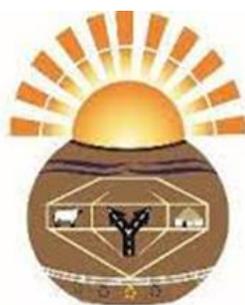




UMSOBOMVU LOCAL MUNICIPALITY

LAND USE SCHEME 2022



UMSOBOMVU LOCAL MUNICIPALITY

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PART A: ADMINISTRATION

SECTION 1 GENERAL PROVISIONS

1 TITLE

- 1.1 This land use scheme shall be known as the Umsobomvu Local Municipality Land Use Scheme, 2022 and shall hereafter be referred to as the “Scheme”.

2 AUTHORISED LOCAL MUNICIPALITY

- 2.1 The Umsobomvu Local Municipality, hereafter referred to as the “Municipality”, is the authority responsible for enforcing and carrying out the provisions of the Scheme.

3 AREA OF SCHEME

- 3.1 The Scheme incorporates the area of jurisdiction of the Umsobomvu Local Municipality, as proclaimed.

4 PURPOSE OF THE LAND USE SCHEME

- 4.1 A land use scheme must give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote -
- (a) economic growth;
 - (b) social inclusion;
 - (c) efficient land development; and
 - (d) minimal impact on public health, the environment and natural resources.

5 CONFLICT BETWEEN PROVISIONS OF THE SCHEME AND CONDITIONS OF TITLE

- 5.1 A consent or approval granted by the Municipality by virtue of the provisions of this Scheme shall not entitle any person the right to use any land, or to erect or use buildings thereon in any manner or for any purpose which is prohibited by the provisions of any condition registered against the title deed under which such land is held or imposed by legislation in respect of such land or in terms of the conditions of township establishment by virtue of any act.

6 LAND USE RIGHTS

- 6.1 This Scheme incorporates land use rights that were approved through:
- (a) Umsobomvu Municipality Land Use Management Scheme, 2013
 - (b) Land use rights granted in terms of the Northern Cape Planning and Development Act, No. 7 of 1998,
 - (c) Any other land use right(s) that were approved by a competent authority dealing with land use and land use management,

- 6.2 The Register of Land Use Rights is compiled in terms of Section 25(2)(c) of the Act and is depicted on Scheme Maps that show the various use zones the Municipality is divided in to.
- 6.3 Whether or not land is registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937) the land shall be used only in accordance with the land use rights held in terms of the Scheme.
- 6.4 All conditions included in a title deed of a land parcel within the Municipality supersede the land use rights granted by the Scheme.
- 6.5 It shall be the responsibility of the landowner to register land use rights obtained via legislation other than SPLUMA or the Scheme on the Register of Land Use Rights.

7 COMPONENTS OF THE LAND USE SCHEME

- 7.1 This Scheme consists of -
 - (a) provisions setting out the procedures and conditions relating to the use and development of land in any zone;
 - (b) a map indicating the zoning of the municipal area into land use zones;
 - (c) maps showing overlay zones;
 - (d) regulations related to enforcement of the Scheme;
 - (e) land development application procedures; and
 - (f) schedule linking the previous scheme use zones to the new land use scheme use zones.

8 EXISTING LAND USE RIGHTS

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

9 REGISTER OF LAND USE RIGHTS AND SCHEME MAP

- 9.1 The Register of Land Use Rights and Scheme Maps was compiled using existing Scheme information and approvals.
- 9.2 Should a mistake or oversight be made in the recording of an existing land use right, such mistake or oversight shall be rectified, on the landowner producing proof of such existing land use right.

10 ENACTMENT

- 10.1 The Scheme has been prepared and enacted in terms of the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).
- 10.2 The Scheme shall come into operation on the date determined by the Municipal Manager by publication of a notice thereof in the Provincial Gazette.

SECTION 2 TRANSITIONAL ARRANGEMENTS

11 LAND USE AND ZONING DISCREPANCY

- 11.1 If any landowner has an objection against a land use and or zoning indicated in this Scheme on their property, such an objection must be provided in writing to the Municipality, subject to the following provisions:
- (a) The applicant must submit material proof of the existence of a discrepancy and proof of the lawful land use rights/zoning must be attached.
- 11.2 Where both parties are in agreement the necessary amendment to zoning maps and register would be made.

12 NON-CONFORMING USES

- 12.1 Where an approval in terms of any other planning law or a former zoning scheme has been acted on and constitutes a contravention of any provision in a zone in this Scheme, for the purposes of this Scheme, it will not be considered to be an offence but a lawful non-conforming use.
- 12.2 All non-conforming uses shall be governed as follows:
- (a) The land use may continue to be used for that purpose when this Scheme comes into operation and it will not constitute an offence.
 - (b) When the non-conforming use ceases, for any reason, for a period of more than twenty-four (24) months, any subsequent use of the property must conform to the requirements of this Land Use Scheme, with or without temporary uses;
 - (c) A land development application must be made for the alteration or extension of buildings or structures in respect of the non-conforming use;
 - (d) The owner must prove that the non-conforming use right exists; and
 - (e) The land use right is limited to the area of the building or land on which the proven land use right exists.
- 12.3 Where an existing building, which constitutes a nonconforming use, is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building, the Municipality may grant permission for the reconstruction of such building subject to conditions.

13 CURRENT APPLICATIONS

- 13.1 All land development applications submitted before the effective date shall be finalized as if the Scheme was not proclaimed, provided that the application will be decided and proclaimed, as applicable, within a twelve-month (12) period from the effective date of the Scheme.
- 13.2 Should the application not be approved and/or proclaimed within the twelve-month (12) period, such application will be deemed to have lapsed and a *de novo* application in terms of the Scheme will be required.
- 13.3 Should the application not be approved and/or proclaimed as a result of administrative delay from the Municipality the twelve-month limitation shall not apply in this instance.
- 13.4 The applicant may apply for a twelve-month (12) extension of time to avoid the application lapsing and in doing so must present his case on good cause.
- 13.5 Considering the application made, the Municipality may, at its discretion, grant the extension of time for the promulgation of the application where required.

SECTION 3 INTERPRETATION AND GENERAL TERMINOLOGY

14 INTERPRETATION

- 14.1 In this Scheme, annexures, appendixes, registers, any note on the land use zone map and in any condition imposed in terms of this Scheme, the words and expressions shall have the restrictive meanings assigned to them in accordance with the definitions contained in SECTION 4 of the Land Use Scheme except where another interpretation is clear from the context.

15 INTERPRETATION OF BOUNDARIES

- 15.1 Where uncertainty exists as to the boundaries of zones, the following rules shall apply, in the order listed:-
- (a) Boundaries shown as following or approximately following any public street or road shall be construed as following the street or road cadastral boundary.
 - (b) Boundaries shown as following or approximately following any land unit boundary shall be construed as following such boundary.
 - (c) Boundaries shown as following or approximately following natural features shall be construed as following such features.
 - (d) In the event of further uncertainty as to the boundaries of a zone, the Municipality shall make a determination and that determination shall be final.

SECTION 4 TERMINOLOGY AND DEFINITIONS TERMINOLOGY AND DEFINITIONS

16 ADMINISTRATIVE AND LEGISLATIVE TERMINOLOGIES

Table 1 Administrative and Legislative Terminologies

Term	Explanation
Act	means the Spatial Planning and Land Use Management Act, Act 16 of 2013 – hereafter referred to in this document as <i>'the Act or SPLUMA'</i> .
Adopt	means in relation to a spatial development framework, zoning scheme, policy or strategy, means the approval thereof by the Local Municipality through legislative mechanisms.
Ancillary or Subservient	means uses or activities which support and/or compliment the main use on the property and/or building and which shall not exist on their own when the main use on the property is discontinued and shall be limited in size in relation to the permitted use.
Annexure to the Scheme	means documents comprising provisions, <i>inter alia</i> , additional, special rights, further description of land use rights and controls and conditions applicable to a property or properties as part of a land development application. Refer to Schedule 4.
Appeal	means a legal proceeding by which a land use decision is brought before the Municipal Appeals Tribunal for review of the decision taken by the Authorised Employee/Official or the Municipal Planning Tribunal.
Applicant	means an owner, including the State, of the land concerned and/or a person who is duly authorised by the owner to submit a land development application who makes a land use and development application contemplated in terms of this Scheme.
Application	means a complete application submitted, in terms of the provisions of SPLUMA, the By-law or the Scheme or any amendments thereof, to the Municipality in terms of which a development right is sought for approval from the Municipality.
Authorised Employee/Official	means a municipal employee who is authorised by the Municipality to exercise a power or perform a duty in terms of this Scheme or to inspect land and buildings in order to enforce compliance with this Scheme.
Base Zone	means the zone that determines the lawful land use and development rules for a land unit before applying the additional parameters or rules of an overlay zone.
Body Corporate	means the body corporate as defined in the Sectional Titles Schemes Management Act, Act 8 of 2011.
By-Law	means a By-law promulgated by the Municipality.
Consent use	means a consent applied for in writing in terms of the required procedures outlined in the Scheme.

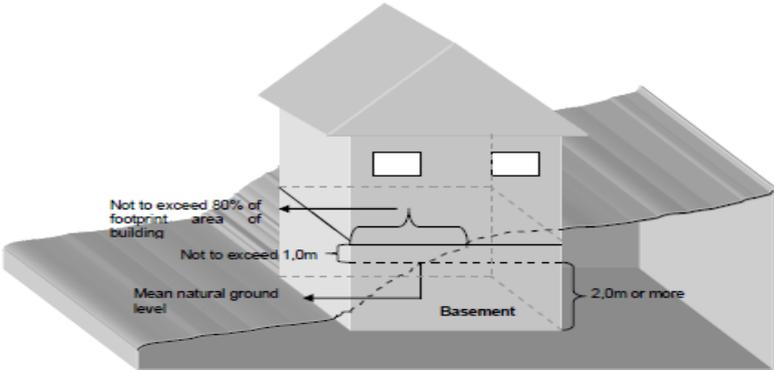
Term	Explanation
Competent Person	means a person who is registered in terms of his or her applicable professional act, for example, an appropriate category of registration in terms of the Planning Profession Act, Act 36 of 2002, the Architectural Professions Act, Act 44 of 2000, the Engineering Profession Act, Act 46 of 2000, the Natural Scientific Professions Act, Act 27 of 2003, the Landscape Architectural Profession Act, Act 45 of 2000, or any other relevant and applicable Act.
Controlling Authority	means the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940), or the Commission as defined in the South African National Roads Agency Limited and National Roads Act (Act No. 70 of 1998), and other legislation applicable, as far as Town Planning is concerned, within the jurisdictional area of the Municipality as the case may be.
Commonage	means the use of land and/or other natural resources, such as grazing land in common with others.
Council	means the Municipal Council of the Umsobomvu Municipality.
Date of Approval	means the date on which this Scheme was officially approved and promulgated in the Northern Cape Provincial Gazette. after Adoption of the Scheme by the Municipal Council.
Deeds Registry	means a deeds registry as defined in section 102 of the Deeds Registry Act, 1937 (Act 47 of 1937).
Departure	means a deviation from the town planning conditions provided in the Scheme by means of the appropriate land development process of the Scheme.
Diagram	means a diagram approved by the Surveyor General in terms of the Land Survey Act, 1997 (Act 8 of 1997).
Dominant Use	means the use, which, in the opinion of the Municipality, is the main function or the more dominant use on the land or in a building.
Environmental Legislation	means the National Environment Management Act, 1998 Act (107 of 1998) and its subordinate legislation and any other legislation that regulates a specific aspect of the environment on a National and/or Provincial Level.
Environmental Impact Assessment	means a process of examining the environmental effects of development in terms of the requirements of the National Environment Management Act, 1998 (Act No. 107 of 1998).
Existing Use	means a use carried out or in operation on an erf or site that was permitted in terms of the previous planning legislation and is lawful in terms of the Building Regulations, but which is contrary to this Scheme. It shall remain an existing use right unless the said use is altered in any way or ceases to be carried out for a period of 24 months.
Existing Building	means buildings erected or partially erected, prior to the Scheme's effective date, in accordance with plans approved by the Municipality and includes buildings to be erected after the effective date for which building plan approval has been obtained from the Municipality.

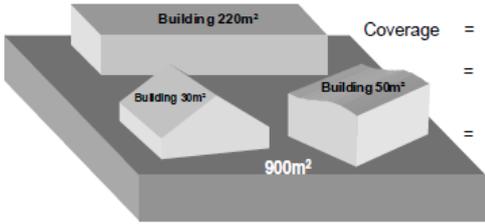
Term	Explanation
General Plan	means an approved plan registered in the office of the Surveyor General indicating a township or extension of a township and includes small-scale diagrams.
Heritage Resource Authority	means the South African Heritage Resources Agency, established in terms of Section 11 of the Act, or, insofar as the National Heritage Resources Act, Act 25 of 1999 is applicable; in respect of a province, a Provincial Heritage Resources Authority.
Land	means land with or without improvements and includes land covered with water and any right in or over land. Any references to land are restricted to land within the management area of the Municipality.
Land Unit	means any erf, plot, holding, farm portion or other portion of land that is registered or can be registered in a deeds registry and may include a servitude right or lease contract.
Land Use	means the purpose for which land is or may be lawfully used as determined by this Scheme.
Land Use Control	Means the land development parameters assigned to each land use category in terms of this Scheme.
Land Use Restriction	means a restriction, in terms of zoning, on the extent of the permissible improvement of land.
Land Use Right	means the right to use or improve land in accordance with the zoning thereof or any approved departure, consent use or condition of approval, and where applicable, in accordance with a site development plan.
Occasional Use / Temporary use	means a right to use land or buildings for a purpose granted on a temporary basis for a specific occasion or event. Occasional use is a temporary use that is only valid for 12 months and shall lapse thereafter automatically. Consent from the Municipality is required for extension of time. Such extension might not be for a consecutive time.
Overlay Zone	<p>means a category of zoning that applies to land, a land unit or parcel in addition to the base zoning and it may stipulate:</p> <ul style="list-style-type: none"> (a) Additional development parameters or use rights, (b) Provisions and development parameters relating to: <ul style="list-style-type: none"> i. Permitted and/or consent land uses; ii. Base zoning; iii. Subdivision or sub-divisional areas; iv. Development incentives; v. Density limitations; vi. Urban form or urban renewal or other related planning parameters; vii. Heritage and/or environmental protection requirements; viii. Management of the urban development boundary, and/or ix. Any other purposes as set out in this Scheme.

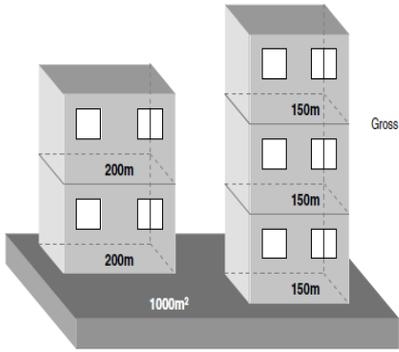
Term	Explanation
Non-Conforming Use	means a use carried out or in operation on land that was permitted in terms of previous planning legislation and is lawful in terms of the Building Regulations, but which is contrary to this Scheme.
Owner	in relation to land or a building includes: any person in whose name the land in question is registered in a Deed's Registry, the holder of a registered right or lease or any successor in title of such a person, any registered tenant, or for the purpose of processing of any application, the written assignee of the owner (for which a letter of authority must be handed to the Council).
Owners' Association	means an association of property owners (usually within a security township) where membership is compulsory for all owners. The association shall be registered as a Non-Profit Company (NPC) in terms of the Companies Act, 2008 (Act 71 of 2008) and may also regulate aesthetics and design guidelines for all member owners which shall apply in addition to the provisions of the Scheme
Permitted Use	means land uses which are permitted in a specific zoning category. Planning permission is not required when both the present and proposed uses fall within the same zoning category as defined in this Scheme.
Rezoning	means the amendment of the land use scheme by changing from one use zone to another with or without an Annexure to list/describe the intended land uses, development controls or any other aspect relating to land use management.
Register	means documents held by the Municipality in connection with all concerned zonings, departures, concessions and restrictions, and includes a record of all: <ul style="list-style-type: none"> • departures from the town planning conditions; • rezoning conditions that influence the land use right of any land unit; and • concessions approved by the Municipality.
Sectional Title	refers to a "development scheme" in terms of the Sectional Titles Act, Act 95 of 1986 and means a scheme in terms of which a building or buildings situated or to be erected on land within the area of jurisdiction of a local authority is or are, for the purposes of selling, letting or otherwise dealing therewith, to be divided into two or more sections.
Special Use	means land used for any other use than the uses specifically defined and mentioned in the scheme, as may be approved by the Municipality.
Use Zone (Zoning)	means a part of this Scheme, which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use of the land.

