DR. BEYERS NAUDE LOCAL MUNICIPALITY LAND USE MANAGEMENT SCHEME, 2023

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rising together for development

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INTRODUCTION

This document presents the Land Use Management Scheme, 2023 for the Dr Beyers Naude Local Municipality. It seeks to translate the SDF to a more detailed set of detailed zoning categories.In that, it serves as a linking element between the SDF and Scheme and bridges the gap between these two land use management tools.

1. GENERAL PROVISIONS

1. PREAMBLE

Chapter 5 of the Spatial Planning and Land Use Management Act (SPLUMA) (Act No. 16 of 2013) and Chapter 3 of the Municipality's Spatial Planning and Land Use Management By-laws were used in developing the Scheme. The Scheme are intended to assist the municipality with better understanding allowed use rights and promote control over use rights as well as manage the utilisation of land. The Scheme developed will be applicable to the Dr Beyers Naude Local Municipality.

Section 25(1) of the Spatial Planning and Land Use Management Act provides direction of the preparation of Town Planning Schemes. As indicated in SPLUMA the purpose of a scheme is to give effect to and be consistent with the municipal spatial development framework. The intention of the town planning scheme is to also determine the use and guide the development of land within the municipal area. In doing so, the scheme aims to promote -

- Economic growth;
- Social inclusion;
- Efficient land development; and
- Minimal adverse impact on public health, the environment and natural resources.

In addition to Section 25(1) of the SPLUMA, Section 16 of the Municipality's Spatial Planning and Land Use Management By-laws 2016 stipulate that the Municipality must determine the use and development of land within the municipal area to which it relates to promote.

- Harmonious and compatible land use patterns;
- Aesthetic considerations;
- Sustainable development and densification;
- The accommodation of cultural customs and practices of traditional communities in land use management; and

- A healthy environment that is not harmful to a person's health.

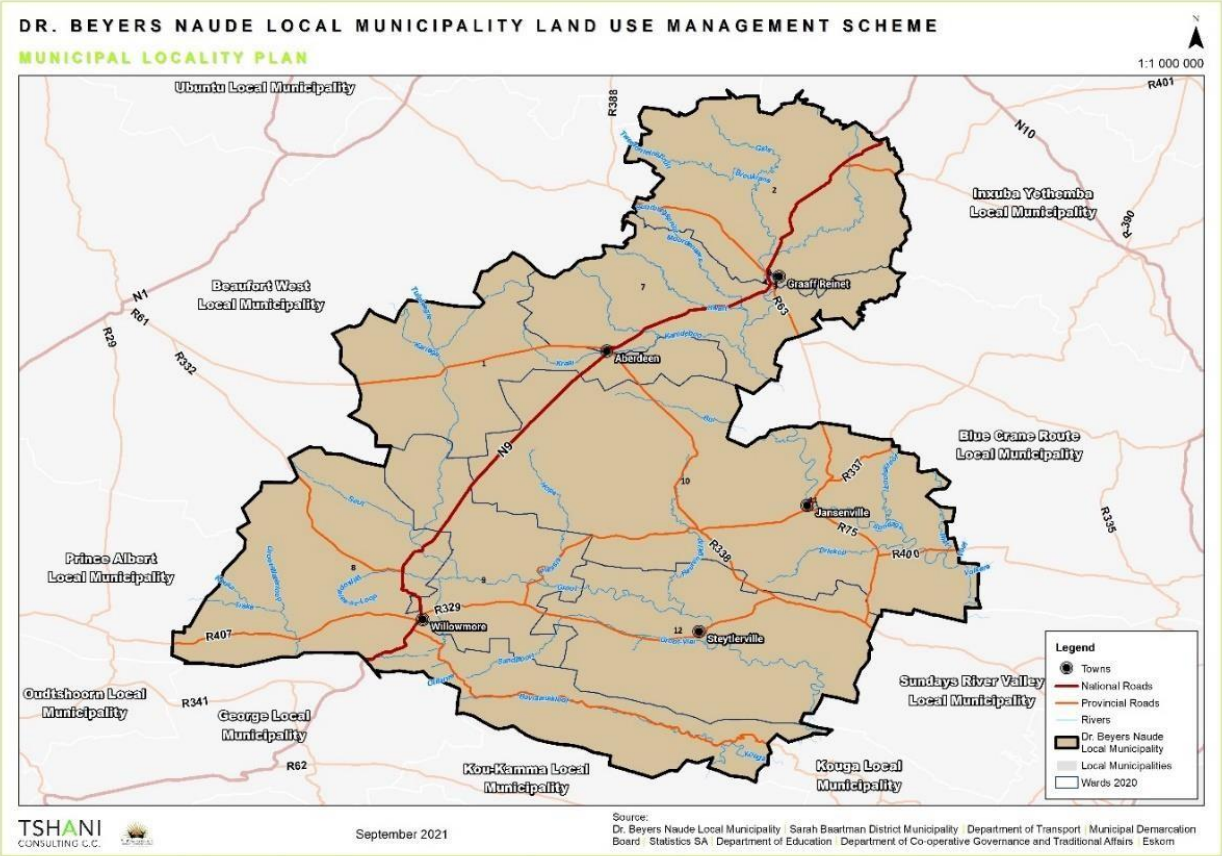
The preparation of this scheme includes a range of legislative and policy frameworks of National and Provincial Government as well as relevant principles have been acknowledged. Consideration was given to the unique characteristics of Dr Beyers Naude Local Municipality in order to respond to land use management techniques in areas under traditional leadership and communal land.

2. TITLE

The regulations contained in this document shall be known as the Dr Beyers Naude Land Use Management Scheme, 2023 in terms of Chapter 5 of the Spatial Planning and Land Use ManagementAct (Act No. 16 of 2013) and Chapter 3 of the Municipality's Spatial Planning and Land Use Management By-laws.

3. DR BEYERS NAUDE LOCAL MUNICIPAL LOCALITY

The Dr Beyers Naude Land Use Management Scheme is done in terms of sections 18 and 21 of Dr Beyers NaudeMunicipality Spatial Planning and Land Use Management (SPLUMA) bylaws (2018) read with section 24 (1) of the spatial planning and land use management act of 2013 (act 16 of 2013).It covers the entire municipal jurisdiction.



4. THE NEED FOR THE MUNICIPAL ZONING SCHEME

The absence of Land Use Management Schemes has resulted in disempowering of municipalities to adequately deal with effective land use management. It has further had impacts on management, rating, and regularization of land use activities. It has been found that municipalities use multiple land use / town planning schemes to manage and regulate development which are not synergized with one another. The schemes which are been used are often outdated and do not address the complex land use management scenarios facing parts of the Eastern Cape. A shortfall of many schemes are their poor alignment with the municipal SDF as per SPLUMA requirement.

Traditionally, Schemes are usually biased to urban/established areas and often do not address the rural component. It must also be noted that despite having guidelines municipalities without

Land Use Management Schemes are also without both human and financial resource to prepare their own Land Use Management Scheme.

5. WRONGFULLY ALLOCATION OF ZONING

Should any property be assigned a zoning which has been wrongly converted from previous zoning maps which preceded these regulations, the owner of an affected property is entitled to submit an application to the municipality to rectify the identified discrepancy. The following process is to be followed:

- The applicant must submit documentary proof of the error and proof of the lawful land use rights;
- No application fees will be charges for such application

6. SCHEME CONSIDERATIONS

It to be noted that the Land Use Management scheme applies to all land within the jurisdiction of Dr BeyersNaude Local Municipality. However, the scheme does not apply to resource areas where aspects of the management of such areas are regulated by the provision of:

- The National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003); and/or
- he National Environmental Management Biodiversity Act, 2004 (Act 10 of 2004).
- regulations under these Acts; and
- approved management plans implemented by the management authority in such areas (such as a National and Provincial Parks authority);

- Subdivision of Agricultural Land Act, 1970;
- Guidelines developed for land used for mining and mineral resources areas;
- National and Provincial water resource acts;
- Heritage conservation Acts.

7. CONFLICT OF LAWS AND LEGISLATIVE COMPLIANCE

(a) When any provision of this Land Use Management Scheme is in conflict with a municipal by-law or anyother subordinate legislation, these Land Use Management regulations shall prevail, subject to the provisions of regulation (b) (i) and (ii).

(b) Other by-laws and supporting legislation which relate to erection of structures within a specified distance of the boundaries or centre line will take preference above the scheme except where the scheme:

i. Requires a road width greater than that determined by such other by-laws;

ii. Requires structures set back from boundary or centre line or road at a greater distance that that determined by such other by laws;

(c) Should the scheme be in conflict with national or provincial legislation the provisions of the more onerous regulation shall prevail. This includes (but is not limited to) the provisions of the National Building. Regulations and Building Standards Act, 1977 (Act 103 of 1977) and Act 21 of 1940, in so far as they require buildings to be erected at a greater distance from the boundaries of an erf than is required in terms of these Land Use Management regulations, shall have preference above the provisions of the Land Use Management Scheme.

(d) Nothing in these Land Use Management regulations shall be construed as permitting any person to do anythingthat is in conflict with the conditions registered against the Title Deed or Deed of Grantof the land.

(e) No person may use or commence with, carry on or cause the commencement with or carrying on of land development which is not permitted in the Land Use Management Scheme or for which an approval is granted in terms of this By-Law;

(f) When an applicant or owner exercises a land use right granted in terms of an approval he or she must comply with the conditions of the approval and the applicable provisions of the Land Use Management Scheme;

(g) In addition to the provisions of this Chapter, the provisions of Chapter 6 apply to any application submitted to the Municipality in terms of this Chapter;

(h) Any reference to the Municipality in this Chapter includes a reference to the Municipal Planning Tribunal and the Authorised Official, as the case may be.

8. TRANSITIONAL PROVISIONS

In the event of outstanding applications which require attention and are impacted by legislation which has been repealed, SPLUMA provides some guidance is such regard.

(a) Decisions on applications made in terms of laws repealed by section 59 of SPLUMA (DFA, LeFTEA, etc.) may still be outstanding; or

(b) Decisions on development applications made in terms of provincial laws (Land Use Planning Ordinance 15 of 1985 or the Town Planning and townships ordinance no. 15 of 1986);

The above situations will need to be dealt with in the following manner:

(a) The repeal of laws referred to in section 59 of the municipal planning by law or by a provincial legislature in relation to provincial or municipal planning does not affect the validity of anything done in terms of that legislation;

All applications, appeals or other matters pending before a tribunal established in term so of section 15 of the Development Facilitation Act, 1995 at the commencement of this Act that have not been decided or otherwise disposed of, must be continued and disposed of in terms of this Act.

9. COMPONENTS OF THE LAND USE MANAGEMENT SCHEME

The Land Use Management Scheme consists of three components, namely:

(a) Land Use Management Scheme Regulations;

(b) Land Use Management Scheme map (s), in so far as the scheme is mapped;

(c) Land Use Management register, in so far as zonings have been allocated to the captured land use categories of the surveyed towns;

10. APPLICATION FOR DEVELOPMENT ON OR CHANGE TO LAND USE PURPOSE OF COMMUNAL LAND

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 a Land Use Management Scheme applicable to such area, must apply to the Municipality in the manner providedfor in Chapter 6 of the municipal planning by-law.
2. No application pertaining to land development on or change of the land use purpose of communal land may be submitted unless accompanied by power of attorney signed by the applicable traditional council.
3. The provisions of "High Impact" are described in Part H Section 75 of the municipal planning by laws.

2. DEFINITIONS

The definitions below comprise of the land use categories and terminologies that are to be read in conjunction with the scheme to correctly identify the scheme regulations:

2.1 BUILDING AND LAND USE DEFINITIONS

LAND USE PURPOSE	SPLUMA DEFINITION
Agricultural purposes	Means purposes normally or otherwise reasonably associated with the use of land for agricultural activities, 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
Business purposes	Means purposes normally or otherwise reasonably associated with the use of land for business activities, including shops, offices, showrooms, restaurants, or similar businesses other than places of instruction, public garages, builder's yards, scrap yards and industrial activities.
Commercial purposes	Means purposes normally or otherwise reasonably associated with the use of land for distribution centres, wholesale trade, storage warehouses, carriage and transport services, laboratories, or computer centres, including offices and other facilities that are subordinate and complementary to such use.
Community purposes	Means purposes normally or otherwise reasonably associated with the use of land for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sport clubs or recreational or other activities where the primary aim is not profit-seeking, excluding a place of amusement.
Conservation purposes	Means purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or

	built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity
Educational purposes	Means purposes normally or otherwise reasonably associated with the use of land primarily for instruction or teaching purposes, including crèches, schools, lecture halls, monasteries, public libraries, art galleries, museums, colleges, and universities
Government purposes	Means purposes normally or otherwise reasonably associated with the use of land by the national government, a provincial government, or a municipality to give effect to its governance role.
Industrial purposes	Means purposes normally or otherwise reasonably associated with the use of land for the manufacture, altering, repairing, assembling or processing of a product, or the dismantling or breaking up of a product, or the processing of raw materials, including a noxious activity
Institutional purposes	Means purposes normally or otherwise reasonably associated with the use of land for charitable institutions, hospitals, nursing homes, old-age homes, clinics, and sanatoriums, either public or private
Mining purposes	Means purposes normally or otherwise reasonably associated with the use of land for mining
Public purposes	Means purposes normally or otherwise reasonably associated with the use of land as open spaces, public parks, public gardens, recreation sites, sport fields or public squares or for religious gatherings
Recreational purposes	Means purposes normally or otherwise reasonably associated with the use of land

	primarily for recreation, including entertainment, leisure, sports, and amusement facilities
Residential purposes	Means purposes normally or otherwise reasonably associated with the use of land primarily for human habitation, including a dwelling house, group housing, hotels, flats, boarding houses, residential clubs, hostels, residential hotels, and rooms to let
Educational purposes	Means purposes normally or otherwise reasonably associated with the use of land primarily for instruction or teaching purposes, including crèches, schools, lecture halls, monasteries, public libraries, art galleries, museums, colleges, and universities
Government purposes	Means purposes normally or otherwise reasonably associated with the use of land by the national government, a provincial government, or a municipality to give effect to its governance role.
Industrial purposes	Means purposes normally or otherwise reasonably associated with the use of land for the manufacture, altering, repairing, assembling or processing of a product, or the dismantling or breaking up of a product, or the processing of raw materials, including a noxious activity
Transport purposes	Means purposes normally or otherwise reasonably associated with the use of land primarily as a point for the pick-up or off-load of people or goods, including taxi ranks, bus bays, bus stations, bus terminuses, railway stations and ancillary uses, including roads and streets

2.2 GENERAL DEFINITIONS

In this Land Use Management, unless the context otherwise indicates, any word shall, when used in this Scheme, have the same meaning as in these definitions, otherwise it shall have the meaning assigned to it in the Dr Beyers Naude Spatial Planning and Land Use Management By-Laws 2016 and the Spatial Planning and Land Use Management Act No.16 of 2013.

Agricultural Building

Means a building used in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the site of that building as agricultural land.

Ancillary Use

Means a use incidental to and customarily associated with a specific principal use, located on the same erf.

Arcade

Means an area forming part of a building which may or may not be covered, reserved exclusively for pedestrian traffic, but may include fountains, benches and other similar features and shall nowhere have a total width of less than 4 meters and an unobstructed width of less than 2 meters, such measurements shall be subject to the discretion of the Municipality.

Associated Structures and Activities:

a premises used in the name of a company that is made up of a number of smaller companies which have joined together.

Authorised Official

Means an official who may consider and determine applications as contemplated in terms of Section 35(2) of the Spatial Planning and Land Use Management Act No.16 of 2013.

Authority

Is the written authority given by the Municipality in terms of its statutory powers.

Basement

Is the lowest part of any building, which part is constructed with more than 50% of its volume below the mean finished ground level immediately surrounding the building.

Boarding House

Means a structure where lodging and/or meals is/are provided for 7 or more lodgers and who are accommodated for a period longer than those on a transient basis (i.e. longer than 2 weeks).

