dwelling unit, dwelling house or residential building may not be amended/alterd or enlarged in any manner so as to increase the area of the main structure, after the consent of the Council has been granted: Provided that the Council may consider such an amendment/alteration or enlargement on submission of a site development plan indicating the proposed alterations together with the consent use application.
 - iii. A single notice or sign-board ordinarily exhibited on a dwelling house or dwelling unit to indicate the name and profession of the applicant may be displayed and such notice or sign-board shall not be larger than A1 paper size and must comply with the advertising by-laws of the Council.
 - iv. The employment or taking into a partnership of a maximum of two persons is permissible only with the consent of the Council. This means that strictly a maximum of only three people (including

- applicant, partner, secretary, receptionist, messenger, cleaner, clerk, etc.) will be permitted to work at or from the proposed home office.
- v. Application shall be made in terms of Clause 9.2¹
 - vi. A non-public orientated administrative business shall be permitted to operate from a home office, but any type of retail, industrial activities, noxious industries, workshops (any repair work) service industries and public orientated activities / offices (e.g. medical doctors / dentists) are excluded; provided that Council may consider other uses or activities after receiving a written application and on condition that the proposed use or activity will not interfere, with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance or smell of activities or any other reason whatsoever.
 - vii. The required parking spaces as determined in table must be provided on the property and no parking will be allowed in the road reserve of any public street or on public open spaces (parks). A site plan indicating the required parking spaces must be submitted with the application.
 - viii. A special rate for property taxes shall be levied where Council has approved such an application. This rate will be applicable on the relevant property up to the date on which the owner/applicant notifies the Council in writing that the use has been terminated.
 - ix. The following business activities are not allowed in residential units, residential buildings or residential dwelling houses:
 - Retail in the form of shops
 - Noxious industries
 - Wholesale trade
 - Restaurants
 - Places of entertainment
 - Places of amusement
 - Funeral undertaking
 - Tourism/visitors information bureau
 - Building society agency
 - Bank agency
 - Kennels
 - Escort agency
 - Tow-in service
 - Motor workshop
 - Car wash
 - Place of instruction for more than 6 people with the exception for pre-schools, day care centres, day mothers and play groups.
 - Panel beater
 - Parcel delivering service
 - Radio control, telephone exchange
 - Travel agency

¹Consent Use

- Shooting range
 - Blasting contractor
 - Butcher
 - Spray painter
 - Taxi business
 - Fish fryer
 - Selling of vehicles
 - Manufacturing of concrete products
 - Packaging contractor
 - Place of refreshment
 - Transport undertaking
 - Drycleaners
 - Institutions with the exception of pre-schools, day care centres, day mothers and play groups
 - Warehouses
 - Scrap yard
 - Security businesses
 - Builders yard
 - Building or construction contractor
 - Employment or recruitment agency.
- x. For purposes of this policy, a non-public orientated business means a business that does not provide a direct service to the public and thus has low-frequency client visits (they visit their clients!). The land use is not traffic-generating and can, therefore, be considered to locate in residential areas.

PART IV: INTERPRETATION OF USE ZONES AND USE OF LAND AND BUILDINGS

4.1 Land use zone

- 4.1.1 A land use zone indicates an approximation of the existing land use rights on a property
- 4.1.2 Even though the Land Use Zone may create an expectation with regards to the development of the land, each property within the Municipal area of jurisdiction has a vested right which is tabled within the land use rights register.
- 4.1.3 No development might occur outside the rights as vested in the land use rights register.

4.2 Structures which may be erected in any use zone

- 4.2.1 Save for the owner of a property having to comply with the provisions of, inter alia, the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) or any other applicable law, nothing in this Scheme prohibits the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, garden walls and fences on any property within the Scheme area.

4.2.2 Erection and use of buildings or use of land

- 4.2.2.1 For the purposes of this clause, the expression "erection and use of a building" includes the use of land and a building, as well as the conversion of a building for that use whether or not it entails the structural alteration thereof.
- 4.2.2.2 The purposes for which buildings and land in each of the use zones:
 - (a) may be erected and/or used;
 - (b) may be erected and/or used only with the special consent of the local municipality, permanently or for a specified period;
 - (c) may be erected and/or used only with the written consent of the local municipality; or
 - (d) may not be erected and/or used.

are shown in the Land Use Zones.

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

- 4.2.2.4 If the use of a building changes because of the rights that have been granted to a property or have already vested in the property, such building and the property shall comply with all the conditions laid down and which are applicable to the use.
- 4.2.2.5 If the use of an existing building changes and it is not in accordance with the rights attached to the property, it shall comply with all the stipulations of the Scheme.
- 4.2.2.6 Where the use of land or a building can only be conducted with the permission of the local municipality, the use may not be conducted prior to the consent being given.
- 4.2.2.7 Nothing herein contained shall be deemed to grant exemption from any of the local municipality's neither by-laws nor any other Act.

4.3 Land Use Zones and statement of intent

The municipal area is divided into the following Land Use Zones:

- (a) Agriculture
- (b) Business
- (c) Institutional
- (d) Educational
- (e) Industrial
- (f) Government/Municipal
- (g) Open Space
- (h) Residential
- (i) Roads Purposes
- (j) Rural Residential
- (k) Rural Settlement
- (l) Tourism and Accommodation
- (m) Transportation services
- (n) Protected Areas (environmental conservation)
- (o) Transportation
- (p) Public Service Infrastructure
- (q) Mining
- (r) Special

- 4.3.1 The municipality hereby establishes the land use zones contained in this chapter.
- 4.3.2 The zone number is indicated in the top left-hand corner of the table and the zone code in the top right-hand corner.
- 4.3.3 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.

Table 3 : Land Use Table: Thulamela Land Use Scheme, 2020

Zone Number 1		Use Zone: AGRICULTURE									Zone Code: A				
R=230, G=185, B=184															
Statement of Intent															
The use of land for agricultural purposes, including the use of land for structures, buildings and dwelling units reasonably necessary for or related to the use of the land for agricultural activities.															
Objectives															
<div><div>-</div><div>To utilize agricultural land on a sustainable basis.</div><div>-</div><div>To ensure that land deemed to have high agricultural potential is optimally used.</div><div>-</div><div>To provide mechanisms for the identification and protection of productive agricultural land.</div><div>-</div><div>To ensure that agricultural practices are consistent with environmental considerations and pollution controls.</div></div>															
TABLE "A"				TABLE "B"							TABLE "C"		TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Buildings/uses not in columns 1-3	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality			10	5	5
Agriculture											Not applicable	Not applicable			
Agricultural buildings											1 space per 100m² floor area and 3 spaces per 100m² office floor area	2 spaces per first 1000m² floor area, or part thereof and 1 space per every 1000m² floor area thereafter.			
Biosphere											As approved by the Municipality	As approved by the Municipality			
Dwelling house				1 per erf/ portion	2 per erf/portion						At least 1 space	Not applicable			
Nature Reserve											As approved by the Municipality	As approved by the Municipality			
	Agricultural Housing										1 space per every 3 dwelling units	Not applicable			
	Camping Site										1 space per tent or caravan or mobile dwelling unit site and 4,5 spaces per 100m² office floor are and 1 space per 4 seats and 6 spaces per 100m² place of refreshment public floor area and 6 spaces per 100m² retail floor area	1 space per first 2000m² place of refreshment or retail floor area, or part thereof and 1 space per every 2000m² place of refreshment or retail floor area thereafter.			
	Cultural Heritage Site										As approved by the Municipality	As approved by the Municipality			
	Second dwelling unit*			120m², inc garage							1 parking per dwelling unit, and an additional parking per 3 units for visitors	Not applicable			
		Abattoir									5 spaces for the first 1000m² floor area or part thereof and 2 spaces for every 1000m² thereafter, or part thereof.	2 spaces per first 1000m² floor area, or part thereof and 1 space per every 1000m² floor area thereafter.			

		Agricultural Industry									1 space per 100m ² floor area and 3 spaces per 100m ² office floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor thereafter.			
		Agri-Village									2 spaces per every 3 dwelling units	At least 1 space			
		Airfield									2 spaces for the first 1000m ² floor area or part thereof and 1 space for every 1000m ² thereafter, or part thereof	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor thereafter.			
		Animal Refuge									3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
		Back-packer inn									1 space for every 5 beds	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
		Botanical Garden									1 parking space per every 1000m ²	Not applicable			
		Child day care Centre									1 space for every 4 children	Not applicable			
		Commonage									6 spaces per 100m ² informal trade floor area	1 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Construction camp									Not applicable	Not applicable			
		Environmental Facilities									6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Farm Stall									6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² thereafter			
		Fuelling Facility									40% of property reserved for parking and loading requirements.				
		Garden Service Establishment									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		*Guest House									1 parking space per room/suite and 1 parking space for every 3 rooms/suits for visitors	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Harvesting of natural resources									Not applicable	Not applicable			
		Heliport									4,5 spaces per 100m ² office floor area, 1 space per 100m ² repair facility and 1 space per rotary wing aircraft storage unit	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		*Home occupation									3 parking spaces per 100m ² floor area	Not applicable			
		Lodge									1 space per guest room or suite and 6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Mobile dwelling unit									40% of property reserved for parking and loading requirements				
		Nursery									2 per 100m ² parking gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Place of public worship									16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			

		Place of education									2 spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students	1 drop-off space for buses per 100 students.			
		Taxi rank and bus rank									4,5 spaces per 100m office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Resort									1 space per room and 4 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Riding Stables									0,7 spaces per stable	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Telecommunication infrastructure									N/A				
		Tourist Facilities									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Traditional healing practice									3 spaces per 100m ² floor area	Not applicable			
		*Tuck Shop									3 spaces for visitors	Not applicable			
		Veterinary Clinic									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Wood Yard									40% of property reserved for parking and loading requirements				
		4x4 Trail									4,5 spaces per 100m ² office floor area and sufficient area for parking of the participating 4x4 vehicles and sufficient parking area for spectators	Not applicable			
		Zoological Garden									6 spaces per hectare uncovered exhibition floor area and 4,5 spaces per 100m ² covered exhibition floor area	1 space per first 2000m ² covered or uncovered floor area, or part thereof and 1 space per every 2000m ² covered floor area thereafter.			
		Places of Refreshments													
		Showgrounds									1 space per 4 seats and 4 spaces per 100m ² public floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
Other controls:															
1. All land within this zone is subject to regulation in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), unless such land is excluded from the act, and/or the Subdivision of Land Ordinance, 1986 (Ordinance 20 of 1986).															
2. Development along Provincial Roads shall comply with the standards set down in the Roads and Development Act (Act 21 of 1940) and may not be relaxed by the Municipality, without the consent of the Controlling Authority. Consent from the Controlling Authority must be obtained where direct access is required from a provincial road.															
3. Where part of a property zoned for agriculture is to be amended, the municipality may require a proper cadastral survey of the area to be amended, as well as a site development plan in support of the proposed development.															

Zone Number 2	Use Zone: BUSINESS 1	Zone Code: B1
R=255, G=051, B=000		
Statement of Intent		
A zone characterized by a wide range of urban activities e.g. economic activities, retail, business, services, administrative, community, educational, environmental, entertainment and a choice of housing opportunities. Space is at a premium and most transport routes converge into and radiate outwards from this zone.		
Objectives		
- To encourage the development of a typical central business district (CBD) foci to accommodate a full range of compatible land uses.		

- To ensure that the spatial development and sustained functioning of the core area is supported by appropriate levels of transportation, pedestrian access ways and sufficient capacity engineering services.
- To allow the development of a range of complementary land uses with varying degrees of mix, which may include informal trading which, within the use zone, are compatible, and generally do not breach the level of amenity contemplated by the zone.
- To ensure that a balance between the natural and built environment is maintained through landscaping and areas of green space.
- To encourage, where appropriate the use of detailed urban design criteria to achieve specific urban environments.

TABLE "A"				TABLE "B"							TABLE "C"		TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Buildings/uses not in columns 1-3	65 units/ha (minimum erf size 150m ²)	As approved by the Municipality	80%	90%	3.0	4.0	6			0	0	0
Dwelling Units						80%		2.0		-	1 parking per dwelling unit, and an additional parking per 3 units for visitors	1 space per 10 dwelling units			
Conference Centre											16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
Dry Cleaner											3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
Government use											4,5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
Hotel											1 space per room and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
Boutique Hotel											1 space per room and 6 spaces per 100 m ² public area or 6 spaces per 100 m ² conference area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereadfter			
Medical Suites											4.5 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
Offices											2 per 100m ² parking gross leasable area or 4 per 100m ² parking gross leasable area for medical purposes	2 spaces per first 1000m ² floor area , or part thereof and 1 space per every 1000m ² floor area thereafter			
Place of amusement											1 space per 4 seats and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
Place of education											2 spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students	1 drop-off space for buses per 100 students.			

Place of refreshment											1 space per 4 seats and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part or part thereof and 1 space per every 1000m ² floor area thereafter			
Place of public worship											16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
Retail Shop											6 spaces per 100m ² gross leasable floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
Social hall											16 parking for every 100m ² gross leasable area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
Vehicle sales market											3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
Private Club											4 per 100m ² parking gross leasable area	2 per 1000m ² parking gross leasable area			
Restaurant											3 spaces per 100m ² parking gross leasable area or 1 per 6 seats	3 spaces per 100m ² parking gross leasable area or 1 per 6 seats			
Service Industry											3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
Shop											4 per 100m ² gross leasable floor area	2 per 1000m ² parking gross leasable area			
Showrooms											4 per 100m ² gross leasable floor area	2 per 1000m ² parking gross leasable area			
Tea Garden											3 spaces per 100m ² floor area	2 per 1000m ² parking gross leasable area			
Car Wash											6 spaces per 100m ² area or part thereof	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter			
	Auction Centre										40% of property reserved for parking and loading				
	Back packer inn										1 space for every 5 beds	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Bakery										3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Boarding house										1 space per room and 1 space for every 3 rooms.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.			
	Canteen										2 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor thereafter.			
	Carwash										6 spaces per 100m ² floor area or part thereof	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Child day care centre										1 space for every 4 children	Not applicable			
	confectionery										6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space			

												per every 1000m ² floor area thereafter.			
	Crèche										1 space for every 4 children	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Funeral parlour										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and space per every 2000m ² floor area thereafter.			
	Gaming establishment										6 spaces per 100m ² floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Garden Service establishment.										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Guest house*										1 space per guest room or suite and 1 space per 3 rooms for visitors.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Gymnasium										6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Home occupation*										3 parking spaces	Not applicable			
	Institution										6 spaces per 100m ² floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Launderette										6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Lodge										1 space per guest room or suite and 6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Mortuary										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Nursery										6 spaces per 100m ² display floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
	Parking Garage										Not applicable	Not applicable			
	Public Open Space										3 space per 100m ² sport, recreation or play area	Not applicable			
	Service retail										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Take away										1 space per 4 seats and 6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Telephone kiosk*										Not applicable	Not applicable			
	Totalisator										6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space			

												per every 2000m ² floor area thereafter			
	Tourist facilities										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Traditional healing practice										3 spaces per 100m ² floor area	Not applicable			
	Tuck shop*										3 spaces for visitors	Not applicable			
	Utility										40% of property reserved for parking and loading requirements				
	Tavern										2 spaces per 100m ² floor area	Not Applicable			
		Adult entertainment business									6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.			
		Animal Refuge									3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
		Brickyard									40% of property reserved for parking and loading requirements				
		Bulk retail trade									3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
		Coal Yard									40% of property reserved for parking and loading requirements				
		Filling Station*									40% of property reserved for parking and loading requirements and 6 parking spaces per 100m ² retail floor area.				
		Fuelling Facility									40% of property reserved for parking and loading requirements.				
		Informal trade*									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Laboratory									3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Mobile dwelling unit									40% of property or site reserved for parking and loading requirements				
		Private open space									3 space per 100m ² sport, recreation or play area	Not applicable			
		Recycling Centre									3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Service station									40% of property reserved for parking and loading requirements and 6 spaces per 100m ² retail floor area.				
		Tavern*									6 spaces per 100m ² floor area	Not applicable			
		Telecommunication infrastructure									N/A				
		Veterinary clinic									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Wood Yard									40% of property reserved for parking and loading requirements				
		Industrial Use									1 per 100m ² Industry & 2 per 100m ² office parking gross leasable area	2 per 1000 m ² parking gross leasable area			
		Liquor Enterprise									4 per 1000m ² parking gross leasable area or 1 per 6 seats	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
		Motor Trade									6 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space			

												per every 2000 m² floor area thereafter.			
		Public Garage										4 per 100m² parking gross leasable area	Not Applicable		
Other controls:															
1.															
2.															