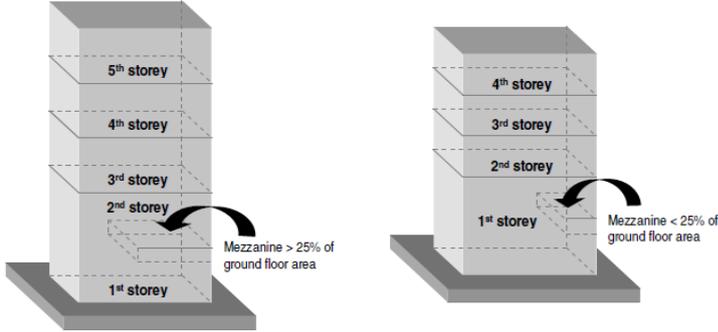
17 TECHNICAL TERMINOLOGY

Table 2 Technical Terminology

Term	Explanation
Adjoining Property	means land which has a common boundary with a land area for which an application is made and includes an erf or portion separated by a street, public open space, private open space or natural feature from such land area, or any other area and/or distance as determined by the Municipality.
Balcony	means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings or by containing walls of rooms abutting the projecting floor, and may include a roof over the projecting floor and pillars supporting the roof.
Basement	<p>means that portion of a building of which the finished floor level is at least 2m below a height halfway between the highest and lowest natural ground levels immediately next to the building.</p> 
Boundary	boundary in relation to a property means one or more of the cadastral lines separating the property from another property or from a road or street.
Building	means any structure or erection whatsoever, irrespective of its nature or size, and it also includes windmills, radio masts and dish- or any other antennae.
Building Line	means the line that indicates the distance from a boundary of a land unit within which no building or other structure may be erected. This includes the street building line, side and rear building lines as defined in the relevant use zone tables.
Coverage Area	means the total area, expressed as a percentage of the area of a property, that may be covered by buildings measured over the outside walls and covered by a roof or projection, provided that the area covered by maximum eaves of 1m is excluded in the calculation of the maximum permitted coverage, provided that uncovered verandas, boundary walls and covered parking areas are included in coverage area; but excluding a structure without a roof or covered by hail net, plastic or similar product associated with green houses.

Term	Explanation
	 <p>Coverage = $\frac{\text{Area of buildings seen vertically from above}}{\text{Total area of property}} \times \frac{100}{1}$</p> <p>= $\frac{220\text{m}^2 + 50\text{m}^2 + 30\text{m}^2}{900} \times \frac{100}{1}$</p> <p>= 33,3%</p>
Critical Biodiversity Area	means areas required to meet biodiversity targets for ecosystems, species and ecological processes as identified in a systematic biodiversity plan.
Density	<p>means the number of dwelling houses per hectare as prescribed in relation to a specific area and is a measure of the number of dwelling units per hectare. It is calculated as follows:</p> <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 10px auto;"> $\text{Density (du/ha)} = \frac{\text{Total number of dwelling units in a specified area}}{\text{Extent of the specified area in hectares (ha)}}$ </div>
Erect	has a corresponding meaning to erection. "Erection" means with regard to a building - the erection, alteration, subdivision or converting of, or addition to a building, and the re-erection or repairing of a building that was wholly or partly destroyed or demolished.
Family	means one or more individuals occupying a dwelling who are related through marriage or common law, blood relationship, legal adoption or legal guardianship and unrelated domestic workers and boarders, or a group of not more than five (5) unrelated persons including domestic workers or boarders.
Flood Line(s)	means the flood lines as defined in Section 144 of the National Water Act, Act 36 of 1998, including any other flood lines and/or buffer zones that the Municipality may require in terms of Environmental Legislation.
Floor Area	<p>in relation to any building or structure, means the sum of the gross area occupied in a building at the floor level of each storey – provided that in the calculation of the floor area, the following areas shall not be included:</p> <ul style="list-style-type: none"> (a) Unroofed buildings, open roofs and areas occupied by external fire escapes. (b) Parking spaces for the occupants of the building and loading spaces. (c) Any basement or part of a basement not intended as habitable space. (d) Entrance passages and corridors (excluding entrance halls, porches and corridors in a dwelling unit or a residential building where such entrance halls, porches and corridors are not enclosed by outer walls or windows). (e) Accommodation for lift motors and other mechanical or electrical equipment necessary for the proper use of the building.

Term	Explanation
	<p>(f) In the case of multi-level buildings, any stairwells, lift wells, lightwells or other wells; and any atrium, shall only be counted once.</p> <p>(g) A veranda or balcony in a building – provided that such veranda or balcony shall not be enclosed except by means of a parapet at most one (1) metre high or a wire gauze screen.</p> <p>(h) Areas reasonably used for the cleaning, maintenance and care of the building or buildings, except dwelling units for supervisors, cleaners and caretakers.</p>
<p>Floor Area Ratio (FAR)</p>	<p>means the ratio which is prescribed for the calculation of the maximum floor area of a building or buildings permissible on a land unit – it is the maximum floor area as a proportion of the gross erf area and calculated as follows:</p> $= \frac{\text{Total Floor area of a building (at each storey)}}{\text{Total surface area of the land unit}}$  <p>The diagram shows two buildings on a 1000m² plot. The first building is 200m wide and 200m deep, with two floors. The second building is 150m wide and 150m deep, with three floors. The total floor area is 1000m². The total surface area of the land unit is 1000m².</p>
<p>Gross Parking Area</p>	<p>means the area of one parking bay plus a portion of the circulation space for such a parking bay.</p>
<p>Ground Floor</p>	<p>means the floor of a building which provides entry into the building and which is at or closest to the natural ground level of the property but excludes a basement.</p>
<p>Height</p>	<p>the vertical dimension of a building expressed in number of storeys or metres.</p>
<p>Height of Natural Ground Level</p>	<p>Means, in relation to a land unit, the highest point of the natural level of the ground immediately contiguous to the building as certified by a professional land surveyor.</p>
<p>Household</p>	<p>means all persons living under one roof or occupying a separate housing unit, where a housing unit is a house, an apartment, a mobile home, a group of rooms or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters. Where the members of a household are related by blood or law, they constitute a family.</p>
<p>Line of no Access</p>	<p>means a line along any street, erf or site boundary or portion thereof prohibiting any vehicular access.</p>

Term	Explanation
Map	means the map on which the various zones that are currently valid and provided for in these regulations are visually demarcated, and “zoning map” has a corresponding meaning.
Public Nuisance	means any act, omission or condition in the Municipality’s opinion, which could possibly be offensive, injurious or dangerous to health, which may materially interfere with the ordinary comfort, convenience, peace or quiet of the general public or which adversely affects the safety of the public.
Storey	<p>means, in relation to the height of buildings as prescribed in this Scheme, a maximum height of 6m on the ground floor and not more than 4,5m on any floor above the ground floor.</p> 
Street Boundary	means the common boundary of a site or land unit and a street, provided that where a portion of a site or land unit is reserved in terms of the zoning scheme or any other act for the purpose of a new street or street widening, the street boundary of the site or land unit is the boundary of such proposed new street or proposed street widening, provided that the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles, may be regarded as a common boundary for the purpose of determining building lines, a street centerline setback and site access requirements.
Street building line	A line demarcating a building restriction area. This line may be parallel to a street boundary or any other property boundary and may include any other building restriction area indicated in the scheme, the scheme maps or annexures.
Building Restriction Area	An area of an erf or portion of land on which no buildings may be erected, except as allowed in the scheme or with the consent of the Municipality.
Split Zone	means a property with two or more use zones separately identified on the land unit and outlined by means of an Annexure to the Scheme.

18 LAND USE DEFINITIONS

Table 3 Land Use Definitions

Land Use / Term	Definition / Explanation
Abattoir	means land and buildings used to slaughter animals and poultry and may include the processing and packaging of animal and poultry products, and in respect of which, a registration certificate is required in terms of Section 8(1) of the Meat Safety Act, 2000 (Act 40 of 2000). An abattoir may not be used for undertaking any offensive activities such as tanning and taxidermy.
Adult Entertainment	means land and buildings where, for any form of consideration, films, photographs, books, magazines, compact discs (CDs), digital versatile discs (DVDs), toys, or live performances are hired, sold or occur, which are considered as adult entertainment or for mature audiences. It may include a <i>restaurant</i> , a <i>bar</i> and/or an escort agency and a massage parlour, where massage or manipulation of the human body is administered with the purpose of obtaining an erotic response. Persons under the age of 18 are not allowed to enter Adult Entertainment premises.
Agricultural Building	means a building or agricultural workshop designed for or used in connection with, and which is ordinarily subservient to, or reasonably necessary in connection with, the agricultural use of the land on which the building is situated and may include a dwelling house, a second dwelling unit, sheds, storage buildings, workshops, agricultural employee accommodation, and ancillary buildings.
Agricultural Employee Accommodation	means the use of land for dwellings for employees and their families associated with the bona-fide farming activities on the same farm.
Agricultural Industry	means an enterprise or concern for the processing of agricultural products and includes, <i>inter alia</i> , wineries, distilleries, breweries, dairy processing industries, milling, animal feed manufacturing, feedlots, hatchery and farm pack stores, but does not include a service trade.
Agricultural Use	means the cultivation of crops and plants and/or the breeding of animals, as well as the operation of a <i>game farm</i> on an extensive basis on natural land or veld, stock or auction pens and at most two residential houses and associated buildings, and includes <i>agriculture employee accommodation</i> for bona fide labourers, which are reasonably connected with the main agricultural activity on the farm. The residential houses and agricultural employee accommodation may not be sectionalised.
Agri-Park	means a networked innovation system of agro-production, processing, logistics, marketing, training and extended services located in a Municipality. As a network, it enables integration and a market-driven combination of various agricultural activities and rural transformation services.
Agri-Settlement	means a settlement of restricted size as determined by the Municipality, established and managed as a legal entity that is situated within an agricultural area and where habitation is restricted to <i>bona fide</i> agricultural employees and their immediate dependents, of farms, forestry or conservation enterprises. The development of agri-settlement may represent a partnership between the farmer, the farm worker and the state. It includes farm worker accommodation in the form of a sustainable rural settlement with services, secure tenure and collective governance, where residents enjoy agriculturally based

Land Use / Term	Definition / Explanation
	livelihoods through a multiplicity of individual and communal incomes derived from the agricultural environment.
Airfield (known as Aerodrome or Airport)	means the use of land and buildings for the landing and take-off of aircraft and helicopters and may include hangers, parking area for aircrafts and a fuel depot, airways control, aircraft hangers, fuel depot, fuel bays, workshops for manufacturing, repair and spray-painting of aircraft, engine run test area, training facilities for flight schools, passenger terminals, luggage and freight storage and handling, customs and migration control, associated shops, sale of aircraft and parts, offices, places of refreshment, banks, ATMs, leasing of vehicles, vehicle valet service area, telecommunication infrastructure, hotel and conference centre, aircraft and related clubs and other ancillary uses – provided that the establishment and operation of an airport / airfield shall be subject to the provisions of the Aviation Act, 1962 (Act 74 of 1962) as amended.
Animal Clinic	means the use of land and buildings where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use and may include a grooming parlour and a retail outlet restricted to the sale of veterinary and animal maintenance products.
ATM	means land and buildings or a part thereof used for an automatic teller machine of a bank or other financial institution, and which is mainly used for dispensing of cash.
Auction Facility	means the use of land and buildings for offering for sale new and used goods by means of a request or invitation for bids, including the storage of goods to be auctioned occasionally, but does not include retail sales nor the sale of poultry or livestock. The facility may include normally associated uses such as a restaurant.
Backpackers Accommodation	means land and buildings consisting of habitable rooms including dormitories, a communal kitchen, dining-room, lounge and ablution facilities for the accommodation of guests and tourists for short periods away from their permanent place of residence and shall be managed by the owner or manager who shall reside on the same property.
Bakery	means land and buildings or a part thereof where breads, rusks, tarts, rolls, pies and other flour-baked products are manufactured in bulk for distribution to wholesale trade, shops, supermarkets and warehouses.
Bar (known as Pub)	means any open bar or any part of licensed premises exclusively or mainly used for the sale and consumption of liquor and shall include any counter or barrier across which liquor is or can be served to the public, and sometimes also food, to be consumed on the premises and may also include provision of a sports bar and live musical performance and shall comply with the provisions of the Northern Cape Liquor Act, 2008.
Beauty Parlour	means land and buildings used for providing facial and body treatments, massages, hot and cold-water facilities for relaxation or invigoration, nail manicure and tip replacement or repair, pedicure, hair dressing or other body treatment for humans and may include the sale of ancillary products only and does not include a shop and adult entertainment business.
Biodiversity	means a measure of the number and relative abundance of biological species. The variability among living organisms from all sources including, inter alia, terrestrial, marine,

Land Use / Term	Definition / Explanation
	and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.
Bird and animal cages	means any structures intended for the confinement / enclosure of animals / birds, normally associated with breeding, protection and display.
Boarding House	means a dwelling house where habitable rooms are rented out for an extended period to a maximum of ten (10) unrelated persons and communal facilities such as kitchen, lounge, dining room and bathrooms are shared, but does not include a Home Enterprise (occupational practice).
Borrow Pit	means an area excavated or to be excavated from which soil and unconsolidated materials are removed or extracted, below the ground level of a property which existed before any development of the site occurred, for any purpose including but not limited to: sale, exchange, or for use as fill for any activities, including but not limited to landscaping, building construction, levees, dams, highway construction or maintenance, or low-lying areas, whether on-site or off-site, as defined / determined by the Mineral and Petroleum Resources Development Act, 2008 (Act 49 of 2008).
Bottle Store	means a shop in which mainly alcoholic beverages are sold in retail trade and includes an off-sales facility which is under the same management as a licensed hotel.
Brewery and Distillery	means land and buildings used for the brewing, refining, blending or processing of beer / wine / spirits and may include an ancillary liquor tasting venue. The establishment of a brewery and distillery must be in accordance with Northern Cape Liquor Act, 2008.
Brick Yard / Works	means an industry conducted with the purpose of manufacturing bricks and other products made of cement, clay or other similar raw products, which are either removed from a quarry and then baked / treated on the premises and may include an industry which uses extractive products that originate from another site. Ancillary uses include an office, canteen, parking of vehicles, workshop, but excludes a fuel depot.
Builder's Yard	<p>means land or buildings used for the storage and selling of materials which are–</p> <ul style="list-style-type: none"> (a) Required for or normally used in building operations, or (b) Derived from demolition or excavation operations, or (c) Required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes, or land or buildings used for the preparation for use of materials thus stored. (d) Ancillary offices are also permitted. <p>Provided that this does not include a builder's yard established for the purpose of temporarily storing such materials in connection with and for the duration of construction or building works, in the vicinity of such builder's yard and does not include the storage at a shop or a warehouse or a construction site as defined in this Scheme.</p>
Bus Terminus	means a structure where buses stop to pick up and drop off passengers. it is larger than a bus stop, which is usually simply a place on the roadside, where buses can stop. It may