Boundary

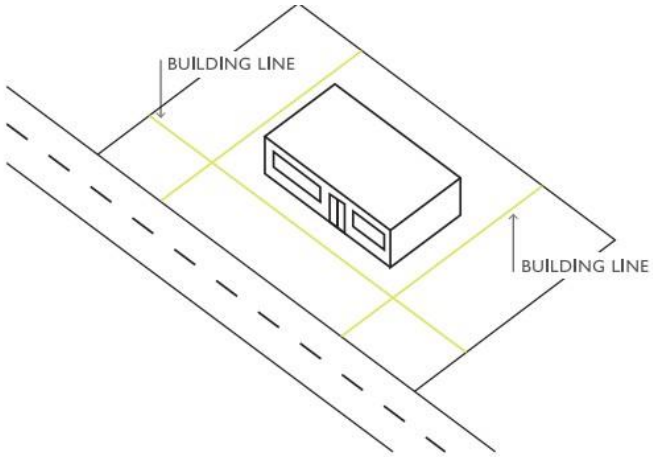
of a land unit – means cadastral boundary, or where a land unit has not been surveyed, a reference or description as generally approved by the Municipality must be used.

Building

Is any structure or erection of an immovable nature for whatever purpose used including any tank, swimming pool or radio-mast and any wall, retaining wall or closed-boarded fence more than two meters in height at any point, but excluding any open fence, post, steps, pier, ramp, fountain, statue, fish-pond, pergola or other garden ornamentation.

Building Line

Is the line parallel to any boundary of an erf, which is conterminous with a street, public right of way or proposed road; or in the case of "hatchet shaped" erven, a line parallel to the boundary nearest to the street, which is not a boundary of the access strip. Building Line shall also apply as a line parallel to any service infrastructure demarcating the area where the service authority has determined no development should take place.



By-Law

Mean this By-Law and includes the schedules attached hereto or referred to herein.

Caravan

Means any vehicle permanently fitted out for use by persons for living and sleeping purposes whether or not such vehicle is a trailer.

Commercial

means a building or land-usage whether it is a service industry, retail or wholesale, which is primarily involved in the rendering of a service, which can reasonably be regarded as being out of character in the residential or business area of the town. Commercial premises may include a warehouse.

Common Land

Means the portion of a medium density housing site which is set aside for the use and enjoyment of all the occupants of the dwelling units on that site, and from which the general public may be excluded.

Communal Land

means land under the jurisdiction of a traditional council determined in terms of section 6 of the Eastern Cape Traditional Leadership and Governance Act, (Act 4 of 2005) and which was at any time vested in -

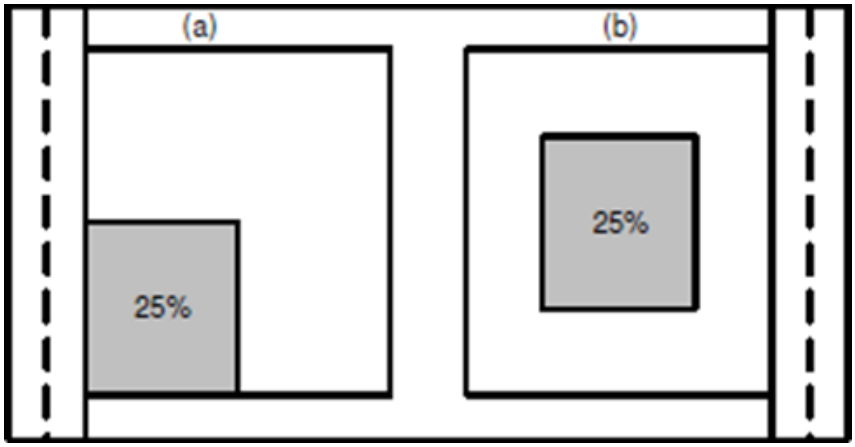
a) the government of the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or
b) the government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 (Act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

Community

Means a group of persons whose rights to land are derived from shared rules determining access to land held in common by such group regardless of its ethnic, tribal, religious or racial identity and includes a traditional community.

Coverage

Is the proportion of an erf covered by buildings, and is expressed as a percentage of the erf area as defined. Thus, 25% coverage means that only one quarter of the erf may be covered by buildings.



Crematorium

Means a building where the dead are reduced to ash and includes facilities for associated religious and administrative functions.

Developable Land or Development

In relation to any land, means the erection of buildings and structures, the carrying out of

construction, engineering, mining or other operations on, under or over land, and a material change to the existing use of any building or land for non-agricultural purposes, but does not include the construction or use of any dwelling unit and outbuildings usually associated therewith for the settlement of a traditional household on land on which a traditional community lawfully resides.

Doctors Surgery

Means a facility providing medical or surgical service for sick or injured persons, including diagnostic services and services to patients.

Duplex Flat

Means a dwelling unit in a building, each such unit consists of a ground floor and one upper floor connected by an internal staircase and has direct access to a private open area.

Dwelling Unit

Means a set of inter-leading rooms including bathroom(s) and not more than one kitchen, designed as a self-contained unit for occupancy by a single household for living and sleeping purposes, but shall not include a building which in the opinion of the Municipality is designed in such a way as to enable it to be utilized by two or more separate households.

Dwelling Unit Curtilage

Means a single defined area of land forming part of a medium density housing site comprising the land upon which a dwelling unit is erected or is intended to be erected, together with such private open areas and other areas as are reserved for the exclusive use of the occupants of the dwelling unit.

Environmental Screening Report

Is a preliminary environmental assessment of the potential impacts of a proposed development on the environment; and, in particular on the ecosystems and the conservation status of the site and the biodiversity objectives of the Municipality.

Erection of a building

means the construction of a new building or structure or the structural alteration of, or the making of any addition to, a building.

Erf

Means any piece of land registered in the Deeds Registry as an erf, lot, plot, stand or farm and includes a portion of an erf, lot plot, stand or farm; provided that where, as a provision of the Scheme, a proposed road or a change in zoning divides a registered piece of land into two or

more portions, the term "Erf" shall apply to each of such portions as if they had been separately registered.

Erf Area

Is the area of an erf, less the area of a panhandle, any public right of way, road servitude, land set aside as a new road or road widening to which the erf may be subject, but shall include any registered servitude for overhead or underground services.

Existing Building

Means a building lawfully erected before the date of adoption or a building erected in accordance with plans, which were approved by the Municipality prior to that date.

Existing Use

Means in relation to any building or land, a continuous use of that building or land after the date of adoption for the purpose for which it was designed and lawfully authorised by the Municipality at that date.

Farm Stall

means a building or structure not exceeding 100 m^2 in floor space and located on a farm where the farmer sells produce grown on the farm to the general public.

Flea Market

means an outdoor market at which persons are rented or provided space for a fee or rent for the purpose of selling new or used merchandise to the public;

Flood Line

Means the lines indicating the maximum level likely to be reached by floodwaters on the land in question in a specified event.

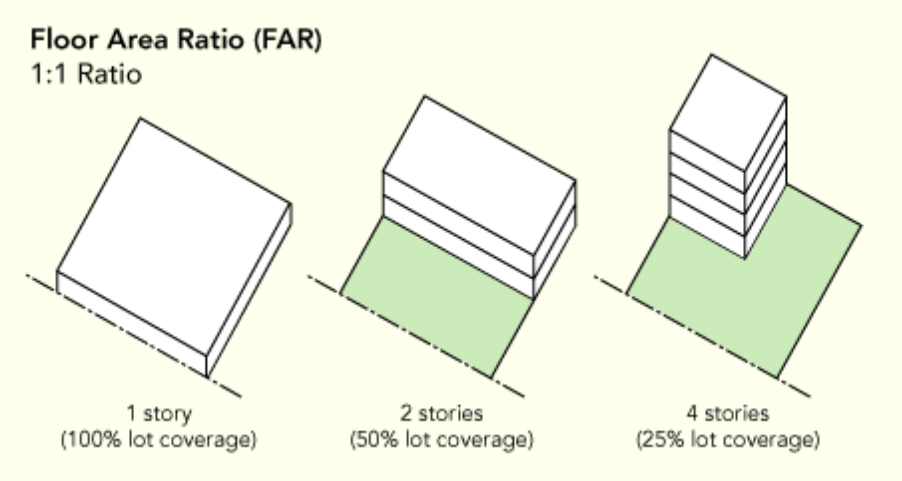
Floor Area

The floor area of a building shall be taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thicknesses, lift shafts and staircases.

Floor Area Ratio

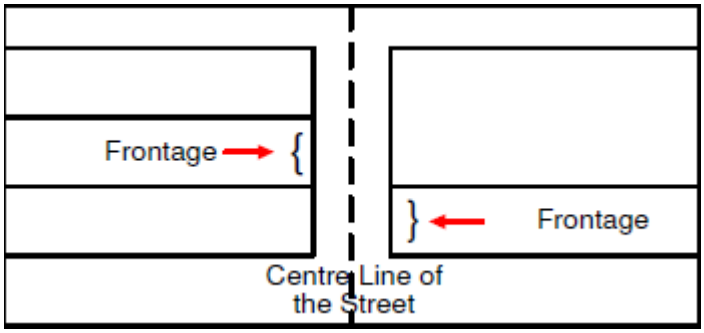
Subject to Clause 2.6, is the ratio of the total floor area of the buildings on an erf to the erf area and is expressed as a decimal, e.g. a Floor Area Ratio of 0,5 means that the floor area of the buildings on a particular lot is half the erf area.

$$FAR = \frac{\text{Floor Area of a building or buildings}}{\text{Total Area of the Erf or Site upon which the building(s) are erected}}$$



Frontage

Is the length of the boundary of an erf, which is coincident with the boundary of an existing or proposed street.



Gross Office Area

Is the sum of the floor areas of the office space in a building including storage, corridors, lift shafts, staircases, kitchens, and conveniences, and shall include wall thicknesses and basements used other than for parking purposes.

Gross Shop Area

Is the sum of the floor areas of both the storage and retail areas of a shop and shall include wall thicknesses and basements used other than for parking purposes, but shall exclude public conveniences.

Ground Floor

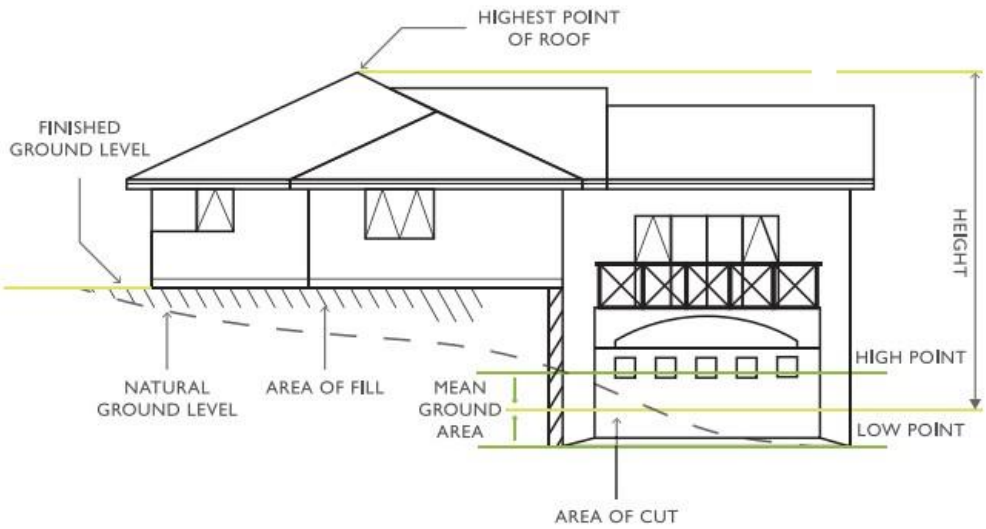
means the lowest floor of a building, which is not a basement.

Hardware

Means a building used for the sale of tools, machinery and other durable equipment.

Height

Is the height of a building in storeys or floors and is expressed as a number.



Homeowners Association

Means a company registered in terms of Section 21 of the Companies Act, No. 61 or 1973, as amended, membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit curtilages in a medium density housing site.

Hotel

Means a transient accommodation establishment primarily engaged in providing 7 or more rooms and/or suites for temporary lodging by the general public and which provides meals on the premises and which does have a liquor license and which operates a lounge and/or bar where such liquor is sold and consumed on the premises.

Household

Means a group of people who live together, share living and eating expenses, and may consist of one family, together with or without staff and with or without a boarder or boarders.

Indigenous

refers to individuals whom originate naturally in a place.

Industrial Purposes

Means purposes normally or otherwise reasonably associated with the use of land primarily for the manufacture, altering, repairing, assembling or processing of a product, or the dismantling or breaking up of a product, or the processing of raw materials including a noxious activity. See also Building and Land Use Definitions of Service, Light, General and Special Industrial Buildings.

Kennels

Means any erf where dogs, cats, or other small animals or birds in an aviary are kept for profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale, or hire. Such use is regarded as an Agricultural Industry.

Kitchen

Means any room, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food.

Landfill site

Means of an area of land that has been specifically engineered to allow for the deposition of waste onto and into it.

A landing strip

Means of a long flat piece of land from which aircraft can take off and land, especially one used only by private or military aircraft

Maisonette (or Pair of Maisonettes)

Means a two-storey building consisting of 2 dwelling units placed one above the other with separate entrances.

Medium Density Housing Site

Means a defined area of land upon which medium density housing is established or is proposed to be established and which comprises dwelling unit curtilages and common land, but excludes any land required by the Municipality for public purpose.

Mezzanine

Means an intermediate floor or in a building, especially a low one between the ground floor and the first floor. For the purposes of measuring height, a mezzanine shall be counted as a storey

Municipality

Means the Dr Beyers Naude Municipality or any other subsequently appointed authority.

Museum

Means of a building where objects of historical, scientific, or artistic interest are kept

Net Developable Area

Means the surveyed area of an erf less that area which by virtue of soil instability, liability to flooding, inaccessibility of topography or slopes steeper than 1:3 or the existence of an environmentally sensitive area, renders such area in the opinion of the Municipality as being undevelopable.

Occupant

means any person who physically inhabits a building, a structure or land unit.

Outbuilding

Means a building or portion of a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, domestic workers' accommodation and ablution facilities, and workroom.

Passive Open Space

Means of a land set aside for parks, gardens, linear corridors, conservation bushland and nature reserves

Premier

means the Premier of the Province of Eastern Cape.

Primary Use

Means the predominant use of any erf, building or structure.

Private Open Area

Means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and which is adjacent to and has direct access from a dwelling unit on a medium density housing site, such private open area being reserved for the exclusive use of the occupants of the associated dwelling unit, but may include covered open areas (patios) and verandas.

Quarry Site

Means of an open excavation usually for obtaining building stone, slate, or limestone

Overlay Zone

Means a category of zoning that applies to land or a land unit or parcel in addition to the basezoning

Rear Boundary

Shall mean that boundary of an erf which is furthest from any street boundary, and which does not meet any street boundary.

Scheme

Is the Dr Beyers Naude Town Planning Land Use Management Scheme, as amended from time to time.

Scheme Map

Is the Map forming part of the Land Use Management Scheme as adopted by the Municipality.

Semi-Detached House

Is a building other than a dwelling house comprising 2 dwelling units contained in one building, both on the ground floor and each provided with a separate entrance.

Side Boundary

Is any boundary of an erf which meets a street boundary and any other boundary and which is neither a street boundary nor a rear boundary.

Special Consent

Is the consent of the Municipality.

Wind Farm

Means of a land with a group of energy-producing windmills or wind turbines.

Solar Farm

Means of a land in which a large number of solar panels are set up in order to generate electricity.

Storey

Is a room or set of rooms at one level, including any room, the floor of which is split in two or more levels, and shall have the following implications:

(a) Basement shall not count as a storey provided it be used for parking vehicles, service installations or storage, and not for residential purposes, or as a shop, factory or work place.

(b) The ground floor may be on several levels.

(c) A pitched roof containing a habitable room and any other type or style of roof, which contains or supports any rooms, structures or features over and above those mentioned in paragraph (e) below and which the Municipality considers to be habitable shall count as a storey.

(d) A storey shall not be higher than 4, 5 meters. If a storey is higher than this, each 4, 5 meters

or part thereof shall count as a storey.

(e) Lift, meter and similar rooms and architectural features, which are in proportion to the building, do not constitute a storey.

Street Line

Means a boundary of an erf, which is coincident with the boundary of an existing or proposed street.

Terrace House

Means a dwelling unit in a building comprising 3 or more dwelling units, each having a separate entrance on the ground floor with direct access to a private open area or areas.

Transient

Means a continuous period of 2 weeks or less.