Zone Number 3		Use Zone: BUSINESS 2									Zone Code: B2					
R=255, G=080, B=150																
Statement of Intent																
A zone that accommodates a range of business uses opting to locate along main transport routes that radiate outwards from the urban core. A zone that provides an appropriate scale and mix of business uses to fulfill an interface between high impact and low impact land use zones.																
Objectives																
<div><div></div><div>To provide an interface or transitional area between central business district foci and residential areas.</div><div></div><div>To accommodate low impact mixed use areas in locations where the residential amenity of the area is not unduly disrupted.</div><div></div><div>To ensure that a balance between the natural and built environment is maintained through landscaping and areas of green space.</div><div></div><div>To encourage, where appropriate the use of detailed urban design criteria to achieve specific urban environments and mix of uses.</div></div>																
TABLE "A"				TABLE "B"							TABLE "C"			TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines			
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
			Buildings/uses not in columns 1-3	45 units/ha (minimum erf size 220m²)	As approved by the Municipality	60%	70%	1.8	2.0	3			5	2	2	
Dwelling Units											1 parking per dwelling unit, and an additional parking per 3 units for visitors	1 space per 10 dwelling units				
Medical Suites											4,5 spaces per 100m² floor area	1 space per first 2000m² floor area, or part thereof and 1 space per every 2000m² floor area thereafter				
Office											2 per 100m² parking gross leasable area or 4 per 100m² parking gross leasable area for medical purposes	2 spaces per first 1000m² floor area , or part thereof and 1 space per every 1000m² floor area thereafter				
Place of refreshment											1 space per 4 seats and 6 spaces per 100m² public floor area	2 spaces per first 1000m² floor area, or part thereof and 1 space per every 1000m² floor area thereafter				
Retail Shop											6 spaces per 100m² gross leasable floor area	1 space per first 2000m² floor area, or part thereof and 1 space per every 2000m² floor area thereafter				
Liquor Enterprise											4 per 1000m² parking gross leasable area or 1 per 6 seats	1 Space per first 2000 m² floor area, or part thereof and 1 space per every 2000 m² floor area thereafter.				
Motor Trade											6 spaces per 100m² floor area	1 Space per first 2000 m² floor area, or part thereof and 1 space				

												per every 2000 m ² floor area thereafter.			
Panel Beater												1 per 100m ² parking gross leasable area for industry & 2 per 100m ² parking gross leasable area for offices	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter		
Private Club,												4 per 100m ² parking gross leasable area	2 per 1000m ² parking gross leasable area		
Restaurant												3 spaces per 100m ² parking gross leasable area or 1 per 6 seats	3 spaces per 100m ² parking gross leasable area or 1 per 6 seats		
Service Industry												3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter		
Shop												4 per 100m ² gross leasable floor area	2 per 1000m ² parking gross leasable area		
Shopping centre/complex												6 spaces per 100 m ² floor area Shopping center: Neighbourhood (<5000 m ²) = 7 spaces per 100 m ² GLA Community (5000 – 15 000 m ²) = 6 spaces per 100 m ² GLA Regional (> 15 000 m ²) = 5 spaces per 100 m ² GLA	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter		
Showrooms												4 spaces per 100m ² floor area	2 per 1000m ² parking gross leasable area		
Tea Garden												3 spaces per 100m ² floor area	2 per 1000m ² parking gross leasable area		
Workshop												3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.		
Car Wash												6 spaces per 100m ² area or part thereof	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter		
	Back packer inn											1 space for every 5 beds	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		
	Boarding house											1 space per room and 1 space for every 3 rooms.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.		
	Child day care centre											1 space for every 4 children	Not applicable		
	Conference Centre											16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.		
	Crèche											1 space for every 4 children	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		
	Garden Service Establishment											3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		
	Government use											4,5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		

	Guest house*										1 space per guest room or suite and 1 space per 3 rooms for visitors.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Gymnasium										6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Home occupation*										3 parking spaces	Not applicable			
	Hospital										1 space per bed	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Institution										6 spaces per 100m ² floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Lodge										1 space per guest room or suite and 6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Municipal purposes										4,5, spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Place of education										2 spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students	1 drop-off space for buses per 100 students.			
	Place of public worship										16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Public Open Space										3 space per 100m ² sport, recreation or play area	Not applicable			
	Retirement Village										1 covered space per unit and 1 uncovered space per 2 units	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Social hall										16 parking for every 100m ² gross leasable area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Tourist facilities										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Scrapyard										3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
	Public Garage										4 per 100m ² parking gross leasable area	Not Applicable			
	Tavern										2 spaces per 100m ² floor area	Not Applicable			
		Filling Station*									40% of property reserved for parking and loading requirements and 6 parking spaces per 100m ² retail floor area.				
		Hotel									1 space per room and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			

		Laboratory									3 spaces per 100m ² floor per area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Launderette									6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Mobile dwelling unit									40% of property or site reserved for parking and loading requirements				
		Private open space									3 space per 100m ² sport, recreation or play area	Not applicable			
		Tavern*									6 spaces per 100m ² floor area	Not applicable			
		Telecommunication infrastructure									N/A				
		Traditional healing practice									3 spaces per 100m ² floor area	Not applicable			
		Tuck shop*									3 spaces for visitors	Not applicable			
		Utility									40% of property reserved for parking and loading requirements				
		Vehicle Sales Market									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Veterinary clinic									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Wholesale trade									1 space per 100m ² floor area and 3 spaces per 100m ² office floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Industrial Use									1 per 100m ² Industry & 2 per 100m ² office parking gross leasable area.	2 per 1000 m ² parking gross leasable area.			
		Boutique Hotel									1 space per room and 6 spaces per 100 m ² public area or 6 spaces per 100 m ² conference area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter			
Other controls:															
1.															
2.															

Zone Number 4				Use Zone: BUSINESS 3								Zone Code: B3					
R=255, G=153, B=255																	
Statement of Intent																	
A zone that promotes the development of neighbourhood centres by permitting mixed land uses for the convenience of the surrounding communities.																	
Objectives																	
<div><div>-</div><div>To provide for the development of neighbourhood shopping centres and corner shops, as they occur within a suburban context or on the fringes of mixed use, industrial and residential zones.</div><div>-</div><div>To ensure that the spatial development and sustained functioning of the neighbourhood centres is supported by appropriate levels of transportation and pedestrian access ways.</div></div>																	
TABLE "A"				TABLE "B"							TABLE "C"				TABLE "D"		
Free Use	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines				
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16		
			Buildings/uses not in columns 1-3	35 units/ha	45 units/ha	50%	60%	1.0	1.4	3			5	2	2		

				(minimum erf size 285m ²)	(minimum erf size 220m ²)										
Free Use (Buildings which may be erected and purposes for which they may be used)															
Dwelling Units												1 parking per dwelling unit, and an additional parking per 3 units for visitors	1 space per 10 dwelling units		
Office												2 per 100m ² parking gross leasable area or 4 per 100m ² parking gross leasable area for medical purposes	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter		
Place of refreshment												1 space per 4 seats and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter		
	Canteen											2 spaces per 100m ² floor per area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.		
	Child day care centre											1 space for every 4 children	Not applicable		
	confectionery											6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.		
	Crèche											1 space for every 4 children	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		
	Garden Service Establishment											3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		
	Gymnasium											6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		
	Hotel											1 space per room and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.		
	Boutique Hotel											1 space per room and 6 spaces per 100 m ² public area or 6 spaces per 100 m ² conference area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter		
	Institution											6 spaces per 100m ² floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		
	Laundrette											6 spaces per 100m ² floor per area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		

	Lodge										1 space per guest room or suite and 6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Medical Suites										4,5 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Public Open Space										3 space per 100m ² sport, recreation or play area	Not applicable			
	Retirement Village										1 covered space per unit and 1 uncovered space per 2 units	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Service retail										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Social hall										16 parking for every 100m ² gross leasable area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Take away										1 space per 4 seats and 6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Telephone kiosk*										Not applicable	Not applicable			
	Veterinary clinic										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Car wash									6 spaces per 100m ² floor area or part thereof	1 space per first 2000m ² floor area, or pat thereof and 1 space per every 2000m ² floor area thereafter			
		Filling station*									40% of property reserved for parking and loading requirements and 6 parking spaces per 100m ² retail floor area.				
		Funeral parlour									4 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or pat thereof and 1 space per every 2000m ² floor area thereafter			
		Informal trade*									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Nursery									2 per 100m ² parking gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Place of amusement									1 space per 4 seats and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Private open space									3 space per 100m ² sport, recreation or play area	Not applicable			
		Retail shop									6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor are thereafter			
		Telecommunication infrastructure									N/A				
		Traditional healing practice									3 spaces per 100m ² floor area	Not applicable			

		Utility									40% of property reserved for parking and loading requirements			
Other controls:														
1.														
2.														

Zone Number 4	Use Zone: EDUCATIONAL										Zone Code: ED			
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R=43, G=4, B=210

Statement of Intent

Provides for the use of land or buildings primarily for instruction or teaching purposes, including crèches, schools, lecture halls, monasteries, public libraries, art galleries, museums, colleges, technikons and universities with associated buildings, recreational and sports facilities for the local and broader community.

Objectives

- To ensure that there is an adequate range and provision of all educational facilities in appropriate and accessible locations, which are convenient to all users.
- To provide adequate educational facilities to address the special needs of the physical or mentally challenged children and adults.
- To ensure that sports fields are properly maintained and to encourage the shared use thereof.

TABLE "A"				TABLE "B"						TABLE "C"		TABLE "D"			
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Buildings/uses not in columns 1-3	Not applicable	Not applicable	40%	50%	0.6	0.75	3			5	2	2
Place of education											2 spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students	1 drop-off space for buses per 100 students.			
Place of public worship											16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
Social Hall											16 parking for every 100m ² gross leasable area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Child Day Care Centre										1 space for every 4 children	Not applicable			
	Conference Centre										16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Crèche										1 space for every 4 children	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Dwelling unit/s related to the main use										1 parking per dwelling unit, and an additional parking per 3 units for visitors	1 space per 10 dwelling units			
	Institution										6 spaces per 100m ² floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per ever 2000m ² floor area thereafter			
	Sport and Recreational										1 space per 4 seats and 3 spaces per 100m ² public floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space			

	Grounds related to the main use											per every 2000m ² floor area thereafter			
		Government Use										4,5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		
		Laboratory										3 spaces per 100m ² floor per area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter		
		Private Open Space										3 space per 100m ² sport, recreation or play area	Not applicable		
		Public Open Space										3 space per 100m ² sport, recreation or play area	Not applicable		
		Retirement Village										1 covered space per unit and 1 uncovered space per 2 units	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		
		Telecommunication Infrastructure										N/A			
		Utility										40% of property reserved for parking and loading requirements.			
Other controls:															
1.															
2.															

Zone Number 5				Use Zone: GOVERNMENT/MUNICIPAL										Zone Code: RSA		
R=147, G=205, B=221																
Statement of Intent																
The provision for and use of land and buildings by national government, provincial government or a municipality to give effect to its governance role including military establishments, police stations, magistrate’s courts, prisons etc.																
Objectives																
- To provide adequate land for government purposes to serve in the interest of the general public																
TABLE “A”				TABLE “B”							TABLE “C”		TABLE “D”			
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines			
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
			Buildings/uses not in columns 1-3	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality			5	2	2	
Government Use											4,5 spaces per 100m² office floor area and 6 spaces per 100m² public floor area and 1 space per 4 seats.	1 space per first 2000m² floor area, or part thereof and 1 space per every 2000m² floor area thereafter				
Social Hall											16 parking for every 100m² gross leasable area	1 space per first 2000m² floor area, or part thereof and 1 space per every 2000m² floor area thereafter				
sewer purification plant											40% of property reserved for parking and loading requirements					
Substation											6 spaces per 100m² gross leasable area	Not applicable				
Utility Services											40% of property reserved for parking and loading requirements.					

Water purification plan											40% of property reserved for parking and loading requirements			
	Agriculture										Not applicable	Not applicable		
	Agricultural buildings										1 space per 100m ² floor area and 3 spaces per 100m ² office floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.		
	Dwelling unit/s related to the main use										1 parking per dwelling unit, and an additional parking per 3 units for visitors	1 space per 10 dwelling units		
	Institution										6 spaces per 100m ² floor area and 1 space per 4 seats or 0,7 parking spaces per bed	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		
	Place of education										2 spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students	1 drop-off space for buses per 100 students.		
	Place of public worship										16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.		
	Prison										4,5 spaces per 100m ² office floor area and 1 space per 10 holding cells	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter		
	Showgrounds										1 space per 4 seats and 4 spaces per 100m ² public floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.		
	Sports Facilities										1 parking per 4 seats and 3 per 100m ² gross leasable floor area			
	Taxi rank and bus rank										4, 5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.		
		Sport and Recreational Grounds									1 space per 4 seats and 6 spaces per 100m ² public floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter		
		Telecommunication Infrastructure									Not applicable			
		Utility									40% of property reserved for parking and loading requirements			
Other controls:														
1.														
2.														

Zone Number 6	Use Zone: INDUSTRIAL 1	Zone Code: I1
R=180, G=167, B=255		
Statement of Intent		
A zone which accommodates a mix of industrial and related land uses and activities, which have lesser environmental impacts and excludes heavy and noxious industries.		
Objectives		
<ul style="list-style-type: none"> - To provide appropriate locations for a range of industrial, warehousing and related activities in specific areas. - To ensure that the location of industrial development is such that it minimizes their impacts on surrounding areas. - To provide a proper balance of employment and sectoral growth and sustainable development. - To ensure that there is sufficient on-site space to accommodate the proposed uses, traffic and any potential impact resulting from these developments. - To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located near them. 		