Land Use / Term	Definition / Explanation
	be intended as a terminal station for a number of routes, or as an intermodal transfer station where the routes continue.
Business Purposes	means a site and/or building or part thereof used or intended to be used as shops and/or offices and it includes hotels, restaurants, dry-cleaners, financial institutions, professional offices, places of assembly, doctors consulting rooms, stock or product exchanges, flats above ground floor and buildings for similar uses, but it excludes bottle stores, taverns, places of entertainment, a casino, adult entertainment, institutional buildings, funeral parlours, public garages, service stations, repairing or related replacing functions, industrial buildings, offensive industries, heavy vehicle overnight facilities or any wholesale business.
Camping Site	means land and buildings used for transient guests for overnight accommodation of caravans, motor homes and tents and may include ablution facilities, communal kitchens, caretaker's flat, ancillary shops and other related buildings and uses for recreation, but excludes mobile homes or any permanent accommodation facilities.
Canal	means a permanent man-made constructed waterway, for example, irrigation canals normally governed by an Irrigation Board, storm water trenches associated therewith, as well as pump stations and other relevant infrastructure.
Canteen	means a building or part of a building including storage which is a small-scale trade incidental to the needs of the employees working on the site and shall not interfere with the surrounding trades.
Caravan	means any vehicle permanently fitted out for use by people for living and sleeping purposes, whether or not such vehicle is towed or self-driven, but it does not include a mobile home
Car Sales Lot	means land, which is used mainly for the open-air display and sale of motor vehicles, motor vehicle trailers, caravans and heavy-duty vehicles and may include ancillary offices and a workshop, but excludes a scrap yard and a public garage.
Caretaker's flat / quarters	A dwelling unit for a person, and his/her immediate family, employed to take care of a building or property and who deals with cleaning, maintenance and security.
Carport	means a building that is open on at least two of the four sides that are not closed by a wall.
Carwash	means land and buildings used for the washing, polishing and cleaning of motor vehicles by means of mechanical apparatus or by hand.
Casino	means land and buildings where any form of gambling, cards or other game is played with the purpose of determining the profit or loss of money, other property or credit. The establishment of a casino must be undertaken in accordance with the provisions defined by the Northern Cape Gambling Board. A casino may include subservient activities such as places of refreshment and hotels but excludes adult entertainment businesses.
Craft Brewery	means land or a building used to brew beer in small amounts, typically less than micro and large breweries, is independently owned and operated as an interest or hobby and may be ancillary to a restaurant and tourism facility and is not regarded as a Home

Land Use / Term	Definition / Explanation
(known as a Home brewery)	Enterprise. (occupational practice). Such breweries are generally perceived and operated as having an emphasis on enthusiasm, new flavours and varied brewing technique.
Cemetery	means land and buildings used for the burial of deceased persons and human ashes, and may include a wall of remembrance, a chapel, offices and storerooms for the management of the cemetery, parking and ancillary uses which the Municipality deems necessary.
Childcare Facility	means any facility taking care of children and may include play group, after care, day care and a children's home. Such a facility is limited to 20 children. Such facilities to be operated consistent with relevant Health and Safety standards.
Children's Home	means land and buildings used for the accommodation, education and care of children with special needs or circumstances and may include normally associated facilities such as education, recreation facilities, restaurant, tuckshop accommodation facilities for the staff and caretaker's flat.
Clinic	means land, building or portion thereof used for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients – provided that a clinic may contain live-in facilities for no more than twenty (20) persons, including patients and staff, including medical consulting rooms, a pharmacy, operating theatre, an outpatient's centre and a wellness centre with ancillary uses.
Club House	means land and buildings used for private meetings by a group of people with a collective aim and may include a restaurant and children's play area ancillary to the main use
College	An institution or higher learning facility, furnishing courses of instruction to a NQF level qualification and may include a hostel, sport facilities, restaurant, canteen, shop and associated and ancillary land uses in support of the main use
Commercial Purposes	means the use of buildings and/or land designated for distribution centres, wholesale trade, warehouses, storage, computer centres, removal and transport services, laboratories, cash management centres, builders' yards, building material storage, shops, service industries and all uses which are ancillary to the main use.
Communal Area	means land intended to be under the communal right of ownership and for the communal use of the owners of group erven in a group site (or sites) and may include private streets that provide access to all group erven or certain group erven.
Community Facility	means land and buildings used for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sport clubs, social hall or recreational or other activities where the primary aim is not profit seeking and excludes a place of entertainment.
Compost Manufacturing	means land or buildings used for the controlled biological process in which organic materials are broken down by micro-organisms, whereby a stabilised, homogenous, fully decomposed substance of animal or plant origin is added, to which no plant nutrients have been added and that is free of substances or elements that could be harmful to man, animal, plant or the environment which is not a nuisance or presents unwanted odours and excludes the use of sludge from waste-water work.

Land Use / Term	Definition / Explanation
Confectionary	means land and buildings or a part thereof where bread, rusks, tarts, rolls, pies and other flour-baked products are baked or prepared for sale and/or consumption on the premises but does not include wholesale or distribution.
Conference Centre / Facility	means land and buildings designed or used as a temporary lecture hall, training facility, overnight accommodation, conducting of workshops, meetings, conferences, symposiums and related uses, but does not include a place of instruction, wedding venue or place of entertainment.
Conservation area	means a premise or area indicated in this scheme to be used by the Municipality, a person or an institution, exclusively for the conservation of the natural environment, land, historical buildings, fauna and/or flora and may include tourist facilities and housing that may be normally associated with the main use.
Correctional Facility	means land and buildings for the confinement of people accused or convicted of a crime with subservient uses such as a workshop, library, kitchen, mass hall, bathrooms and recreational room, which are used only by the inmates and managing staff and guards of the facility.
Crèche	means a building/premise where 6 to 20 pre-school children are cared for, taken care of, but may not stay overnight. Meals may be provided.
Place of Childcare	A Place of Child Care provides education and care to children in the temporary absence of their parent(s) or adult caregiver(s). It can be defined as buildings used for the admission, protection or partial care of more than six children up to the age of 18 years away from their parents, but does not include a boarding school, school hostel, institution or place of instruction. Depending on its registration a place of childcare can admit babies, toddlers, pre-school aged children and school-going children on a full day or other basis and may include pre-primary school education.
Crematorium	means a building where corpses are cremated regulated by the relevant health compliance regulations, environmental and air quality legislation.
Depot	means a building or place used for the storage and distribution (but not retail trade) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place.
Drive-in Restaurant	means land or buildings or part thereof designed or used as a restaurant from where food and refreshments are sold and served to clients in vehicles for consumption away from the concerned property.
Dry Cleaner	means land and buildings or part thereof designed and used for the cleaning of clothes and garments utilising a chemical process and processes associated therewith and may include alterations to clothes and garments by an in-house tailoring service.
Dwelling House (Residential House)	A single, detached building designed and used for habitation by one household containing one kitchen, together with such outbuildings as are reasonably necessary for use therewith.

Land Use / Term	Definition / Explanation
Educational Building	means land or buildings or part thereof used for education purposes and may include an early childhood development centre, childcare facility, pre-primary school, primary and secondary school, college, technical institution, university, academy, academic research institute, computer centre, lecture hall, monastery, convent or other academic establishment, and subservient and ancillary uses to the main use such as library, hostel, sports facilities, restaurant, shops and mass hall/auditorium.
Educational classes	means land and/or building or a part thereof where tuition and or supplementary instruction takes place within a dwelling unit/house for up to 6 learners. Consent needs to be obtained from the Municipality to accommodate more than 6 learners.
Electrical Purposes	means land and buildings designed or used for the purposes of electricity distribution services including substations with related infrastructure and more specifically for the purpose of the Municipality or Eskom – provided that any other institution that supplies a similar or complimentary service can be accommodated on the erf or building with the consent of the Municipality.
Farm Stall	means a building or structure not exceeding 100m ² in floor space and located on a farm where the farmer primarily sells produce grown/produced on the farm to the general public.
Financial Institution	means any enterprise that renders mainly financial services to clients and includes banks, home-loans, and micro loans enterprises
Four by Four Trail (4 x 4 Trail)	means a series of roads, tracks and trails, designed for use by 4x4 vehicles as a leisure or adventure facility, and includes buildings that are normally required for the administration and maintenance, but does not include holiday accommodation and tourist facilities.
Feedlot / Feed pen	means the use of land and buildings for keeping and breeding of animals on an intensive basis and where the animals are fed with little or no opportunity to graze off the natural veld.
Fitment Centre	means land and buildings or a part thereof used for the fitting of exhausts, tow bars, radios, shock absorbers, tyres and other vehicle parts, but excludes motor workshops and panel beaters.
Fitness Centre (known as a Gymnasium)	Land used for physical and aerobic exercise with or without apparatus, which include ancillary retail trade and a restaurant.
Flat	means a building containing more than two residential units. Dwelling units that form part of a building that may consists of two or more storeys.
Frail care Centre/ Hospice /Sanatorium	means land and buildings used as an establishment for the medical treatment of people who are convalescing or have a chronic illness.
Freshwater Ecosystem Priority Area	means areas identified river and wetland FEPAs and fish support areas, including a generic buffer of 100m, measured from the top of the bank of the river or the delineated riparian areas, whichever is larger, and measured from the outside edge of the wetland.

Land Use / Term	Definition / Explanation
Flea Market	means land and buildings or structures or open-air areas used for the display and sale of products, food and beverages including farmers' market/fresh produce to the public.
Fuel Depot	means land or buildings used only for the bulk storage of various kinds of flammable liquids in containers or tanks for wholesale distribution and shall be considered as a risk activity and may include a caretaker flat with ancillary offices to the main use and does not include a truck stop.
Function Venue	means a facility for the hosting of functions, weddings, conferences, etc. and may include a restaurant, craft brewery, live entertainment, overnight accommodation or lodge. Such facility may also include uses such as a children's party venue, petting farm, picnic area and other ancillary uses, but should not impact on the amenity or character of the area.
Funeral Parlour	means land and buildings or a portion thereof used for the administration of funeral arrangements, according to compulsory environmental health requirements and may include ancillary showrooms, offices, storage space, refrigeration rooms, a preparation area, viewing area, waiting room, the sale of flowers, coffins, gravestones and other related products, as well as, a chapel, but excludes a mortuary and crematorium. This relates to the relevant provisions of the Health Act, 1997 (Act 63 of 1997).
Game Farm	means land used for the rearing and/or breeding of wild animals and at most two residential houses and other buildings that are reasonably relevant to the main agricultural activity on the farm, including accommodation to a maximum of 20 people, a restaurant, tourist facilities, game routes and bona-fide staff housing. The establishment and operation of a Game Farm must adhere to the provisions of the Northern Cape Nature Conservation Act, 2009.
Game Reserve	means a land unit(s) providing a wide, but not necessarily complete spectrum of game for viewing by the general public including accommodation to a maximum of 20 people, a restaurant, tourist facilities, game routes and bona-fide staff housing facilities.
Government use	means a building or site for government use of which the extent thereof is such that it cannot be classified or defined under other uses in these regulations and includes uses practiced by the State, such as, courts, military training centres and installations, telecommunication facilities, police stations and prisons; or by the Provincial or District authority, such as or any other parastatals.
Greenhouse	means a structure with the sides primarily made of a transparent material for the purpose of growing or hastening growth of plants under controlled environmental conditions. A greenhouse structure is not regarded as coverage.
Group Erf	means a portion of land in a group site which may or may not be subdivided with or without public or private open space which is approved for the erection of a single dwelling as part of a group housing scheme.
Group Housing	means a group of separate and/or connected individual residential units which were planned, designed and built as a harmonious architectural entity with a medium density character and with units that may vary between single and double storeys and of which each has a ground floor, whether such units are cadastrally divided or not.

Land Use / Term	Definition / Explanation
Guard House	means a building containing access control equipment and relevant documents and may include ablutions and a kitchenette for the exclusive use of the guards in the building as well as an ancillary office for the Homeowner's Association / Body Corporate.
Guest House	<p>Means a house or building where the majority of facilities are shared or provided separately and leased on a short-term basis to transient guests provided that:</p> <p>(a) where the facility consists of 1 – 3 bedrooms or 6 beds it is not regarded as a guesthouse unit and can be operated without the consent of the Municipality but with an approved building plan as permitted in indicated Use Zones;</p> <p>(b) where the facility consists of 3 – 8 bedrooms or 15 beds it can only be operated with the consent from the Municipality as indicated in the Use Zones; and/or</p> <p>(c) where a facility consists of more than 8 bedrooms or more than 15 beds it can only be operated with a Rezoning application as indicated in the Use Zones.</p>
Habitable Room	means a room designed or used for human habitation according to the minimum standards prescribed in Part C of the Building Regulations, but shall not include a storeroom, kitchen, scullery, toilet, bathroom or a passage.
Hazardous Activity	means an undertaking where the material or the process carried out is liable, in the event of fire, to cause combustion with extreme rapidity, give rise to poisonous fumes or cause explosions and includes activities involving dangerous or hazardous substances that are controlled in terms of national legislation.
Hazardous Substance	has the same meaning as "grouped hazardous substance" as defined in Section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973).
Hanger	means a workshop or building used for storing and maintaining aircraft.
Helipad	means land and/or buildings used and designed for landing and taking-off of helicopters and may include a terminal for passengers, as provided for in the Civil Aviation Act, 1988 (Act. 63 of 1988).
Heritage Resource	Means resources of cultural significance or other special value for the present community and for future generations, and as such forming part of the National Estate and listed in the Heritage Register, and includes places, buildings, structures and equipment, places to which oral traditions are attached, historical settlements and townscapes, landscapes and natural features of cultural significance, geological sites of scientific or cultural significance, archaeological and paleontological sites, sites of significance relating to slavery, graves and burial grounds (ancestral and royal graves, graves of traditional leaders and victims of conflict, historical graves and cemeteries).
Home Enterprise (known as Occupational Practice)	<p>means a small-scale enterprise which is practiced by the occupant of a dwelling house to conduct a practice or occupation with the aim of deriving income and which is practiced by a maximum of five (5) persons, of which at least one is a full-time resident of the property subject to such requirements Municipality and policies of the Municipality as amended from time to time, provided that -</p> <p>(a) the dominant use of the property shall remain residential.</p>

Land Use / Term	Definition / Explanation
	<p>(b) the business shall not exceed a floor area of 50m² as permitted by the property size with the support of the Municipality.</p> <p>(c) the activity shall be without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or lowering of aesthetics being caused.</p> <p>(d) the business shall not be noxious.</p> <p>(e) the written supportive comments from surrounding owners shall be obtained.</p> <p>(f) sufficient parking shall be available as stipulated in terms of Section 26 of this Scheme, where parking provision can be relaxed by the Municipality.</p> <p>(g) no title condition applicable to the property may be transgressed.</p>
Holiday Accommodation	means a harmoniously designed and built holiday development, belonging to <u>one owner</u> , with an informal layout of which the individual units are only marketed by means of renting to travellers and holidaymakers for short-term residence, and may include a guest house, a restaurant, a café, camping site, caravan park, conference facilities, small chapel, holiday flats or built units, but does not include private mobile homes, a hotel or motel.
Holiday flat	means a flat used only for holiday purposes, as opposed to permanent occupation.
Homecare Facility	means a dwelling house used as a care centre, such as facilities for rehabilitation (step-down), as frail care-facilities, nursing home, hospice, orphanage or similar residential facility to the satisfaction of the Municipality and relevant Provincial Departments and may include an ancillary office and other uses which are incidental thereto, but excludes medical consulting rooms, clinics and hospitals.
Homeless Shelter	means a facility provided where the homeless can get overnight accommodation, proper sanitation and meals.
Hospital	means land and buildings used for the accommodation and care of sick or injured persons or persons needing specialised medical treatment or operations and may include operating theatres, x-ray rooms, medical incinerator room, pharmacy and ancillary uses such as a cafeteria, shop, offices and consulting rooms directly related to the hospital.
Hostel (dormitory)	means a residence or building providing accommodation and meals to persons attending a college, place of instruction or institution, and which is owned or managed by or on behalf of said place of instruction or institution.
Hotel	means a building which is used as a temporary residence for transient guests, which use exceeds the restrictions of a guest house / lodge, and where personal services, lodging and meals are provided and may include activities reasonably and ordinarily related to a hotel, including conference facilities, restaurant, a pub, place of entertainment, place of amusement, tourist facilities, sport and recreation facilities, banquet hall, spa / hydro and wellness centre.
House Shop	means a shop with a maximum gross floor area of 25m ² on a residential property run by a member(s) of only the household occupying the property, selling daily convenience goods, and prepared and pre-wrapped foods, excluding the sale of alcoholic beverages