Urban Edge

means a demarcated line (and interrelated policy) that defines the zone within which the Municipality will endeavour to upgrade levels of infrastructure over a period of time and according to available resources, to support higher densities of residential, industrial, and commercial development.

Usable Common Open Space

Means the usable portion of the common land, which is not occupied by vehicular road carriageway, parking areas and communal facilities of a non-recreational nature, but includes walkways, structures intended for recreational use and a children's playing area or areas.

Utility Area

Means the outdoor private area adjacent to or associated with the kitchen side of a medium density housing unit, the screening of which shall be to the satisfaction of the Municipality and which includes patios, verandas and drying areas.

Watercourse

Means:

a) a river or spring;

b) a natural channel in which water flows regularly or intermittently

c) a wetland, lake or dam into which water flows: and

d) any collection of water which the Minister may, by notice in the gazette declare to be a watercourse,

e) a reference to a watercourse includes, where relevant, its bed and banks. (Source: National Water Act (No. 36 of 1998), as amended)

Wetland

Means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports, or would support, vegetation, birdlife, etc. typically adapted to life in saturated soil. (Source: National Water Act (No. 36 of 1998), as amended).

World protected area

Means of a geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values

Zone

Means a defined category of land use, which is shown on the zoning map of a Land Use Management Scheme.

2.3- BUILDING AND LAND USE DEFINITIONS

Unless the context of this Scheme clearly indicates to the contrary, the following building types and Land Use types have the meaning and interpretation given below:

Abattoir

means a place where animals are slaughtered for distribution to retail outlets.

Additional Dwelling Unit

Additional Dwelling Unit means a self-contained unit for residential habitation of limited size, which does not form part of medium density housing or chalets. It may be attached or detached to a dwelling house, but must be clearly associated with a dwelling house erected on an erf, and may include such outbuildings, garages and stoep areas as are customary used and incidental thereto, with the understanding that only one additional dwelling unit will be permitted on any one Erf unless Council allows otherwise.

Adult Entertainment Shop

Means a building or part thereof used for the sale, hiring, display, or viewing of material of an adult nature.

Adult Shop

Means a premise where publications and or films, classified as X18 by the Publications Board, or which fall within Schedule 2 (read with Schedule 5) of Act 65 of 1996, are exhibited and/or distributed. Such a shop or premises must also be licensed in terms of Section 2 of the Business Act (Act 71 of 1991) to conduct the business of adult shop or premises; or where the business of making the services of an escort available to any person is carried out, as described in the Business Act (Act 71 of 1991), and where the business is licensed in terms of Section 2 of the Business Act (Act 71 of 1991).

Agriculture

means the cultivation of land for crops, plants, trees or the breeding of animals, or the operation of a game farm on natural veld or land; it includes only such activities and buildings which are reasonably connected with the main agricultural activity on the land, including a dwelling house(s), traditional dwelling and worker accommodation, but does not include abattoirs, feed-pen farming, aquaculture or defined consent uses.

On state owned land, administered by a Traditional Authority Structure, Agricultural Use includes the following activities:

• Infrastructure and buildings linked to supply of goods, services, advice to such area or the storage of produce from such area

• Cultural and Social Ceremonies

• Commonage

Agricultural Industry

means an enterprise or concern for the processing of agricultural products on land used for agricultural purposes owing to the nature, perishability, and fragility of such products, but does not include service industry, industry or abattoir.

Agricultural Land

Means arable, meadow or pasture land, plantations, market gardens, poultry farm, nursery garden, and may include greenhouses or hydroponics, permaculture, orchards and land used for the purpose of breeding or keeping of domestic animals and/or livestock and the grooming of such animals, poultry or bees and includes sale yards and any buildings connected therewith, provided that buildings connected with the housing of cats and/or dogs shall be deemed to be a Special Use. It excludes uses that could be classified/defined under "Agricultural Industry" and "Industry – High Impact".

Amenity Area

means an area which is developed for the active or passive recreation and enjoyment of the occupants of a dwelling or dwellings.

Authority Usage

Means a use that is practiced by a public authority or on an agency basis on behalf of a public authority, of which the characteristics (including combination of uses) and locality factors are such that it cannot be classified or defined under other uses in these regulations, and includes uses practiced by:

(a) The National Government, such as military training centres and installations, police stations, correctional facilities and associated utility services and accommodation that are directly related to the operation and maintenance of the primary function;
(b) The Provincial Government, such as road camps; and
(c) A Municipality, such as civic centres, municipal depots and fire stations (including associated accommodation that is required for staff to be on standby).

Automated Teller Machine (ATM)

Means an electronic banking outlet that allows customers to complete basic transactions without the aid of a branch representative or teller

Arts and Crafts Workshop

Encompasses the performing, visual, and fine arts, as well as applied arts including architecture and graphic design; crafts; film, digital media and video; humanities and historic preservation; literature; folklife; and other creative activities

Bank

means a premises designated to a financial institution licensed to receive deposits and make loans.

Basement

means that portion of a building, where such basement is not a habitable room, the finished floor level of which is at least 2m below, or the ceiling of which is at most 1m above the grade line applicable to the building.

Bed and Breakfast Establishment

means an owner managed commercial accommodation establishment of not more than 5 guest-rooms and which has as its primary source of business the supply of short-term accommodation and breakfast for resident guests.

Boarding House

means any house, building or premises in which both lodging and either meals or communal cooking facilities are supplied by the proprietor, together with such outbuildings as are normally used therewith.

Bottle Store

means a shop in which mainly alcoholic beverages are sold in the retail trade and includes an off-sales facility that is part of a hotel and under the same management as the hotel.

Bus Depot

Means the use of land and/or buildings at public transport facilities such as a bus for the purposes of dropping off and collecting passengers by public and private bus services and minibus, and may include parking areas, shelter and seating for passengers, a ticket office, offices ancillary to the management of a bus, an informal trade area and ablution facilities.

Business Premises

Means a site or building or structure on or in which retail and wholesale business is done and includes uses such as shops, warehouses, offices, banks, bottle stores, restaurants, nurseries or buildings/structures/premises for similar purposes, but does not include institutions, service stations, industries or noxious trades.

Camping Site

means a property or part thereof which can be utilised for the erection of tents or parking of caravans and includes ablution, braai, cooking and other facilities which, together with the amenity of the site, serve as features of attraction.

Caravan

means any vehicle permanently fitted out for use by people for living or sleeping purposes, whether or not such vehicle is a trailer.

Caravan Park

means any land used or intended to be used for the accommodation of caravans, including mobile homes.

Car Wash

means land and buildings used for the washing, polishing and cleaning of vehicles.

Caretaker's cottage

Means of the dwelling of a farm labourer or small farmer

Cemetery

means a place, whether public or private, wherein human remains have been or are intended to be interred and includes a crematorium.

Ceremonial Workshop

means a premises used for religious ceremonies to be carried out.

Ceremonial workshop

a premise used for religious ceremonies to be carried out.

Children's Home

Means of a constituted Non-Profit Welfare Organisation.

Clinic

means a medical care facility for day patients with no overnight accommodation.

Commercial Workshop

means an activity which caters specifically for the local customer or provides a service directly to the retail customer and which is directly associated with the business premises to which the public has access and where such business premises comprise the frontage of the whole building except entrances and exits and may include panel beating, spray painting and cleaning of cars.

Commonage

means land owned by the Municipality or state land under Traditional Authority administration on which residents have acquired / can acquire grazing rights or rights to arable lots, expressly for the purpose to benefit local inhabitants of a settlement or town.

Communal land

is held in trust by the Minister of Rural Development and Land Reform but also regarded by government as co-owned by the local community. It is considered to belong legally to the State. It is held by individuals under PTOs, under customary tenure, by quitrent grants, or rarely, by lease. Individuals' rights on it are protected by the Interim Protection of Informal Land Rights Act (IPILRA).

Convenience Shop

means a shop, including storage space, which is used for the purposes of carrying on a retail trade specifically directed at the supply of convenience goods (predominantly foodstuffs) to a localized area.

Conservation Area

means an area of land and/or water within which the conservation of the scenic beauty, indigenous flora, and fauna, other naturally occurring material, water courses, topographical features and places of historic or scientific interest is of primary importance.

Council

Means the municipal council of the Municipality;

Cultural Ceremonies

means the practice of cultural and social ceremonies by a person or group belonging to a cultural, religious, or linguistic community, provided that such ceremonies are lawful in terms of all applicable legislation and bylaws of the Municipality.

Customary tenure

persists from pre-colonial times in rural areas. State or trust land is allocated to heads of household by a hierarchy of traditional leaders. Government structures such as Tribal Authorities have been superimposed on the traditional system to administer customary tenure.

Day Care Centre

means a building or a site, excluding a boarding house or educational institution, which is maintained and utilised on a profit or non-profit basis, for the acceptance, protection, and temporary caring of a maximum of 50 or less children on behalf of their parents and which building, or site is registered as a place of care in terms of the Child Care Act (Act 74 of 1983).

Doctors Surgery

Means a facility providing medical or surgical service for sick or injured persons, including diagnostic services and services to patients.

Dwelling House

means a building containing only one dwelling unit complying with the National Building Regulations. In the event of a second dwelling unit on a Single Residential Erf (Residential Zone II), such dwelling house and second dwelling unit may be attached.

Dwelling Unit

means a self-contained inter-leading group of rooms with not more than one kitchen, used only for living accommodation and housing at an occupation ratio not exceeding three persons per habitable room, together with such outbuildings as are ordinarily used therewith.

Dwelling Unit – Second

means an additional self-contained interleading group of rooms including not more than one kitchen designed for occupation by a single household or family and may include out buildings and domestic staff accommodation but excludes an ancillary unit/s

Ecologically Sensitive Areas

means a designated area of land which needs special protection because of its landscape, wildlife or historical value.

Educational Building

means land and buildings used for instruction purposes such as a university, school, college, technical institute, crèche, nursery school, monastery, convent or similar uses and may include a research laboratory, art gallery, museum, academy, lecture, music or assembly hall or a library within the same site and incidental to such uses. It may further include ancillary uses normally associated with the primary use as an educational building, such as accommodation for students and staff, a canteen/restaurant, tuck shop (limited to $20m^2$) and sport / recreation facilities, but expressly excludes a Restricted Building.

Fast Food

means premises used for the selling or supplying of meals or refreshments for consumption on or off the premises.

Flats

means a building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith; provided that in those zones where flats are permissible, fewer than three dwelling units shall also be permissible.

Funeral Parlour

means the business of an Undertaker and may include a chapel, office, workshop, garage and/or warehouse. A Funeral Parlour does not include a mortuary.

Garden Nursery

Means of a building or place where the principle purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site.

Garage

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

Game Reserve

A large area of land where wild animals live safely or are hunted in a controlled way for sport.

Guest House

means an owner managed commercial accommodation establishment of not less than 6 guest-rooms and not more than 16 guest-rooms and which has as its primary source of business the supply of short-term accommodation and meals for resident guests.

Harvesting Medicinal Plants

means a building used to grow and cultivate medicinal plants for herbal remedies.

Heritage Purposes

A building, monument, site, place, area or landscape identified as having a degree of significance meriting.

Home Activity

means an activity or use established in, or in conjunction with a Dwelling Unit or a structure erected on the site of an existing Dwelling Unit which –

(a) shall be restricted to one person who shall reside on the property;
(b) shall occupy a minor portion of the Dwelling Unit, or shall, in the case of any structure erected for the purpose of the activity, be deemed to be associated with the Dwelling Unit and shall be not larger than 5% of the erf area but shall not, in any event, exceed $40m^2$
(c) shall not involve any industrial or workshop activity;
(d) shall not generate traffic sufficient to warrant the provision of additional parking;
(e) shall not include the storage or display of any goods or items associated with the activity, nor the direct sale of goods or items from the site;
(f) shall not involve the exhibition on the property of any notice or sign, nor the quoting of the residential address in any advertisement of the activity

(g) shall, in the case of the keeping of livestock, be subject to the requirements of the Health Bylaws.

Home Business

means the conduct of an occupational activity in, or in conjunction with, a Dwelling Unit or an approved structure erected on the Site of an existing Dwelling Unit which may be used for a home business, subject to certain conditions. In particular, such business may cause the employment of additional staff, which is necessary to conduct the business, but shall not have a negative impact on the residential character of the area.

Hospital

means land and buildings used for the care and accommodation of patients, including specialized medical treatment and may include operating theatres, x-ray rooms, a convenience shop, pharmacy, offices and consulting rooms directly related to the hospital and may include staff accommodation and other associated uses.

Hotel

means a property used as a temporary residence for guests, where lodging and meals are provided, and may include:

(a) a restaurant;
(b) conference and entertainment facilities that are secondary and directly linked to the dominant use of the property as a hotel; and
(c) premises which are licensed to sell alcoholic beverages for consumption on the property but does not automatically include an off-sales facility.

Industry

means an enterprise for the manufacture, wholesaling, warehousing, distribution, dispatching, assembly or processing of a product or the breaking up of a product or raw materials, which is not included under the definition of "Noxious Trade", and includes any place or site where any such trade is carried on, providing that retail on any such place or site shall be restricted to the selling of goods manufactured, processed or directly associated with the industrial activities on such place or site, as well as a caretaker's dwelling, an office or offices, an industrial café and any other use incidental to an industry.

Industrial Café

means a building or structure which does not exceed 100m² in floor space, including storage

facilities, and where delicacies and fast foods are sold to employees only.

Industry – General

means any other industrial use which is not defined elsewhere in terms of this set of definitions.

Industry – Light

means an industry which can be carried out without causing nuisance to other properties or to the public.

Industry – Service

means an enterprise which is:

a) Primarily involved in the rendering of a service for the local community such as the repair of household appliances or the supply of household services; and

b) Not likely to be a source of disturbance to surrounding properties;

c) Not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions; and

d) Includes a builder's yard / hardware store and allied trades, laundry, bakery, dairy depot, distribution centres, storage purposes (excluding Bulk Storage as defined in the Scheme), laboratories, grooming parlour, transport and cartage activities and a workshop or other area used for the repair, restoration, lubrication and/or service of motor or leisure vehicles and/or parts thereof and/or electrical and/or mechanical equipment and may include facilities such as service bays, grease pits and wash bays, but shall not include facilities for panel beating or spray painting.

Informal Trading

means the permitted selling of products in areas demarcated and approved by the Municipality specifically for this purpose, such as markets and other demarcated areas, provided that:

(a) it does not interfere with pedestrian or vehicular movement, or with any municipal utility services; and
(b) there is no threat to public health or safety.

Institution

means a property used as a welfare or private care facility such as an old age, frail or handicapped care facility, or a social facility such as a counselling centre, children's home or

reformatory; and includes ancillary administrative, health care and support services for these facilities; but does not include a hospital, clinic or conventional correctional facility (prison).

Launderette

Means a building used for the purpose of washing and drying domestic clothing and household linen, where the machines used are electronically operated and quiet, and of the type of which processes each customer's articles individually, and which may be operated by the customer for a fee or be dropped off and picked up. The washing media used shall be of a type that shall not cause harmful effluent to be discharged into the sewerage system. A launderette is differentiated from a laundry in that the customer cannot operate the machines used in a laundry.

Mortuary

means a place where bodies are stored on a temporary basis.

Motor Display Area

means premises used for the display, sale and/or hire of vehicles and may include uses incidental thereto but excludes a Motor Garage.

Motor Garage

means premises used for the major servicing and repair of vehicles such as: the overhauling and testing of engines; the rebuilding and testing of engines; panel beating and spray painting. The following ancillary uses may also be included: display and sale of vehicles; washing, and cleaning of vehicles; and, the sale of motor spares and accessories.

Motor Vehicle

means a vehicle designed or intended for propulsion by other than human or animal power, and includes a motorcycle and a trailer and caravan, but does not include a vehicle moving exclusively on rails or an aircraft.

Motor Workshop

Premises used for the general repair and servicing of light motor vehicles, including auto-electrical repairs, the fitting and sale of fitted motor spares and accessories, auto valet services, storage, and may also include an office, storeroom and display and sale of vehicles, or of towing broken down motor vehicles and excludes a Motor Garage.

Nature Reserve

means a national park, provincial park or other nature park in public ownership, or that has been declared as such in terms of legislation and remains in private ownership; it includes an area which is used as a game park or reserve for fauna or flora in their natural habitat and includes the provision of accommodation facilities for tourists or holidaymakers.