TABLE "A"				TABLE "B"							TABLE "C"		TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Noxious industries	As approved by the Municipality	As approved by the Municipality	80%	100%	1.2	2.0	2			5	2	2
Industry											1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
Laboratory											3 spaces per 100m ² floor per area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
Warehousing and packaging											1 space per 100m ² floor area and 3 spaces per 100m ² office floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
Wholesale trade											1 space per 100m ² floor area and 3 spaces per 100m ² office floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
Industrial Use											1 per 100m ² Industry & 2 per 100m ² office parking gross leasable area.	2 per 1000 m ² parking gross leasable area.			
Public garage											4 per 100m ² parking gross leasable area	Not Applicable			
Service industry											3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
Workshop											3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
	Bakery										3 spaces per 100m ²	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Canteen										2 spaces per 100m ² floor per area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor thereafter.			
	Car wash										6 spaces per 100m ² floor area or part thereof	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	confectionery										6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Dry cleaner										3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Factory Shop										6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space			

												per every 1000m ² floor area thereafter.			
	Funeral Parlour										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and space per every 2000m ² floor area thereafter.			
	Garden service establishment										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Government Use										4,5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Gymnasium										6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Laundrette										6 spaces per 100m ² floor per area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Mortuary										3 spaces per 100m floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Parking Garage										Not applicable	Not applicable			
	Place of amusement										1 space per 4 seats and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
	Place of refreshment										1 space per 4 seats and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part or part thereof and 1 space per every 1000m ² floor area thereafter			
	Public Open Space										3 space per 100m ² sport, recreation or play area	Not applicable			
	Service Retail										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Service Station										40% of property reserved for parking and loading requirements and 6 spaces per 100m ² retail floor area.				
	Take away										1 space per 4 seats and 6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Telephone Kiosk*										Not applicable	Not applicable			
	Totalisator										6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Traditional healing practice										3 spaces per 100m ² floor area	Not applicable			
	Utility										40% of property reserved for parking and loading requirements				
	Veterinary Clinic										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Scrapyard,										3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space			

												per every 1000m ² floor area thereafter			
	Panel beater										1 per 100m ² parking gross leasable area for industry & 2 per 100m ² parking gross leasable area for offices	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
	Builders yard										40% of property reserved for parking and loading requirements				
		Adult entertainment business									6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part or par thereof and 1 space per every 2000m ² floor areas thereafter.			
		Animal refuge									3 spaces per 100m ² floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Auction centre									40% of property reserved for parking and loading requirements				
		Brick Yard									40% of property reserved for parking and loading requirements				
		Builder's Yard									40% of property reserved for parking and loading requirements				
		Bulk retail trade									3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
		Filling station*									40% of property reserved for parking and loading requirements and 6 parking spaces per 100m ² retail floor area				
		Fuelling Facility									40% of property reserved for parking and loading requirements.				
		Gaming Establishment									6 spaces per 100m ² floor area and 1 spaces per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Heavy vehicle parking depot									40% of property or site reserved for parking and loading requirements				
		Informal Trade									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Office									6 spaces per 100m ² floor area	2 space per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Private Open Space									3 space per 100m ² sport, recreation or play area	Not applicable			
		Retail Shop									6 spaces per 100m ² gross leasable floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor are thereafter			
		Tavern*									4,5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Telecommunication infrastructure									N/A				
		Vehicle Sales Market									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		shop									4 per 100m ² gross leasable floor area	2 per 1000m ² parking gross leasable area			
Other controls:															
1. No noxious industries will be allowed in this zone as defined in Section 4.															
2.															
3.															

Zone Number 7		Use Zone: INDUSTRIAL 2										Zone Code: I2			
R=083, G=142, B=213															
Statement of Intent															
A zone to contain those industrial uses which by their nature have high levels of air, water, and noise pollution and heavy traffic associated with them.															
Objectives															
<div><div>-</div><div>To direct the appropriate development of high impact industrial uses to specific locations, which are able to accommodate their requirements and minimize their impacts on surrounding uses.</div><div>-</div><div>To ensure that the location of these industries is near to emergency services to redress potential hazards and the pollution of air, land or water courses due to accident or other actions.</div><div>-</div><div>To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located near them.</div></div>															
TABLE "A"				TABLE "B"							TABLE "C"		TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per net to hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Dwelling houses, dwelling units, hotels.	Not applicable	Not applicable	50%	60%	1	1.2	3			5	2	2
Industry											1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
Noxious Industry											1 space per 100m ² floor area and 3 spaces per 100m ² office floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
Warehousing and packaging											1 space per 100m ² floor area and 3 spaces per 100m ² office floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
Industrial Use											1 per 100m ² Industry & 2 per 100m ² office parking gross leasable area	2 per 1000 m ² parking gross leasable area			
Panel beater											1 per 100m ² parking gross leasable area for industry & 2 per 100m ² parking gross leasable area for offices	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
Service industry											spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
Showrooms											4 spaces per 100m ² floor area	2 per 1000m ² parking gross leasable area			
Workshop											3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
	Builders yard										40% of property reserved for parking and loading requirements				
	Abattoir										5 spaces for the first 1000m ² floor area or part thereof and 2 spaces for every 1000m ² thereafter, or part thereof.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Animal Refuge										3 spaces per 100m ² floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
	Auction centre										40% of property reserved for parking and loading requirements				

	Bakery										3 spaces per 100m ²	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Brick Yard										40% of property reserved for parking and loading requirements				
	Builder's Yard										40% of property reserved for parking and loading requirements				
	Bulk retail trade										3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Canteen										2 spaces per 100m ² floor per area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor thereafter.			
	Coal Yard										40% of property reserved for parking and loading requirements				
	confectionery										6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Crematorium										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Dry cleaner										3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Factory Shop										6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Filling station*										40% of property reserved for parking and loading requirements and 6 parking spaces per 100m ² retail floor area				
	Funeral Parlour										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.			
	Fuelling Facility										40% of property reserved for parking and loading requirements.				
	Garden service establishment										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Heavy vehicle parking depot										40% of property or site reserved for parking and loading requirements				
	Laboratory										3 spaces per 100m ² floor per area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
	Mortuary										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Parking Garage										Not applicable	Not applicable			
	Public Open Space										3 space per 100m ² sport, recreation or play area	Not applicable			
	Recycling Centre										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Saw Mill										3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor are, or part thereof and 1 space per every 1000m ² floor area thereafter			

	Scrap Yard										3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
	Service Station										40% of property reserved for parking and loading requirements and 6 spaces per 100m ² retail floor area.				
	Telephone Kiosk*										Not applicable	Not applicable			
	Veterinary Clinic										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Wholesale trade										1 space per 100m ² floor area and 3 spaces per 100m ² office floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Informal Trade*									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Place of refreshment									1 space per 4 seats and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Private Open Space									3 space per 100m ² sport, recreation or play area	Not applicable			
		Service Retail									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Telecommunication Infrastructure									N/A				
		Utility									40% of property reserved for parking and loading requirements				
		Waste disposal site									40% of property reserved for parking and loading requirements.				
		Wood Yard									40% of property reserved for parking and loading requirements				
		Scrapyard									3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Public Garage									4 per 100m ² parking gross leasable area	Not Applicable			
Other controls:															
1.															
2.															

Zone Number 8		Use Zone: INSTITUTIONAL								Zone Code: IST						
R=000, G=255, B=197																
Statement of Intent																
The provision for and development of land and buildings for charitable institutions, hospitals, nursing homes, old-age homes, clinics, medical centres, sanatoriums, community halls, either public or private.																
Objectives																
<div><div>-</div><div>To provide an adequate number of accessible social and civic facilities to meet the needs of communities in the fields of health, social and cultural services.</div><div>-</div><div>To ensure that the health and social services requirements and facilities are located in core, suburban and residential locations that are conveniently accessible to all people.</div><div>-</div><div>To ensure that such facilities are designed to address the special needs of the physically challenged, elderly, woman and children.</div></div>																
TABLE "A"				TABLE "B"						TABLE "C"				TABLE "D"		
Free Use (Buildings which may be erected and purposes for	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines			
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)	

which they may be used)															
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Buildings/uses not in columns 1-3	Not applicable	Not applicable	70%	80%	1.0	1.2	3			5	2	2
Institution											6 spaces per 100m ² floor area and 1 space per 4 seats or 0,7 parking spaces per bed	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
Place of education											2 spaces per 100m ² office area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students	1 drop-off space for buses per 100 students.			
Place of public worship											16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
Sports facilities											1 parking per 4 seats and 3 per 100m ² gross leasable floor area	Not applicable			
	Child Day Care Centre										1 space for every 4 children	Not applicable			
	Crèche										1 space for every 4 children	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Dwelling unit/s related to the main use										1 parking per dwelling unit, and an additional parking per 3 units for visitors	1 space per 10 dwelling units			
	Hospital										1 space per bed	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Retirement Village										1 covered space per unit and 1 uncovered space per 2 units	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Social Hall										16 parking for every 100m ² gross leasable area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Government Use									4,5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Private Open Space									3 space per 100m ² sport, recreation or play area	Not applicable			
		Public Open Space									3 space per 100m ² sport, recreation or play area	Not applicable			
		Sport and Recreational Grounds									1 space per 4 seats and 6 spaces per 100m ² public floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Telecommunication Infrastructure									N/A				
		Utility									40% of property reserved for parking and loading requirements				
Other controls:															
1. The Municipality may consider utilizing vacant, underutilizing or over-provided community facility land for residential infill, such development shall require an amendment of the Scheme to a suitable zone.															
2.															
3.															

Zone Number 9		Use Zone: QUARRYING AND MINING										Zone Code: QM				
R=153, G=102, B=051																
Statement of Intent																
This zone comprises land used for the extraction of minerals or materials, including sand and stone, in compliance with a permit from Department Mineral and Energy Affairs.																
Objectives																
<div><div>-</div><div>To provide appropriately located land to allow the extraction of minerals and raw materials and associated business operations.</div><div>-</div><div>To ensure that the extraction is carried out in a manner that takes cognizance of its impact on the site and surrounding properties and seeks to minimise the long term effects of the activity.</div><div>-</div><div>To ensure that the relevant environmental considerations are adhered to regarding the actual extraction process, its impact on the environment, and to the rehabilitation of a site or sites once the activity has ceased.</div></div>																
TABLE "A"				TABLE "B"							TABLE "C"		TABLE "D"			
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines			
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
			Buildings/uses not in columns 1-3	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality			-	-	-	
Mining											40% of property reserved for parking and loading requirements					
Canteen											2 spaces per 100m ² floor per area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.				
Offices related to, but subordinate to the main use											2 per 100m ² parking gross leasable area or 4 per 100m ² parking gross leasable area for medical purposes	2 spaces per first 1000m ² floor area , or part thereof and 1 space per every 1000m ² floor area thereafter				
Public Garage											4 per 100m ² parking gross leasable area	Not Applicable				
Workshop											3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.				
	Laboratory										3 spaces per 100m ² floor per area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter				
	Social Hall										16 parking for every 100m ² gross leasable area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter				
		Fuelling Facility									40% of property reserved for parking and loading requirements.					
		Heliport									4,5 spaces per 100m ² office floor area, 1 space per 100m ² repair facility and 1 space per rotary wing aircraft storage unit	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter				
		Industry									1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter				
		Noxious Industry									1 space per 100m ² floor area and 3 spaces per 100m ² office floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter				

		Telecommunication infrastructure									N/A			
		Utility									40% of property reserved for parking and loading requirements			
Other controls:														
1.														
2.														

Zone Number 10		Use Zone: OPEN SPACE									Zone Code: OS				
R=153, G=255, B=153															
Statement of Intent															
A zone that provides for the development and management of publicly and privately owned open spaces as part of an integrated open space system, including independent or linked open space areas and 'green lung' areas. The provision of land for passive and active recreational activities and may include ancillary facilities and buildings.															
Objectives															
<div><div>-</div><div>To provide adequate numbers of appropriately situated sites that are easily accessible for recreational purposes and activities for local and wider communities.</div><div>-</div><div>To ensure that such parks address the special needs of the physically challenged, elderly, woman, and children.</div><div>-</div><div>To ensure that such facilities are located and maintained to attract visitors and tourists.</div><div>-</div><div>To set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as ecological corridor linkages between open areas for passive recreational purposes.</div></div>															
TABLE "A"				TABLE "B"							TABLE "C"		TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Requirements	Loading Requirements	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Buildings/uses not in columns 1-3	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality			5	2	2
Public Open Space											3 space per 100m² sport, recreation or play area	Not applicable			
	Botanical Garden										1 parking space per every 1000m²	Not applicable			
	Camping Site										1 space per tent or caravan or mobile dwelling unit site and 4,5 spaces per 100m² office floor are and 1 space per 4 seats and 6 spaces per 100m² place of refreshment public floor area and 6 spaces per 100m² retail floor area	1 space per first 2000m² place of refreshment or retail floor area, or part thereof and 1 space per every 2000m² place of refreshment or retail floor area thereafter.			
	Sport and Recreational Grounds										1 space per 4 seats and 6 spaces per 100m² public floor area.	1 space per first 2000m² floor area, or part thereof and 1 space per every 2000m² floor area thereafter			
	urban agriculture										40% of property reserved for parking and loading requirements				
		Conservancy									As approved by the Municipality	As required by the Municipality			
		Cultural Heritage Site									As approved by the Municipality	As required by the Municipality			
		Dwelling unit		One dwelling unit for caretaker							1 parking per dwelling unit, and an additional parking per 3 units for visitors	Not applicable			
		Environmental Facilities									6 spaces per 100m² floor area	1 space per first 2000m² floor area, or part thereof and 1 space per every 2000m² floor area thereafter			
		Harvesting of natural resources									Not applicable	Not applicable			

		Informal Trade*									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Nature Reserve									As approved by the Municipality	As required by the Municipality			
		Nursery									6 spaces per 100m ² display floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Place of refreshment									1 space per 4 seats and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part or part thereof and 1 space per every 1000m ² floor area thereafter			
		Private Open Space									3 space per 100m ² sport, recreation or play area	Not applicable			
		Telecommunication infrastructure									N/A				
		Tourist Facilities									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Zoological Garden									6 spaces per hectare uncovered exhibition floor area and 4,5 spaces per 100m ² covered exhibition floor area	1 space per first 2000m ² covered or uncovered floor area, or part thereof and 1 space per every 2000m ² covered floor area thereafter.			
		Showgrounds									1 space per 4 seats and 4 spaces per 100m ² public floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.			
		Sports Facilities									1 parking per 4 seats and 3 per 100m ² gross leasable floor area	Not applicable			
Other controls:															
1. The Local Government Ordinance, 1939 (Ordinance 17 of 1939) shall apply in conjunction with the provisions of the Scheme with respect to the closure and alienation of public open space in formalized townships.															
2. The Municipality may consider utilizing small, non-functional parks for residential infill. Such development will require the amendment of the Scheme to a suitable zone.															
3. Urban agricultural uses may be considered on larger open space systems, subject to environmental legislation. Such developments will require the amendment of the Scheme to a suitable zone.															