Land Use / Term	Definition / Explanation
(known as Spaza Shop and Tuck Shop)	<p>and excluding the cooking of food, and which shall not provide table games or electronic games.</p> <p>A house shop is not a general business or retail function on a residential erf, and the residential component remains the main use of the erf.</p> <p>All House Shops in Umsobomvu is subject to the Umsobomvu House Shop Policy as amended from time to time. The most restrictive condition shall apply.</p>
Industrial use	<p>means a building or practice, whether it concurs with the definition of a factory as described in the Occupational Health and Safety Act, 1993 (Act 85 of 1993) or not, which is used in any trade for the manufacturing, assembling, processing, repairing or dumping of a product or part of a product, the storage of a product or raw material, the repairing, assembling or dismantling of vehicles, printing, the manufacturing of gas and any related office, caretaker's flat or any building of which the use is secondary to, and that may generally be secondary to or reasonably necessary with regard to the use of such trade on the same site, provided that buildings where food and liquor are essentially prepared for consumption on the premise, are not included.</p>
Informal Business	<p>means the conducting of a business in temporary buildings and/or which is transported from place to place, whether by vehicle or otherwise, in a street or at any other place accessible to the public, at any open property or in, on or from any vehicle or moveable structure, subject to such requirements laid down by the Municipality.</p>
Informal dwelling / structure	<p>means a housing unit that does not comply with the standards of durability, as envisaged by the National Building Regulations,.</p>
Injurious Conditions	<p>meaning each owner shall maintain his land and/or building in such a manner that it would not present an injurious condition, and pertains to general maintenance, storing of disused motor vehicles and parts, occupation of non-residential buildings for residential purposes, etc. Any owner making himself/herself guilty of this is committing an offense and is liable for possible prosecution.</p>
Institution	<p>means a building or portion of a building used or intended to be used as a social or welfare institution or for the administration thereof, and includes, inter alia, community facilities, a hospital, clinic or reformatory, nursing home, frail care, sanatorium, clinic, whether private or public, and includes ancillary shops, pharmacy and offices or any other buildings or use reasonably connected therewith, but does not include a prison or place of detention.</p>
Internet Café	<p>means land and buildings or part thereof used for hiring of computers and internet access to customers for use on the premises and may include ancillary uses to the main use such as serving hot and cold beverages and light snacks to its customers only.</p>
Kennels	<p>Means land and/or a building used for breeding, boarding, training, keeping of and/or caring for animals/birds, and includes a riding school and petting zoo, but excludes an auction pen and livestock yard.</p>
Kitchen	<p>A room or part of a room equipped for preparing and/or cooking meals and wash-up area.</p>

Land Use / Term	Definition / Explanation
Laboratory	means land and buildings used for scientific and medical research and experimenting, but shall not include any activities which create a danger or nuisance of noise, smoke, fumes or smell and any noxious uses or activities.
Landing Area / Strip	means demarcated areas for the landing of private helicopters (pads) and/or aeroplanes (strips) which are not part of an airport or airfield in consultation with Civil Aviation.
Leisure Residential Dwelling	means dwelling houses developed under Sectional Title or Share Block Scheme, in rural settings of environmental significance or with vistas on or with access to settings of environmental significance, with access to leisure, recreational and sports facilities and features such as golf-courses, hiking trails, water and rivers.
Laundromat / laundrette	means a building or a portion thereof designed and used for the provision of washing machines and tumble dryers to be utilised by the general public as self-service or on payment for the washing and drying and/or ironing of clothes by the business.
Light Industrial use	<p>means land and/or a building used as a light industry and includes, <i>inter alia</i>, uses or activities to the Scheme, as may be amended by Local Municipality from time to time, and in which:</p> <ul style="list-style-type: none"> (a) No solid fuel is used in connection with any industrial process; (b) The only power-driven machines used are those driven by electricity, with no single motor being rated at more than 7.0 (seven) kilowatts; and <p>With special permission from Local Municipality, articles commodities, goods or foodstuffs manufactured, produced, processed or assembled wholly or partly on the premises, are sold.</p>
Liquor Tasting Venue (beer, wine, spirits)	means land and buildings, ancillary to a brewery / winery, used for the preparation, sale and consumption of refreshments with the consumption of beer / wine / spirits, such as a restaurant, coffee shop or tea garden, but excludes a sports bar, pub, bar, off-sales and place of amusement.
Live Entertainment	means any activity provided for pleasure, enjoyment, recreation, relaxation, or other similar purpose by a person or persons who are physically present when providing an activity to a patron or group of patrons who are physically present.
Loading Bay	means an area which is clearly demarcated with minimum dimensions of 5m x 10m for the loading and off-loading of goods from commercial vehicles, and which has vehicular access to a public street to the satisfaction of the Municipality.
Lodge	means land and buildings used for accommodating guests or tourists to maximum of 20 people for short periods and may include recreational use and self-catering facilities, conference facilities, restaurant, a bar, wedding chapel, staff quarters and ancillary uses.
Medical Rooms Consulting	Means an office and ancillary room used by a registered medical practitioner for human medical or medical related consultation, where such office is not necessarily attached to a hospital or clinic.
Mineral	means a substance, whether solid, liquid or gaseous, occurring naturally in or on the earth or under water and which was formed by or subjected to a geological process, and

Land Use / Term	Definition / Explanation
	includes sand, stone, rock, gravel, clay, soil and any material occurring in residue stockpiles or in residue deposits, but excludes: water, other than water taken for the extraction of any mineral, petroleum and peat.
Mini Storage	means land and buildings used for the storage of mainly household furniture, vehicles, documents and equipment in individual lockable storerooms and may include ancillary offices, a guardhouse and a caretaker's flat, but excludes the storage of livestock, perishables, inflammables and/or explosives and any item which is temporarily stored as part of a trading process.
Mining Activity	means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried out for or in connection with the purpose of obtaining any metal or mineral by any mode or method and includes any place on which any product, by-product or waste of the mine is stacked, stored, crushed or otherwise treated, and includes any other building which is necessary in order to carry out such activities (including dwelling houses and residential quarters for employees and associated recreational facilities), and includes extractive industries.
Mobile Home	means a factory-assembled structure with the necessary service connections, approved by the Provincial Legislator, which can be moved on the site and designed in such a way that it can be used as a permanent home, but does not include any extensions constructed with building materials.
Motor Scrap Yard	means land used or a building designed or used for the purposes of dumping and abandoning disused motor vehicles and parts thereof, excluding tyres, for purposes of re-sale or further use.
Motor Showroom	means the use of a building(s) for the display and sale of new and/or used motor vehicles and accessories, ancillary offices and workshops, all of which shall be within an enclosed building.
Motor Vehicle	means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motorcycle, trailer or caravan, but excludes a vehicle moving exclusively on rails.
Motor Workshop	means the use of a building(s) and/or land for the repair, maintenance and servicing of trucks, motor vehicles, motorcycles and any other engine driven vehicle, including the installation of parts and accessories, all of which shall be contained within an enclosed building, including any subservient uses, but excludes panel beaters, spray painting and manufacturing activities.
Municipal Use	means land and buildings used by authorities to include uses for administrative purposes, including municipal offices, municipal clinics, fire stations, vehicle testing grounds, any services installations such as power stations, sewerage treatment works, refuse / land fill sites, reservoirs, vehicle testing facilities, weigh bridges, emergency services, substations and related infrastructure, renewable energy facilities and any such related purposes, and it may include the commonage.
Nature Reserve	means provincial, local authority and registered private nature reserves and includes areas of significant ecological, biophysical, historical or archaeological interest or that

Land Use / Term	Definition / Explanation
	need long-term protection for the maintenance of its biodiversity or the provision of environmental goods and services; and may include tourist facilities and accommodation with subservient restaurant and bar facilities.
Noise Level	means a reading on an integrated impulse sound level meter taken in accordance with accepted scientific principles as described in National Environmental Management: Air Quality Act, Act 39 of 2004 to be adopted or adapted as a Bylaw by Municipality in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
Noxious Industry (offensive)	means any building or premise or portion thereof that may be a hazardous, potentially offensive, damaging or repulsive activity, or the usage or storage of such a substance which is a nuisance or can cause a nuisance, and, without limiting the generality of aforementioned, includes the following: any chemical works, manure or chemical manure works, treatment of bones, horns or hooves, processing or storage of hides or skins other than in dry conditions, abattoirs, stone crushing, any treatment or manufacturing of cement, a premise for the storage, sorting or any other activity in any form concerning refuse, sewerage or night-soil, oil or other petroleum processing or any other usage which the Municipality may regard as an “offensive industry”.
Nursery (known as Garden Centre)	means land and buildings used for the storage, cultivation and sale of plants, bulbs, seeds, pet fish, pet birds, pots, compost, fertiliser, pesticides and herbicides, and may include the sale of complimentary gardening products and a restaurant.
Occupant	means any person legally occupying any building, structure or land on a continuous or regular basis, or anybody having the charge or management thereof.
Offensive Use	means any act, emission, dust, smoke, smell, visual impact or condition which, in the Municipality's opinion, as well as the provisions of the National Environmental Management Act, Act 107 of 1998, is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or which adversely affects the safety and health of the public, having regard to: <ul style="list-style-type: none"> (a) The reasonableness of the activities in question, and the impacts which result from these activities; and (b) The ambient noise levels.
Office	Means a building or section of a building which is used for the execution of administrative and/or professional functions as well as the running of a professional practice like a medical doctor, engineer, architect, town planner, land surveyor, attorney or advocate, but excluding a clinic and hospital, and subject thereto, that no manufacturing, repairing, storing or distribution or selling of any materials or goods be permitted, except the dispensing of medicine by a medical doctor and/or chemist as part of the activities of the premises,.
Outbuilding	means an additional and approved single storey structure, either attached to or separate from the main building, which does not include a kitchen, and is designed to be normally used for the housing of a bona fide servant who works on the erf, for the parking of motor vehicles and for storage purposes, in so far as these uses are usually and reasonably

Land Use / Term	Definition / Explanation
	required in connection with the main structure, but does not include a second residential unit, which will have its own kitchen.
Panel Beater	means the replacement, reparation and/or panel beating of the body and spare parts of vehicles and/or the spray-painting thereof and includes an auto body specialist, the storage and sale of spare parts and ancillary offices, and shall be deemed as an industrial use.
Parking Bay	means an area measuring not less than 5.0m x 2.5m for perpendicular or angled parking and 6.0m x 2.5m for parallel parking, which is clearly outlined and demarcated for the parking of one motor vehicle, and which is accessible to the satisfaction of the Municipality.
Parking facility	means a building or site that provides parking for vehicles or holding areas to the public for free or payment of a prescribed fee, for a pre-determined period.
Pharmacy	means an enterprise supplying only medicine as defined in the Medicines and Related Substances Control Act, Act 101 of 1965, as amended, as prescribed by a registered medical practitioner only and subject to the provisions of Section 22(c), (d) and (e) as well as such other conditions imposed in terms of the Medicines and Related Substances Control Act, Act, 1965 (Act 101 of 1965) and in any amendments thereof.
Place of Amusement	means a commercial enterprise for the use of a multi-purpose facility for the purpose of sport, recreation, may include uses such as a restaurant, bar, dance hall, discos, amusement park, sports centre, billiard-room, skating rink, racetrack, private club, machine-games or similar uses, as well as an ancillary children's play area, but excludes an adult entertainment business and casino.
Place of Assembly	means a public hall, a town hall or community hall for social functions, music hall, concert hall or exhibition hall which is not causally related to a commercial undertaking.
Place of Entertainment	means a building or site where people assemble for entertainment or social relaxation or sports purposes and where an entry fee is usually imposed, and includes a theatre, bioscope, dance hall, amusement park, sport centre, billiard-room, skating rink, a public or private sport-club facility and restaurant where entertainment is provided but does not include a building or site for a casino or adult entertainment.
Place of Worship	<p>means land or a building used for religious purposes such as a church, chapel, oratory, house of worship, synagogue, temple, mosque or other place of public devotion. This includes:</p> <ul style="list-style-type: none"> a) a building to conduct administrative functions and may include a parsonage b) a building designed and used for a place of instruction, including a creche, c) an institution related to the religious purposes, d) a restaurant and/or shop related to the main use, e) a wall of remembrance, and

Land Use / Term	Definition / Explanation
	f) other buildings used for social gatherings and recreation on the property.
Private Club	means land or a building used as a private meeting place for a group of people with a collective aim. Should liquor be sold or consumed at such premises it must be legalised by means of a liquor license issued, in terms of Section 23 of the National Liquor Act, Act 59 of 2003. It excludes any noxious practices or uses which will interfere with the amenity of the surrounding properties or is a nuisance by virtue of noise, appearance, smell or activities or for any other reason.
Private Open Space	means any land which has been set aside in this Scheme for use as a private site for sport, play, rest and recreation facilities or as an ornamental or pleasure garden, provided that the land is under the long-term management of a private person or private authority, to which the general public will have no admission, except with consent.
Private Road	means land used for access purposes of which ownership is vested in a legal entity registered as an Owner Association as part of a private development and shall be regarded as a street for the purposes of building lines and servitudes.
Protected Areas	means a protected area as defined in Section 1 of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003).
Public Garage	means a commercial business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhaul of motor vehicles, , spray-painting, panel beating, body and blacksmith work, car wash facilities, ATM, a restaurant, a shop and drive-through restaurant, but excludes a house shop and heavy vehicle overnight facilities.
Public Open Space	means land which falls under or is intended to come under the ownership of the local authority, which is not leased or intended to be leased on a long-term basis, and which is utilised by the public as an open space, park, garden, picnic site, square, playground, sports field or recreation site, whether it appears on an approved general plan or not. The following uses may be permitted with the consent of the Municipality in accordance with an approved site development plan place of instruction, restaurant, a place of amusement, municipal uses and car wash.
Public Parking	means land or a building or part thereof that is accessible to the general public for parking purposes.
Public Service Installations	means any external or internal service installation that needs land area or any other infrastructural land use such as power stations, sewage disposal works, reservoirs, substations, etc.
Public road / street	means any road, thoroughfare or “right of way” servitude in favour of the general public, declared as such by a competent authority or recognized as a public road under any law, to which the public has a right of access, and includes: <ul style="list-style-type: none"> (a) the space between the roadway and the road reserve boundaries on either side of the roadway.

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	<p>(b) any other work or object on that land forming part of, is connected with or belonging to such road, servitude or thoroughfare.</p> <p>(c) any bridge, subway or drift traversed by such road, servitude or thoroughfare.</p>
Putt-putt course	means any land or buildings used as an extramural miniature golf course.
Racecourse	means a site or structure used mainly for races or practicing for any form of races, and includes vehicle racecourses, motor-cycle racecourses, horse racecourses and any other similar uses and may include a restaurant.
Railway Purposes	means land used for rail transport purposes and includes the rail reserve, station and any uses directly connected to the rail transport service.
Rehabilitation Centre	means land and buildings used as a private or public treatment centre with subservient and ancillary uses, registered or established under the Prevention of and Treatment for Substance Abuse Act, (Act 70 of 2008) for the treatment and rehabilitation of persons who abuse or are dependent on substances.
Renewable Energy Infrastructure	means a structure, building or land that utilises renewable energy (wind turbines, trough system, power tower system and photovoltaic system) and where agricultural activities can be practiced on areas which are not utilised for the renewable energy plant. It includes all plant and equipment, and other miscellaneous infrastructure associated with the generation, transmission and distribution of renewable energy whether it feeds into the national grid or not. Such infrastructure includes but is not limited to workshops and stores, offices, compressor house buildings, water supply infrastructure and guard houses excluding temporary housing.
Reservoir	means a natural or artificial place where water is collected and stored for use, especially water for supplying a community, irrigating land, furnishing power, etc.
Residential Building	means a building consisting of one or more residential units (excluding a group house, residential house or second residential unit) for human habitation, together with the outbuildings used therewith, and includes a boarding-house, guest house (with or without restaurant facilities and which may have more than 10 beds), flats, hotels (without off-sales facility), residential clubs, old aged homes, children's homes and hostels, but excludes buildings that are defined as "education" or "institution".
Resort	means the provision of holiday accommodation and includes residential units/chalets, caravan sites and camping areas, provided with water, sewerage and electricity connection points and associated ablution, communal kitchen, recreation and business facilities, and may also include dwelling houses and offices for caretaker or administrative usage, hotel and guesthouse. Resort development must be linked to a distinct resource / attraction that can be natural or man-made.
Restaurant	means land and buildings or a part of a building used for the preparation, sale and consumption of food and refreshments served to clients who consume on site and where alcoholic beverages may be served, and may include a cafe, coffee shop, cafeteria, drive-in restaurant, tearoom, tea garden, a juice bar and excludes a bar / pub, tavern or the re-selling of liquor for offsite consumption.