Noxious Use/Trade/Industry

means a use, trade or industry, performed by a public authority, public utility or private entity which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust, including but not limited to:

(a) waste disposal site, waste-water treatment works;
(b) enterprises associated with chemical, explosive or nuclear–based manufacturing, warehousing, packaging or distribution; and
(c) the activities described in Annexure A hereto.

Occasional Use

means a temporary activity such as craft markets, circuses, religious gatherings, or other outdoor events, even though these are not in accordance with the zoning of the property concerned.

Offices

means a room or set of rooms or a building that is used for the performance of an administrative function but excludes shops and business premises and does not include the storage, handling, distribution or sale of goods.

Office Building

Means a premises used for the administration of any business whether public or private.

Office District Authority

means a premises designated to elected officials for one specific area for political or administrative purposes.

Office Government

means premises used by or on behalf of the Government or Municipality for the purpose of carrying out Government or Municipal functions.

Office Local Authority

means a premises designated for an organization that is officially responsible for all the public services and facilities in a particular area.

Public Office

means a building used for purposes of Local, District, Provincial and/or National Government offices and includes a Town Hall, Court House, Police Station, Post Office, Public Library, Clinic and buildings ordinarily incidental thereto, but excluding an impoundment area.

Park

A park is an area of natural, semi-natural or planted space set aside for human enjoyment.

Parking Garage

means a building, or part of a building designed for the parking of motor vehicles with or without a fee and may include parking within a building.

Place of Assembly

means a public hall, hall for social functions, music hall, concert hall, school hall or exhibition hall which is not directly related to a commercial undertaking, or a town hall or civic centre.

Place of Public Assembly

means a building or land used for social meetings, gatherings, or indoor recreation, but does not include a place of entertainment.

Place of Entertainment

means a theatre, dance hall, disco, amusement park, sports centre, billiard room or similar use, but excludes an adult shop and adult entertainment.

Place of Instruction

(a) a school, college, technical institute, industrial school, academy, university, lecture hall or other centre of instruction, whether public or private, and includes a boarding house for learners or students attached to such place of instruction and staff accommodation appertaining thereto, and
(b) a convent, monastery, library, public art gallery, museum, gymnasium or day care centre, whether public or private, but does not include a building/complex used or intended to be used wholly or primarily as a certified reformatory or industrial school, or as a school for the mentally disabled.

Place of Worship

means a church, synagogue, mosque, temple, chapel or other place for practicing religion and includes any building in connection therewith but does not include a funeral parlour

Private Open Space

means any land which has been set aside in this scheme for use as a primarily private site for club buildings, sport, play, rest or recreational facilities or as an ornamental garden or a pleasure garden and includes public land which is or will be leased on a long-term basis, whether public or private.

Private Recreational Area

means sport and/or recreation facilities where access area may be reserved, such as a privately owned Golf Course, sports fields and clubs and associated sporting structures. It may include parking areas, club house, restaurant or shop facilities ancillary to such sport and/or recreational use.

Professional Services

means a vocation which is governed by the rules and conduct of a professional institution or body, and in which the practitioners offer their time and skills as a particular service to their clients, as distinct from the sale of a tangible commodity (e.g. medical, dental, veterinary, hairdressing and legal).

Public Authority

means a government department (national or provincial), district or local municipality or other organ of state.

Public Garage

means a building, including the site, for an undertaking that offers a complete range of services for motor vehicles, including sale of fuel, panel beating, spray-painting and a shop.

Public Open Space

means land which falls under, or is intended to come under, the ownership of the Municipality, which is not leased or intended to be leased on a long-term basis and which is utilized or will be utilized as an open space, park, garden, playground, sports ground or square.

Public Parking

means a site or building or part thereof that is accessible to the general public for parking purposes and excludes taxi ranks, bus termini and truck stops.

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

(a) any street that has at any time been

i. dedicated to the public; or

ii. used without interruption by the public for a period of at least thirty years; or

iii. declared or rendered such by a competent authority; or

(b) any land with or without buildings or structures thereon, which is shown as a street on:

i. any plan or subdivision of a diagram approved by a competent authority and acted upon; or

ii. any general plan registered or filed in the Deeds Registry or

iii. the office of the Surveyor-General.

Public Utility

means a company supplying utility infrastructure and/or services required for the proper functioning of the built environment.

Residential Building

means a building (other than a dwelling-house, town house or block of flats) for human habitation, together with such outbuildings as are normally used therewith, and includes a boarding house, residential rooms, a hotel, a guest house, retirement village and a children's home, but does not include other buildings or uses mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" or "institution".

Recreational Area

means sport and/or recreation facilities, such as a Golf Course, sports fields and clubs and associated sporting structures. It may include parking areas, club house, restaurant or shop facilities ancillary to such sport and/or recreational use.

Recreational Building

means a clubhouse, gymnasium, squash court, pavilion, change room, stadium and any similar facility used in conjunction with a sport or recreational activity. A clubhouse may include dining facilities and lounges. It may include an open space or reserve which the public has a right to

use and enjoy and includes any ancillary facilities but excludes a commercial gymnasium, which is defined under "Shop".

Recycling Depot

means premises which receives, stores and processes pre-sorted single streams of waste and processes it into recycled products.

Renewable Energy Structure

means any wind turbine, hydro turbine, solar energy generating apparatus (including solar-voltaic and concentrated solar thermal) or bio mass facility, or grouping thereof, which captures and converts wind, hydro, solar radiation, bio mass or other renewable energy source into energy for local consumption or commercial gain, irrespective of whether it feeds
into an electricity grid or not. This may include associated structures, infrastructure or buildings directly related to the operation of the particular facility or that may lead to the generation, transmission and distribution of electricity generated at the facility. Associated structures and infrastructure may include pylons, poles, masts, transformers and sub-stations. Associated buildings may include, but are not limited to, workshops and stores, offices, site canteen, medical station, research facility, guard house and recreational facilities for staff

Residential Room

means a habitable room, which forms part of a residential building, in which the proprietor provides lodging, but does not provide meals.

Resort

means a resource-based holiday or recreational development that is accessible to the public (which may be subject to booking and fee arrangements).

Resort Accommodation

means a number of dwelling or accommodation units belonging to one owner, which are only utilised for short term accommodation by travellers or tourists or holidaymakers and which comprise a single business enterprise, which is accessible to the public and of which the individual dwelling or accommodation units are marketed only by means of renting, and includes a caravan park and a camping site, but does not include a hotel.

Restaurant

means a business establishment where meals and liquid beverages are prepared and/or served to paying customers for consumption on the property and may include licensed provision of

alcoholic beverages for consumption on the premises.

Retail

means the sale and supply in any quantities of goods not manufactured nor produced to the order of any person and which are sold to any person for use or consumption by that person, and not for resale.

Retirement Village

a retirement community is a residential community or housing complex designed for older adults who are generally able to care for themselves; however, assistance from home care agencies is allowed in some communities.

Scattered Residential Farming

Means of a single farm or ownership consists of numerous spatially separated plots.

School

a premises used as an institutional for educating children.

Scrap Yard

means a building or land that is used for one or more of the following purposes:

(a) the storing, depositing or collecting of junk or scrap material or articles of which the value depend entirely or partially on the material out of which they are manufactured;

(b) the dismantling of second-hand vehicles or machines to recover components or material, and

(c) the storing or sale of second-hand pipes, poles, steel section, wire, lumber, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred.

Second Dwelling

means a dwelling that may be erected in addition to the primary dwelling unit, with such an erection being a consent use in Residential Zone II and in Agricultural Zone I.

Service Industry

means the utilisation of a building or premises for an enterprise that is –

(a) primarily involved in the rendering of a service for the local environs, such as the repair of household appliances and the supply of household services; and

(b) which is not likely, in the event of fire, to cause excessive combustion or explosions, or

give rise to poisonous fumes being released; and

(c) but does not include an abattoir, a brickmaking site, sewerage works, a service station or public garage.

Service Station

means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres and motor spares, the servicing or washing of motor vehicles or the operation of a restaurant or convenience shop, but excludes spray painting, panel beating or body or blacksmith work.

Shelter

means a structure and unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such structure or material may not comply with the standards or requirement for durability intended by the National Building Act;

Shop

means a site or building or structure used for the purpose of carrying on a retail trade and includes a restaurant, launderette, a dry cleaner or a retail concern where goods which are sold in such concern are manufactured or repaired, provided that the floor area relating to such manufacture or repair, comprises not more than one third of the floor area of the shop. Shop does not include an industry, noxious use or trade or industry, service station, bottle store or supermarket.

Shopping Centre

means a primarily retail development that is planned, built and managed as a single entity, comprising of a single or several retail concerns on a common site with a minimum gross leasable area (GLA) of 4 000 m². The retail space and walkways may be combined under a single or linked roofs, separated from vehicular movement and parking (a Retail Mall) or accommodated in separate buildings integrated with the vehicular movement and parking. A shopping centre may include other business uses as permitted under "Business Premises".

Spaza shop/ Tuck Shop

means a shop that is operated from a dwelling house, provided that:

(a) such activities are restricted to one room of the principal dwelling or a garage or outbuilding with such an area not exceeding 30m²;

(b) the dwelling is to have a primarily residential function;

(c) not more than two persons should be involved in the operating of such a shop
(d) such a shop should not impact negatively on the surrounding neighbours; and
(e) all signs of trade, including advertising, should be kept to a minimum as specified in item 3 in Annexure C

Special Industrial Building

means any buildings other than dwelling houses defines industrial buildings as factories and other premises used for manufacturing, altering and repairing.

Special Use

means a building type or use of land either not included in these definitions or used for any use other than a use for which buildings or land, included in these definitions, may be used.

Sporting Activity

Means an athletic event, athletic skills demonstration, sporting or recreational activity which engages participation by the public, and similar attractions involving sports or athletic prowess

Subsistence Agriculture

Means the practice of self-sufficiency farming system in which the people focus on growing enough food to feed themselves and their entire families. The output is mostly for domestic requirements with little or no surplus trade.

Supermarket

means a shop with a net retail floor space of not less than 350 m², which is utilised for sales on a basis of self-service.

Stud Farming

means an enterprise for the purpose of farming with livestock to improve
certain qualities of the particular breed.

Tavern

means a home-based business that provides for on-site consumption of food and liquor in a dwelling unit, provided that all provisions described in Annexure B are complied with.

Tea Garden

A shop in which non-alcoholic beverages and cakes or light meals are served to clients either inside, in the garden or on a patio

Taxi Rank

means the use of land and/or buildings at public transport facilities such as a taxi ranks for the purposes of dropping off and collecting passengers by public and private services and metered taxis, and may include parking areas, shelter and seating for passengers, a ticket office, offices ancillary to the management of a taxi rank, an informal trade area and ablution facilities.

Telecommunication Infrastructure

means any part of the infrastructure of a telecommunication network for fixed line (fibre optic, copper or other cables) or wireless communication, including voice, data and video telecommunications, provided by telecommunication providers, including cellular network operators. This may include:

(a) Antennas and satellite dish antennas
(b) Any support structure;
(c) Equipment room;
(d) Radio equipment or optical communications equipment (laser or infra-red);
(e) All ancillary structures needed for the operation of telecommunication infrastructure.

This definition excludes point-to-point fibre optic, copper or other cable installations.

Telecommunication Installation

means an installation used to accommodate telecommunication infrastructure for the transmitting or receiving of communication signals. Such installation may include a freestanding support structure on land or may be attached to a building or structure.

Tourist Facilities

means amenities for tourists or visitors such as a function venue, lecture rooms, restaurants, gift shops and restrooms, but does not include overnight accommodation.

Town House

means a dwelling unit, which forms part of a town-housing scheme.

Traditional Activities

means a premises used for traditional rituals/ceremonies to be carried out.

Traditional Homestead

means a self-contained inter-leading group of rooms, or free standing rooms functioning in an integrated manner as a dwelling unit, grouped together on a land unit, with no more than one

kitchen, used for living accommodation and housing of a family, together with such outbuildings as are ordinarily used therewith. The definition of Traditional Dwelling excludes free-standing rooms that function as Tenements of Flats.

Traditional Medicine

means a building used for the sale of traditional remedies that have been developed over generations.

Transport Facility

means a designated area with associated facilities that serves as a taxi rank, bus terminus or truck stop, but does not include public parking.

Transport Usage

means a public or private transport undertaking based on the provision of a transport service such as railways, harbours and airports, and includes facilities for the handling and storage of freight.

Truck Stop

means a building or premises in which, or upon which, a business, service, or industry is conducted mainly involving trucks or similar heavy commercial vehicles, and may include:

a) the dispensing of motor fuel or other petroleum products, including associated office and storage areas;

b) the temporary parking of trucks or similar heavy commercial vehicles;

c) the cleaning, maintenance, servicing, or minor repairs of trucks or commercial heavy vehicles, but excluding panel beating and spray painting.

Utility Service

means a use or infrastructure provided by a public authority, private or public utility, that is required to provide engineering and associated services for the proper functioning of the built environment and includes a water reservoir and purification works, electricity substation and transmission lines, stormwater retention facilities, and a waste-water pump station. It may also include waste processing activities such as transfer stations, recycling centres, and composting installations) and a waste-water treatment works, only if no part of such facility or activity constitute a noxious use. "Utility service" does not include road, or transport use or telecommunication installations.

University

means a building used for high-level educational institution in which students study for degrees and academic research is done.

Veterinary Clinic

a place or building dedicated to the science and art of prevention, cure, or alleviation of disease and injury in animals and especially domestic animals.

Warehouse

means either a site/building/room where goods are stored, or a wholesale business.

Wholesale

means the sale and supply in any quantity of goods to a bona fide retailer for resale to the public.

World Heritage Site

Is a place of natural and/or cultural significance that are considered to be of "outstanding universal value"

3. SCHEME SUMMARY OF PRIMARY AND CONSENT USES

The table below illustrates the zoning categories supported by the visual representation to be used in future mapping. The primary uses, and special consent uses also support this table and are to be read in conjunction with the scheme controls.

ZONE	COLOUR NOTATION	PRIMARY USE	SPECIAL CONSENT
	VISUAL REPRESE-NTATION		
AGRICULTURAL ZONE I		• Dwelling-house, • Agriculture • 2nd dwelling unites • Stud farming	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation • Farm stall, agricultural industry • Nursery Garden • Renewable energy structure • Quarry Site
AGRICULTURAL ZONE II		• Agricultural Building • Educational Building • Home Activity • Homestead • Informal Trading • Utility services • Dwelling House • Agriculture Industry • Scattered Residential farming Conservation Area	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation • Service Station • Renewable energy structure • Special Use • Place of Worship • Farm Stall
RESIDENTIAL ZONE I		• Shelter • Dwelling-House	• Additional Dwelling Unit • Bed and Breakfast • Day care centre • Guest House • Place of Instruction • Place of worship • Recreational Building • Shop • Social halls • Spaza Shop/Touch Shop

RESIDENTIAL ZONE 2		• Additional Dwelling unit • Dwelling house	• Day care centre • Guest house • Doctors Surgery • Place of worship • Recreational Centre • Residential buildings • Sporting activity • Tavern/shebeen
RESIDENTIAL ZONE 3		• Residential building • Guest house	• Flats • Additional Dwelling Unit
RESIDENTIAL ZONE 4		• Dwelling House • Flats - Above 20 Units/Ha • Town House	• Retirement Village • Residential Building • Day Care Centre • Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation
RESIDENTIAL ZONE 5		• Boarding House • Dwelling House • Flats • Guest-house • Hotel • Residential Rooms • Retirement Village	• Children's Home • Utility Services • Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation
INSTITUTIONAL 1		• Day Care Centre • Place Of Assembly • Place Of Instruction • School	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation • Place of worship • Educational Building • Shop
INSTITUTIONAL 2		• ATM • Clinic • Doctors Surgery • Hospital • Place of assembly • Place of worship	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation.