Zone Number 11				Use Zone: PROTECTED AREAS (ENVIRONMENTAL CONSERVATION)							Zone Code: EC					
R=0, G=153, B=0																
Statement of Intent																
Areas that provide environmental and recreational services that are essential to the sustainable development of cities, towns and settlements. These include areas requiring preservation and conservation against undesirable land use change or human activity.																
Objectives																
<div><div>-</div><div>To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, bio-diversity, habitat, or cultural value.</div><div>-</div><div>To provide facilities which assist in public education and the integration of built and the natural environments with minimal degradation of the natural environment or natural processes.</div><div>-</div><div>To create a holistic framework where culturally significant and historical sites are accorded equal status and value along with new developments.</div><div>-</div><div>To ensure the sustainable provision of ecosystem services to the community.</div></div>																
TABLE "A"				TABLE "B"							TABLE "C"			TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines			
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	

			Buildings/uses not in columns 1-3	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality			10	5	5
Conservancy											As approved by the Municipality	As approved by the Municipality			
Nature Reserve											As approved by the Municipality	As approved by the Municipality			
Protected Area											As approved by the Municipality	As approved by the Municipality			
	Biosphere										As approved by the Municipality	As approved by the Municipality			
	Cultural Heritage Site										As approved by the Municipality	As approved by the Municipality			
		Botanical Garden									1 parking space per every 1000m ²	Not applicable			
		Camping Site									1 space per tent or caravan or mobile dwelling unit site and 4,5 spaces per 100m ² office floor area and 1 space per 4 seats and 6 spaces per 100m ² place of refreshment public floor area and 6 spaces per 100m ² retail floor area	1 space per first 2000m ² place of refreshment or retail floor area, or part thereof and 1 space per every 2000m ² place of refreshment or retail floor area thereafter.			
		Environmental Facilities									6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Harvesting of natural resources									Not applicable	Not applicable			
		Shop									4 per 100m ² gross leasable floor area	2 per 1000m ² parking gross leasable area			
Other controls:															
1. Urban agricultural uses and commonages may be considered on larger open space systems, subject to environmental legislation. Such developments will require the amendment of the Scheme to a suitable zone.															
2. The consent of National Department of Agriculture, Forestry and Fisheries and Department of Economic Development, Environment and Tourism must be obtained when application is made for the subdivision of land or change in land use in this zone. The minimum subdivision size is 50ha.															

Zone Number 12				Use Zone: UTILITIES AND SERVICES							Zone Code: U					
R=239, G=198, B=255																
Statement of Intent																
Land, buildings, structures or infrastructure required and used for the provision of water, sewer, waste disposal, stormwater or electricity engineering and associated services for the proper functioning of urban development.																
Objectives																
<div><div>-</div><div>To ensure that the land required for the necessary services infrastructure is set aside for development.</div><div>-</div><div>To create the opportunities to utilise this land on a temporary basis until it is required.</div><div>-</div><div>To ensure that land used for service provision is appropriately located away from residential or other land uses where they detract from levels of amenity or safety.</div><div>-</div><div>To protect residential areas, health and educational facilities from any potential negative impacts or health hazards related to the installation of main line services e.g. gas or petro-chemical pipelines and radio masts.</div><div>-</div><div>To ensure that any disruption to natural areas and water courses by the laying of service pipelines or cables is minimised by adhering to environmental management principles.</div></div>																
TABLE "A"				TABLE "B"							TABLE "C"			TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines			
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
			Buildings/uses not in columns 1-3	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality			-	-	-	
Government use											4,5 spaces per 100m² office floor area and 6 spaces per 100m² public floor area and 1 snace per 4 seats	1 space per first 2000m² floor area, or part thereof and 1 space per every 2000m² floor area thereafter				

Municipal purposes											4,5, spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
Utility Substation											40% of property reserved for parking and loading requirements				
Sewer purification plant											6 spaces per 100m ² gross leasable area	Not applicable			
Water purification plant											40% of property reserved for parking and loading requirements				
	Recycling Centre										3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
	Telephone Kiosk*										Not applicable	Not applicable			
		Cemetery									40% of property reserved for parking and loading requirements				
		Telecommunication Infrastructure									N/A				
		Waste disposal site									40% of property reserved for parking and loading requirements.				
Other controls:															
1. *Refer to Section 9 – Development Policies, being policies guiding the establishment of specific land uses.															

Zone Number 13		Use Zone: RESIDENTIAL 1									Zone Code: R1				
R=255, G=255, B=183															
Statement of Intent															
The use of land for residential purposes constituting erven with single dwelling houses. The density is low, amenity high and compatible land uses limited and located at strategic places.															
Objectives															
<div><div>-</div><div>To provide adequate land for residential purposes at a low density.</div><div>-</div><div>To create integrated, safe and sustainable residential environments for all communities.</div><div>-</div><div>To protect the residential use and amenity by limiting the compatible uses allowed in this zone.</div></div>															
TABLE "A"				TABLE "B"							TABLE "C"		TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Buildings/uses not in columns 1-3	1 per erf (minimum erf size 700m²)	20 units/ha	50%	60%	0.5	0.6	2			5	2	2
Dwelling House											At least 1 space	Not applicable			
	Private Open Space										3 space per 100m² sport, recreation or play area	Not applicable			
	Public Open Space										3 space per 100m² sport, recreation or play area	Not applicable			
	Second dwelling unit*			120m², inc garage							1 parking per dwelling unit, and an additional parking per 3 units for visitors	Not applicable			
		Back-packer Inn									1 space for every 5 beds	1 space per first 2000m² floor area, or part thereof and 1 space per every 2000m² floor area thereafter			
		Child day care centre									1 space for every 4 children	Not applicable			

		Crèche									1 space for every 4 children	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Garden Service Establishment									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Guest house*									1 parking space per room/suite and 1 parking space for every 3 rooms/suits for visitors	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Home Occupation*									3 parking spaces	Not applicable			
		Institution									0,7 parking spaces per bed or 6 spaces per 100m ² floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per ever 2000m ² floor area thereafter			
		Mobile dwelling unit									40% of property reserved for parking and loading requirements				
		Place of education									2 spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students	1 drop-off space for buses per 100 students.			
		Place of public worship									16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
		Retirement Village									1 covered space per unit and 1 uncovered space per 2 units	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Social Hall									16 parking for every 100m ² gross leasable area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Traditional Healing Practice									3 spaces per 100m ² floor area	Not applicable			
		Utility									40% of property reserved for parking and loading requirements				
		Student Accommodation									1 space per 5 rooms				
		Car Wash									6 spaces per 100m ² area or part thereof	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter			
Other controls:															
1. A site development plan shall be submitted, as set out in this Scheme.															
2. The internal roads on the property shall be constructed and maintained by the owner as required by the local municipality.															

Zone Number 14		Use Zone: RESIDENTIAL 2						Zone Code: R2		
R=255, G=255, B=000										
Statement of Intent										
The use of land for medium-density residential purposes, which typically includes group housing, townhouses, duets, etc. This zone is associated with a marginal increase in number of ancillary land uses.										
Objectives										
<div><div>-</div><div>To provide adequate land for medium-density housing.</div><div>-</div><div>To attend to aesthetics, architectural design and the facing of buildings in order to promote privacy.</div><div>-</div><div>To allow for additional public spaces, social services and places for recreational activities for medium-density residential developments warrant access to such facilities.</div></div>										
TABLE "A"				TABLE "B"				TABLE "C"		TABLE "D"
Free Use (Buildings)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare	Maximum coverage as % of erf	Maximum F.A.R.	Max Height	Parking Spaces	Loading Spaces	Building Lines

which may be erected and purposes for which they may be used)				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Buildings/uses not in columns 1-3	11-20 units/ha (minimum erf size 500m ²)	40units/ha	50%	70%	0.5	0.7	2			5	2	2
Dwelling House											At least 1 space	Not applicable			
Dwelling unit/s											1 parking per dwelling unit, and an additional parking per 3 units for visitors	1 space per 10 dwelling units			
Town Houses											1 covered space per dwelling unit and 1 uncovered space per 2 dwelling units	1 Space per 10 dwelling units			
	Private Open Space										3 space per 100m ² sport, recreation or play area	Not applicable			
	Public Open Space										3 space per 100m ² sport, recreation or play area	Not applicable			
	Group Housing										1 spaces per room and 6 spaces per 100m ² public floor area	Not applicable			
	Student Accommodation										1 space per 5 rooms	Not applicable			
		Back-packer Inn									1 space for every 5 beds	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Child day care centre									1 space for every 4 children	Not applicable			
		Crèche									1 space for every 4 children	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Garden Service Establishment									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Guest house*									1 parking space per room/suite and 1 parking space for every 3 rooms/suits for visitors	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Home Occupation*									3 parking spaces	Not applicable			
		Institution									0,7 parking spaces per bed or 6 spaces per 100m ² floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Lodge									1 space per guest room or suite and 6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Mobile dwelling unit									40% of property reserved for parking and loading requirements				
		Place of education									2 spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students	1 drop-off space for buses per 100 students.			
		Place of public worship									16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			

		Retirement Village									1 covered space per unit and 1 uncovered space per 2 units	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Social Hall									16 parking for every 100m ² gross leasable area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Tavern*									6 spaces per 100m ² floor area	Not applicable			
		Traditional Healing Practice									3 spaces per 100m ² floor area	Not applicable			
		Utility									40% of property reserved for parking and loading requirements				
		Student Accommodation									1 space per 5 rooms				
		Tea Garden									3 spaces per 100m ² floor area	2 per 1000m ² parking gross leasable area			
Other controls:															
3. A site development plan shall be submitted, as set out in this Scheme.															
4. The internal roads on the property shall be constructed and maintained by the owner as required by the local municipality.															

Zone Number 15		Use Zone: RESIDENTIAL 3										Zone Code: R3			
R=255, G=204, B=000															
Statement of Intent															
This zone provides for medium to higher density residential developments, which typically includes dwellings that go up e.g. to take “walk-up” forms. These type developments generally occur in or around development nodes and areas where residential densification is envisaged.															
Objectives															
<div><div></div><div>- To promote medium to higher density residential developments.</div><div>- To attend to aesthetics, architectural design and the facing of buildings in order to promote privacy.</div><div>- To create integrated, safe and sustainable residential environments for all communities.</div><div>- To widen the scope for non-residential uses or mixed use developments within this zone.</div><div>- To allow for additional retail, civic and social, public spaces and places for recreational activities for medium to higher density residential developments warrant access to these facilities.</div></div>															
TABLE “A”				TABLE “B”							TABLE “C”		TABLE “D”		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Buildings/uses not in columns 1-3	40 units/ha (minimum erf size 220m²)	65 units/ha	60%	80%	1.2	1.4	3			5	2	2
Dwelling House											At least 1 space	Not applicable			
Dwelling unit/s											1 parking per dwelling unit, and an additional parking per 3 units for visitors	1 space per 10 dwelling units			
Town Houses											1 covered space per dwelling unit and 1 uncovered space per 2 dwelling units	1 Space per 10 dwelling units.			
Dormitory Establishment,											1 space per bedroom	Not applicable			
	Group Housing										1 spaces per room and 6 spaces per 100m² public floor area	Not applicable			

	Private Open Space										3 space per 100m ² sport, recreation or play area	Not applicable			
	Public Open Space										3 space per 100m ² sport, recreation or play area	Not applicable			
	Student Accommodation										1 space per 5 rooms	Not applicable			
		Back-packer Inn									1 space for every 5 beds	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Boarding House									1 space per room and 1 space for every 3 rooms.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.			
		Child day care centre									1 space for every 4 children	Not applicable			
		Conference Centre									16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
		Crèche									1 space for every 4 children	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Guest house*									1 parking space per room/suite and 1 parking space for every 3 rooms/suits for visitors	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Home Occupation*									3 parking spaces per 100m ²	Not applicable			
		Hotel									1 space per room and 6 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
		Boutique Hotel									1 space per room and 6 spaces per 100 m ² public area or 6 spaces per 100 m ² conference area	2 spaces per first 1000 m ² floor area, or part thereof and 1 space per every 1000 m ² floor area thereafter			
		Institution									0,7 parking spaces per bed or 6 spaces per 100m ² floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per ever 2000m ² floor area thereafter			
		Lodge									1 space per guest room or suite and 6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Place of education									2 spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students	1 drop-off space for buses per 100 students.			
		Place of public worship									16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
		Retirement Village									1 covered space per unit and 1 uncovered space per 2 units	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Social Hall									16 parking for every 100m ² gross leasable area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Tavern*									6 spaces per 100m ² floor area	Not applicable			
		Telephone Kiosk*									Not applicable	Not applicable			
		Traditional healing practice									3 spaces per 100m ² floor area	Not applicable			
		Tuck Shop*									3 spaces for visitors	Not applicable			
		Utility									40% of property reserved for parking and loading requirements				
		Student Accommodation									1 space per 5 rooms				
Other controls:															
1. A site development plan shall be submitted, as set out in this Scheme.															
2. The internal roads on the property shall be constructed and maintained by the owner as required by the local municipality.															

Zone Number 17				Use Zone: ROAD PURPOSES								Zone Code: R			
R=165, G=165, B=165															
Statement of Intent															
The provision of land for the full range of road infrastructure within rural and urban areas to ensure that an optimal road transport network can be constructed and maintained, including proposed new roads and widenings.															
Objectives															
<div><div>-</div><div>To make provision for freeways, toll roads, major arterial roads, and minor roads to accommodate vehicular traffic.</div><div>-</div><div>To make provision for the activities and buildings associated with road construction and maintenance, e.g. toll booths, construction camps and road depot sites.</div><div>-</div><div>To ensure that road depots and road fill sites are operated and maintained with due cognizance to the environmental impacts they may have on surrounding areas.</div></div>															
TABLE "A"				TABLE "B"							TABLE "C"		TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
				Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable			N/a	N/a	N/a
Private Road															
Public Road															
Other controls:															
1. Except where expressly provided, no regulations contained in a zone shall be deemed to apply to any existing public street and any public street may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by the Municipality.															

Zone Number 18		Use Zone: RURAL RESIDENTIAL										Zone Code: RR			
R=196, G=188, B=150															
Statement of Intent															
This zone provides for holdings and farms with residential the primary land use and agriculture as secondary land use.															
Objectives															
<div><div>-</div><div>To create the opportunity for people to avail them of a semi-rural style of living and yet be proximate to the full range of physical and social services which are available in the adjacent urban areas.</div><div>-</div><div>To allow only a limited number of ancillary uses so as to protect the primary low-density residential or agricultural land use.</div><div>-</div><div>To ensure that urban agricultural activities are undertaken in a sustainable manner and in accordance with the relevant environmental principles.</div></div>															
TABLE "A"				TABLE "B"							TABLE "C"		TABLE "D"		
Free Use	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Buildings/uses not in columns 1-3	1 per netto hectare and a minimum erf size of 2500m²	As approved by the municipality	30%	As approved by the municipality	As approved by the municipality	As approved by the municipality	2			5	5	5
Dwelling House											At least 1 space	Not applicable			
Agriculture											Not applicable	Not applicable			
	Agricultural buildings										1 space per 100m² floor area and 3 spaces per 100m² office floor area	2 spaces per first 1000m² floor area, or part thereof and 1 space per every 1000m² floor area thereafter.			