Land Use / Term	Definition / Explanation
Retirement Facility (Old age home / Retirement Resort)	means land and buildings used to provide residential accommodation for persons over 50 years. The facility may include dwelling units, a service centre, an assembly hall with recreational facilities, sick bay, medical consulting rooms, exercise and treatment rooms, dining facilities, restaurant, a tuck shop, a library, a laundrette, hairdressing facilities, banking facilities, an ATM and other ancillary uses, such as frail care facilities, all for the use of the residents only.
Riding School	means a place or enterprise for hiring out horses for payment and includes the care and stabling of horses.
River and riverbed	means all perennial and non-perennial rivers and wetlands.
Scrapyard	means land and buildings used for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap motor vehicles, scrap machinery or any other scrap materials, whether or not such dismantling or storage is for disposal or re-use of such materials and parts.
Second dwelling Unit	means a secondary, completely self-contained residential unit with its own kitchen, which is erected or adapted on a site on which there already exists a residential unit.
Self-Catering Unit	means units, either linked or detached, which mainly serve as accommodation for overnight visitors or tourists and where meals are prepared by the guests themselves.
Service Industry	means a commercial business or concern mainly geared to service the public and involves the replacing of car tyres, exhaust systems, shock absorbers, the fitting of car radios and similar practices, bakeries, small dry-cleaners, carwash services, carpet wash services, dressmaking, framing, printing and all other similar workshops or enterprises, at the discretion of the Municipality, but does not involve any trade that resides under the definition of industry, service station, garage, offensive trade or business, unless listed above.
Service Station (known as filling station)	means land and buildings used for the storage of fuels and the retail selling of vehicle fuels and lubricants and LP gas, and may include - <ul style="list-style-type: none"> (a) one working bay for emergency repairs to vehicles but excluding panel beating, spray-painting and major repairs; (b) a shop, which is a building, or portion of a building, restricted to the sale of convenience goods such as bread and confectionery, dairy products, fresh produce, beverages, canned foods, magazines and newspapers, and may include a confectionary and a restaurant. The gross area of the shop shall not be more than 250 m² including storage; (c) an automatic teller machine (ATM); (d) ablution facilities for employees and customers; and (e) a car wash subject to the consent of the Municipality.
Shooting Range	means a public or private facility, designed for the purpose of providing a place for the discharge of various types of firearms, target practice, shooting stations, firing lines and

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	ancillary uses; provided, that a shooting range facility shall not include incidental target practice areas on private property.
Shop	<p>means land or a building used for the purposes of carrying on retail trade and the necessary accompanying storage and packaging, and includes any accompanying use on the same site which is incidental and subordinate to the conduct of the retail business, provided that such accompanying storage and packaging and accompanying use shall not give rise to any disturbance or nuisance. The following uses shall not be considered as incidental to a shop: – a supermarket, noxious activity, risk activity, drive-in restaurant, restaurant, bar, scrapyard, wholesale trade, builder’s yard, warehouse, public garage, filling station, parking garage, place of amusement, motor sales market and a garden centre, but includes a general dealer / supermarket with a floor area less than 350m².</p> <p>A shop may also include a workshop which is subservient to the main use limited to 35m², except at a service / filling station.</p>
Showground	means land and buildings designed and used for exhibitions of inter alia agricultural, residential and industrial products, livestock, vehicles, lifestyle products, etc. as well as staging of events. It may include the retail sale of displayed items, places of entertainment and the selling of food and refreshments during such periods of the exhibition. It may also include the occasional use of the premises for assembly of people and/or for public religious purposes and/or sport gatherings.
Small holding	means an agricultural unit, smaller than 5000m ² used for breeding of animals on a small scale on pasture, stock or auction pens, the cultivation of crops and at most one single residential house and other buildings that are reasonably relevant to the main agricultural activity, including bona-fide staff housing.
Social Hall	means land and buildings used for social assemblies, gatherings, meetings and recreational purposes and includes a masonic temple and a non-residential club, but does not include a place of amusement.
Spa / Hydro (also known as a Wellness Centre)	means land and buildings or a part thereof used for human relaxation and body regeneration including facilities such as pools, baths and saunas, where treatment is provided by professional practitioners, and including subservient uses, such as retail, accommodation and fitness centre / gymnasium; provided that the total floor area of subservient uses shall not be more than 350m ² .
Sport and recreation facility	means the use of building(s) and/or land for sporting activities such as soccer, rugby, cricket, hockey, tennis, golf, etc. and may include grandstands, changing rooms, ablution facilities, a clubhouse and other uses ancillary to the main use.
Stadium	means fully and semi-enclosed sports grounds with seats around the sides primarily used for sports events. A stadium may include subservient uses such as parking, ticket counters, restaurant, fitness centre / gymnasiums and management offices.
Supermarket	means a retail business with a retail floor area of not less than 350m ² , utilized for the sale of goods mainly consisting of food, toiletries and other household goods on a self-service basis.

Land Use / Term	Definition / Explanation
Tavern	means land and a building in which the on-site consumption of liquor has been legalised by means of a liquor license, issued in terms of section 20 of the Liquor Act, 1989 (Act 27 of 1989) or by means of the Sorghum Beer Act, 1962 (Act 63 of 1962) and where meals for customers only can be served.
Taxi Holding Area	means an area, usually off-street, where minibus taxis are held and washed before proceeding to loading points and where generally there is no passenger activity. A holding area can be included within or be separate from a taxi rank and may include subservient service industries with the consent of the Municipality.
Taxi Rank	means a place where minibuses (taxis) and busses are allowed to wait and/or stop for passengers boarding or alighting, and may include subservient business, informal trade and incidental uses such as ablution facilities and offices to manage the taxi rank as permitted by the Municipality.
Teagarden / Coffee Shop	means land and/or a building or a part thereof used for the preparation or retail sale of light meals and refreshments usually in a garden setting subject to the following: <ul style="list-style-type: none"> (a) operational hours as determined by Municipality. (b) the area used for a teagarden / coffee shop may be restricted by the Municipality. (c) the sale and supply of any foodstuff in the form of meals for consumption on the property only; except for retail trade in goods directly related to or produced by the business.
Telecommunication Infrastructure	means land or a portion of land accommodating any part of the infrastructure of a telecommunication network for radio / wireless communication including, voice, data and video telecommunications, which may include antennae; any support structure, equipment room, radio equipment and optical communications equipment provided by cellular network operators or any other telecommunication providers and all ancillary structures needed for the operation of telecommunication infrastructure.
Temporary Accommodation	means accommodation provided for the construction phase of a project, and may include tent structures, mobile homes and other structures, that are not permanent and can be removed from the property, including temporary ablution facilities, site offices and catering facilities.
Transitional Residential	means single residential housing units or structures which are intended to be upgraded incrementally from an informal settlement to a formal settlement. This may apply to individual land units or to blocks containing an informal settlement. In recognition of the realities of poor and marginalised communities, development rules are not very restrictive during the informal stage. Once upgrading of an erf or area has reached an appropriate stage (formal single residential houses), it is contemplated that the erf / area may be rezoned to "single residential house(s)" or another appropriate zoning.
Tourist Facility	means facilities created in a rural area for the recreation and entertainment of tourists and may include overnight facilities, liquor tasting, craft-brewery, a restaurant and a farm stall.

Land Use / Term	Definition / Explanation
Transport Use	means a use or undertaking based on the provision of a transport service (air and railway transport included) and includes public as well as private undertakings, but does not include courier services.
Transport Facilities / Terminus	means land and buildings used to provide transport services such as a depot and public private undertaking such as an airport or aerodrome, helistop and heliport; railway purposes, stations and related facilities; bus depot, termini and related facilities; metered and minibus taxi rank and related facilities; intermodal transfer site; and associated ancillary purposes including shops, ancillary offices, customs, restaurants, security and police functions, medical facilities, ablution facilities, etc.
Training Centre	means a place where people undergo skills training for work.
Truck Stop	means land or building used primarily as a stop-over facility for commercial vehicles, with facilities for maintenance or repair and dispensing of motor fuel or other petroleum products, including ablution facilities, a shop and overnight facilities for travellers.
Tourist Facilities	means facilities created for the recreation and entertainment of tourists and may include overnight facilities.
Tourism Incentive Accommodation	means permanent provision of overnight accommodation units on actively farmed properties to provide <i>bona fide</i> farmers with additional opportunity to generate income. Units shall not exceed the following provisions: a maximum of five (5) units per property, each unit footprint is limited to 150m ² including a structure for the parking of a motor vehicle and the development footprint per unit may not exceeding 250m ² . These units may not be sectionalised.
Undetermined	refers to properties previously zoned 'undetermined' or other abolished zones in previous schemes which cannot be appropriately converted to a new use zone.
Urban Agriculture	means land and buildings within the defined urban development boundary used for small scale farming activities and the cultivation of crops for own consumption or sale in neighbouring markets.
Wall of Remembrance	means a structure where containers with the ashes of the deceased are inserted in openings or niches in the structure and thereafter sealed and/or on which appropriate commemorative plaques can be attached and for which building plans have been approved. Such uses are part of a cemetery and/or religious sites.
Warehouse	means a building or land used for the exclusive purpose of storage of goods, which in the opinion of the Municipality are not dangerous, noxious or unsightly, and includes wholesale trade, and may also include ancillary offices, which are subsidiary to the main use, but exclude any retail trade, unless the consent of the Municipality has been obtained, and may include the use of containers for storage.
Waste Disposal Site	means land used for the dumping of refuse and rubble, subject to such conditions as may be required by the relevant Controlling Authority and may include a waste sorting and recycling facility.
Waste Reclamation	means land used for the dumping of refuse and rubble, subject to such conditions as may be required by the relevant Controlling Authority and may include a waste sorting and

Land Use / Term	Definition / Explanation
	recycling facility, to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility as controlled by Schedule 1 of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Wood Yard	means land and buildings used for secondary processing of raw logs into firewood or the storing of raw logs for future delivery for processing into firewood and/or the storing and sale of firewood to the public.
Workshop	means the use of a building(s) and/or land for services regarding goods that are wholly or partially manufactured, processed, mounted or repaired on the property including ancillary retail and in each case a building that is not described as a factory under the Factories, Machinery and Building Works Act, Act 22 of 1941 or any amendments thereof.

PART B: LAND USE PROVISIONS AND CONTROL

SECTION 5 LINKING THE USE ZONES WITH SPATIAL PLANNING CATEGORIES

19 LINKING THE SCHEME WITH SPATIAL PLANNING CATEGORIES

19.1 The use zones in this Scheme have been aligned with the Spatial Planning Categories (SPC's) described in the Provincial Spatial Development Framework (PSDF) future updated Municipal Spatial Frameworks and includes the following main areas:

- A. Core Areas.
- B. Buffer Areas.
- C. Agricultural Areas.
- D. Urban Areas.
- E. Industrial Areas.
- F. Surface Infrastructure And Buildings

19.2 Each of the SPC's main areas are further divided into sub areas that relates to or performs a spatial or land use function and is linked to the Use Zones of this Scheme as outlined below.

Table 4 Linking the SPC's and Use Zones

SPC CODE	DESCRIPTION	USE ZONE	COLOUR CODE
A: CORE AREAS			
A.a, B.a, B.b	Statutory Conservation Areas Non-Statutory Conservation areas Ecological Corridor	Conservation Zone	R: 50 - G: 90 B: 30
B: BUFFER AREAS			
B.a, B.c, D.o	Non-Statutory Conservation areas Urban Green Areas Sport and Recreation Facilities	Private Open Space Zone	R: 210 G: 220 B: 150
B.a, B.c, D.o	Non-Statutory Conservation areas Urban Green Areas Sport and Recreation Facilities	Public Open Space Zone	R: 120 G: 230 B: 120
C: AGRICULTURAL AREAS			
C.a, D.r	Extensive Agricultural Areas Farmsteads & Outbuildings	Agricultural Zone I	R: 190 G: 190 B: 150
C.a, D.r, E.a, D.e	Agricultural Areas Farm Steads and Outbuildings Agricultural Industry Communal Settlements	Agricultural Zone II	R: 150 G: 140 B: 80
D: URBAN AND RURAL RELATED AREAS			

SPC CODE	DESCRIPTION	USE ZONE	COLOUR CODE
D.o, D.q	Sports and leisure Resorts & Tourism Related Areas	Resort Zone	R: 100 G: 180 B: 170
Residential Areas			
D.h	Residential Areas	Residential Zone I (Low Density)	R: 255 G: 255 B: 160
D.h	Residential Areas	Residential Zone II (Medium Density)	R: 255 G: 255 B: 0
D.h	Residential Areas	Residential Zone III (High Density / Commercialised Residential)	R: 255 G: 152 B: 1
D.h, D.m	Residential Areas Mixed Use Development	Residential Zone IV (Transitional)	R: 255 G: 242 B: 204
Institutional Areas			
D.f, D.h	Institutional areas Residential areas	Institutional Zone I	R: 255 G: 0 B: 0
D.f, D.h	Institutional areas Residential areas	Institutional Zone II	R: 255 G: 0 B: 102
D.n, D.f	Cemetery Institutional areas	Cemetery Zone	R: 175 G: 175 B: 175
Authority Areas			
D.g, D.o, D.p, F.j	Authority Areas Sports fields and Infrastructure Airport and Infrastructure Dams and reservoirs	Municipal / Utilities Zone	R: 240 G: 220 B: 220
D.f, D.g, F.h	Institutional areas Authority areas Telecommunication infrastructure	Government Zone	R: 145 G: 110 B: 50
	Special Use	Special Zone	R: 0 G: 153 B: 153
	Undetermined	Undetermined	R: 255 G: 255 B: 255
Business areas			
D.i, D.j, D.k, D.l, D.m	Business areas Service-related Business Special Business SMME Incubators Mixed Use Development Areas	Business Zone I	R: 0 G: 0 B: 153
D.i	Business areas	Business Zone II	R: 0 G: 0 B: 255

SPC CODE	DESCRIPTION	USE ZONE	COLOUR CODE
E: INDUSTRIAL AREAS			
D.j, D.m, E.c, E.b	Service-related business Mixed use development areas Light industry	Industrial Zone I	R: 220 G: 80 B: 200
E.c, E.d, E.e	Light Industry Heavy Industry Extractive Industry	Industrial Zone II	R: 153 G: 0 B: 153
E.e	Extractive Industry	Mining Zone	R: 153 G: 102 B: 0
F: SURFACE AREAS			
E.c, F.i	Light Industry Renewable Energy Plants	Renewable Energy Plants Zone	R: 145 G: 110 B: 47
F.c	Minor roads	Transport Zone I (Private Road / Streets)	R: 190 G: 190 B: 190
F.a, F.b, F.c, F.d	National Roads Main Roads Minor Roads Public Streets	Transport Zone II (Public Roads / Streets)	R: 150 G: 150 B: 150
D.p, D.g, F.e	Airports and Infrastructure Authority Areas Heavy Vehicle Overnight Facilities	Transport Zone III (Transport Uses)	R: 140 G: 140 B: 140
F.f, F.g	Railway Lines Power Lines	Transport Zone IV (Railway)	R: 75 G: 75 B: 75

SECTION 6 USE ZONES

20 LAND USE ZONES

20.1 The municipal area will be divided into the following Use Zones in terms of the Scheme:

- (a) Agricultural Zone I
- (b) Agricultural Zone II
- (c) Business Zone I
- (d) Business Zone II
- (e) Cemetery Zone
- (f) Conservation Zone
- (g) Government Zone
- (h) Industrial Zone I
- (i) Industrial Zone II

- (j) Institutional Zone I
- (k) Institutional Zone II
- (l) Mining Zone
- (m) Municipal / Utility zone
- (n) Private Open Space Zone
- (o) Public Open Space Zone
- (p) Renewable Energy Plant Zone
- (q) Resort Zone
- (r) Residential Zone I
- (s) Residential Zone II
- (t) Residential Zone III
- (u) Residential Zone IV
- (v) Special Zone
- (w) Transport Zone I
- (x) Transport Zone II
- (y) Transport Zone III
- (z) Transport Zone IV
- (aa) Undetermined

21 USE ZONE SCHEDULES

21.1 The Use Zone schedules provide the following information pertaining to the specific use zone:

- (a) Name of the Use Zone and colour code;
- (b) Linkage to the Spatial Planning Category as presented in the Northern Cape Spatial Development Framework;
- (c) Objectives of the specific Use Zone;
- (d) The Use of Land indicating the permitted land uses and the land uses that will be permitted with a Consent;
- (e) Uses not listed under one of the columns will require a rezoning application;
- (f) Controls related to the specific development parameters;
- (g) Controls pertaining to the building lines;
- (h) Parking and loading requirements; and
- (i) Other control regulations.