RESORT		• Bed And Breakfast • Camping Site • Caravan Park • Caretaker's Cottage • Convenience Shop • Guest House • Place Of Assembly • Recreation Area • Recreational Building • Resort • Resort Accommodation • Tourist Facilities	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation. • Hotel • Utility Services
BUSINESS ZONE I		• Boarding • Dwelling House • Flats • Guest house • Hotel • House • Institution • Offices • Place of Worship • Professional Services • Residential Building • Restaurant • Shop • Town House • Utility Services	• Adult Shop • Attached Telecommunication Infrastructure • Bottle Store • Business Premises • Day Care Centre • Freestanding • Funeral Parlour • Informal Trading • Nursery, Service • Parking Garage • Place Of Assembly • Place Of Entertainment • Place Of Instruction • Station • Supermarket • Telecommunication Installation • Veterinary Clinic
BUSINESS ZONE II		• Office Building • Office District Authority • Office Government • Office Local Authority • Public Office • Shops • Residential Rooms • Boarding House	• Place of Assembly • Place of Worship • Institution • Place of Instruction • Day Care Centre • Utility Services • Attached Telecommunication Installation
BUSINESS ZONE III		• Service Station • Restaurant • Convenience Shop	• Attached Telecommunication Infrastructure • Hotel

		• Utility Services	• Guest House • Museum • Art Gallery • Transport Facility • Flats • Townhouses • Freestanding Telecommunication Installation
BUSINESS ZONE IV		• Builders yard • Car wash facility • Warehouse • Recycling Deport	• Shops • Utility Services • Telecommunication infrastructure
OPEN SPACE ZONE I		• Recreational	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation • Recreational Area • Recreational Building • Sport Activities • Tourist Facilities
OPEN SPACE ZONE 2		• Conservation Purposes Conservancy • Open Space • Biosphere Reserve buffer area • Botanical Garden • Environmental Facilities	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation • Renewable Energy Structure • Harvesting Medicine Plants • Caretaker Accommodation • Tourist Accommodation
PASSIVE OPEN SPACE		• Public Open Spaces • Heritage Purposes • Botanical Garden • Environmental Facilities • Nursery • Animal Refuge • Low-impact Agricultural • Agricultural Building	• Arts and Crafts Workshop (Limited to activities associated with tourism recreation environment and conservation) • Flea Market • Restaurant • Shop (Limited to the sale of take away commodities refreshments, curios and commodities associated with tourism,

		• Tourist Facilities Agricultural Building • Tourist Facilities Public Open Space • Garden Nursery	recreation, environment, and conservation)
TRANSPORT ZONEI		• Transport Usage • Utility Services	• Parking Garage • Informal Trading • Service Station • Transport Facility • Service Station • Freestanding Telecommunication Installation • Attached Telecommunication Installation
TRANSPORT ZONEII		• Public Road • Public Street	• Certain Associated Structures and Activities • Informal Trading • Attached Telecommunication Installation Freestanding Telecommunication Installation
TRANSPORT ZONEIII		• Public Parking • Utility Services	• Parking Garage • Certain Associated Structures and Activities • Informal Trading, Attached Telecommunication Installation • Freestanding Telecommunication Installation
PROTECTED AREAS		• Amenity Area • Conservation Area • Conservation Purpose • Game Reserve • Heritage Conservancy • Heritage Purposes • Nature Reserve • Proclaimed Protected Area • World Heritage Site	• Camping Ground • Conference Centre • Lodges • Caravan Park • Resort

INDUSTRIAL 1		• Industry • Industrial Café • Service Station • Commercial Workshop • Warehouse • Public Garage • Funeral Parlour • Mortuary • Scrap Yard • Parking Garage • Utility Services • Attached Telecommunication Installation, Freestanding • Telecommunication Installation	• Abattoir • Aquaculture • Transport Facility • Place of Entertainment • renewable energy structure • Rooms to accommodate security guards • caretakers and the like
INDUSTRIAL 2		• Noxious Use • Trade or Industry • Industrial General • Industrial Services • Service Station • Scrap Yard • Utility Services • Attached Telecommunication Installation • Freestanding Telecommunication • Installation	• Abattoir • Parking Garage • Rooms to accommodate Security Guards • renewable energy structure • Caretakers and the like
AUTHORITY ZONE		• Attached Telecommunication Installation • Authority Usage • Commonage • Freestanding Telecommunication Installation • Renewable Energy Structure • Wind Farm	• Cemetery • Cultural and Social Ceremonies • Landfill Site

		• Solar Farm • Utility Services	
SPECIAL ZONE		• As determined by the Municipality	• As determined by the Municipality

4. DEVELOPMENT POLICY: LAND USE ZONES

4.1 ZONES RELATED TO AGRICULTURE

ZONE: AGRICULTURAL ZONE I	
SCHEME INTENTION: The objective of the zone is to promote and protect agriculture on large farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide the rural communities in more remote areas with the opportunity to increase the economic potential for their properties, provided these uses do not present a significant negative impact on the primary agricultural resource. MAP COLOUR REFERENCE:	
PRIMARY USES	SPECIAL CONSENT
• Agricultural Building • Educational Building • Home Activity • Homestead • Informal Trading • Utility services • Dwelling House • Agriculture Industry • Scattered Residential farming • Conservation Area	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation • Service Station • renewable energy structure • Special Use • Place of Worship • Farm stall

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	At least 7m	As determined by the municipality	As determined by the Municipality	As determined by the municipality		
Side Building Line	At least 7m					
Rear Building Line	At least 7m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- As permitted by the Municipality in consultation with the Traditional Authority.

ZONE: AGRICULTURAL ZONE II
SCHEME INTENTION: This zone is reserved for small scale agricultural land and is intended for land and buildings where the primary activity is both intensive and extensive agricultural production of crops, livestock and other agricultural products. Ancillary land uses and facilities such as workshops for plant maintenance, processing of produce and farmworker accommodation are generally permissible, subject to compliance with the provision of the scheme. MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• Dwelling-house, • Agriculture • 2nd dwelling unites • stud farming	• Attached Telecommunication Infrastructure • Freestanding Telecommunication • Abattoir • Installation • Farm stall, agricultural industry • Nursery • Renewable energy structure • Quarry site

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	At least 7m	As determined by the municipality	As determined by the Municipality	As determined by the municipality		
Side Building Line	At least 7m					
Rear Building Line	At least 7m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule

4.2 ZONES RELATED TO BUSINESS

ZONE: BUSINESS ZONE I

SCHEME INTENTION:

The objective of the zone is to provide for intensive business and mixed-use development with relatively few restrictions in order to promote Urban Vitality and economic growth

MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• Boarding • Dwelling House • Flats • Guest house • Hotel • House • Institution • Offices • Place of Worship • Professional Services • Residential Building • Restaurant • Shop • Town House • Utility Services	• Adult Shop • Attached Telecommunication Infrastructure • Bottle Store • Business Premises • Day Care Centre • Freestanding • Veterinary Clinic • Funeral Parlour • Informal Trading • Nursery, Service • Parking Garage • Place Of Assembly • Place Of Entertainment • Place Of Instruction • Station • Supermarket • Telecommunication Installation

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	2 m	As determined by the municipality	500 m²	2	80%	Unrestricted
Side Building Line	1 m					
Rear Building Line	1 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- Residential Building (above ground floor)
- Guest House (above ground floor)
- Activities linked to the Peoples Economy as permitted by the municipality

ZONE: BUSINESS ZONE II
SCHEME INTENTION: The objective of this zone is to facilitate activities with low intensity. MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• Office Building • Office District Authority • Office Government • Office Local Authority • Public Office • Shops • Residential Rooms • Boarding House	• Place of Assembly • Place of Worship • Institution • Place of Instruction • Day Care Centre • Utility Services • Attached Telecommunication Installation Warehouse

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	2 m	As determined by the municipality	500 m²	1	50%	2.0
Side Building Line	2 m					
Rear Building Line	2 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- Activities linked to the Peoples Economy as permitted by the municipality

ZONE: BUSINESS ZONE III
SCHEME INTENTION: The primary objective for this zone is to accommodate Service Station and complimentary services. MAP COLOUR REFERENCE

PRIMARY USES	SPECIAL CONSENT
• Service Station • Restaurant • Convenience Shop • Utility Services • ATM	• Attached Telecommunication Infrastructure • Hotel • Guest House • Museum • Art Gallery • Transport Facility • Flats • Townhouses • Freestanding Telecommunication Installation

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	2 m²	As determined by the municipality	1000 m²	2	75%	2
Side Building Line	2 m²					
Rear Building Line	2 m²					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

Jansenville, Styeterville and Graaf Reinet Overlay Zone
Overview: addressing the challenges of developing smaller parcels, the key incentives to modify regulations to allow for reduced size Business 3 lot sizes, reduced setback requirements, and reduces street and parking standards
Councils decision relating to land use or development within this overlay zone shall take int account the following principles for the control and guidance of development :

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.
  - Street Building Line: 2 m²
  - Side Building Line : 2 m²
  - Rear Building Line : 2 m²
  - Minimum Erf Size : 1000 m²
  - Height in Storeys : 2

- Coverage : 75%
- Floor Area Ratio 2

- Parking Requirement: 6 parking bays per 100m² sales area (spares, restaurant, or convenience shop)

- Activities linked to the Peoples Economy as permitted by the municipality

ZONE: BUSINESS ZONE IV
SCHEME INTENTION: The primary objective for this zone is to allows light services that are not noxious to the environment and people MAP COLOR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• Builders yard • Car wash facility • Warehouse • Recycling Deport	• Shops • Utility Services • Telecommunication infrastructure

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	2 m²	As determined by the municipality	500 m²	2	75%	2
Side Building Line	2 m²					
Rear Building Line	2 m²					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- Activities linked to the Peoples Economy as permitted by the municipality

4.3 ZONES RELATED TO RESIDENTIAL

ZONE: RESIDENTIAL ZONE I	
SCHEME INTENTION: The objective of this zone is intended to facilitate the development of residential unit that considered compatible with residential unit and A special building which could be a greenhouse MAP COLOUR REFERENCE:	
PRIMARY USES	SPECIAL CONSENT
• Shelter • Dwelling House	• Place of worship • Day care centre • Social halls • Guest House • Additional Dwelling Unit • Bed and Breakfast • Spaza Shop/Touch Shop • Shop • Recreational Building • Place of Instruction

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m²	One dwelling house for every 200 m² of net site area.	200 m²	1	80%	1
Side Building Line	3 m²					
Rear Building Line	3 m²					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
Nieu Bethesda/ Umasizakhe Over Zone Overview: An informal Trading overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this Zoning Scheme in accordance with section 30 and section 17(2) of the "Planning By-law" for only Umasizakhe and Nieu-Bethesda towns in order to encourage economic growth. The following land uses can be applied for by a property owner through the preparation and submission of a Building Plan accompanied by a signed letter of consent from all surrounding neighbouring properties included across the street frontage. - Daycare Centre - Additional Dwelling Unit - Guest House

- Professional Services
- Nursery
- Spaza Shop/Touch Shop

Councils decision relating to land use or development within this overlay zone shall take int account the following principles for the control and guidance of development :

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.
- New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.

Refer to Parking Schedule

ZONE: RESIDENTIAL ZONE 2
SCHEME INTENTION: The objective of this zone is that is intended to facilitate the development of residential unit MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• Dwelling house • Additional Dwelling unit	• Day care centre • Guest house • Doctors Surgery • Place of worship • Recreational Centre • Residential buildings • Sporting activity • Tavern/shebeen

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m²	One dwelling house for every 1000 m² of net site area.	1000 m²	1	50%	1
Side Building Line	3 m²					
Rear Building Line	3 m²					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

Nieu Bethesda/ Umasizakhe Over Zone
Overview: An informal Trading overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this Zoning Scheme in accordance with section 30 and section 17(2) of the "Planning By-law" for only Umasizakhe and Nieu-Bethesda towns in order to encourage economic growth.

The following land uses can be applied for by a property owner through the preparation and submission of a Building Plan accompanied by a signed letter of consent from all surrounding neighbouring properties included across the street frontage.

- Daycare Centre
- Additional Dwelling Unit
- Guest House
- Professional Services
- Nursery
- Spaza Shop/Touch Shop

Councils decision relating to land use or development within this overlay zone shall take int account the following principles for the control and guidance of development :

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.
- New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.

Refer to Parking Schedule

ZONE: RESIDENTIAL ZONE 3
SCHEME INTENTION: The objective of this zone is intended to facilitate the development of residential unit and guest house MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• Residential building • Guest house	• Flats • Additional Dwelling Unit

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality	500 m²	2	75%	1.5
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

Nieu Bethesda/ Umasizakhe Over Zone
Overview: An informal Trading overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this Zoning Scheme in accordance with section 30 and section 17(2) of the "Planning By-law" for only Umasizakhe and Nieu-Bethesda towns in order to encourage economic growth.

The following land uses can be applied for by a property owner through the preparation and submission of a Building Plan accompanied by a signed letter of consent from all surrounding neighbouring properties included across the street frontage.

- Daycare Centre
- Additional Dwelling Unit
- Guest House
- Professional Services
- Nursery
- Spaza Shop/Touch Shop

Councils decision relating to land use or development within this overlay zone shall take int account the following principles for the control and guidance of development :

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.
- New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.

Refer to Parking Schedule

ZONE: RESIDENTIAL ZONE 4
SCHEME INTENTION: A zone that is intended to facilitate the development of residential unit with 20 units/haMAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• Town house • Flats - above 20 units/ha • Dwelling house	• Retirement village • Residential building • Day care centre • Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	20 units/ha	500 m²	3	75%	1.5
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

Nieu Bethesda/ Umasizakhe Over Zone
Overview: An informal Trading overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this Zoning Scheme in accordance with section 30 and section 17(2) of the "Planning By-law" for only Umasizakhe and Nieu-Bethesda towns in order to encourage economic growth.

The following land uses can be applied for by a property owner through the preparation and submission of a Building Plan accompanied by a signed letter of consent from all surrounding neighbouring properties included across the street frontage.

- Daycare Centre
- Additional Dwelling Unit
- Guest House
- Professional Services
- Nursery
- Spaza Shop/Touch Shop

Councils decision relating to land use or development within this overlay zone shall take int account the following principles for the control and guidance of development :

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.
- New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.

Refer to Parking Schedule

ZONE: RESIDENTIAL ZONE 5	
SCHEME INTENTION: A zone intended to provide higher density residential buildings such as flats, Hotels and Guest Houses MAP COLOUR REFERENCE:	
PRIMARY USES	SPECIAL CONSENT
• Boarding House • Residential Rooms • Hotel • Retirement Village, • Guest-house • Dwelling House • Flats	• Children's Home • Utility Services • Telecommunication Infrastructure • Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality	1000 m²	Determined by the local authority	70%	2.5
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule

4.4 ZONE RELATED TO RESORT

ZONE: RESORT ZONE	
SCHEME INTENTION: The objective of this song is to promote tourist and holiday facilities in areas with special environmental or recreational attributes, and to encourage general public access to these facilities. At the same time, care should be exercised to minimise potential negative impacts of development on fragile environment. MAP COLOUR REFERENCE:	
PRIMARY USES	SPECIAL CONSENT
• Bed And Breakfast • Camping Site • Caravan Park • Caretaker's Cottage • Convenience Shop • Guest House • Place Of Assembly • Recreation Area • Recreational Building • Resort • Resort Accommodation • Tourist Facilities	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation. • Hotel • Utility Services

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	10 m	As determined by the Municipality	As determined by the Municipality	2	80%	2%
Side Building Line	10 m					
Rear Building Line	10 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule • The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality.

4.5 ZONES RELATED TO INSTITUTION

ZONE: INSTITUTION 1	
SCHEME INTENTION: The objective of design is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses including facilities for health. MAP COLOUR REFERENCE:	
PRIMARY USES	SPECIAL CONSENT
• Place of instruction • School • Place of assembly • Day care centre	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation • Place of worship • Educational Building • Shop

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	3m	As determined by the municipality	500 m²	3	80%	2
Side Building Line	3m					
Rear Building Line	3m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule

ZONE: INSTITUTION II
SCHEME INTENTION: The objective of this zone allows Medical services and public facilities MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• ATM • Clinic • Doctors Surgery • Hospital • Place of assembly • Place of worship	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation.

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	3m	As determined by the municipality	500 m²	3	80%	2
Side Building Line	3m					
Rear Building Line	3m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule

4.6 ZONES RELATED TO INDUSTRIAL

ZONE: INDUSTRIAL ZONE I	
SCHEME INTENTION: The objective of this zone is to allows light services that are not noxious to the environment and people MAP COLOUR REFERENCE:	
PRIMARY USES	SPECIAL CONSENT
• Industry • Industrial Café • Service Station • Commercial Workshop • Warehouse • Public Garage • Funeral Parlour • Mortuary • Scrap Yard • Parking Garage • Utility Services • Attached Telecommunication Installation, Freestanding • Telecommunication Installation	• Abattoir • Aquaculture • Transport Facility • Place of Entertainment • renewable energy structure • Rooms to accommodate security guards • caretakers and the like • Land fill site.