	Private Space	Open									3 space per 100m ² sport, recreation or play area	Not applicable			
	Public Space	Open									3 space per 100m ² sport, recreation or play area	Not applicable			
	Second unit*	dwelling			120m ² , inc garage						1 parking per dwelling unit, and an additional parking per 3 units for visitors	Not applicable			
Shelter											1 per 100m ² parking gross leasable area	Not Applicable.			
Urban Agriculture											40% of property reserved for parking and loading requirements				
Eco Estate											As approved by the municipality	As approved by the municipality			
		Child day care centre									1 space for every 4 children	Not applicable			
		Crèche									1 space for every 4 children	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Garden Service Establishment									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Guest house*									1 parking space per room/suite and 1 parking space for every 3 rooms/suits for visitors	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Home Occupation*									3 parking spaces	Not applicable			
		Lodge									1 space per guest room or suite and 6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Nursery									2 per 100m ² parking gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
		Retirement Village									1 covered space per unit and 1 uncovered space per 2 units	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Riding Stables									0,7 spaces per stable	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Utility									40% of property reserved for parking and loading requirements				
		Veterinary Clinic									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Telecommunication Infrastructure									N/A				
		Tavern									2 spaces per 100m ² floor area	Not Applicable			
Other controls:															
1. Township establishment will be required to subdivide land into more than five (5) one hectare portions.															

Zone Number 19	Use Zone: RURAL SETTLEMENT	Zone Code: RS
Statement of Intent		
This zone typically consist of homesteads with associated agricultural land used on a private or communal basis and areas set aside for schools, businesses, traditional authority courts and other community facilities. Land in this zone is generally allocated according to customary law and although some land use planning may have taken place in the past no or insufficient cadastral survey exists (no General Plan).		
Objectives		

- To provide a mechanism to delineate areas where the primary use is settlement or residential development in Tribal Authority and rural settlement areas.
- To ensure that settlement occurs in appropriate location without compromising agricultural resources, environmental considerations or local economic opportunities e.g. tourism.
- To identify land where subsistence agriculture (cropping and grazing), woodlots, areas for thatching grass and scattered rural settlement can be exercised.
- To ensure that urban agricultural activities are undertaken in a sustainable manner and in accordance with the relevant environmental principles.
- To formalize and plan rural settlements in order to provide sufficient engineering services.
- To identify a central location for the establishment of businesses, community facilities and government and municipal services.
- The reservation of land for roads, servitudes, communal open spaces and public facilities.

TABLE "A"				TABLE "B"							TABLE "C"		TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Buildings/uses not in columns 1-3	1 per erf	20 units/ha	50%	60%	0.5	0.6	2			5	2	2
Agriculture											Not applicable	Not applicable			
Dwelling House											At least 1 space	Not applicable			
Shelter											1 per 100m ² parking gross leasable area	Not Applicable.			
Urban Agriculture											40% of property reserved for parking and loading requirements				
	Commonage										6 spaces per 100m ² informal trade floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter			
Eco Estate											As approved by the municipality	As approved by the municipality			
	Harvesting of natural resources										Not applicable	Not applicable			
	Institution										0,7 parking spaces per bed or 6 spaces per 100m ² floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Place of education										2 spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students	1 drop-off space for buses per 100 students.			
	Place of public worship										16 parking for every 100m ² gross leasable area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
	Social Hall										16 parking for every 100m ² gross leasable area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Child day care centre									1 space for every 4 children	Not applicable			
		Crèche									1 space for every 4 children	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Farm Stall									6 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² thereafter			
		Government Use									4,5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			

		*Guest House									1 parking space per room/suite and 1 parking space for every 3 rooms/suits for visitors	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Home Occupation*									3 parking spaces	Not applicable			
		Informal Trade*									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Mobile dwelling unit									40% of property reserved for parking and loading requirements				
		Second dwelling unit*			1 per erf 120m ² , inc garage						1 parking per dwelling unit, and an additional parking per 3 units for visitors	Not applicable			
		Service retail									3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Sport and Recreational Grounds									1 space per 4 seats and 6 spaces per 100m ² public floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Tavern*									6 spaces per 100m ² floor area	Not applicable			
		Traditional Healing Practice									3 spaces per 100m ² floor area	Not applicable			
		Tuck Shop*									3 spaces for visitors	Not applicable			
		Utility									1 space for every 4 children	Not applicable			
Other controls:															
1. No buildings shall exceed two storeys in height.															
2. The Municipality shall in its sole discretion allow or disallow the establishment of an informal settlement or any new traditional settlement, and may impose any condition to the granting of approval of the development on the property.															
3. An approval by the Municipality for the establishment of any right in terms of Rural Settlement zoned properties will always remain temporary in nature, and the Municipality may in its sole discretion impose further conditions to the approval at any time.															
4. The Less Formal Township Establishment Act, 1991 (Act 113 of 1991), The Upgrading of Land Tenure Rights Act, 1991 (Act 112 of 1991) or the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) shall apply for the upgrading or formalisation of a rural settlement area and once it has reached an appropriate stage, as determined by the Municipality, it is contemplated that the area may be rezoned to Residential 1 or any other appropriate zone.															
5. *Refer to Section 8 – Development Policies, being policies guiding the establishment of specific land uses.															

Zone Number 20				Use Zone: SPECIAL								Zone Code: S			
R=169, G=000, B=230															
Statement of Intent															
Uses not defined or provided for under any other use zone as per the scheme.															
Objectives															
- A special zone is to provide for activities and land uses under special circumstances e.g. security and access control infrastructure etc.															
TABLE "A"				TABLE "B"						TABLE "C"				TABLE "D"	
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
-	-	-	-	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	-	-	N/a	N/a	N/a

Zone Number 21	Use Zone: TRANSPORTATION SERVICE	Zone Code: TS
R=165, G=165, B=165		
Statement of Intent		

This zone makes provision for developments and buildings associated with public and private transportation services and include modal transfer stations, bus and taxi termini, railway stations, airports, petro-ports, truck stops and other depots.

Objectives

- To ensure that transportation service developments serve the national, provincial and local economy and provide the correct levels of service to both tourists and the broader community.
- To locate these strategic developments such that they provide the catalyst for local economic development.
- To ensure that the location and development of these sites are undertaken in accordance with EIA requirements and ongoing environmental management monitoring procedures.

TABLE "A"				TABLE "B"						TABLE "C"			TABLE "D"		
Free Use	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
				As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality			-	-	-
	Airfield		Buildings/uses not in columns 1-3								2 spaces for the first 1000m² floor area or part thereof and 1 space for every 1000m² thereafter, or part thereof	2 spaces per first 1000m² floor area, or part thereof and 1 space per every 1000m² floor thereafter.			
	Airport										2 spaces for the first 1000m² floor area or part thereof and 1 space for every 1000m² thereafter, or part thereof	2 spaces per first 1000m² floor area, or part thereof and 1 space per every 1000m² floor thereafter.			
	Heliport										4,5 spaces per 100m² office floor area, 1 space per 100m² repair facility and 1 space per rotary wing aircraft storage unit thereafter	1 space per first 2000m² floor area, or part thereof and 1 space per every 2000m² floor area thereafter			
	Heavy vehicle parking depot										40% of property or site reserved for parking and loading requirements				
	Parking Garage										Not applicable	Not applicable			
	Petro-port										40% of property reserved for parking and loading requirements				
	Taxi rank and bus rank										4,5 spaces per 100m² office floor area and 6 spaces per 100m² public floor area and 1 space per 4 seats	1 space per first 2000m² floor area, or part thereof and 1 space per every 2000m² floor area thereafter			
	Truck Stop*										40% of property reserved for parking and loading requirements and 6 spaces per 100m² retail floor area.				
	Railway station										4, 5 spaces per 100m² office floor area and 6 spaces per 100m² public floor area and 1 space per 4 seats.	spaces per first 1000m² floor area, or part thereof and 1 space per every 1000m² floor area thereafter.			
		Filling Station*									40% of property reserved for parking and loading requirements and 6 parking spaces per 100m² retail floor area				
		Informal Trade*									3 spaces per 100m² floor area	1 space per first 2000m² floor area, or part thereof and 1 space per every 2000m² floor area thereafter			
		Private Open Space									3 space per 100m² sport, recreation or play area	Not applicable			
		Public Open Space									3 space per 100m² sport, recreation or play area	Not applicable			
		Service station									40% of property reserved for parking and loading requirements and 6 spaces per 100m² retail floor area.				
		Utility									40% of property reserved for parking and loading requirements				
Other controls:															

Zone Number 22		Use Zone: TOURISM AND ACCOMMODATION									Zone Code: TA				
R=204, G=255, B=102															
Statement of Intent															
This is a zone that manages the use of land for eco-tourism or nature based tourism development. The main focus is on accommodation in the form of lodges, bush camps, cultural villages and bed and breakfast establishments within a rural setting.															
Objectives															
<div><div></div><div>To provide opportunities for the development of the tourism sector, inclusive of tourism facilities, recreation and accommodation.</div><div>To provide for "lifestyle" or investment type recreational ownership such as share block schemes, multi ownership reserves and eco-estates, excludes golf estates.</div><div>To ensure that the underlying agricultural potential of the land is protected.</div></div>															
TABLE "A"				TABLE "B"							TABLE "C"		TABLE "D"		
Free Use (Buildings which may be erected and purposes for which they may be used)	Permitted Use	Special Consent Use	Prohibited Use	Number of dwelling units per erf or per netto hectare		Maximum coverage as % of erf		Maximum F.A.R.		Max Height	Parking Spaces	Loading Spaces	Building Lines		
				Existing right	Relaxation	Existing right	Relaxation	Existing right	Relaxation				Street (m)	Side (m)	Rear (m)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Buildings/uses not in columns 1-3	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality			10	2	2
Agriculture											Not applicable	Not applicable			
Agricultural buildings											1 space per 100m ² floor area and 3 spaces per 100m ² office floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.			
Nature Reserve											Not applicable	Not applicable			
	Agricultural housing										1 space per every 3 dwelling units	Not applicable			
	Back-packer inn										1 space for every 5 beds	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Botanical Garden										1 parking space per every 1000m ²	Not applicable			
	Camping Site										1 space per tent or caravan or mobile dwelling unit site and 4,5 spaces per 100m ² office floor are and 1 space per 4 seats and 6 spaces per 100m ² place of refreshment public floor area and 6 spaces per 100m ² retail floor area	1 space per first 2000m ² place of refreshment or retail floor area thereafter.			
	Cultural Heritage Site										Not applicable	Not applicable			
	Lodge										1 space per guest room or suite and 6 spaces per 100m ² public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Resort										1 space per room and 4 spaces per 100m ³ public floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Riding stables										0,7 spaces per stable	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
	Tourist facilities*										3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space			

											per every 2000m ² floor area thereafter			
	Wildlife Estate									As approved by the municipality	As approved by the municipality			
	Caravan Park									2 per 100m ² parking gross leasable area	2 per 1000m ² parking per gross leasable area			
	Dormitory Establishment									1 space per bedroom	Not applicable			
		Airfield								2 spaces for the first 1000m ² floor area or part thereof and 1 space for every 1000m ² thereafter, or part thereof	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor thereafter.			
		Dwelling units								1 parking per dwelling unit, and an additional parking per 3 units for visitors	1 space per 10 dwelling units			
		Environmental Facilities								6 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Fuelling facility								40% of property reserved for parking and loading requirements.				
		Garden service establishment								3 spaces per 100m ² floor area	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Harvesting of natural resources								Not applicable	Not applicable			
		Home occupation*								3 parking spaces	Not applicable			
		Lifestyle Estate								As approved by the municipality	As approved by the municipality			
		Mobile dwelling unit								40% of property reserved for parking and loading requirements				
		Place of education								2 spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students	1 drop-off space for buses per 100 students.			
		Taxi rank and bus rank								4,5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter			
		Telecommunication infrastructure								N/A				
		Traditional healing practice								3 spaces per 100m ² floor area	Not applicable			
		Wood Yard								40% of property reserved for parking and loading requirements				
		4X4 Trail								4,5 spaces per 100m ² office floor area and sufficient area for parking of the participating 4x4 vehicles and sufficient parking area for spectators	Not applicable			
		Zoological garden								6 spaces per hectare uncovered exhibition floor area and 4,5 spaces per 100m ² covered exhibition floor area	1 space per first 2000m ² covered or uncovered floor area, or part thereof and 1 space per every 2000m ² covered floor area thereafter.			

<p>PART V: SPECIFIC CONDITIONS AND DEVELOPMENT CRITERIA APPLICABLE TO USE ZONES</p>
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5.1 Conditions applicable to erven zoned residential 1

5.1.1 Where application is made for the subdivision of an erf zoned "Residential 1" into two or more portions (hereafter referred to as "resultant erf or erven") in terms of Section 65 of the Thulamela By-law on Spatial Planning and Land Use Management, 2016, or any superseding legislative provision such application shall not be granted if, as a result of such subdivision, any resultant erf will –

- (a) have a size, which is smaller than the minimum erf size specified in an adopted policy of the Municipality, as may be applicable from time to time;
- (b) not have vehicular access to a public street to the satisfaction of the Municipality.

5.1.2 Where the subdivision of an erf is approved, such subdivision shall, subject to the following conditions in addition to any conditions imposed by the decision making authority:

5.1.2.1 The resultant erf shall have an acceptable shape and street frontage for vehicular access; or if such resultant erf is an erf with a panhandle then:

- i. the panhandle shall provide access from a street to the panhandle portion;
- ii. the panhandle shall be not less than 3 m wide along its entire length and not wider than 8 m, except with the Written Permission of the Municipality;
- iii. the area of the panhandle portion, excluding the panhandle, shall be in accordance with the minimum erf size requirements of this Scheme;
- iv. the slope of the panhandle shall not exceed 1:8: Provided that the Municipality may grant Permission to deviate from this requirement in special circumstances;
- v. a panhandle shall provide access only to the erf of which it forms a part, as well as a property in favour of which a servitude of right of way has been registered over the panhandle, except where the Municipality determines otherwise;
- vi. the registered owner of the panhandle portion shall, at own expense, pave the panhandle to the satisfaction of the Municipality prior to or simultaneously with the erection of any building on the erf and such paved panhandle access shall thereafter be maintained dust free to the satisfaction of the Municipality;
- vii. the registered owner of the panhandle portion shall when

required by the Municipality, erect screen walls or appropriate fencing or barriers along the boundaries of the panhandle to the satisfaction of the Municipality;

- viii. no buildings or structures shall be erected in the panhandle access; and
- ix. the minimum street frontage of the panhandle access shall not be less than 3,0 m.