AGRICULTURAL ZONE I		Colour code: R: 190 G: 190 B: 150
SPC LINKAGE:		
C.a – Extensive Agricultural Areas	D.r – Farm Steads and Outbuildings	
Objectives		
<ol style="list-style-type: none"> To utilize agricultural land on a sustainable basis. To ensure that land deemed to have agricultural potential is optimally used. To provide mechanisms for the identification and protection of productive agricultural land. To ensure that agricultural practices are consistent with environmental considerations and pollution controls. To accommodate extensive agricultural farming practices with supportive economic opportunities. 		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted by Consent
Agricultural use Agricultural building Agricultural employee accommodation Bird or animal cages Dwelling house Second Dwelling unit		Animal clinic / hospital Backpackers' accommodation Craft Brewery Educational building Farm stall Four by Four Trail Riding school Shooting range Telecommunication Infrastructure Tourism Incentive Accommodation Tourist facilities
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	Not applicable to properties > 5000 m ² 30% for properties < 5000 m ²	
Height	2 storeys	
Other	Split zoning will be supported with the addition of an Annexure for non-agricultural uses.	
CONTROLS REGARDING BUILDING LINES	All residential related uses: Street: 4,5m, Rear: 3,0 Side: 3,0m Other uses: Street: 15 m	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
<ol style="list-style-type: none"> All applications for consent under this use zone should be accompanied by the written approval of the Department of Agriculture, Land Reform and Rural Development (DALRRD). For all applications under this use zone, all relevant authorities may require a detailed environmental impact assessment or an environmental statement, and/or a detailed study relating to the agricultural potential and level of utilization, and/or a traffic impact study or statement. All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy. The Municipality shall take into consideration the nature, extent, character and effect of the intended zoning that is proposed for Split zoning. Split zoning will be supported with the addition of an Annexure for non-agricultural uses. The most restrictive conditions imposed by any other authority and in the title deed shall prevail. 		

AGRICULTURAL ZONE II		Colour code: R: 150 G: 140 B: 80	
SPC LINKAGE			
C.a - Agricultural areas	D.r – Farm Steads and Outbuildings	E.a – Agricultural Industry	D.e – Communal Settlements
Objectives			
<ol style="list-style-type: none"> 1. To accommodate intensive agricultural activities that is linked to additional infrastructure. 2. To utilize agricultural land on a sustainable basis. 3. To ensure that land deemed to have agricultural potential is optimally used. 4. To provide mechanisms for the identification and protection of productive agricultural land. 5. To ensure that agricultural practices are consistent with environmental considerations and pollution controls. 			
USE OF LAND AND BUILDINGS			
Permitted uses:		Uses permitted with Consent	
Agricultural building Agricultural employee accommodation		Agri-park Agri-settlement Airfield/Aerodrome Animal clinic / hospital Auction facility Borrow pit Camping site Craft Brewery Compost manufacturing Educational building Farm stall Four by Four Trail Feedlot/feed pen Game farm Game reserve Garden centre / nursery Greenhouse Holiday accommodation Leisure Residential dwelling Mini storage Racecourse Shooting range Telecommunication infrastructure Tourist facility Tourism Incentive accommodation	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT			
Coverage	Not applicable to properties > 5000m ² 30% for properties < 5000m ²		
Height	2 storeys		
Other			
CONTROLS REGARDING BUILDING LINES	All residential related uses: Street: 4,5m, Rear: 3,0m Side: 3,0m Other uses: Street: 30 m		
PARKING AND LOADING REQUIREMENTS	Refer to Section 26		

OTHER CONTROL REGULATIONS

1. All applications for consent under this use zone should be accompanied by the written approval of Department of Agriculture, Land Reform and Rural Development (DALRRD).
2. For all applications under this use zone, all relevant authorities may require a detailed environmental impact assessment or an environmental statement, and/or a detailed study relating to the agricultural potential and level of utilization, and/or a traffic impact study or statement.
3. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy.
4. The Municipality shall take into consideration the nature, extent, character and effect of the intended zoning that is proposed for Split zoning. Split zoning will be supported with the addition of an Annexure for non-agricultural uses.
5. The most restrictive conditions imposed by any other authority and in the title deed shall prevail.

BUSINESS ZONE I		Colour code: R:0 G: 0 B: 153	
SPC LINKAGE			
D.i – Business areas D.m – Mixed use development areas	D.j – Service-related Business	D.k – Special Business	D.l – SMME Incubators
Objectives			
To support economic activity and development with limited restrictions in order to promote urban vitality and economic growth linked to the development policies of the Municipality.			
USE OF LAND AND BUILDINGS			
Permitted uses:		Uses permitted with Consent	
Animal Clinic / Hospital ATM Auction facility Backpackers' accommodation Bakery Beauty parlour Boarding house Bottle store Business Purpose Car sales lot Clinic Confectionary Drycleaner Dwelling house Flats Financial Institution Fitness centre / gymnasium Garden centre / nursery Guest house Hotel Internet café Laundromat / launderette Medical consulting rooms Motor showroom Office Pharmacy Private club Residential building Restaurant Shop Supermarket Tea garden / coffee shop		Adult entertainment Bar / Pub Car wash Craft Brewery Casino Drive in Restaurant Fitment centre Fitness centre Funeral parlour Homeless shelter Live entertainment Lodge Place of amusement Place of worship Public garage Service industry Service / Filling station Tavern Training centre Telecommunication Infrastructure Warehouse Workshop	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT			
Coverage	80 % which may be increased with the approval of a site development plan. 60% all residential related uses		
Height	7 storeys.		
CONTROLS REGARDING BUILDING LINES	Street: 4,5 m Side: 1m (on any side of the side boundary) Rear: 3m		
PARKING AND LOADING REQUIREMENTS	Refer to Section 26		
OTHER CONTROL REGULATIONS			

1. All land uses within the Permitted Use column must be exercised by means of approved building plans and/or a site development plan where required.
2. Title deed conditions shall prevail unless removed or amended.
3. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy.

BUSINESS ZONE II		Colour code: R: 0 G: 0 B:255
SPC LINKAGE		
D.i – Business areas		
Objectives The objective is to facilitate low intensity economic development, which serves local neighbourhood needs for convenience goods and personal services. Such development should be limited in scale and nature and capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the residential neighbourhood. While mixed use development is encouraged, care must be taken not to compromise business operations.		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted by Consent
Beauty parlour Confectionary Conference centre / facility Dwelling house Financial Institution Flat Fitness centre / Gymnasium Office Residential building Shop		Educational building Homeless shelter Laundromat Restaurant Tea garden / coffee shop Telecommunication Infrastructure
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	80%	
Height	3 storeys	
Other	n/a	
CONTROLS REGARDING BUILDING LINES	Street: 4,5 m Side: 1m (on any side of the side boundary) Rear: 3m	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
<ol style="list-style-type: none"> All land uses within the Permitted Use column must be exercised by means of approved building plans and/or a site development plan where required. Title deed conditions shall prevail unless removed or amended. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy. 		

CEMETERY ZONE		Colour code: R: 175 G: 175 B: 175
SPC LINKAGE		
D.n - Cemetery	D.f – Institutional areas	
Objectives: To provide control mechanisms for the development of burial areas and assisted uses whether developed by the Municipality or a private person.		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Cemetery Place of worship Wall of Remembrance	Crematorium Funeral Parlour	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
Other	To the satisfaction of the Municipality	
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
<ol style="list-style-type: none"> 1. Crematorium triggers Environmental Impact assessment and Atmospheric Emission License. 2. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy. 		

CONSERVATION ZONE		Colour code: R: 50 G: 90 B: 30
SPC LINKAGE		
A.a – Statutory Protected Areas	B.a – Non-Statutory Conservation areas	B.b – Ecological Corridors
<p>Objectives Specific land use restrictions shall be determined by the relevant Responsible Authority taking authority with regard to every site which is to be rezoned to this specific land use, while existing (as already developed at commencement of these regulations) developments and approvals which fit into this zone shall be subject to the requirements stated during approval or as per the approved development. When a rezoning application is received in this specific zone, the relevant Responsible Authority, according to each application received, identifies restrictions/requirements with regard to density, layout, landscaping, building design (if development is permitted on the property), as part of the application procedure. A detail layout plan of the area earmarked for rezoning may be requested by the relevant Responsible Authority. The development suggestions indicated on such a detail layout plan shall, after the public participation process and collection of comments and inputs from affected parties and neighbouring landowners, be submitted to the Responsible Authority for consideration.</p>		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Conservation area Critical Biodiversity area Freshwater Ecosystem priority area Game farm Game reserve Nature reserve		Camping site / camping area Conference centre / facility Four by Four Trail Holiday accommodation Landing area / strip Leisure residential dwelling Resort Spa / Hydro and Wellness centre Telecommunication Infrastructure
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
Other	n/a	
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
<ol style="list-style-type: none"> 1. All land uses within the Permitted Use column must be exercised by means of approved building plans and/or a site development plan where required. 2. Environmental authorisations for listed developments in terms of the latest EIA Regulations. 3. The most restrictive conditions imposed by any authority and/or in the title deed shall prevail unless removed or amended. 4. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy 		

GOVERNMENT ZONE		Colour code: R: 145 G: 110 B: 50
SPC LINKAGE		
D.f – Institutional areas	D.g – Authority areas	F.h – Telecommunication infrastructure
Objectives The Use Zone makes provision for government and related uses, such as municipal offices, police stations, pension pay out points, government department offices, magistrate offices/courts, prisons and military bases, that are not covered by another use or zoning category		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Clinic Correctional facility Educational Building Government use Hospital Telecommunication Infrastructure		Hostel
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
Other	To the satisfaction of the Municipality	
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy		

INDUSTRIAL ZONE I SERVICE AND LIGHT INDUSTRIES		Colour code: R: 220 G: 80 B: 200	
SPC LINKAGE			
D.j -Service related business	D.m – Mixed use development areas	E.c – Light industry	E.b Industrial development Zone
Objectives			
<p>To provide appropriate locations for light and service industries that have limited impact.</p> <p>To provide appropriate locations for a range of industrial, warehousing and related activities in specific areas.</p> <p>To ensure that the location of industrial development is such that it minimizes its impacts on surrounding areas.</p> <p>To provide a proper balance for employment and sectorial growth and sustainable development.</p> <p>To ensure that there is sufficient on-site space to accommodate the proposed uses, traffic and any potential impact resulting from these developments.</p> <p>To provide an interface between industrial areas and adjacent residential and/or other land uses.</p> <p>To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located in proximity.</p>			
USE OF LAND AND BUILDINGS			
Permitted uses:		Uses permitted with Consent	
Auction facility Builder's yard Canteen Car sales lot Caretaker's flat Depot Fitment centre Funeral parlour Laboratory Light Industry Mini Storage Motor showroom dealer Motor workshop / service Service Industry Shop Transport facilities / Terminus Training centre Warehouse Wood yard		Brewery / Distillery Brick yard / Brick works Carwash Fuel depot Industrial Motor scrapyard Office Public garage Scrapyard Service / Filling station Showground Telecommunication Infrastructure Waste Reclamation Storage and Recycle Workshop	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT			
Coverage	75%		
Height	3 storeys		
Other	n/a		
CONTROLS REGARDING BUILDING LINES	Street: 3 m Rear: 2 m Side: 2 m		
PARKING AND LOADING REQUIREMENTS	Refer to Section 26		
OTHER CONTROL REGULATIONS			
1. All land uses within the Permitted Use column must be exercised by means of approved building plans and/or a site development plan where required. 2. The most restrictive conditions imposed by any authority and/or in the title deed shall prevail unless removed or amended. 3. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy			

INDUSTRIAL ZONE II NOXIOUS / HIGH IMPACT		Colour code: R: 153 G: 0 B: 153	
SPC LINKAGE			
E.c – Light Industry		E.d – Heavy Industry	
E.e – Extractive industry			
Objectives			
To provide appropriate locations for noxious and high impact industries.			
To provide opportunities for local economic development and employment opportunities.			
To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located in proximity.			
USE OF LAND AND BUILDINGS			
Permitted uses:		Uses permitted with Consent	
Abattoir Brick yard / brick works Brewery / Distillery Crematorium Heavy vehicle overnight facilities Noxious Industry Truck stop		Compost manufacturing Depot Industrial use Public Garage Scrapyard Telecommunication Infrastructure Warehouse Waste Reclamation Storage and Recycle Workshop	
Land uses not permitted			
CONTROLS ON THE EXTENT OF THE DEVELOPMENT			
Coverage	75%		
Height	3 storeys		
Other	None		
CONTROLS REGARDING BUILDING LINES	Street: 3 m Rear: 2 m Side: 2 m		
PARKING AND LOADING REQUIREMENTS	Refer to Section 26		
OTHER CONTROL REGULATIONS			
<ol style="list-style-type: none"> Industrial discharges, noise, smoke, gasses and storm water shall be purified, controlled, measured and tested at the expense of the applicant or license holder, whoever practises the hindrance. All land uses within the Permitted Use column must be exercised by means of approved building plans and/or a site development plan where required. The most restrictive conditions imposed by any authority and/or in the title deed shall prevail unless removed or amended. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy. 			

INSTITUTIONAL ZONE I		Colour code: R: 255 G: 0 B: 0
SPC LINKAGE		
D.f – Institutional areas		D.h – Residential areas
Objectives:		
Educational and Community related uses. To provide an adequate number of accessible health, education and cultural facilities to meet the needs of communities. To ensure that such facilities are designed to address the special needs of the physically challenged, elderly, women and children.		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Childcare facility Children’s home College Community facility Creche Educational building Institution Place of assembly Place of worship Retirement facility Social hall Sport and recreation facility		Conference centre / facility Correctional facility Fitness centre Homeless shelter Private club Residential building Telecommunication Infrastructure
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	50%	
Height	3 storeys	
Other	n/a	
CONTROLS REGARDING BUILDING LINES	Street: 4 m Rear: 4 m Side: 4 m	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
1. Sufficient services must be available for the approval of an application. 2. All new erven zoned “Educational Purposes” in new township establishments must have the comments and approval of Department of Education and must comply with their specifications. 3. No person may operate a childcare service (crèche) on any premises unless he or she is in possession of a health certificate to the effect that the premises and the general health facilities comply with the applicable by-laws. Such health certificate must state: <ul style="list-style-type: none"> a. The number of children permitted to be cared for on the premises; b. The minimum and the maximum ages of the children permitted to be cared for on the premises; and c. The hours during which the childcare service may operate. 4. All land uses within the Permitted Use column must be exercised by means of approved building plans and/or a site development plan where required. 5. The most restrictive conditions imposed by any authority and/or in the title deed shall prevail unless removed or amended. 6. All boards, signs and other forms of advertising or publicity must comply with the Municipality’s advertising policy.		

INSTITUTIONAL ZONE II		Colour code: R: 255 G: 0 B: 102
SPC LINKAGE		
D.f – Institutional areas		D.h – Residential areas
Objectives: Health and related services. To provide an adequate number of accessible health, education and cultural facilities to meet the needs of communities. To ensure that such facilities are designed to address the special needs of the physically challenged, elderly, women and children.		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Clinic Frail care centre / hospice / sanatorium Home care facility Hospital Laboratory Rehabilitation centre		Animal clinic/ hospital Creche Hostel Medical Consulting rooms Pharmacy Telecommunication Infrastructure
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	60%	
Height	n/a	
FAR (Floor Areas)	n/a	
Density	n/a	
Other	n/a	
CONTROLS REGARDING BUILDING LINES	Street: 4 m Rear: 4 m Side: 4 m	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
<ol style="list-style-type: none"> Sufficient services must be available for the approval of an application. All health-related facilities must operate with the necessary approval and/or licence issued in terms of applicable legislation and regulations. All land uses within the Permitted Use column must be exercised by means of approved building plans and/or a site development plan where required. The most restrictive conditions imposed by any authority and/or in the title deed shall prevail unless removed or amended. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy. 		