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality	As determined by the Municipality	3	75%	1.5
Side Building Line	5 m					
Rear Building Line	5 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule

ZONE: INDUSTRIAL ZONE II
SCHEME INTENTION: The objective of this zone is to accommodate all forms of industry, accept nauseous trade and risk activity, in order to promote the manufacturing sector of the economy. Some allowance is made for non-industrial activity, but these should not compromise the general use of this area zone for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent Properties. MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• Noxious Use • Trade or Industry • Industrial General • Industrial Services • Service Station • Scrap Yard • Utility Services • Attached Telecommunication Installation • Freestanding Telecommunication • Installation	• Abattoir • Parking Garage • Rooms to accommodate Security Guards • renewable energy structure • Caretakers and the like.

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	10m	As determined by the Municipality	800 m²	3	70%	1
Side Building Line	10m					
Rear Building Line	10m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- Dwelling House (for caretaker only)
- *Location and Intensity to be determined by the local authority.

4.7 ZONES RELATED TO OPEN SPACE

ZONE: OPEN SPACE ZONE I
SCHEME INTENTION: The objective of this zone is to provide for active and passive recreational areas on the public land, in order to promote Recreation, and enhance the ask the aesthetic of an area. MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• Public Open Space • Recreational Area	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation • Recreational Area • Recreational Building • Sport Activities • Tourist Facilities

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	3 m	As determined by the Municipality				
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule • The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality. • No structure shall be erected, or use practised except that which is compatible with the definition of "public open space"

ZONE: OPEN SPACE ZONE II PRIVATE OPEN SPACE
SCHEME INTENTION: To provide for the conservation and sustainable use of critical biodiversity areas, ecological support areas and ecological infrastructure MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• Conservation Purposes Conservancy • Open Space • Biosphere Reserve buffer area • Botanical Garden • Environmental Facilities	• Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation • Renewable Energy Structure • Harvesting Medicine Plants • Caretaker Accommodation • Tourist Accommodation

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality				
Side Building Line	5 m					
Rear Building Line	5 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality.
- Within the Rural Area (as defined in the SANBI Guidelines for integrating Biodiversity into Land Use Scheme) Dwelling Units may be permitted within Private Nature Reserves or conservation areas, subject to the following:
  (a) Upon application for rezoning of land in the Rural Area to Open Space Zone I, such Nature Reserve or Conservation area shall first be formalised in terms of relevant legislation, before the rezoning can be finalised.

(b) The maximum permissible erf size will be 1000 m², maximum coverage will be 50% and maximum height will be 2 storeys.

(c) In terms of Section 29, of the Land Use Planning Ordinance, upon subdivision of a property to accommodate dwelling units, it will be required that a Home Owners Association be established to take responsibility for all matters of common interest.

(d) A detailed site development plan shall be submitted.

(e) Separate ownership of dwelling units will be permitted.

(f) The entire nature reserve shall be registered as Common Property

4.8 ZONES RELATED TO PASSIVE OPEN SPACE

ZONE: PASSIVE OPEN SPACE	
SCHEME INTENTION: The objective of this zone is to provide for active and passive recreational areas on the public land, in order to promote Recreation, and enhance the ask the aesthetic of an area. MAP COLOUR REFERENCE:	
PRIMARY USES	SPECIAL CONSENT
• Public Open Spaces • Heritage Purposes • Botanical Garden • Environmental Facilities • Nursery • Animal Refuge • Low-impact Agricultural • Agricultural Building • Tourist Facilities	• Arts and Crafts Workshop (Limited to activities associated with tourism recreation environment and conservation) • Flea Market • Restaurant • Shop (Limited to the sale of take away commodities refreshments, curios and commodities associated with tourism, recreation, environment, and conservation)
DEVELOPMENT PARAMETERS	

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	10 m	As determined by the Municipality				
Side Building Line	10 m					
Rear Building Line	10 m					
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS						

- Refer to Parking Schedule
- The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality.
- No structure shall be erected, or use practised except that which is compatible with the definition of "public open space"

4.9 ZONES RELATED TO TRANSPORT

ZONE: TRANSPORT ZONE I	
SCHEME INTENTION: The objective of this zone is to reserve land for transportation systems, excluding public streets, but including all other transport undertakings such as airports, heliports, harbours, railway lines, bus depots, taxi ranks, cable car stations, and model interchanges. MAP COLOUR REFERENCE:	
PRIMARY USES	SPECIAL CONSENT
• Transport Usage	• Parking Garage • Informal Trading • Service Station • Transport Facility • landing strip, • way leave • Service Station • Freestanding Telecommunication Installation • Attached Telecommunication Installation

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	As determined by the Municipality	As determined by the Municipality				
Side Building Line						
Rear Building Line						

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule • The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality.

ZONE: TRANSPORT ZONE II
SCHEME INTENTION: The objective of the zone is to provide for public streets, weather constructed or still to be constructed, as well as infrastructure associated with such streets. Provision is also made for the temporary use of the land unit for other purposes as may be approved by the municipality. MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• Public Road • Public Street	• Certain Associated Structures and Activities • Informal Trading • Attached Telecommunication Installation • Freestanding Telecommunication Installation • way leave

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality				
Side Building Line	5 m					
Rear Building Line	5 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule • The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality.

ZONE: TRANSPORT ZONE III
SCHEME INTENTION: The objective of the zone is to permit transport usage and other activities through consent use. MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT

• Public Parking • Utility Services	• Parking Garage • Certain Associated Structures and Activities • Informal Trading • Attached Telecommunication Installation • Freestanding Telecommunication Installation

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality				
Side Building Line	5 m					
Rear Building Line	5 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule • The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality.

4.10 ZONES RELATED TO AUTHORITY

ZONE: AUTHORITY ZONE	
SCHEME INTENTION: This zone is used to reserve land for uses normally undertaken by Municipality and which do not fall into another zoning category. MAP COLOUR REFERENCE:	
PRIMARY USES	SPECIAL CONSENT
• Attached Telecommunication Installation • Authority Usage • Commonage • Freestanding Telecommunication Installation • Renewable Energy Structure • Wind Farm • Solar Farm • Utility Services	• Cemetery • Cultural and Social Ceremonies • Landfill site

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality				
Side Building Line	5 m					
Rear Building Line	5 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule • The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality.

4.11 ZONES RELATED TO PROTECTED AREA

ZONE: PROTECTED AREAS	
SCHEME INTENTION: This land use zone provides for land that has been designated as a Protected Area under the National Environmental Management Protected Area Act No 57 of 2003, as per World Heritage Site; Nature Reserve; Special nature reserves; National parks; Specially protected forest areas; Forest nature reserves; and Forest wilderness areas. Where land use and management of the land is undertaken as per the provisions of the Protected Areas Act and its regulations, and other related legislation. MAP COLOUR REFERENCE:	
PRIMARY USES	SPECIAL CONSENT
• Amenity Area • Conservation Area • Conservation Purpose • Game Reserve • Heritage Conservancy • Heritage Stuff • Nature Reserve • Proclaimed Protected Area • World Heritage Site • World protected area	• Camping Ground • Conference Centre • Lodges • Caravan Park • Resort

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	10 m	As determined by the Municipality				
Side Building Line	10 m					
Rear Building Line	10 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule

ZONE: SPECIAL ZONE
SCHEME INTENTION: If special factors justify the creation of a new zone on the zoning map for a site or sites without justifying the creation of a new zone in the Land Use Management schemes, such site shall be zoned as a Special Zone on thezoning map MAP COLOUR REFERENCE:

PRIMARY USES	SPECIAL CONSENT
• As determined by the Municipality	• As determined by the Municipality

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	10 m	As determined by the Municipality				
Side Building Line	10 m					
Rear Building Line	10 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS
• Refer to Parking Schedule

5. GENERAL

5.1 Enforcement of Land Use Management Scheme

(a) The enforcement of the Land Use Management Scheme is supported by Chapter 9 of the municipal by-lawsas gazetted on March 2016 (no. 3633). The municipality will thus handle Land Use Management Schemes through compliance with:

- the provisions of the By-law;
- the provisions of this Land Use Management Scheme;
- conditions imposed in terms of the By-law or previous planning legislation; and
- title deed conditions.

(b) SPLUMA stipulates the following with regards to the legal effect of a Land Use Management Scheme:

- It has the force of law, and all land owners and users of land, including a municipality, a state owned enterprise and organs of state within the municipal are bound by the provisions of such Land Use Management Scheme; and
- Once a Land Use Management Scheme is adopted and approved, land may be used only for the purposes permitted by a Land Use Management Scheme;

(c) It is further recommended that the Land Use Management Scheme be promulgated as a municipal by-law.When a land use is exercised that is not permitted by the Land Use Management Scheme, this is seen as acontravention of the municipal by-law. In the case of such contraventions, SPLUMA stipulates that a municipality have the following powers:

- It may appoint an inspector that can enter the property with the aim if ensuring compliance to the Land Use Management Scheme;
- It may apply to a court for an order:
    i. Interdicting any person from using land in contravention of its Land Use Management Scheme;
    ii. Authorising the demolition of any structure erected on land in contravention of its Land Use Management Scheme, without any obligation on the municipality or the person carrying out the demolition to pay compensation;
    iii. Directing any other appropriate or remedial measure;

5.2 Types of Development Applications

A person may A person may make application for the following in terms of Chapter 5, Part A of the municipal Spatial Planning and Land Use Management By-Law:

5.2.1 Subdivision Of Land;

1. phasing of a subdivision;
2. amendment of an existing scheme or Land Use Management Scheme by the rezoning of land, includingrezoning to an overlay zone;
3. removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
4. consolidation of land;
5. amendment or cancellation of a subdivision plan;
6. permanent closure of any public place;
7. consent use;
8. development on communal land that will have a high impact on the traditional community concerned;
9. permanent or temporary departure from Land Use Management Scheme extension of the period ofvalidity of an approval;
10. exemption of a subdivision from the need for approval in terms of this By-Law as contemplated in section 66 municipal planning by law;
11. determination of a zoning as contemplated in section 18 of the municipal planning by law 1;
12. amendment, deletion or addition of conditions in respect of an existing approval granted or deemed to be granted in terms of section 54(9) municipal planning by law;
13. approval of the constitution of an owners' association or an amendment of the constitution of the owners' association;
14. any other application provided for in this By-Law;
15. any other application which the Council may determine in terms of this By-Law and/ or
16. any combination of the applications referred to in this section submitted simultaneously as one application.

5.2.2 Application for development on or change to land use purpose of communal land

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 a Land Use Management Scheme applicable to such area, must apply to the Municipality in the manner providedfor in Chapter 6.
2. No application pertaining to land development on or change the land use purpose of communal land may be submitted unless accompanied by power of attorney signed by the applicable traditional council.
3. For the purpose of this section, a "high impact" development includes any of the following:

   (a) abattoir;

   (b) cemetery;

   (c) community services, including educational institutions and health care facilities;

   (d) crematorium and funeral parlour;

   (e) factory;

   (f) filling station and public garage;

   (g) guest house;

   (h) high density residential;

   (i) industry and light industry;

   (j) manufacturing, micro-manufacturing, retail selling and distribution as contemplated in the Liquor Act, 2003 (Act No. 59 of 2003);

   (k) mining;

   (l) noxious use;

   (m) office;

   (n) panel beating;

   (o) place of worship;

(p) retail service including a shopping complex and a supermarket;

(q) scrapyard;

(r) tavern; and

(s) any other development which may require a specialised report, including a geotechnical report or environmental impact assessment.

5.2.3 Submission Requirements of Development Applications

1. Any application required in terms of this By-Law must be duly completed on a form approved by the Council, signed by the applicant, and submitted to the Municipality.;
2. Any application referred to in subsection (1) of municipal planning by law must be accompanied by:
    a. if the applicant is not the owner of the land, a power of attorney signed by the owner authorising the applicant to make the application on behalf of the owner and:
        I. if the application is for development on communal land referred to in section 75 of the municipal planning by law, the power of attorney required in terms of this paragraph is the power of attorney referred to in section 75(2) of the municipal planning by law;
        II. if the owner is married in community of property the power of attorney must be signed by both spouses;
        III. if the owner of the land is a company, closed corporation, body corporate or owners' association, proof that the person is authorised to act on behalf of the company, closed corporation, body corporate or owners' association;
        IV. if the owner of the land is a trust, the application must be signed by all the trustees;
        V. a written motivation for the application based on the criteria for consideration of the application; and
        VI. proof of payment of application fees.

5.2.4 5.5 Rezoning Of Land:

1. An application for the amendment of an existing scheme or Land Use Management Scheme by therezoning of land must, in addition to the documentation referred to in section 85(2)of the municipal planning by law, be accompanied by:
    a. a certified copy of the title deed of relevant land or Power of Attorney if the applicant is not the owner of the property;
    b. a copy of the diagram of every application property or, where such diagram is not available, a plot diagram to every piece of land being the subject of the application;
    c. a locality plan on an appropriate scale;
    d. a zoning plan or land use rights plan, in colour and on an appropriate scale, of the application surrounding properties;
    e. a site development plan;
    f. if the land is encumbered by a bond, the consent of the bondholder,
2. An application contemplated in Part C of Chapter 5 of the municipal planning by-laws does not have to be accompanied by a certified copy of the title deed of the relevant land or the consent of the bondholder.:
3. The motivation contemplated in section 85(2)(d) of the municipal planning by by-laws must contain at least the following information;
    a. An indication of the persons, communities and institutions likely to be affected by the amendment and the likely impact on them;
    b. the interest of the applicant in bringing the application;
    c. (a discussion on the content of the scheme prior to the proposed amendment and the need for the amendment;
    d. a discussion on the proposed amendment;
    e. the expected impact on the current, adopted municipal spatial development framework and integrated development plan;
    f. the possible impact of the amendment on the environment and probable mitigating elements;
    g. an indication whether an application must be made for an environmental authorization in terms of the National Environmental Management Act,1998;
    h. an indication of the persons, communities and institutions likely to be affected by the amendment and the likely impact on them;

5.2.5 Removal, Amendment Or Suspension Of A Restrictive Or Obsolete Condition, Servitude Or Reservation Registered Against The Title Of The Land

1. An application for the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land must, in addition to the documentation referred to in section 85(2) of the municipal planning by laws, be accompanied by –
    i. a certified copy of the title deed of the land;
    j. a certified copy of the notarial deed of servitude;
    k. a copy of the diagram of every property concerned or, where such diagram is not
    l. available, a plot diagram to every piece of land concerned;
    m. a copy of the servitude diagram approved by the Surveyor-General;
    n. a locality plan on an appropriate scale;
    o. a description of all existing and proposed servitudes and services on the land; and
    p. if the land is encumbered by a bond, the consent of the bondholder.
2. The motivation contemplated in terms of section 85(2)(d) of the municipal planning by law must make specific reference to the applicable condition or servitude, as well as a motivation on the necessity and desirability of the application.

5.2.6 AMENDMENT OR CANCELLATION IN WHOLE OR IN PART OF A SUBDIVISION PLAN

1. An application for the amendment or cancellation in whole or in part of a subdivision plan must, in addition to the documentation referred to in section 85(2) of the municipal planning by laws, be accompanied by:
    a. copies of the relevant sheet of the general plan which may be reduced copies of the original;
    b. copies of a plan of the township showing the posed alteration or amendment or, if partial cancellation is applied for, the portion of the plan cancelled;
    c. copy of the title deed which is registered in the Deeds Office at the time when the application is submitted of the land affected by the alteration, amendment or total or partial cancellation;
    d. if the land is encumbered by a bond, the bondholder's consent;

2. The motivation contemplated in terms of section 85(2)(d) of the of the municipal planning by law by-laws must state the reasons for the posed alteration or amendment.