5.1.2.2 The requisite minimum street frontage or width of a panhandle access to a resultant erf may be varied to the satisfaction of the Municipality on condition that:

- i. a servitude of right of way to a public street, to the satisfaction of the Municipality, is registered in favour of such resultant erf;
- ii. such servitude shall have a width of not less than 3,0 m and not more than 8,0 m; and
- iii. the boundaries of such servitude shall be deemed to be a side or rear boundary of the erf over which it is registered.

5.1.3 Where any portion of a "Residential 1" erf is physically severed from such erf owing to the execution of municipal or similar works or where a portion of the erf stands to be severed by the proposed execution of such works, the portion so severed shall be deemed to be an existing erf and a dwelling-house may be erected thereon or an existing dwelling-house may be retained thereon: Provided that the size and shape of such erf, in relation to the surrounding erven, is to the satisfaction of the Municipality.

5.1.4 Where a "Residential 1" erf has a density of "One dwelling-house per erf", as indicated in this Scheme, then such erf shall not be subdivided until the density restriction of the Scheme is appropriately amended.

5.2 Conditions applicable to erven zoned residential 2 and 3.

5.2.1 The internal driveways or paths on the property shall be constructed and maintained by the owner as required by the Municipality.

5.2.2 The erf or any group of erven shall not be subdivided by creating portions with detached or semi-detached dwelling units thereon, before full implementation of the proposals embodied in the approved site development plan relating to the particular erf or group of erven have been fully implemented or the Municipality granting Written Consent thereto. If it is not the intention to develop the whole of the erf or any group of erven simultaneously, the grouping of the dwelling units and programming of the development must be shown clearly on the site development plan.

- 5.2.3 The Municipality may, when considering an application for a change in land use or when considering a Site Development Plan in respect of such erven, require the owner to erect a wall of 1,8 metre or any other height the Municipality may deem appropriate in order to improve privacy of an adjacent property and the overall aesthetical quality of any development.
- 5.2.4 No construction may commence without the prior approval of a site development plan by the Municipality and subject to whatever conditions may be imposed in terms of such approval.
- 5.2.5 Residential 2 erven are further subject to the conditions listed in Schedule 2
- 5.2.6 Residential 3 erven are further subject to the conditions listed in Schedule 3

5.3 Conditions applicable to public garage and filling station erven

- 5.3.1 No material or equipment of any nature whatsoever shall be stored or stacked to a height exceeding the height of the screen wall: Provided that the Municipality may relax this condition if, in the opinion of the Municipality it shall not be detrimental to the general amenity of the neighbourhood.
- 5.3.2 No repairs of any nature to vehicles or equipment shall be affected outside the garage building, except in an area which is screened to the satisfaction of the Municipality for that purpose: Provided that the Municipality may grants its Written Consent to relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- 5.3.3 No material or equipment of any nature shall be stored or stacked outside the garage building except in an area which is screened to the satisfaction of the Municipality for that purpose: Provided that fuel pumps or oil and fuel installations may be sited outside the building to the satisfaction of the Municipality: Provided further that the Municipality may grants its Written Consent to relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- 5.3.4 Canopies over fuel pump installations are not regarded as coverage but shall be considered as Floor Area in terms of this Scheme.

5.4 Conditions applicable to play and recreation area in residential complexes

- 5.4.1 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 areas².

²align with amendment scheme done with regard to this clause

- 5.4.2 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.
- 5.4.3 The recreation areas shall incorporate landscaping and shall be properly maintained by the body corporate or similar body. The areas shall accommodate children's play apparatus.
- 5.4.4 No such area may be smaller than 250m² and shall provide for level areas to promote children's games.

5.5 Conditions applicable to additional dwelling units on farms/agricultural holdings

- 5.5.1 The applicant be responsible for the upliftment of any restrictive title conditions, if applicable.
- 5.5.2 Proof of sufficient potable household water be provided for each dwelling unit, with a minimum of 1 500 litres per day, prior to the approval of building plans.
- 5.5.3 Proof of the sustainability of boreholes be provided, if used as source for household water prior to the approval of building plans and borehole should have approval from DWAF
- 5.5.4 Septic tanks and French drains be built according to engineering standards and DWAF specifications. The building control office should be engaged to confirm commencement of building.
- 5.5.5 Approval of building plans prior to the construction of the additional dwelling unit.
- 5.5.6 Sufficient access to the additional dwelling unit be provided and if applicable a necessary right-of-way servitude be registered.

5.6 Conditions applicable to the establishment of taverns within residential 2 areas

- 5.6.1 An entire dwelling house may not be converted for the purposes of a tavern.
- 5.6.2 The minimum stand size of a residential stand to be considered for the purposes of a tavern shall not be more than 600m².

- 5.6.3 The proposed tavern facility/activity must be subservient to the main use, namely dwelling house and therefore the floor area of the proposed tavern must not be more than 30% of the floor area of the existing dwelling house.
- 5.6.4 The owner of the tavern shall permanently reside on the property.
- 5.6.5 A tavern shall refer to a use of an outbuilding or portion of a dwelling unit by the occupant of the dwelling unit for the sale of alcoholic beverages and may include an indoor seated area for the consumption of alcoholic beverages on the property, as well as pool tables or any other indoor gaming activities, excluding a restaurant or gaming establishment, provided that the use is subservient to the main use.
- 5.6.6 The applicant shall not conduct any other use than that of a tavern (as approved by the municipality) and if the owner wants to conduct an additional use on the property, the owner/occupant shall re-apply.
- 5.6.7 The main use of the building shall remain residential.
- 5.6.8 No noise pollution shall be allowed, and noise levels must comply with the Health requirement in residential areas.
- 5.6.9 Parking shall be provided in a ratio of 1 parking space per 8 seats.
- 5.6.10 The tavern shall not be allowed within a radius of 500 meters from land uses such as Places of Public Worship and Places of Instruction.
- 5.6.11 The land use cannot be exercised until such time a liquor license has been granted by the relevant authority.
- 5.6.12 No illegal advertisement will be allowed on the premises except as provided in terms of the advertising by-law of the municipality.
- 5.6.13 All consumption of liquor should be within the property.
- 5.6.14 A brick wall with a minimum height of 1,8 m must be built.
- 5.6.15 Trading hours shall be in accordance with the Liquor License.
- 5.6.16 Should the applicant fail to comply with any of the conditions, the municipality may withdraw the approval granted.

5.7 Conditions applicable to the establishment of bed and breakfast or guest house

- 5.7.1 Application for bed and breakfast or guest house on a low-density residential zoned property shall be made in terms of Clause 6.2 (Special Consent).
- 5.7.2 The house be permanently occupied by the owner/manager of the bed and breakfast or guest house.
- 5.7.3 Adequate parking be provided on the said property and the said parking spaces be indicated on the building plans for the proposed development.
- 5.7.4 Should food be served/sold on the premises, the kitchen facilities comply with the criteria for food handling as required by the Health Department and no refreshments be sold to the general public, in other word non-residents.
- 5.7.5 For bed and breakfast a maximum of 5 rooms for a maximum of 10 occupants shall be permitted, although application may be made to the Local Municipality for a relaxation thereof;
- 5.7.6 For a guest house a maximum of 12 rooms or a maximum of 24 occupants, whichever is the least, shall be permitted in areas with a low-density residential zone.
- 5.7.7 The establishment of more than 12 guest rooms or more than 24 occupants, shall be supported on properties adjoining main roads and on properties earmarked for low to medium density residential development in terms of the Spatial Development Framework.
- 5.7.8 The necessary license and certificate of acceptability, must be obtained from the Health Department.
- 5.7.9 Should the appearance of the area be negatively influenced or in the event of any justifiable complaints in connection with the mentioned guest house, an approval made in terms of consent use may be withdrawn.
- 5.7.10 All advertising signs must comply with the Municipal By-Laws for control of outdoor advertising.
- 5.7.11 Should it at any time come to the attention of the municipality that the above conditions have been contravened, or the number of rooms does not coincide with the records, the municipality will take the necessary legal actions to rectify such illegal land uses and/or approved consent use may be withdrawn.

5.8 Conditions applicable to the establishment of Child Care Facilities

- 5.8.1 Application for the establishment of play groups, day mothers, afterschool care centres and pre-schools on "Residential" with low density zoned properties for more than six kids shall be made in terms of Clause 6.2.
- 5.8.2 A sign consisting of a 1,5m x 1,5m board, indicating the name of the pre-school, day mother, play group or after school care centre may be affixed to the boundary wall or fence or the entrance door, on or to a wall in the entrance hall of the building used for the pre-school, day mother, playgroup or after school care centre within a residential area, but only one sign per erf shall be permitted;
- 5.8.3 Demarcated, paved parking spaces and ancillary vehicle maneuver area, shall be provided to the satisfaction of the Local Municipality and in accordance with Table "C".
- 5.8.4 The required parking spaces must be provided on the property and no parking will be allowed on the road reserve of any public street or on public open spaces (parks). A site plan indicating the required parking spaces must be submitted with the consent use application;
- 5.8.5 The pre-school, day mother or after school care centre may only operate between 6:00 and 17:00 during normal workdays and the play groups may only operate between 8:00 and 13:00 during normal workdays;
- 5.8.6 Should the appearance of the area be negatively influenced or in the event of any justifiable complaints in connection with the mentioned use, the consent approval will be withdrawn;
- 5.8.7 The necessary license or health certificate must be obtained annually from the Health Department (a health certificate / license must only be issued after this department has approved the special consent use application);

5.9 Conditions applicable to the establishment of telecommunication mast

- 5.9.1 The applicant shall submit an application in terms of Clause 6.2
- 5.9.2 The Municipality will not take in any incomplete applications and will only consider applications that have all the required documentation.
- 5.9.3 All documents required will be listed as part of the departmental administrative procedure.
- 5.9.4 Proof of all the above must form part of the application submitted to Council and is thus the responsibility of the applicant.

5.10 Conditions applicable to areas with Water Courses

5.10.1 No physical development of any property shall occur within the following without the necessary consent received from the Department of Economic Development, Environment and Tourism (Limpopo Province) or its successor in title:

- (a) A wetland habitat;
- (b) The 1:100 year flood line of a river or stream;
- (c) The 32 metre buffer zone from the edge of a riparian zone of a river within the urban edge;
- (d) The 100 metre buffer zone from the edge of a riparian zone of a river outside the urban edge;
- (e) The 30 metres buffer zone from the outer edge of the temporary zone of a wetland or dam within the urban edge;
- (f) The 50 metres buffer zone from the outer edge of the temporary zone of a wetland or dam outside the urban edge.

5.10.2 No development shall take place within hydromorphic grassland.

5.10.3 A buffer zone, determined by a specialist acceptable to the Municipality, shall be created between the wetland and any proposed development.

5.10.4 The control and eradication of exotic and invasive species shall be implemented within wetland systems by the owner of such property.

5.11 Conditions applicable to High Biodiversity Areas

5.11.1 An application submitted on areas within high to medium high hyper diversity areas, important habitat types identified and areas with a vast number of species with a high conservation status as indicated on the Environmental Management Overlay Zone shall be submitted to the Department of Economic Development, Environment and Tourism (Limpopo Province) or its successor in title for evaluation and commenting purposes.

5.11.2 Development within high and medium to high hyper diversity areas, important habitat types identified and areas with a vast number of species with a high conservation status as indicated on the Environmental Management Overlay Zone shall be subject to the following information if required by the Department of Economic Development, Environment and Tourism (Limpopo Province) or its successor in title:

- (a) A full ecological investigation in which functional and compositional aspects are dealt with;
- (b) An alien and invasive vegetation investigation as state Section 64 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) and in any amendments thereof and should include:
 - i. Detailed list and descriptions of alien and invasive species;
 - ii. Description of infested sites;
 - iii. Assessment of extent of infestation;

- iv. Status report on efficiency of previous control methods and future eradication measures.

5.11.3 In addition to the requirements set out in applicable Clause, development within an area of high hyper diversity, as indicated in the Environmental Overlay Zone, shall be subject to the following information if required by the Department of Economic Development, Environment and Tourism (Limpopo Province) or its successor in title:

- (a) The area within which the habitat type occurs shall be zoned as a potential conservation and protection area;
- (b) Identify taxon species lists;
- (c) Identify which taxon (organism group- herpe to fauna, mammals, flora, avifuauna, Lepidoptera, aquatic fuana) exhibits high or medium to high biodiversity;
- (d) A specialist within the field of the identified taxon must execute a full investigation on the taxon – including the identification of possible/ current threats and perceived impacts of the development on the species in the taxon;
- (e) For a taxon with a low confidence level, a full investigation should be performed;
- (f) If any species of high conservation status is recorded in the area, a full Red Data assessment will be required.

5.12 Conditions applicable to the establishment of student accommodation

5.12.1 Student accommodation establishments may be established in a low density residential zone with a maximum of 12 students, any student accommodation establishments which exceeds the maximum number of students must be located in a medium to high density area in accordance to the Spatial Development Framework (SDF).

5.12.2 Applications will be assessed on the basis of the following factors:

- (a) desirability of the contemplated utilization of the land concerned;
- (b) applicable legislation;
- (c) effects on the existing rights;
- (d) the safety and welfare of the community;
- (e) the preservation of the natural and developed environment.

5.12.3 Student accommodation establishments intending to accommodate more than 12 students must be rezoned from "Residential" 1 and 2 in line with the Spatial Development Framework.

5.12.4 The Municipality may withdraw any land use right (relating consent use granted) if any breach of approval or conditions of approval has, in the opinion of the Municipality, taken place.

5.12.5 The caretaker of the property must permanently reside on the premises.

5.12.6 That no person may operate student accommodation establishment on any premises unless he/she has complied with all applicable legislation:

- (a) the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) where building constructed on the premises must comply with this Act and its regulations;
- (b) Spatial Planning and land Use Management Act, 2013 (Act No. 16 of 2013);
- (c) Higher Education Act , 1997 (Act No. 101 of 1997);
- (d) Thulamela Spatial Planning and Land Use Management By-Law, 2016;
- (e) Thulamela Building Regulations;
- (f) Thulamela Integrated Urban Development Framework (IUDF);
- (g) the Council's applicable Land Use Scheme with specific reference to parking, floor area ratio, coverage and zoning, number of rooms and with Council's Outdoor Advertising Bylaws with reference to signage;
- (h) necessary license and certificate of satisfactoriness, must be obtained from the Department of Health, fire, labour or various Departments of relevance;

5.12.7 The property shall at all times be kept and maintained in a good condition and no dirt of any kind shall be allowed to accumulate therein, to the extent that the Local Authority shall at all times be satisfied that the state of the property is not detrimental to the amenity of the area.

5.12.8 That the site development plan be submitted to the Thulamela Municipality together with the application for the student accommodation establishment: The minimum design standards as per the policy on the minimum norms and standards for student housing at public universities) as Gazetted 29 September 2015.

5.12.9 Out buildings may be used as caretaker's living area and or office, on condition that the office use must be subservient, ancillary and subordinate to the main use. Outbuilding should include Kiosk/Tuck-shop.

5.12.10 All meals and refreshments should be served exclusively to Student and no public bar and adult entertainment will be allowed on the facility N.B.! no refreshments may be sold to the general public, in other words non-residents.