MINING ZONE		Colour code: R: 153 G: 102 B: 0
SPC LINKAGE		
E.e – Extractive industry		
Objectives		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Depot Mining Activity Renewable energy structures Sport and Recreation facility Telecommunication infrastructure Workshop		Fuel depot Noxious Industry Waste disposal site
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
Other	n/a	
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
For all applications under this use zone, the Local Municipality or any other lawful authority (i.e. Department of Mineral Resources and Energy) may require:		
<ul style="list-style-type: none"> • A detailed Environmental Impact Assessment, and/or • A suitable management rehabilitation and mitigation plan; and/or • A traffic impact study or statement; and/or • Any other study/information as required by the law. 		

MUNICIPAL / UTILITIES ZONE		Colour code: R: 240 G: 220 B: 220	
SPC LINKAGE			
D.g – Authority areas	D.o – Sports fields and Infrastructure	D.p – Airport and Infrastructure	F.j – Dams and reservoirs
F.l – Sewerage plants and refuse areas	F.h – Telecommunication Infrastructure		
Objectives:			
The Municipal Use zone makes provision for municipal uses, such as municipal offices, police stations, pension pay out points, government department offices, magistrate offices, prisons and military bases, that are not covered by another use or zoning category			
USE OF LAND AND BUILDINGS			
Permitted uses:		Uses permitted with Consent	
Airfield / Aerodrome Greenhouse Municipal use Public Service Installations Reservoirs Sport and Recreation facility Telecommunication Infrastructure Urban agriculture		Office Renewable Energy Structures Showground Waste Reclamation storage and Recycling Educational Building Hospital Institution Informal business Place of assembly Place of worship	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT			
Coverage	To the satisfaction of the Municipality		
Height	To the satisfaction of the Municipality		
Other	n/a		
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality		
PARKING AND LOADING REQUIREMENTS	Refer to Section 26		
OTHER CONTROL REGULATIONS			
All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy.			

PRIVATE OPEN SPACE ZONE		Colour code: R: 210 G: 220 B: 150
SPC LINKAGE		
B.a – Non-statutory conservation areas	B.c – Urban green areas	D.o – Sport and recreation facilities
<p>Objectives: To provide open space systems and facilities that are easily accessible for recreational purposes and activities in private developments. To implement the development of open spaces as well as corridor linkages between open areas for passive recreational purposes which may be consistent with critical biodiversity areas.</p>		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Conservation area Private open space Showgrounds Sport and Recreation facility		Flea market Putt-putt course Riding school Telecommunication Infrastructure Urban agriculture
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
Other	To the satisfaction of the Municipality	
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy.		

PUBLIC OPEN SPACE ZONE		Colour code: R: 120 G: 230 B: 120
SPC LINKAGE		
B.a – Non-statutory conservation areas	B.c – Urban green areas	D.o – Sport and recreation facilities
<p>Objectives</p> <p>To provide open space systems and facilities that are easily accessible for recreational purposes and activities for local and wider communities.</p> <p>To ensure that such parks address the special needs of the physically challenged, elderly, women and children.</p> <p>To ensure that such facilities are located and maintained to attract visitors and tourists.</p> <p>To set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for passive recreational purposes.</p>		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Public Open Space Showgrounds Urban agriculture		Greenhouse Sport and Recreation facility Telecommunication Infrastructure
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
Other	To the satisfaction of the Municipality	
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy.		

RENEWABLE ENERGY PLANTS ZONE		Colour code: R: 145 G: 110 B: 47
SPC LINKAGE		
E.c – light industry	F.i – Renewable energy plants	
Objectives To provide the necessary land use controls to be consistent with the spatial development proposals of national, provincial, district and local municipal plans.		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Renewable Energy structures Agriculture		Temporary accommodation Telecommunication infrastructure Workshop
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
Other	To the satisfaction of the Municipality	
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy.		

RESORT ZONE		Colour code: R: 100 G: 180 B: 170
SPC LINKAGE		
D.o – Sports and leisure	D.q – Resorts and tourism related areas	
<p>Objectives</p> <p>Specific land use restrictions shall be determined by the relevant Responsible Authority taking authority with regard to every site which is to be rezoned to this specific land use, while existing (as already developed at commencement of these regulations) developments and approvals which fit into this zone shall be subject to the requirements stated during approval or as per the approved development. When a rezoning application is received in this specific zone, the relevant Responsible Authority, according to each application received, identifies restrictions/requirements with regard to density, layout, landscaping, building design (if development is permitted on the property), as part of the application procedure. A detail layout plan of the area earmarked for rezoning may be requested by the relevant Responsible Authority. The development suggestions indicated on such a detail layout plan shall, after the public participation process and collection of comments and inputs from affected parties and neighbouring landowners, be submitted to the Responsible Authority for consideration.</p>		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Clubhouse Function venue Holiday accommodation Resort		Campsite Four by Four track Function venue Hotel Landing Area / Strip Leisure residential Dwelling Place of Entertainment Retirement facility Spa/Hydro and wellness centre Telecommunication infrastructure
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
FAR (Floor Areas)	To the satisfaction of the Municipality	
Density	To the satisfaction of the Municipality	
Other	To the satisfaction of the Municipality	
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
Any specific restriction that is already indicated in the existing zones and can be linked to a specific use in this area, should it be applicable.		
All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy.		

RESIDENTIAL ZONE I LOW DENSITY		Colour code: R: 255 G: 255 B: 160
SPC LINKAGE		
D.h – Residential areas		
Objectives		
To provide adequate land for residential development while providing ample economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone.		
To promote sustainable development and create spatial resilience.		
To avoid unwanted and unsustainable urban sprawl.		
USE OF LAND AND BUILDINGS		
Permitted uses:	Uses permitted with Consent	
Dwelling house Educational classes Home enterprise (Occupational Practice) Second dwelling unit	Animal clinic Backpackers' accommodation Beauty Parlour Boarding house Childcare facility Children's home Creche Frail care Centre / Hospice Guest house Homecare facility Hostel House shop / Spaza shop/ Tuck shop Guesthouse Lodge Self-catering unit Tea Garden / Coffee Shop Telecommunication Infrastructure	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	50% with the provision of increasing coverage to 60% if a second dwelling unit is included	
Height	2 storeys	
Other	a second dwelling house is limited in floor area of not more than 60% of that of the main dwelling or to a maximum of 120m ² subject to the coverage permitted.	
CONTROLS REGARDING BUILDING LINES	Street: 3 m Rear: 2 m Side: 2 m	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
<ol style="list-style-type: none"> 1. Single Residential Uses (Min Property Size: 250m²) 2. All land uses within the Permitted Use column must be exercised by means of approved building plans and/or a site development plan where required. 3. The most restrictive conditions imposed by any authority and/or in the title deed shall prevail unless removed or amended. 4. All House Shops in this Use Zone shall be governed by the Umsobomvu Municipality Policy on House Shops as amended from time to time. The most restrictive condition of Section shall apply. 5. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy. 		

RESIDENTIAL ZONE II MEDIUM DENSITY		Colour code: R: 255 G: 255 B: 0
SPC LINKAGE		
D.h – Residential areas		
Objectives To provide a use zone for medium density residential development with scope for some economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone. To promote sustainable development and create spatial resilience.		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Group Housing Dwelling house Second dwelling unit		Creche Home enterprise (Occupational Practice) Guest House Retirement facility Telecommunication Infrastructure
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	60%	
Height	2 storeys	
Density	40 units per ha	
Other	<p>Street Widths: - Public street / Private Street at least 10m reserve, but 8m in cases of a cul-de- sac which does not serve more than 14 group houses.</p> <p>Communal Open Space: - At least 20m² per residential unit. These open spaces exclude streets, private outdoor space and communal service areas. This requirement shall fall away if the Municipality is of the opinion that sufficient open space is available.</p> <p>Design: - The purpose reflected in the definition of group housing (as included in the definition) should be followed and implemented very closely.</p>	
CONTROLS REGARDING BUILDING LINES	Street: 3 m Rear: 2 m Side: 2 m	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
<ol style="list-style-type: none"> 1. Residential houses in this zone shall be subject to the same development restrictions as in Residential Zone I. 2. The Municipality shall give special attention, in considering the building plans to ensure the best functional and aesthetic results are obtained. 3. All land uses within the Permitted Use column must be exercised by means of approved building plans and/or a site development plan where required. 4. The most restrictive conditions imposed by any authority and/or in the title deed shall prevail unless removed or amended. 5. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy. 		

RESIDENTIAL ZONE III HIGH DENSITY / COMMERCIALISED RESIDENTIAL		Colour code: R: 255 G: 152 B: 1
SPC LINKAGE		
D.h – Residential areas		
Objectives		
To provide a use zone for high density residential and residential related development that has been commercialised to allow for economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone. To promote sustainable development and create spatial resilience		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Flats Group housing Guest House Residential building Retirement facility		Dwelling house Institution Telecommunication Infrastructure
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	80%	
Height	7 storeys	
Density	200 units per ha	
Other	Open Space: - In the case of a block of flats, at least 15% of the site area should be reserved for gardening or recreation.	
CONTROLS REGARDING BUILDING LINES	Street: 4,0 m Side: 3,0 m for ground, first and second storey, with 4.5m above second storey Rear: 2,0 m	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
<ol style="list-style-type: none"> 1. The restrictions that are subject to group houses in Residential Zone II and residential houses in Residential Zone I, are applicable in this zone. 2. The Municipality shall give special attention, in considering the building plans to ensure the best functional and aesthetic results are obtained. 3. All land uses within the Permitted Use column must be exercised by means of approved building plans and/or a site development plan where required. 4. The most restrictive conditions imposed by any authority and/or in the title deed shall prevail unless removed or amended. 5. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy. 		

RESIDENTIAL ZONE IV TRANSITIONAL		Colour code: R: 255 G: 242 B: 204
SPC LINKAGE		
D.h – Residential areas	D.m – Mixed use development	
Objectives		
To provide adequate land for the development of the informal human settlements, which might include low-cost housing (RDP) while providing ample economic opportunities and necessary social amenities within the zone without creating any inconvenience to the residents and disturbing the residential fabric of the zone.		
To promote sustainable development and create spatial resilience.		
To facilitate gradual formalisation of human settlements through ongoing upgrades and improvements.		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Informal dwelling/structure Transitional Residential		Car wash Clinic Childcare facility Creche Educational building Guest house House shop Home enterprise (occupational practice) Informal business Internet cafe Place of worship Telecommunication Infrastructure
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	80%	
Height	2 storeys	
Density	To the satisfaction of the Municipality	
Other		
CONTROLS REGARDING BUILDING LINES	Street: 2,5 m Side: 1,0 m Rear: 1,0 m	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
<ol style="list-style-type: none"> 1. All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy. 2. The Municipality may relax the provisions of building lines during the evaluation of the site development plan if it deems it fit that such relaxation shall not harm the amenity of the neighbourhood and will result in a more desirable development consistent with SPLUMA principles. 3. The use zone will only be permitted if supported by an approved housing strategy or development programme on Municipal or State-owned land, managed by the Municipality in agreement with the relevant spheres of Government; and by a service agreement between the Municipality and the landowner on privately owned land. 		

SPECIAL ZONE		Colour code: R: 0 G: 153 B: 153
SPC LINKAGE		
Objectives For every rezoning of a property to “Special Use”, the scheme shall be amended by the inclusion of the new “Special Use” zoning in Schedule “A” of this Scheme. The use of the Special Zone shall be permitted under special circumstances and only when any existing zoning or the combination of land uses by means of an Annexure to a specific use zone cannot be accommodated. It remains at the discretion of the Municipality to grant the use of this zone.		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Special use		n/a
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
Other	To the satisfaction of the Municipality	
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
All boards, signs and other forms of advertising or publicity must comply with the Municipality’s advertising policy.		

TRANSPORT ZONE I PRIVATE ROADS / STREETS		Colour code: R: 190 G: 190 B: 190
SPC LINKAGE		
F.c – Minor roads		
Objectives Represent and manage all National and Provincial roads within the Municipal area. Detailed traffic – and/or aesthetic impact assessment may be required by the Local Municipality or the applicable roads authority.		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Private Road / Street		Taxi holding area
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
FAR (Floor Areas)	To the satisfaction of the Municipality	
Density	To the satisfaction of the Municipality	
Other	To the satisfaction of the Municipality	
CONTROLS REGARDING BUILDING LINES	All building lines to adhere to the requirements of SANRAL and Northern Cape Department of Roads and Public Works	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy.		

TRANSPORT ZONE II PUBLIC ROADS / STREETS		Colour code: R: 150 G: 150 B: 150	
SPC LINKAGE			
F.a – National Roads		F.b – Main roads	
		F.c – Minor Roads	
		F.d – Public Streets	
Objectives			
Detailed traffic – and/or aesthetic impact assessment may be required by the Local Municipality or the applicable roads authority.			
USE OF LAND AND BUILDINGS			
Permitted uses:		Uses permitted with Consent	
Public road / Street		Taxi holding area.	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT			
Coverage	To the satisfaction of the Municipality		
Height	To the satisfaction of the Municipality		
Other	To the satisfaction of the Municipality		
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality		
PARKING AND LOADING REQUIREMENTS	Refer to Section 26		
OTHER CONTROL REGULATIONS			
All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy.			

TRANSPORT ZONE III TRANSPORT USES		Colour code: R: 140 G: 140 B: 140
SPC LINKAGE		
D.p – Airports and infrastructure	D.g – Authority areas	F.e – Heavy vehicle overnight facilities
Objectives Promote and support all transport related uses and infrastructure.		
USE OF LAND AND BUILDINGS		
Permitted uses:	Uses permitted with Consent	
Airfield / Aerodrome / Airport Bus terminus Hanger Helipad Landing area / Landing strip Taxi holding area Taxi rank Transport use Truck stop	Heavy vehicle overnight facility Telecommunication infrastructure Workshop	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
Other	To the satisfaction of the Municipality	
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy.		

TRANSPORT ZONE IV RAILWAY		Colour code: R: 75 G: 75 B: 75
SPC LINKAGE		
F.f – Railway lines		F.g – Power lines
Objectives		
Detailed traffic – and/or aesthetic impact assessment may be required by the Local Municipality or the applicable roads authority.		
USE OF LAND AND BUILDINGS		
Permitted uses:		Uses permitted with Consent
Railway purposes		Taxi holding area
CONTROLS ON THE EXTENT OF THE DEVELOPMENT		
Coverage	To the satisfaction of the Municipality	
Height	To the satisfaction of the Municipality	
Other	To the satisfaction of the Municipality	
CONTROLS REGARDING BUILDING LINES	To the satisfaction of the Municipality	
PARKING AND LOADING REQUIREMENTS	Refer to Section 26	
OTHER CONTROL REGULATIONS		
All boards, signs and other forms of advertising or publicity must comply with the Municipality's advertising policy.		

UNDETERMINED		Colour code: R: 255 G: 255 B: 255	
SPC LINKAGE			
Objectives Allocate a use zone to formal surveyed erven within the Municipality where land is vacant and no specific zoning was allotted			
USE OF LAND AND BUILDINGS			
Permitted uses:		Uses permitted with Consent	
n/a		n/a	
CONTROLS ON THE EXTENT OF THE DEVELOPMENT			
Coverage	None		
Height	None		
Other	None		
CONTROLS REGARDING BUILDING LINES	None		
PARKING AND LOADING REQUIREMENTS	None		
OTHER CONTROL REGULATIONS			
None			

SECTION 7 OVERLAY ZONES

22 PURPOSE OF OVERLAY ZONES

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

23 REQUIREMENTS AND PROCEDURES PERTAINING TO OVERLAY ZONES

- 23.1 The Municipality may prepare an overlay zone as provided for in this Scheme or that may be required.
- 23.2 Preparation of an overlay zone shall take into consideration the following requirements where applicable:
- The principles contained in planning law.
 - The Municipality's planning vision and principles as set out in its Spatial Development Framework and Integrated Development Plan.
 - Desired spatial form, including but not limited, to the development of public and private land, infrastructure investment, utilization of space, spatial reconstruction, location and nature of development, urban edge, scenic routes, areas of strategic intervention and mitigation of development impacts.
 - The principles as set out in an approved spatial development framework or a policy plan.
 - Environmental and heritage protection and conservation.
 - The principles of co-operative governance and the duties and objectives of local government as set out in the Municipal Systems Act.