5.2.7 AMENDMENT OR CANCELLATION IN WHOLE OR IN PART OF A SUBDIVISION PLAN

1. An application for the subdivision of land must, in addition to the documentation referred to in section 85(2) of the municipal planning by law, be accompanied by –
    a. a certified copy of the title deed of the land;
    b. a copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;
    c. the appropriate consent where required in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970) or any subsequent amended act;
    d. a locality plan on an appropriate scale;
    e. a layout plan in the scale approved by the Council and containing the information as considered necessary by the Municipality;
    f. draft conditions of establishment for the proposed subdivision;
    g. a copy of the appropriate zoning of the applicable land;
    h. if the land is encumbered by a bond, the consent of the bondholder;

2. The motivation contemplated in section 85(2)(d) of the municipal planning by law must contain at least the following information:
    a. The development intentions of the Municipality on the application property, as contained in the spatial development framework and other municipal policies;
    b. the need and desirability of the proposed subdivision;
    c. a justification on the suitability of the land for subdivision;
    d. a traffic impact assessment of the proposed development;
    e. an assessment of the social impact of the proposed land development;
    f. the impact of the proposed land development on the future use of land in the locality;
    g. the impact of the proposed subdivision on the future use of land in the locality;
    h. the availability of subdivided land in the area and the need for the creation of further erven or subdivisions;

i. the effect of the development on the use or development of other land which has a common means of drainage;
j. the subdivision pattern having regard to the physical characteristics of the land including existing vegetation;
k. the density of the proposed development;
l. the area and dimensions of each erf;
m. the layout of roads having regard to their function and relationship to existing roads;
n. the existing land use rights on the property;
o. the movement of pedestrians and vehicles throughout the development and the ease of access to all erven;
p. the provision and location of public open space and other community facilities;
q. the phasing of the subdivision;
r. the provision and location of common property;
s. the functions of anybody corporate;
t. the availability and provision of municipal services;
u. if the land is not serviced and no provision has been made for a waterborne sewer system, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each erf or subdivided land parcel;
v. whether, in relation to subdivision plans, any sensitive vegetation can be protected through subdivision and siting of open space areas;
w. an indication whether an application must be made for an environmental authorization in terms of the National Environmental Management Act,1998;
x. the existing land use rights on the property; and
y. the applicable regulations as contained in the Land Use Management Scheme.

5.2.8 APPLICATION FOR THE CONSOLIDATION OF ANY LAND

1. An application for the consolidation of land must, in addition to the documentation referred to in section 85(2) of the municipal planning by law, be accompanied by –
    a. a certified copy of the title deed of the land;
    b. a copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;
    c. a locality plan on an appropriate scale;
    d. a layout plan in the scale approved by the Council;
    e. draft conditions of establishment for the proposed consolidation;

f. a copy of the appropriate zoning of the applicable land;
g. if the land is encumbered by a bond, the consent of the bondholder.

2. The motivation contemplated in section 85(2)(d) of the municipal planning by-law must explain and motivate the application.

5.2.9 PERMANENT CLOSURE OF A PUBLIC PLACE IF AN APPLICATION IS SUBMITTED

1. An application for the permanent closure of a public place must, in addition to the documentation referred to in section 85(2) of the municipal planning by law, be accompanied by;
    a. a certified copy of the title deed of relevant land and a copy of the relevant general plan;
    b. a copy of the approved conditions of establishment of the existing township;
    c. a locality plan on an appropriate scale;
    d. a layout plan in the scale approved by the Council;
2. The motivation contemplated in section 85(2)(d) of the municipal planning by law must explain and motivate the application.

5.2.10 APPLICATION FOR CONSENT OR APPROVAL REQUIRED IN TERMS OF A CONDITION OF TITLE, A CONDITION OF SUBDIVISION OR CONDITION OF AN EXISTING SCHEME OR LAND USE MANAGEMENT SCHEME:

1. An application for the consent or approval required in terms of a condition of title, a condition of subdivision or condition of an existing scheme or Land Use Management Scheme must,in addition to the documentation referred to in section 85(2) of the municipal planning by law ,be accompanied by –
    a. a certified copy of the title deed of relevant land;
    b. a copy of the diagram of every application property or, where such diagram is not available, a plot diagram to every piece of land being the subject of the application;
    c. a locality plan on an appropriate scale;
    d. a description of all existing and proposed servitudes and/or services on the applicable land;
    e. the copy of the land use rights certificate on the applicable land;

f. if the land is encumbered by a bond, the consent of the bondholder;
g. a zoning plan or land use rights plan; and
h. a land use plan;

2. The motivation contemplated in section 85(2)(d) of the municipal planning by law must make specific reference to the zoning and other regulations in terms of the Land Use Management Scheme.
3. The subdivision of land will be applicable on properties with a minimum erf size of 400m

5.2.11 APPLICATION FOR TEMPORARY USE

1. An application for temporary use must, in addition to the documentation referred to in section 85(2) of the municipal planning by law, be accompanied by –
    a. a power of attorney from the registered owner of the land if the applicant is not the registered owner;
    b. if the land is encumbered by a bond, the bondholder's consent'
    c. (c) a locality plan;
    d. (d) a copy of the title deed which is registered in the Deeds Office at the time when the application
    e. is submitted;
    f. (e) a copy of the zoning certificate, including any notices published in terms of this By-law which
    g. has the purpose of changing the land use rights which may be applicable.
    h. 2. The motivation contemplated in section 85(2)(d) of the municipal planning by law must contain at least the following information:
    i. (a) reference to the objective and principles contained in this By-law;
    j. (b) reference to the Integrated Development Plan and Municipal Spatial Development Framework
    k. and its components and any other policies, plans or frameworks with specific reference on how
    l. this application complies with it or deviated from it;
    m. (c) the need and desirability of the application;
    n. (d) discuss the application in terms of the development principles, norms and standards as referred
    o. to in Chapter 2 of the Act.

5.2.12 Site Development Plan Requirements

When preparing a site development plan, it is to be ensured that the following requirements are met:

1. Fully dimensioned layout plans to include the following:
    a. Building footprint and floor plans
    b. Site dimensions
    c. Building lines
    d. North Point
2. Roads and Parking layouts to include the following:
    a. Dimensioned points of access and egress to the site
    b. Circulation of traffic on site to be indicated
    c. Calculations of parking ratios
    d. Dimensioned layouts of roads and parking
    e. Indicated provisions for disabled and visitor bays
    f. Indicate loading areas
    g. Provide refuse area embayment where necessary

3. Landscaping plan to include:
    a. Existing trees and ventilation to be retained / protected
    b. Existing trees to be removed
    c. Specification and positions of proposed new trees and planting (preferably indigenous)
    d. Schematic planting layout
    e. Paving details

The following may also be requested by the Municipality:

- Contours in 1m intervals and proposed completed levels
- Bulk calculations including coverage
- Typical elevations indicating finishes
- Typical sections
- Heritage Impact Assessment where required
- Environmental Impact Assessment where required
- Locality Plan
- Boundary wall details to all boundaries
- Refuse room details (to be on boundary where council refuse trucks cannot gain access to site)

5.2.13 Condition for Approval

1. When the Municipal Planning Tribunal or Authorised Official approves an application subject to conditions, the conditions must be reasonable conditions and must arise from the approval of the proposed utilisation of land;
2. Conditions imposed in accordance with subsection (1) of the conditions of approval may include conditions relating to:
   a. provision of engineering services and infrastructure;
   b. the cession of land or the payment of money;
   c. the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
   d. the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
   e. settlement restructuring;
   f. agricultural or heritage resource conservation;
   g. biodiversity conservation and management;
   h. the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
   i. energy efficiency;
   j. requirements aimed at addressing climate change;
   k. the establishment of an owners' association in respect of the approval of a subdivision;
   l. the provision of land needed by other organs of state;
   m. the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality or the registration of public places in the name of the municipality, and the transfer of ownership to the municipality of land needed for other public purposes;
   n. the implementation of a subdivision in phases;
   o. requirements of other organs of state.
   p. the submission of a construction management plan to manage the impact of a new building on the surrounding properties or on the environment;
   q. agreements to be entered into in respect of certain conditions;
   r. the phasing of a development, including lapsing clauses relating to such phasing;

s. the delimitation of development parameters or land uses that are set for a particular zoning;
t. the setting of validity periods, if the Municipality determined a shorter validity period as contemplated in this By-law;
u. the setting of dates by which particular conditions must be met;
v. requirements relating to engineering services as contemplated in Chapter;
w. requirements for an occasional use that must specifically include:
    I. parking and the number of ablution facilities required;
    II. maximum duration or occurrence of the occasional use; and
    III. parameters relating to a consent use in terms of the Land Use Management Scheme;

3. If a Municipal Planning Tribunal or Authorised Official imposes a condition contemplated in subsection (2)(a) above, an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land;
4. A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefor arising from the approval, as determined by the Municipality in accordance with norms and standards, as may be prescribed by the Minister;
5. Except for land needed for public places, social infrastructure or internal engineering services, any additional land required by the municipality or other organs of state arising from any approval of an application must be acquired subject to applicable laws that provide for the acquisition or expropriation of land;
6. Conditions which require a standard to be met must specifically refer to an approved or published standard:
7. No conditions may be imposed which affect a third party or which are reliant on a third party for fulfilment, with the exception of a condition that requires the approval in terms of other legislation.
8. If the Municipal Planning Tribunal or Authorised Official approves a land development or use application subject to conditions, it, he or she must specify which conditions must be complied with before the sale, development or transfer ofthe land;
9. After the applicant has been notified that his or her application has been approved, the Municipal Planning Tribunal or Authorised Official or at the applicant's request may, after consultation with the applicant, amend or delete any condition imposed in

terms of this section or add any further condition, provided that if the amendment is in the opinion of the Municipal Planning Tribunal or Authorised Official so material as to constitute a new application, the Municipal Planning Tribunal or Authorised Official may not exercise its, his or her powers in terms hereof and must require the applicant to submit an amended or new application and in the sole discretion of the Municipal Planning Tribunal or Authorised Official to re-advertise the application in accordance with section 93 of the municipal by laws.

5.3 SPAZA SHOP APPLICATIONS

Legal structure may comprise a portion of the main dwelling house, or an outbuilding, which for the purpose of this policy shall mean: a structure which is legal in terms of the land use planning ordinance no 15 of 1985 and national building regulations and building standards act no 103 of 1977, but does not include a caravan, a container or shack etc.

i. APPLICATION

a) Application to conduct a spaza shop must be made in terms of the land use planning ordinance no 15 of 1985 and associated Land Use Management scheme regulations for the town in question. Applications are assessed in terms of the relevant legislation and policies and, on the basis thereof, council may decide to approve or refuse an application. Approvalsgranted are only valid for 5 years, where after the applicant may re-apply.

b) In an event where there is an existing illegal spaza shop, the owner of the spaza shop must cease all operations and apply from the municipality for approval.

c) Application forms are available from the technical services department and an application fee/administration as stipulated in the tariff list is payable upon submission of the application. The application fee/ administration fee will non-refunded.

d) A standard notice must be displayed on the premises for 30 days from the date of application. The notice must provide complete information relating to the applicant's proposed spaza shop and must state that any objections should be submitted to the Dr Beyers Naude Municipality municipality within 30 days from the erection of the notice. The applicant will only advertise on site and not in the local newspaper.

e) Written notices will be sent to surrounding property owners identified by the administrative department and proof of such notification will be recorded by the department.

f) The approval by council or municipality for a spaza shop will only apply to the property owner (as defined in section 1 of the municipal property rates act, 6 of 2004) whilst the

person who operates the spaza shop should be the owner him/herself or a family member in which instance written consent by the owner must be lodged with the municipality upon application / legal tenant residing on the property in possession of a valid South African ID. document. In the case where the property owner and / or employees are not South African citizens a valid work permit must be presented. In the case of a legal tenant residing on the property a written lease agreement must be lodged with the municipality upon application. Such rental must be fair, and market related.

g) Each application must be evaluated on merit, particularly considering sections 2 and 4 below.

h) The policy should be reviewed annually.

5.4 DEVELOPMENT INCENTIVES

- Time taken to approve a development application.

The fast-tracking development applications in suitable areas within DrBN LM. This is stipulated. as a requirement for new SPLUMA compliant SDF's.

The SDF proposes a "mixed use node" the regulations attached to the overlay zone. An informal Trading overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this Land Use Management Scheme in accordance with section 30 and section 17(2) of the "Planning By- law" for only Umasizakhe and Nieu-Bethesda towns in order to encourage economic growth.

The following land uses can be applied for by a property owner through the preparation and submission of a Building Plan accompanied by a signed letter of consent from all surrounding neighbouring properties included across the street frontage.

- Daycare Centre
- Additional Dwelling Unit
- Guest House
- Professional Services
- Nursery
- Spaza Shop/Touch Shop

Councils decision relating to land use or development within this overlay zone shall take into account the following principles for the control and guidance of development :

- Developments proposed within this Overlay Zone must abide by the development parameters of this zone.

New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.

- Reduce lot Sizes, Setbacks and Parking requirements.

1. Nieu-Bethesda, Willowmore, Rietbron and Umasizakhe Over Zone

Many localities are updating their zoning code to address the challenges of developing smaller parcels. Key incentives to modify regulations to allow for reduced size residential lot sizes, reduced setback requirements, and reduces street and parking standards.

The following Development Parameters for Residential are applicable to properties under the current zoning in Nieu-Bethesda, Willowmore, Rietbron and Umasizakhe.

Street Building Line : 5 m²

Side Building Line : 3 m²

Rear Building Line :3 m²

Minimum Erf Size : 1000 m²

Height in Storeys : 2

Coverage : 100%

Floor Area Ratio : 2

Parking Requirement: 1 Parking Bay/dwelling unit

2. Jansenville, Styeterville and Graaf Reinet Overlay Zone

Again, addressing the challenges of developing smaller parcels, the key incentives to modify regulations to allow for reduced size Business 3 lot sizes, reduced setback requirements, and reduces street and parking standards;

The following Development Parameters for Business 3 are applicable to properties under the current zoning in Jansenville, Styeterville and Graaf Reinet.

Street Building Line : 2 m²

Side Building Line : 2 m²

Rear Building Line : 2 m²

Minimum Erf Size : 1000 m²

Height in Storeys 2

Coverage : 75%

Floor Area Ratio 2

Parking Requirement: 6 parking bays per 100m² sales area (spares, restaurant, or convenience shop)

- Zone for Mixed Use Development

DrBNLM proposed mixed use development in alignment of Dr Beyers Naude Local Municipality SDF.

The strategy is to encourage mixed-use zoning designation to specifically on undeveloped area within DrBNLM and support of mixed use development overlay zone only for Residential 1-5 Nieu-Bethesda/Umasizakhe.

The DrBNLM strategies to promote mixed use in different nodes within DrBNLM as per SDF are as follows:

- Encourages protection of the conservation areas and promotes the tourism sector outside an urban edge near Umasizakhe by proposing of Nqweba Dam development.
- Proposed mixed-use development and business expansion in an overlay approach within Umasizakhe and Nie Bethesda, Intended to help relieve poverty, attract investment and create employment in the area.