5.12.11 Parking should be 1 parking base per 5 rooms.

5.13 Conditions governing a household enterprise/ occupation

5.13.1 With respect to a dwelling-unit and its outbuildings, but apart from the exceptions mentioned in Conditions 5.13.3 and 5.13.4, a Household Enterprise is restricted to -

- 5.13.1.1 Only one bona fide occupant who shall reside permanently in the dwelling-unit together with his/her family members as a single household.
- 5.13.1.2 A maximum of 20% of the gross floor area of the dwelling-unit: Provided that without the Permission of the Municipality such area shall not exceed 75 m².
- 5.13.1.3 The display of one sign showing only the name of the occupant intended in condition 1(1) hereof, the address and the telephone number and the nature of the home enterprise shall be subject to the Municipality's Permission.
- 5.13.1.4 The storage of goods of whatever nature, reasonably essential for such household enterprise, within the area contemplated in Condition 1(2) hereof.
- 5.13.1.5 The display of goods contemplated in Condition 1(4) hereof in such a way inside the dwelling unit that it is not visible from the outside.
- 5.13.1.6 The loading and off-loading of goods contemplated in Condition 1(4) hereof by means of a private motor vehicle or commercial vehicle with a mass not exceeding 3 500 kg (loading capacity included) and a maximum length, width and height of 5,500 m, 1,800 m and 2,100 m respectively, and of which only one such vehicle may be parked regularly at the dwelling-unit out of sight from the street.
- 5.13.1.7 Place of Child Care, where a maximum of ten (10) pre-school children are cared for:

Provided that –
 - (a) the health and safety requirements of the Municipality shall be complied with;
 - (b) no activities shall be held on weekdays after 17:30, or on Saturdays, Sundays or public holidays;
 - (c) an acoustically-acceptable screen wall of at least 1,8 m high, shall be erected on the property boundary, where the play area abuts the living-room(s) of an adjoining dwelling unit, to the satisfaction of the Municipality; and
 - (d) the dwelling-unit shall be on property zoned "Residential 1" and "Agricultural".
- 5.13.2 One parking space per 25m² or portion thereof of the area referred to in Condition 1(2), hereof shall be provided on the property.

5.13.3 Only in the case of a dwelling-house on property zoned "Residential 1" or "Agricultural"; may a maximum of two persons be employed, whether on the property or off the property.

5.13.4 Noxious Industries and Industries are not permitted.

5.13.5 No disturbance or pollution through noise, smell, dust, radio-activity, gases or vibrations or other offensive condition, which results in inconvenience to the public, is permitted. Any waste, especially medical waste, shall comply with the Municipality's requirements for the temporary storage and removal from the property.

5.13.6 The following uses shall not be permitted in any dwelling-unit:

5.13.6.1 Animal boarding place; bank agency; blasting contractor; builder's yard/storage of building equipment, building contractor's business, building society agency; butcher; call centre; car wash; escort agency; fire fighting enterprise/service; fish-fryer; funeral parlour; hiring and selling of vehicles; institution; (other) light industries; manufacturing of concrete products; medical rescue and/or paramedic emergency rescue service; micro- lender; motor workshop; packaging contractor; panel-beater; parcel delivery service and/or courier service; pet salon; place of amusement; place of child care for more than 10 children; place of instruction for more than ten persons; restaurant; transport depot; radio control/telephone exchange; shooting range; spray-painter; taxi business; tow-in service; travel agency; vehicle tracking agent/enterprise; veterinary hospital; and visitors' information bureau.

5.13.6.2 Shops (excluding the sale of liquor) and Retail Industries.

5.13.6.3 Spaza Shops except with the Permission of the Municipality.

5.14 Conditions applicable to Protected Areas

5.14.1 The objectives of Protected Areas, is as set out in the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEMPAA):

(e) To protect

- i. Areas of biodiversity importance that contains a viable, representative sample of South Africa's natural systems, scenic areas or cultural heritage sites;
- ii. the ecological integrity of one or more ecosystems in the area;

- (f) prevent exploitation or occupation inconsistent with the protection of the ecological integrity of the area;
- (g) provide spiritual, scientific, educational, recreational and tourism opportunities which are environmentally compatible; and
- (h) contribute to economic development, where feasible;

- (i) for the management of protected areas in accordance with NEMPAA and its associated policies and norms and standards;
- (j) for the continued existence, governance and functions of the Protected Area within the integrated landscape.

5.14.2 Activities permitted under Protected Areas are in accordance with the declaration under NEMPAA Section 18; 20; 23; 28 and within full recognition of NEMPAA Chapter 4, Part 4, and as further informed by the particular area's NEMPAA compliant and MEC or Minister approved Management Plan.

5.14.3 Activities permitted with formal approval is approved activities in accordance with declaration under NEMPAA Section 18; 20; 23; 28 and within full recognition of NEMPAA Chapter 4, Part 4, and as further informed by the particular area's NEMPAA compliant and MEC or Minister approved Management Plan, and in consultation with Thulamela Municipality and Limpopo Tourism Agency or Department of Environmental Affairs;

5.14.4 Activities not permitted as in accordance with declaration under NEMPAA Section 18; 20; 23; 28 and within full recognition of NEMPAA Chapter 4, Part 4, and as further informed by the particular area's NEMPAA compliant and MEC or Minister approved Management Plan;

5.14.5 Additional controls:

- (a) All land use activities not reflected in the relevant Protected Area Management Plan or NEMPAA and its associated Strategies or Gazetted Government Notices should be referred back to the Protected Area's Management Authority for consideration;
- (b) If a MEC/Minister signed off, NEMPAA compliant, Management Plan is not in place, Thulamela Municipality can, at their discretion, practice full land use administration rights, as mandated under SPLUMA;
- (c) All land uses and associated activities are fully subject to all other environmental legislation and considerations;
- (d) Thulamela Municipality needs to comment when any land use changes or new developments occur, as mandated entity under SPLUMA;
- (e) Building Plans need to be submitted and approved by the Thulamela Municipality.

5.15 Conditions applicable to land use application in rural areas

5.15.1 An applicant who wishes to develop on or change the land use purpose of communal land located in the area of a traditional council where such development will have a high impact on the community or such change requires approval in terms of the land use scheme applicable to such area, must apply to the Municipality in the manner provided for in the By-Law.

5.15.2 The application must be accompanied by-

- (a) A Tribal Resolution from the responsible Tribal Council issued by the Department of Rural Development & Land Reform;
- (b) Proof of a decision taken by the majority of the community members who will be affected by such development who were present at a meeting, of which they have been given sufficient notice and in which they have had a reasonable opportunity to participate, that was convened for the purpose of considering whether their informal right to land may be disposed of as a result of such high intensity development;
- (c) And the provision of the municipal by-law applies to that application.

5.15.3 An applicant who wishes to develop on or change the land use on communal land located in the area of jurisdiction of a traditional council must apply to the Municipality in the manner provided for in the By-Law.

5.15.4 Where applicable, the applicant should submit the following:

- (a) Proof of consent from such owners of abutting properties that are determined by the Municipality;
- (b) A Site development plan or sketch sufficient for the Land Development Officer to make a decision; and
- (c) Minutes and an attendance register, signed off by a municipal official in attendance, of a public meeting held to consider the proposed development.

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

6.1 Criteria for the consideration of applications including areas under traditional authorities, farms and informal settlements/Slums

6.1.1 Subject to the provisions of Clauses 6.2, 6.3 and 6.4 hereof, the local municipality may, when application is made for its special, written or temporary consent in terms of this Scheme refuse or grant such consent subject to such conditions as it may think fit, with due consideration of:

- 6.1.1.1 the amenities of the area;
- 6.1.1.2 health and safety of the area;
- 6.1.1.3 the character of other uses in the area;
- 6.1.1.4 the need and desirability of the use concerned;
- 6.1.1.5 any relevant land-use management related policy of the municipality, and
- 6.1.1.6 the Integrated Development Plan (IDP) and Spatial Development Framework (SDF) and any review thereof.

6.1.2 The local municipality may upon the granting of any consent contemplated in Clauses 6.2 and 6.3 of this Scheme, impose conditions of approval as envisaged in Section 52 of the Thulamela Municipality By-law on Spatial Planning and Land Use Management, 2016 and Section 43 of the Spatial Planning and Land Use Management Act (Act 16 of 2013) for which purposes the provisions of Chapter 7 of the By-law *mutates-mutatis* apply.

6.2 Special consent of the local municipality

6.2.1 Provisions of Section 93 and 96 to 109 of the By-Law applied *mutates mutandis* with reference to this section of the Scheme.

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

- 6.2.2.1 the erection and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the special consent of the local municipality in terms of column 3, Table "A".
- 6.2.2.2 an increase in the density of an erf (see column 5, Table "B")

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

6.2.3 An application shall include a report to the local municipality, containing full particulars on the criteria referred to in Section 51 of the By-law, as well as particulars appearing in notices as set out in Clause 6.2.4.1 or any other relevant particulars which may be required by the local municipality.

6.2.4 The applicant shall:

6.2.4.1 At his own expense publish a notice twice for two consecutive weeks in a local newspaper/s, circulating in the area of the application and must be visible for 30 days;

6.2.4.2 Such notice shall be in any two most spoken official languages in the area concerned of which one should be in English;

6.2.4.3 Display a notice referred to in sub-clauses 6.2.4.1 and 6.2.4.2 and maintain same, for a period of not less than 21 consecutive days from date of first publication, in a conspicuous position, visible from the street on each separate portion of the land to which such consent will apply;

6.2.4.4 In the case of an application lodged in a rural settlement, if so required by the local municipality, display a notice referred to in sub-clauses 6.2.4.1 and 6.2.4.2 and maintain same, for a period of not less than 21 consecutive days from date of first publication, in a conspicuous position, at a local traditional authority office and / or any other public place as determined by the local municipality;

6.2.4.5 In the case of an application lodged in the "Agricultural" use zone, if so required by the local municipality, obtain the written comments of the adjacent land owners, or such other owners of land in the surrounding area, as prescribed in Clause 6.3.

6.2.4.6 Circulate the application to any other person or body that may be required by the local municipality.

6.2.5 The notice referred to:

6.2.5.1 In Sub-clause 6.2.4.1 and 6.2.4.3 – 6.2.4.5 shall contain

- (a) The name, physical address and contact details of the applicant;
- (b) Identify the land to which the application relates by giving the property description (erf number) and the physical address (street name and number);
- (c) state the intent and purpose of the application
- (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
- (e) state the contact details of the relevant municipal employee;

- (f) invite members of the public to submit written comments or objections together with the reasons therefore in respect of the application;
- (g) state in which manner comments or objections may be submitted;
- (h) state the date by when the comments or objections must be submitted which must not be less than 30 days from the date on which the notice was given;
- (i) state that any person who cannot write may during office hours attend at an address stated in the notice where a named staff member of the Municipality will assist that person to transcribe that person's objections or comments.

- 6.2.6 The notice in sub-clause 6.2.4.1 – 6.2.4.5 shall not be less than 594mm by 420mm (2 x A3) in size and no letter thereon shall be less than 6mm in height.
- 6.2.7 An applicant shall, at his/her own expense, serve a notice to all registered owners of land abutting upon or sharing a common boundary with that land (specifically including any land which is only separated by a road), including a home owners associations, or else as determined by the Municipality, within 7 (seven) days after submitting the application to the Municipality, informing them of the application, to the satisfaction of the Municipality (refer to Section 93 of the By-Law regarding serving of notices).
- 6.2.8 The applicant shall submit proof, including an affidavit in respect of the site notices, to the satisfaction of the Municipality that the provisions of sub-clause 6.2.4.1 and Clause 6.2.7 have been complied with.
- 6.2.9 The municipality may require the applicant to additionally notify any additional stakeholders and interested parties which may include a notice in a newspaper, circulating in the local area.
- 6.2.10 The local municipality shall consider and hear any objection or representation received within the aforementioned period of thirty (30) days, at a hearing arranged by the local municipality within a reasonable time period.
- 6.2.11 A reasonable time period referred to above shall be deemed to be 90 days calculated as from lapsing of 30 days referred to in Clause 6.2.10 above.
- 6.2.12 Should any objection to, or representation against, the application be received by the local municipality, it shall set a time and place for the hearing of such objection or representation in a manner complying with the requirements of the administrative justice, and shall give written notice thereof, by registered post or by any electronic communication including email, at least 21 days prior to the hearing, to the applicant and/or his duly authorised agent and all objectors.

- 6.2.13 Where the objections or representations contemplated in Clause 6.2.10 of more than one person are contained in one document, it shall be deemed sufficient compliance with the provisions of Clause 6.2.13 if the person who has lodged the document or is a signatory thereto is notified as contemplated in the latter clause.
- 6.2.14 The local municipality shall after due consideration of any objections and the criteria stipulated in Section 52 of the By-law hereof, in writing notify the applicant and every person who has lodged an objection or had made representations, of such decision.
- 6.2.15 The decision of the local municipality shall (where any objection to this application was received) not come into operation before expiry of fifty-six (56) days calculated from the date of notification of the parties in writing envisaged in Clause 6.2.14 hereof.
- 6.2.16 The applicant may note an appeal in terms of the provisions of the Act and By-law if the application is refused by the local municipality.
- 6.2.17 Any consent granted in terms of Clause 6.2.14 shall be for a maximum period of three years, from date of approval and be subject to specific conditions of approval, with the proviso that the local municipality may extend this period, subject to the provisions of Clause 6.2.17.
- 6.2.18 Every applicant shall, after approval by the local municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in the month, during which the applicant was notified of such an approval as envisaged in Clause 6.2.14, to the satisfaction of the local municipality, submit an affidavit in confirmation of *inter alia* the fact that the conditions pertaining to such approval and use, are fully complied with.
- 6.2.19 Any consent that the local municipality granted in terms of Clause 6.2.14 lapses under the following conditions:
- 6.2.19.1 If any right to which the consent applies are not exercised within a period of 12 months from the date of such consent;
- 6.2.19.2 If such rights have been exercised and such rights are discontinued for a period of 15 consecutive months;
- 6.2.19.3 With the proviso that the local municipality may extend the periods in Clause 6.2.19.1 and 6.2.19.2 at its discretion.
- 6.2.19.4 if a building for which such consent has been granted, is demolished, falls into disuse or becomes unsuitable for the purpose for which such consent was given; and

6.2.19.5 if a condition that applies to any consent is not met, or if any act is contrary to such consent, provided that the local municipality has given 30 days written notice to the owner and the owner after elapse of such period, still does not comply with the notice.

6.2.20 Granting of special consent for a noxious industry shall be considered: Provided that there is proof of compliance with the National Environmental Management Act, 1998 (Act No. 107 of 1998) and a certificate be issued by the Medical Officer of Health of a local municipality certifying that the process proposed to be used in connection with any of the industries or factories listed in Schedule 5 of this Scheme, will effectively eliminate any nuisance or health hazard in the vicinity of the property due to:

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

6.3 Written consent of the local municipality

6.3.1 Any owner of a property situated within the area of the Scheme(hereinafter referred to as "the applicant") intending to apply to the Municipality for Written Consent to:

6.3.1.1 erect and use a building or to use land in any Use Zone, for any purpose which requires the Written Consent of the Municipality (contemplated in Column 5, Table "A").