Encourages development that meet the needs associated recreational facilities and investment support to the Agricultural in areas such as Jansenville

5.5 SITE DEVELOPMENT PLAN

Depending on the nature of your proposed development, a site development plan should include at least the following components:

- A basic site layout plan with site layout information and details
- An information table/schedule illustrating development details
- Typical architectural drawings
- Schedule of building materials and finishes

- Landscape plan (consult separate brochure on landscape plans)
- Name logos and/or outdoor advertisement arrangements
- A homeowners/property owners' association constitution

6. PARKING REQUIREMENTS

ZONE	REQUIREMENT
AGRICULTURAL ZONE	2 Parking Bay/dwelling unit All on and off-loading to be on-site
AGRICULTURAL ZONE II	1 Parking Bay/dwelling unit All on and off-loading to be on-site
AUTHORITY ZONE	As determined by the Municipality
BUSINESS ZONE I	6 parking bays/100m² GLA. The use of property may not affect this requirement. 1 loading bay for every 500m² GLA up to 1000m², thereafter 1 extra bay for every additional 1000m² leasable floor area.
BUSINESS ZONE II	6 parking bays/100m² GLA
BUSINESS ZONE III	6 parking bays per 100m² sales area (spares, restaurant, or convenience shop) Car Wash: 3 Parking bays/wash bay
BUSINESS ZONE IV	6 parking bays per 100m² sales areas + 1 loading bay for every 500m² GLA up to 1000m²
INDUSTRIAL I	1 parking bay /100m² GLA 1 loading bay for every 2500m² gross floor area up to 10 000m², thereafter 1 extra bay for every additional 10 000m² gross floor area
INDUSTRIAL II	1 parking bay /100m² GLA 1 loading bay for every 2500m² gross floor area up to 10 000m², thereafter 1 extra bay for every additional 10 000m²gross floor area
INSTITUTIONAL I	1 space/class-room or office + Sufficient on and off loading area
INSTITUTIONAL II	As determined by the Municipality
OPEN SPACE ZONE I	As determined by the Municipality
OPEN SPACE ZONE II	As determined by the Municipality
PASSIVE OPEN SPACE	As determined by the Municipality
PROTECTED AREAS	As determined by the Municipality
RESIDENTIAL ZONE I	1 Parking Bay/dwelling unit
RESIDENTIAL ZONE II	2 Parking bays/dwelling unit
RESIDENTIAL ZONE III	2 Parking bays/room+ 2 for the owner and manager
RESIDENTIAL ZONE IV	1.25 per Parking bays/flat
RESIDENTIAL ZONE V	2 Parking bays/dwelling unit +0.3 bays/bedroom
RESORT ZONE I	As determined by the Municipality
TRANSPORT ZONE I	As determined by the Municipality
TRANSPORT ZONE II	As determined by the Municipality
TRANSPORT ZONE III	As determined by the Municipality
SPECIAL ZONE	As determined by the Municipality

ANNEXURES

ANNEXURE 1: COMMUNAL LAND TENURE BILL, 2017

ANNEXURE 2: SPATIAL PLANNING AND LAND USE MANAGEMENT MUNICIPAL PLANNING BY-LAW

ANNEXURE 3: NOXIOUS USE/TRADE/INDUSTRY

The following activities are classified as noxious use/trade/industry:

- Any use, trade or industry which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust – or which carries a high risk in the event of a fire, natural disaster or accident;
- Any installation, which in terms of the Occupational Health and Safety Act No. 85 of 1993 is classified as a "major hazard installation". The act defines a "major hazard installation as follows:
    - where more than the prescribed quantity of any substance is or may be kept, whether permanently or temporarily; or
    - Where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident.
- Any activities which constitute a nuisance as envisaged in other applicable legislation (or amendments thereof) or new legislation (or regulations promulgated in terms of such legislation), including:

Approval of an application for establishment of a noxious use, trade or industry in terms of this Land Use Management Scheme does not exempt the owner from applying for permission in terms of other relevant legislation.

ANNEXURE 4: POLICY FOR INFORMAL ALCOHOL RETAIL OPERATIONS (TAVERNS)

The following activities are classified as noxious use/trade/industry:
Unless a property has the required business zoning that permits the sale of alcohol on the property, no retail of alcohol will be permitted. To accommodate the use of Informal Alcohol Retail, within that is commonly referred to as taverns, the Municipality will consider applications for temporary use of properties for this (where considered desirable):

The following actions are required:

- Application will have to be made as a departure, which is temporary and valid for a period to be determined by the Municipality (maximum five years), after which reapplication has to be made;
- Normal Departure application procedures need to be followed;
- The consent to a departure by the Municipality for a tavern shall apply to the applicant only while he/she resides on the property and operates the business. It is not be transferable in any form or manner;
- If the departure application is granted, the applicant must be advised by the Municipality to apply for a liquor licence within a timeframe agreed to by the municipality.

Detailed provisions:

- Only one room of a dwelling or garage or outbuilding with an area not exceeding 50m² is to be converted for tavern use.
- The house needs to retain a primarily residential function;
- The tavern should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to facilitate off-loading of goods and to ensure adequate refuse removal, etc. Operating hours should be controlled by relevant liquor trading bylaws or liquor trading licensing;
- A complete record of all taverns shall be kept by the Municipality;
- All taverns must be inspected on a regular basis to ensure compliance to health regulations.
- Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Municipality could result in the closure of the tavern and the withdrawal of the departure rights.

ANNEXURE 5: POLICY FOR THE ERECTION OF A SECOND DWELLING UNIT

The erection of a second dwelling unit by way of a special consent application to the local authority shall be subject to the following conditions:

Size of Second Dwelling Unit	• Maximum size will be determined by the permissible coverage and floor area ratio on the erf/land unit
Coverage	• Maximum coverage in terms of the density zone.
Building Lines	• As applicable to the prime dwelling unit.
Height	• 2 Storeys • No point of a building shall exceed a vertical distance above the grade line of: o 6m – in the case of flat roofed buildings, o 8m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line; • Provided that: o Chimneys and flues are exempt from this height restriction. o Antennae, satellite dish antennae (of less than 1.5m diameter), external geysers or renewable energy apparatus attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m
Parking	• At least one on-site parking bay for second dwelling

Vehicular Access	• Only one vehicular access per street frontage is to be permitted.

Outbuildings:	• Outbuildings normally incidental to a main dwelling will be permitted with a second dwelling unit on condition that the permissible coverage is complied with.
Municipal Services	• The construction of a second dwelling shall be subject to municipal services departments certifying that capacity is available on the services network in the specific area; • The second dwelling unit is required to make use of the existing Municipal service connections serving the primary unit on the site;
Ownership	• Separate ownership for the main and second dwelling shall not be permitted, except if a subdivision is approved, provided that with subdivisions both dwellings shall have direct access to public roadway and both dwellings shall have direct connections to Municipal infrastructure

ANNEXURE 6: POLICY FOR BED AND BREAKFAST ESTABLISHMENT ESTABLISHMENTS AND GUEST HOUSES

To accommodate the establishment of Bed and Breakfast Establishment and Guest Houses, the Municipality will apply the following provisions:

Definitions

A B&B is defined as an owner managed accommodation establishment of not more than 5 guest-rooms, which supplies short-term accommodation for guests. Meals may be supplied to guests.

A Guest House is an owner managed accommodation establishment of 6 to 16 guest-rooms which supplies short-term accommodation for guests. Meals may be supplied to guests.

Important provisions

- Guest-rooms may not include kitchen facilities (should not be operating as self-catering units).
- Guest-rooms may form part of the dwelling unit or may be provided as free-standing rooms. 2 persons (with 2 children) shall be allowed per guest-rooms
- Normal application procedures need to be followed for Special Consent or Rezoning approval.
- Health regulations must be complied with where applicable
- The householder or a manager must be resident on the premises.
- These provisions are for Town Planning purposes only and their coming into effect will not constitute a repeal of other relevant regulations or policies.

Parking Provision

- Parking bay for the owner/manager
- 2 Additional parking bays shall be provided for every 3 guest-rooms.
- The required number of parking bays must be provided for on the property.

Signage shall be in accordance to the Municipality's approved signage policy, or if not in place, one sign with a maximum size of 1 m², stating the name and details relating to the establishment.

ANNEXURE 7: POLICY FOR INFORMAL RETAILING OPERATIONS: HOUSE SHOPS (SPAZA SHOPS)

To accommodate the establishment of small home-based retail outlets, commonly referred to as spaza shops, the Municipality will consider applications for temporary use of properties for this (where considered desirable):

The following actions are required:

- Application to operate a house shop in a dwelling house will have to be made as a departure, which is temporary and valid for a period to be determined by the Municipality (maximum five years), after which re-application has to be made.
- Normal departure application procedures need to be followed.
- If the departure application is granted, the applicant must be advised to apply for such trade licence or permit as may be applicable.
- The consent to a departure by the Municipality for a house shop shall apply to the applicant only while he/she resides on the property and will not be transferable in any form or manner.

Detailed provisions

- Only one room of a dwelling, garage or outbuilding with an area not exceeding 30 m² may be converted for retail use.
- The dwelling must retain a primarily residential function.
- The house shop should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to facilitate off-loading of goods and to ensure adequate refuse removal.
- Not more than two people should be involved in operating a house shop.
- Should any foodstuffs be prepared for sale from the house shop, the premises need to comply with applicable health regulations of the municipality.
- A complete record of all house shops must be kept by the Municipality in this
- Regard
- Any contravention of the guidelines mentioned above, or any written complaints verified by officials of the Municipality could result in the closure of the house shop and the withdrawal of the departure rights.

ANNEXURE 8: POLICY FOR PRACTICING OF AN OCCUPATION IN A RESIDENTIAL DWELLING

To accommodate the practicing of an occupation in a residential dwelling / on a residential property, the Municipality will apply the provisions described herein.

Where a portion of a dwelling unit is utilised for the purposes of occupational practice, the following conditions shall apply:

- The person practicing the profession, occupation, enterprise or trade, (excluding employees), whether or not such person is a tenant or owner of the dwelling unit, must reside on the property.
- The primary utilisation must remain as a dwelling unit.
- Such portion of the dwelling unit (dwelling house, flat or residential building) may not be utilised for the purpose of a shop, business premises, industry or noxious industry.
- No goods sold or traded should be openly displayed and the practicing of the occupational practice should not be visible, except for the display of a notice not projecting over the road reserve boundary and not exceeding 1 m² in size (indicating only the name and occupation of the occupant).
- No other advertising shall be displayed.
- No activities shall be carried out which are, or are likely to be, a source of disturbance or nuisance to occupants of surrounding properties.
- In Town Housing or Flat developments, prior permission is required from the Home Owner's Association / Body Corporate.
- If any person with a direct interest is of the opinion that any condition referred to in this policy or in the definition of "occupational practice" is being contravened, such person may lodge a written complaint with the Municipality requesting action.
- Adequate off-street parking, as may be required by the Municipality for staff vehicles and other vehicles associated with the occupational practice.

ANNEXURE 9: POLICY FOR PROVIDING HOME-BASED CARE IN A RESIDENTIAL DWELLING

The following conditions shall apply where a portion of a property is used for home-based care:

- The person providing the home-based care (excluding employees), whether or not such person is a tenant or owner of the dwelling unit, must reside on the property.
- The primary utilisation remains that of a dwelling unit
- In Residential Zone I, III and IV, prior permission from the Home Owner's Association (or Body Corporate) is required.
- No more than 5 persons shall be accommodated at the home-based care facility for elderly, sick or disabled persons at any time and
- no more than 6 children shall be enrolled at the home-based child care facility at any time;
- Services shall be primarily:
- Child day care or educational, or basic health care for disabled, elderly or sick and not medical;
- Services for home based child care shall not operate outside the hours of 07:00 to 18:00 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays;
- Indoor and outdoor play space shall be provided in accordance with any health requirement or a policy plan as might be approved by the Municipality from time to time, and outdoor play space shall be securely fenced;
- No advertising sign shall be displayed, other than a single un-illuminated sign or notice in accordance with signage policy of the Municipality, not projecting over a public street, and such sign shall not exceed 1 m² in area;
- At least one off-street parking bay shall be provided, plus one additional parking bay which is suitable for the use of parents to drop off or collect their children, unless the Municipality's approval is obtained to waive this requirement. The Municipality may at any stage require additional on-site parking where parking is deemed to be insufficient;
- If any person with a direct interest is of the opinion that any condition referred to in this policy or in the definition of "home-based care" has been or is being contravened, such person may lodge a written complaint with the Municipality requesting action; and

  The Municipality shall consider a complaint mentioned in (k) above, and if in the opinion of the Municipality a contravention of any condition referred to in this policy or in the

definition of “home-based care” has occurred, the Municipality shall act in terms of its approved bylaws or as otherwise provided for by law.

ANNEXURE 10: POLICY FOR TELECOMMUNICATIONS INSTALLATIONS

To accommodate the erecting of Telecommunication Installations (radio communication or cell masts), the Municipality will apply the provisions described herein. The following conditions shall apply:

Land Use Authorisation

- Permissible as primary right in Industrial Zones and Authority/Utility Zone
- Permissible by way of a Special Consent in all other Zones.
- Authorisation is subject to the relevant requirements of the National Environmental Management Act, Civil Aviation Act and Regulations and other applicable legislation.

Building Control

- Telecommunication Installations attached to any part of a building, may not extend above the part of the building that it is attached to without the prior approval of the Municipality.
- The following guideline heights will be applied:
    - 3m in height for buildings of 10m or less;
    - 6m in height for buildings of less than 20m.
    - 10m in height for buildings of 20 m or more.
- A freestanding Telecommunication Installation may not extend more than 6m above the maximum permitted height of a building in the zone within which it is approved without prior approval of the Municipality.

Conditions Applicable to decommissioning of Telecommunication Installations

Unless regulated in terms of other permitting or authorisation conditions, such as an Environmental Authorisation:

- When a Telecommunication Installation is scheduled to be decommissioned or operations have been discontinued or abandoned, the owner of the Telecommunication Installation must notify the Municipality by registered mail and submit timeframes for removal of the structure/s and associated infrastructure within 60 days after the operation ceased.
- The owner shall remove all decommissioned infrastructure. Where the site has been disturbed, the owner shall rehabilitate the site to its original state or to a state acceptable to Municipality.

- Where the owner fails to comply with these provisions or fails to carry out the agreed removal of structures, the Municipality may remove such infrastructure, and rehabilitate the site at the cost of the owner.

ANNEXURE 11: POLICY FOR RENEWABLE ENERGY APPARATUS AND STRUCTURES

To accommodate the establishment of Renewable Energy Installations, the Municipality will apply the provisions described herein. The following conditions shall apply:

Relevant definitions

The following definitions will be used to describe elements that are associated purely with the establishment of Renewable Energy Facilities:

- Renewable Energy Apparatus – means any apparatus which captures and converts wind, hydro, solar radiation, bio mass or other renewable source into energy;
- "Renewable Energy Structure" – means any dedicated structure specifically designed and erected to accommodate apparatus such as wind turbines, hydro turbines, solar energy generating panels (including solar-voltaic and concentrated solar thermal) or bio mass equipment, or grouping thereof, which captures and converts wind, hydro, solar radiation, bio mass or other renewable source into energy for local consumption or commercial gain, irrespective of whether it feeds into an electricity grid or not. This may include associated structures, infrastructures or buildings directly related to the operation of the generation, transmission and distribution of electricity generated by the structure or grouping of structures. Associated structures and infrastructure may include pylons, poles, masts, transformers and sub-stations. Associated buildings may include, but are not limited to, workshops and stores, offices, site canteen, medical station, research facility, guard house and recreational facilities for staff.
- "Renewable Energy Site" - means the land utilised for the Renewable Energy Structure/s, inclusive of associated structures, infrastructure, buildings, and setback lines applicable to such, regardless of cadastral boundaries.

Land Use Authorisation

- No permission is required to install or attach a Renewable Energy Apparatus to any surface of a building, provided that it may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m. If such apparatus exceeds the vertical height provisions, it should be treated in the same manner as Renewable Energy Structures.
- Permission for erecting Renewable Energy Structures in all zonings in terms of these scheme regulations shall be obtained by way of a departure application.

- Such departures will be treated as permanent, unless the Renewable Energy Structure forms part of a commercial electricity generation enterprise that requires a license from the National Electricity Regulator of South Africa (NERSA) or similar body.
- In such event, the period of validity of the Departure will be for the duration of the validity of the license from the Regulator. Conditions of departures granted shall be to the discretion of the Municipality;
- A departure authorisation shall be subject to the relevant requirements of the National Environmental Management Act, Civil Aviation Act and Regulations and other applicable legislation.

ANNEXURE 12: PUBLIC PARTICIPATION

Public Participation In Terms Of Sections 21 Of Dr Beyers Naude Local Municipality Spatial Planning And Land Use Management (SPLUMA) Bylaws (2016).

(1) The public participation process must contain and comply with all the essential elements of any notices to be placed in terms of this By-law and in the event of an amendment of the land use scheme, the matters contemplated in section 28 of the Act.

(2) Without detracting from the provisions of subsection (1) above the Municipality must -

(a) publish a notice in the Provincial Gazette; and

(b) publish a notice in a newspaper that is circulated in the municipal area of the municipality in the official language/s determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act, once a week for two consecutive weeks; and

(c) enable traditional communities to participate through the appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Municipal Systems Act,

(d) use any other method of communication it may deem appropriate and the notice contemplated in subparagraph (b) must specifically state that any person or body wishing to provide comments and or objections shall:

(i) do so within a period of 60 days from the first day of publication of the notice; and

(ii) provide written comments; and

(iii) provide their contact details as specified in the notice.

(3) The Municipality may for purposes of public engagement arrange -

(a) consultative session with traditional councils and traditional communities;

(b) specific consultations with professional bodies, ward communities or other groups; and

(c) public meetings.