6.3.1.2 erect an additional (second) dwelling unit or increase the density in respect of, or number of dwelling units on an erf (Column 5 Table "B");

6.3.1.3 increase (relax)the height of a building (Column 11 Table "B");

6.3.1.4 increase the coverage on a property (Column 7 Table "B");

6.3.1.5 decrease a building line (Clause 3.1.7);

6.3.1.6 amend a Site Development Plan (Clause 3.1.25);

6.3.1.7 amend a Line of No Access (Clause 3.1.2);

- 6.3.1.8 display signs for the sale or lease of properties (Clause 3.1.9);
- 6.3.1.9 subdivide erven zoned "Residential 2, 3 or 4" (Clause 3.1.3);
- 6.3.1.10 amend conditions associated with Public Garages and Filling stations (Clause 5.3);
- 6.3.1.11 amend conditions applicable to subdivided erven and panhandle erven (Clause 3.1.29);
- 6.3.1.12 permit a larger number of persons to occupy a dwelling unit (Clause 3.1.21); and
- 6.3.1.13 permit rental of parking spaces and access control systems (Table C);
- 6.3.2 An application shall include a report to the Local Municipality, containing full particulars on the criteria referred to in Section 51 of the By-law of the proposed uses, as well as:
 - 6.3.2.1 the name and address of the applicant;
 - 6.3.2.2 the description, address and the locality of the subject property;
 - 6.3.2.3 existing zoning of the property; and
 - 6.3.2.4 a complete description of the proposed use of the land and/or building.
- 6.3.3 No written consent shall be granted in terms of this clause until the applicant has, to the satisfaction of the local municipality, obtained the written comments of the surrounding owners, as envisaged in Clause 6.3.4.
- 6.3.4 The applicant shall:
 - 6.3.4.1 Procure a form, as prescribed by the local municipality for the consent referred to in Clause 6.3.3, to be completed by every owner of land or his duly authorized agent, who owns property situated:-
 - (d) in a township or rural settlement, within a radius of 50m or such other distance as determined by the local municipality from the closest point of the property in respect of which an application is made; and
 - (e) in the "Agricultural" use zone, that shares a common boundary or boundary point with the application property or such other owners of land in the surrounding area as determined by the local municipality.

- 6.3.4.2 Supply full particulars and a description of the nature and extent of the intended use; relaxation required; the property description; the owner; and record therein that none of the persons referred to in sub-clause 6.3.4.1(a) and 6.3.4.1(b), notwithstanding their being aware of their right to object or to make representations against the application, has any objection thereto and such form shall be signed by, and disclose the name, street address and telephone number of, every person mentioned in sub-clause 6.3.4.1(a) and 6.3.4.1(b); and
- 6.3.4.3 In the case of an application lodged in the "Residential 1 (Rural Settlement)" use zone, the surrounding owners as referred to in sub-clause 6.3.4.1(a) and 6.3.4.1(b) may submit the relevant form directly to the local municipality, and not to the applicant, within 14 days from the date of being provided with such form.
- 6.3.5 The local municipality shall consider any objection received and hear any representation made at a hearing arranged by the local municipality within a reasonable time period for which purpose the provisions of Clauses 6.2.12, 6.2.13, 6.2.14, 6.2.15 and 6.2.16 shall apply mutatis mutandis.
- 6.3.6 Any consent granted in terms of Clause 6.3 shall be for a maximum period of three years, from date of approval and be subject to specific conditions of approval, with the proviso that the local municipality may extend this period, subject to the provisions of Clause 6.3.7.
- 6.3.7 Every applicant shall, after approval by the local municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in the month, during which the applicant was notified of such an approval as envisaged in Clause 6.3.6, to the satisfaction of the local municipality, submit an affidavit in confirmation of *inter alia*, the fact that the conditions pertaining to such approval and use, are fully complied with.
- 6.3.8 Any consent that the local municipality granted in terms of Clause 6.3 lapses under the following conditions:
- 6.3.8.1 if any right to which the consent applies are not exercised within a period of 3 years from the date of such consent;
- 6.3.8.2 if such rights have been exercised and such rights are discontinued for a period of 15 consecutive months; with the proviso that the local municipality may extend the periods in Clause 6.3.8.1 and 6.3.8.2 at its discretion;
- 6.3.8.3 if a building for which such consent has been granted, is demolished, falls into disuse or becomes unsuitable for the purpose for which such consent was given;

- 6.3.8.4 if a condition that applies to any consent is not met, or if any act is contrary to such consent, provided that the local municipality has given 30 days written notice to the owner and the owner after elapse of such period, still does not comply with the notice.

6.4 Temporary consent of the local municipality

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

- 6.4.1 The erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; provided that such consent shall lapse upon completion of the permanent structure or on the expiry date thereof as determined by the local municipality.
- 6.4.2 The occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall.
- 6.4.3 The use of land or buildings thereon for state or municipal purposes.
- 6.4.4 The use of land or the erection of buildings necessary for the purpose of informal retail trade.
- 6.4.5 The use of land or buildings, on a rural settlement site in Use Zone 4 only, for the small-scale manufacturing of cement bricks for use by the owner of such rural settlement site or the selling of such bricks to owners of sites within the same rural settlement. The provisions of Clauses 6.3.2 - 6.3.5 shall apply mutatis mutandis.
- 6.4.6 Any temporary consent granted in terms of this clause shall not be granted for any period in excess of 12 months, which period may however be extended by the local municipality for further periods of 12 months each, subject to a maximum period of 3 years in aggregate in cases falling within the ambit of Clauses 6.3.1, 6.3.2 and 6.3.3.

6.5 Consent for the practice of a household enterprise and service enterprise/retail

In addition to any conditions imposed by the local municipality in the granting of a special or written consent, the exercise of a household enterprise, from a dwelling unit, shall be subject to the following:

- 6.5.1 No title condition applicable to the property may be transgressed.

- 6.5.2 The applicant may practice his occupation in any trade form subject thereto that he/she is personally on a day-to-day basis in charge of the enterprise and holds the majority interest in the business.
- 6.5.3 The residential character and function of the dwelling unit must be maintained, and not more than 20% of the floor area of the dwelling unit, outbuildings excluded, or a maximum floor area of 75m² may be used for such practice.
- 6.5.4 Should more than the prescribed number of persons be accommodated on the premises where the household enterprise is conducted or, if more than 20% of the dwelling unit, outbuildings excluded or more than the maximum floor area of 75m², is to be used for the household enterprise, the special consent of the local municipality must be obtained in terms of Clause 6.2.
- 6.5.5 For the purposes of this clause, an agent or representative of the applicant will be considered an employee of such applicant.
- 6.5.6 The necessary building plans to indicate the change in use must be submitted if required by the local municipality. Parking is to be provided to the satisfaction of the local municipality in accordance with Table 1 and column 12, Table "C".
- 6.5.7 No goods may be displayed in public, in a window or in any other manner.
- 6.5.8 No notice or sign except such notice or sign as is normally displayed at the dwelling unit, to reflect the name of the applicant and the nature of the household enterprise, may be displayed provided that the size of such notice shall not exceed 600mm by 450mm.
- 6.5.9 The amenity of the area may not be prejudiced.

6.6 Consent for specific purposes

- 6.6.1 Without prejudice to any powers of the local municipality derived from any law, or the remainder of this Scheme, nothing in the foregoing provisions of this Scheme shall be construed as prohibiting or restricting the following:
- 6.6.1.1 the exploitation of minerals on any land not included in a proclaimed township;
 - 6.6.1.2 the letting of a dwelling unit for occupancy of only one family; and
 - 6.6.1.3 the letting of not more than two rooms of a dwelling unit.

6.7 Conversion rights

- 6.7.1 "Mining and Quarrying"

- 6.7.1.1 Where land is already zoned as "Mining and Quarrying", the mining rights holder shall consequent upon complying with any relevant requirements prescribed in terms of mining and environmental legislation such as the Environmental Conservation Act, 1989 (Act No. 73 of 1989) with its amendments and the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); such rights holder shall have the right to convert the zoning to "Mining and Quarrying".
- 6.7.1.2 The mining company must provide the local municipality with:
- (a) Written notification; and
 - (b) Maps indicating the area of which the status has changed as indicated above.
- 6.7.1.3 Upon delivery of the documentation referred to in Clause 6.7.1.2, "Mining and Quarrying Purposes" rights shall commence forthwith.
- 6.7.2 "Protected Areas"
- 6.7.2.1 Where an owner of land declared the land or a portion of the land as a "Protected Area" in terms of any relevant national or provincial environmental legislation, such owner shall have the right to convert the zoning to "Protected Areas".
- 6.7.2.2 The owner must provide the local municipality with:
- (a) A copy of the notice of declaration of land as a protected area; and
 - (b) Maps indicating the area of which the status has changed as indicated above.
- 6.7.2.3 Upon delivery of the documentation in Clause 6.7.2.2, "Protected Areas" rights shall commence forthwith.

6.8 Register of special and written consent approvals and relevant conditions

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.

PART VII: APPLICATION OF THE SCHEME AND POWERS OF THE LOCAL MUNICIPALITY

7.1 Binding force of conditions

- 7.1.1 Where authorisation to erect a building, or to execute any works, or to use any buildings or land for a particular purpose is granted in terms of this Scheme subject to conditions, such conditions shall have the same legal force as if incorporated herein and shall be deemed to be so incorporated.

7.2 Entry upon and inspection of properties

- 7.2.1 The Municipality may, through its authorized officials, enter upon any property at all reasonable times to conduct any inspection which the Municipality or its representative may consider necessary for the application of the provisions of this Scheme.
- 7.2.2 No person shall in any manner hinder, obstruct or interfere with the execution of any duties by any authorised official of the Municipality, or in so far as it may fall within his power, permit such official to be hindered, obstructed or interfered with.
- 7.2.3 The Municipality shall, in investigating any matter contemplated in Clause 7.3:
- (a) designate a municipal official or appoint any other person as an inspector to investigate any non-compliance with its land use scheme; and
 - (b) issue each inspector with a written designation or appointment in the prescribed form, stating that the person has been appointed for such purpose.
- 7.2.4 When an inspector contemplated in Clause 7.2.3 performs any such function, the inspector
- (a) Shall on request produce his or her written designation or appointment; and
 - (b) Shall not be a person having a direct or indirect personal or private interest in the matter to be investigated.
- 7.2.5 An inspector contemplated in Clause 7.2.3 may, subject to the other sub-clauses below–
- (a) enter upon any property at any reasonable time without previous notice for the purpose of ascertaining an issue required to ensure compliance with this Scheme;
 - (b) question any person who is or was on or in such property, either alone or in the presence of any other person, on any matter to which this Scheme relates;

- (c) require from any person who has control over or custody of a book, record or other document on or in such property, to produce to the inspector forthwith, or at such time and place as may be determined by the inspector, such book, record or other document;
- (d) examine any such book, record or other document or make a copy thereof or an extract there from;
- (e) require from such a person an explanation of any entry in such book, record or other document;
- (f) inspect any article, substance, plant or machinery which is or was on the property, or any work performed on the property or any condition prevalent on the property, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
- (g) seize any book, record or other document or any article, substance, plant or machinery or a part or sample thereof, which in his or her opinion may serve as evidence at any hearing or trial of any person charged with an offence in terms of this Scheme or the common law: Provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure; and
- (h) direct any person to appear before him or her at such time and place as may be determined by the inspector and question such person either alone or in the presence of any other person on any matter to which this Scheme relates.

7.2.6 When an inspector enters any property in terms of Clause 7.2.5, a person who controls or manages the property must at all times provide such facilities as are reasonably required by the inspector to enable him or her to perform his or her functions effectively and safely in terms of this Scheme.

7.2.7 When an inspector removes or seizes any article, substance, plant, machinery, book, record or other document, he or she must issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized.

7.2.8 An inspector may, where necessary, be accompanied by a police official or any other person reasonably required to assist him or her in conducting the inspection.

7.2.9 An inspector may issue a compliance notice in the prescribed form to the person who controls or manages the property or the owner or person in control of a private dwelling if a provision of this Scheme has not been complied with.

7.2.10 A compliance notice remains in force until the relevant provision of the Scheme has been complied with and the inspector has issued a compliance certificate in respect of that notice.

7.2.11 An inspector who enters and searches any land or private dwelling under this clause, must conduct such search or seizure with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security and privacy.

7.3 Contravention and enforcement of the scheme

7.3.1 Any person who commits or knowingly permits a contravention of any of the provisions of this Scheme or of the requirements of any order or notice issued or conditions imposed in terms of this Scheme, shall be deemed to be guilty of an offence.

7.3.2 Where a member of the public is aware of a possible contravention of the scheme with regard to the use of a property in the scheme area, such a member of the public may file a complaint of alleged contravention with the Municipality. For such purpose the pro forma complaint sheet under Schedule 6 must be used.

7.3.3 The municipality -

- (a) may on its own accord; or
- (b) must on request of any person of the public,

investigate any alleged contravention of the scheme, land use on land and/or an erf and/or within a building and for this purpose may inspect the land, erf and/or building implicated in the matter as set out in Clause 7.2 herein.

7.4 Serving of notices

7.4.1 Any order, notice or other document to be served by the Municipality on any owner or occupier of a building or land situated within the area of the Scheme, shall be signed by the authorised official of the Municipality and shall be served in one of the following ways:

- (a) to the owner or occupier personally or to his/her authorized agent;
- (b) by registered post to the owner or occupier or his/her duly authorized agent at his/her last known address of abode, place of business or employment, or post office box number;
- (c) at the *domicilium citandi* of the person to be served; or
- (d) by fixing such order, notice or other document on a conspicuous part of the property if there is no such person on the premises at which service is to be effected.

- 7.4.2 Where any service is affected in accordance with the aforesaid provisions of this clause, such service shall be deemed to have been effected at the time when such order, notice or other document would normally have been delivered and in providing such service, it shall be sufficient to prove that the order, notice or other document was properly addressed.
- 7.4.3 Any order, notice or other document required to be served on the owner or occupier of any property may be addressed to the "Owner" or "Occupant" without any further name or description.

7.5 Powers of local municipality in case of contravention of Land-use scheme

- 7.5.1 Where any person, in conflict with any provision of this Scheme –

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

The Municipality shall direct such person in writing:

- i. to discontinue such erection, alteration, addition or other works or to discontinue such use or cause it to be discontinued; and
- ii. at such person's expense to:
 - aa. remove such building or other works or cause it to be removed; or
 - ab. cause such building or other works or such use to comply with the provisions of the Scheme.

- 7.5.2 If a person fails to comply with a directive issued in terms of the aforesaid sub- clauses, the Municipality may, irrespective of the fact that such a person has been criminally charged or prosecuted, remove the building or other works at the expense of such a person, obtain a court order to remove the building or other works or cause the building or other works to comply with the provisions of this Scheme and to recover all expenditure incurred in connection therewith, from such person.

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