24 CRITICAL BIODIVERSITY AREAS (CBA) OVERLAY ZONE

- 24.1 The objective of this overlay zone is to inform land-use planning and make recommendations as to which parts of the landscape should ideally be retained in a natural state and which parts could potentially be transformed to other land-uses.
- 24.2 Critical Biodiversity Areas are classified into the following categories with recommended land uses:

Table 5 Critical Biodiversity Areas and Overlay Regulations

Critical Biodiversity Area Type	Objectives	Regulations
Protected Areas	Natural landscapes to be managed to maintain in a natural state with limited or no biodiversity loss.	Agriculture <ul style="list-style-type: none"> Strictly not be used for farming Preferably not be used for livestock grazing. Grazing by indigenous ungulates permitted. Tourism

Critical Biodiversity Area Type	Objectives	Regulations
		<ul style="list-style-type: none"> Suitable for tourism development subject to EIA and provided impact area does not fall into the CBA1 category. <p>Other Activities</p> <ul style="list-style-type: none"> May not be used for mining, and urban development. Hard development is subject to an EIA and impact area does not fall within a Critical Biodiversity Area 1 area. May be used for scientific research, religious ceremonies, environmental education.
Critical Biodiversity Area 1 (Irreplaceable Sites)	Natural landscapes to be managed to maintain in a natural state with no biodiversity loss.	<p>Agriculture</p> <ul style="list-style-type: none"> Strictly not be used for farming No permanent livestock grazing. Seasonal grazing permissible Strictly no kraals, stock posts or artificial water points Maintain stock within recommended stocking rates <p>Tourism</p> <ul style="list-style-type: none"> No large-scale or intensive tourism development or construction of permanent tourism infrastructure Suitable for low impact recreation tourism subject to an EIA. <p>Other Activities</p> <ul style="list-style-type: none"> Strictly no mining, and urban development. Suitable for scientific research.
Critical Biodiversity Area 2 (Important Areas)	To be managed to maintain near natural landscapes with some loss in ecosystem integrity and functioning	<p>Agriculture</p> <ul style="list-style-type: none"> Farming permissible. <p>Tourism</p> <ul style="list-style-type: none"> No large-scale or intensive tourism development or construction of permanent tourism infrastructure Suitable for low impact recreation tourism and construction of temporary infrastructure subject to an EIA <p>Other Activities</p> <ul style="list-style-type: none"> Suitable for scientific research, religious ceremonies, environmental education. Restrict further expansion of surface-mining, cropping agricultural and urban development – i.e. avoid further loss of natural habitat and where possible utilise existing transformed or degraded areas for hard developments
Ecological Support Areas	To be managed to maintain near natural landscapes with minimal loss in ecosystem integrity and functioning	<p>Agriculture</p> <ul style="list-style-type: none"> Farming permissible <p>Tourism</p> <ul style="list-style-type: none"> Suitable for tourism development <p>Other Activities</p>

Critical Biodiversity Area Type	Objectives	Regulations
		<ul style="list-style-type: none"> Suitable for scientific research, religious ceremonies, environmental education. Where possible restrict further expansion of surface-mining, cropping agricultural and urban development – i.e. avoid further loss of natural habitat and where possible utilise existing transformed or degraded areas for hard developments Biodiversity offsets required where development impacts on land management objective
Other Natural Areas	<p>To manage land to maintain basic ecosystem processes despite expecting significant loss in natural vegetation cover</p> <p>To maintain biodiversity in critical patches and ecosystem corridors</p>	<p>Agriculture</p> <ul style="list-style-type: none"> Farming permissible <p>Tourism</p> <ul style="list-style-type: none"> Suitable for tourism development <p>Other Activities</p> <ul style="list-style-type: none"> Transformation by mining, agricultural or urban development conditionally allowed subject to EIA

25 HERITAGE OVERLAY AND CONTROL

- (a) Table 6 provide a list in addition to the overlay of the heritage sites in Colesberg as recognised by the South African Heritage Resource Agency.
- (b) All development on Heritage Sites / Buildings as defined by the Act is subject to Section 33 read with Heritage Resource Overlay.

Table 6 SAHRA Recognised Heritage Sites

SAHRA identifier	Site name	NHRA status	Image
9/2/023/0002-023	1 Kort Street, Colesberg	Register	
9/2/023/0003	Hebron, Colesberg District	Provincial Heritage Site	
9/2/023/0004	Coniston House, 3 Ventershoek Street, Colesberg	Provincial Heritage Site	
9/2/023/0005	Dutch Reformed Church, Colesberg	Provincial Heritage Site	

SAHRA identifier	Site name	NHRA status	Image
9/2/023/0006	2 Sarel Cilliers Street, Colesberg	Provincial Heritage Site	
9/2/023/0007	26 Bell Street, Colesberg	Provincial Heritage Site	
9/2/023/0008	28 Bell Street, Colesberg	Provincial Heritage Site	
9/2/023/0009	30 Bell Street, Colesberg	Provincial Heritage Site	
9/2/023/0010	32 Bell Street, Colesberg	Provincial Heritage Site	
9/2/023/0011	34 Bell Street, Colesberg	Provincial Heritage Site	
9/2/023/0012	Reformed Church, Stockenstrom Street, Colesberg	Provincial Heritage Site	
9/2/023/0013	3 D'Urban Row, Colesberg	Provincial Heritage Site	

SAHRA identifier	Site name	NHRA status	Image
9/2/023/0013-001	1 D'Urban Row, Colesberg	Provincial Heritage Site	
9/2/023/0015	Horse and Mill, Bell Street, Colesberg	Provincial Heritage Site	
9/2/023/0015-001	Erf 329, Bell Street, Colesberg	Provincial Heritage Site	
9/2/023/0016	Horsemill, Old warehouse, Bell Street, Colesberg	Provincial Heritage Site	
9/2/023/0017	Kemper Museum, Rhyneveld Square, Colesberg	Provincial Heritage Site	
9/2/023/0025	5 Stockenstrom Square, Colesberg	Register	
9/2/023/0026	Gideon Joubert House, 9 D'Urban Row, Colesberg	Register	
9/2/023/0027	Ortlepps Building, 30 Church Street, Colesberg	Provisional Protection	
9/2/023/0028	Fleetwood Rawstone House, 1 New Street, Colesberg	Provincial Heritage Site	
9/2/023/0029	Colesberg Garage, 7 Sarel Cilliers Street, Colesberg	Register	
9/2/023/0030	5-7 D'Urban Row, Colesberg	Register	
9/2/023/0031	Bordeaux, 7 Church Street, Colesberg	Register	

SAHRA identifier	Site name	NHRA status	Image
9/2/023/0032	3 Rhyneveld Street, Colesberg	Register	
9/2/023/0033-001	11 Sarel Celliers Street, Colesberg	Register	
9/2/023/0033-002	21 D'Urban Row, Colesberg	Register	
9/2/023/0033-003	16 Campbell Street, Colesberg	Register	
9/2/023/0033-004	5 Rhyneveld Street, Colesberg	Register	
9/2/023/0033-006	13 Murray Street, Colesberg	Register	
9/2/023/0033-007	15 Bell Street, Colesberg	Register	
9/2/023/0033-008	27 Murray Street, Colesberg	Register	
9/2/023/0033-009	6 Murray Street, Colesberg	Register	
9/2/023/0033-010	12 Rhyneveld Street, Colesberg	Register	
9/2/023/0033-011	32 Stockenstrom Street, Colesberg	Register	
9/2/023/0033-012	34 Stockenstrom Street, Colesberg	Register	
9/2/023/0033-013	36 Stockenstrom Street, Colesberg	Register	
9/2/023/0033-014	21 Church Street, Colesberg	Register	
9/2/023/0033-015	9 Sarel Celliers Street, Colesberg	Register	
9/2/023/0033-016	Ellerslie, Church Street, Colesberg	Register	
9/2/023/0033-017	Erf 244 and 245, 7 Rhyneveld Street, Colesberg	Register	
9/2/023/0033-018	Cemetery, Church Street, Colesberg	Register	
9/2/023/0033-020	Bridge, Sarel Cilliers Street, Colesberg	Register	
9/2/023/0033-021	Christ Church, Church Street, Colesberg	Register	
9/2/023/0033-023	Masonic Hall, Campbell Street, Colesberg	Register	
9/2/023/0033-025	Erf 230 and 232, 28 Church Street, Colesberg	Register	
9/2/023/0033-026	8 Campbell Street, Colesberg	Register	

SAHRA identifier	Site name	NHRA status	Image
9/2/023/0033-027	49 Church Street, Colesberg	Register	
9/2/023/0033-028	27 Church Street, Colesberg	Register	
9/2/023/0033-029	10 Rhyneveld Street, Colesberg	Register	
9/2/023/0033-030	23 Ventershoek Street, Colesberg	Register	
9/2/023/0033-031	President Kruger Street, Colesberg	Register	
9/2/023/0033-032	6 Grey Street, Colesberg	Register	
9/2/023/0033-033	2 Ventershoek Street, Colesberg	Register	
9/2/023/0033-034	11 D'Urban Row, Colesberg	Register	
9/2/023/0033-035	20 Church Street, Colesberg	Register	
9/2/023/0033-036	35 Church Street, Colesberg	Register	
9/2/023/0033-037	4 Low Street, Colesberg	Register	
9/2/023/0033-038	24 Stockenstrom Street, Colesberg	Register	
9/2/023/0033-039	6 Church Street, Colesberg	Register	
9/2/023/0033-040	12 Stockenstrom Square, Colesberg	Register	
9/2/023/0033-041	16 Stockenstrom Street, Colesberg	Register	
9/2/023/0033-042	17 Ventershoek Street, Colesberg	Register	
9/2/023/0033-043	4 Bell Street, Colesberg	Register	
9/2/023/0033-044	39 Church Street, Colesberg	Register	
9/2/023/0033-045	10 Bell Street, Colesberg	Register	
9/2/023/0033-046	18 Kort Street, Colesberg	Register	
9/2/023/0033-047	Erf 516, Church Street, Colesberg	Register	
9/2/023/0033-048	11 Bell Street, Colesberg	Register	
9/2/023/0033-049	Erf 505, 64 Church Street, Colesberg	Register	
9/2/023/0033-050	2 Stockenstrom Square, Colesberg	Register	
9/2/023/0033-051	Erf 443, Stockenstrom Square, Colesberg	Register	
9/2/023/0033-052	1 Stockenstrom Square, Colesberg	Register	
9/2/023/0033-053	14 Kort Street, Colesberg	Register	
9/2/023/0033-054	2 D'Urban Row, Colesberg	Register	
9/2/023/0033-055	66 Church Street, Colesberg	Register	

SAHRA identifier	Site name	NHRA status	Image
9/2/023/0033-056	3 Church Street, Colesberg	Register	
9/2/023/0033-057	4–6 Ventershoek Street, Colesberg	Register	
9/2/023/0033-058	8 Ventershoek Street, Colesberg	Register	
9/2/023/0033-059	5 Church Street, Colesberg	Register	

SECTION 8 REGULATIONS

26 PARKING AND LOADING REQUIREMENTS

- 26.1 Effective and paved on-site parking and loading spaces together with the necessary manoeuvring area shall be provided for a development as set out in Table 7 Parking and Loading Provisions: On-site Parking and Loading requirements.
- 26.2 The Municipality may relax or waive the parking and loading requirements if it is of the opinion that adequate parking already exists in the vicinity of the site; provided that in the event of such relaxation or waiving the applicant shall pay a cash contribution to the Municipality in lieu of the provision of such parking spaces, provided further that any owner may provide the parking area required in terms of this Section on any alternative site approved by the Municipality and such site shall be notarial bound to the subject site.
- 26.3 The Municipality may also relax or waive such parking and loading requirements if it is of the opinion that the specific land use or nature of the proposed development does not need to meet the full parking requirement. Similarly, the Municipality may require additional parking or loading space if a specific land use or proposed development will require additional provision.
- 26.4 The owner of a building in respect of which parking spaces are required in terms of this Section shall keep such parking spaces in a proper condition for such purpose to the satisfaction of the Municipality.
- 26.5 The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the Municipality unless the Municipality has provided loading facilities in the street reserve.

Table 7 Parking and Loading Provisions

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
Abattoir	5 spaces for the first 1000m ² floor area or part thereof and 2 spaces for every 1000m ² thereafter, or part thereof.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Additional Dwelling Unit	1 space per additional dwelling unit.	Not applicable.
Agricultural Industry	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
Airfield	2 spaces for the first 100m ² floor area or part thereof and 1 space for every 100m ² thereafter, or part thereof.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Animal Clinic	2.5 bays per 100 m ² floor area.	0.75 bays per 100 m ² floor area.
ATM	1 space per ATM (when not part of total development).	Not applicable.
Auction Facility	6 spaces per 100m ² public floor area.	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Bakery / Confectionary	3 spaces per 100m ² floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Bar / Pub	4 spaces per 100m ² floor area or to Municipal Satisfaction	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Beauty Parlour / Spa / Hydro	4 spaces per 100m ² floor area or to Municipal Satisfaction	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Boarding House	1 space per room and 1 space for every 3 rooms.	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Bottle Store	4 spaces per 100m ² floor area or to Municipal Satisfaction	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Brewery and Distillery / Liquor Tasting Venue (beer, wine, spirits)	4 spaces per 100m ² floor area or to Municipal Satisfaction	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Builders Yard	40% of property reserved for parking and loading requirements.	
Business Purpose	6 spaces per 100m ² floor area and 1 space per 4 seats	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Camping Site	1 space per tent or caravan or mobile dwelling unit site and 4.5 spaces per 100 m ² office floor area and 1 space per 4 seats and 6 spaces per 100m ² place of refreshment public floor area or part	1 space per first 2000m ² place of refreshment or retail floor area, or part thereof and 1 space per every 2000m ² place of refreshment or retail floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
	thereof and 6 spaces per 100 m ² retail floor area or part thereof.	
Canteen	2 spaces per 100 m ² floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.
Casino	4 spaces per 100m ² public floor area.	2 spaces per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Carwash	4 spaces per wash bays.	
Cemetery	Parking to be to the satisfaction of the Municipality	
Childcare Facility	1 space for every 10 children 1 space per teacher/employee Parking requirements may be relaxed if deemed appropriate by the local authority, especially in areas with low car ownership rates. A minimum of 2 bays shall always apply	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality
Clinic	2 spaces per bed and 4 spaces per 100m ² floor area	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality
Crèche or Day Care Facility	1 space for every 10 children 1 space per teacher/employee Parking requirements may be relaxed if deemed appropriate by the local authority, especially in areas with low car ownership rates. A minimum of 2 bays shall always apply	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality
Commercial Purposes	10% of the erf for parking and loading purposes.	
Community Facility / function Venue	1 space for every 4 seats.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality.
Conference Centre	4 spaces per 100m ² floor area and 1 space per 4 seats	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
Correctional facility	4.5 spaces per 100m ² office floor area and 1 space per 10 holding cells.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Crematorium	3 spaces per 100m ² floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Educational Use		Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality.
Primary and Secondary Schools	2 parking spaces per classroom and 2 parking spaces per office. 1 parking space per educator. Drop-off and manoeuvring space to the satisfaction of the Municipality.	
Universities, Colleges and Training Facilities	1 parking space per 3 students or portion thereof and sufficient on-site staff parking to be provided at a ratio of 1 space per lecturer.	
Drive-in Restaurant	6 spaces per 100m ² floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Dry Cleaner	3 spaces per 100m ² floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Dwelling House	One space on-site per unit.	Not applicable.
Farm Stall	3 spaces per 100m ² floor area.	
Financial institution	4 spaces per 100m ² per floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality.
Funeral Parlour	3 spaces per 100m ² floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.
Garden Centre	4 parking spaces per 100m ² total display and retail areas.	1 bay per 1000m ² or part thereof for the first 1000m ² and 0.5 bays per 1000m ² floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas provided
Related Restaurant	4 parking spaces per 100m ² floor area.	
Government Use / Purposes	4.5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Group housing	1 covered space per dwelling unit and 1 uncovered space per 5 dwelling units.	1 space per 10 dwelling units.
Guest House	1 space per guest room and 1 space for the manager.	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Gymnasium / Fitness Centre	6 spaces per 100m ² floor area.	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Helicopter Landing Pad	4.5 spaces per 100m ² office floor area, 1 space per 100m ² repair facility and 1 space per rotary wing aircraft storage unit.	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Home Enterprises/ Craft brewery/ House shop	To the satisfaction of the Municipality.	No loading bays required.
Hospital	1 space per bed and 4 spaces per 100m ² floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Hostel	1 space per 4 residents and 2 spaces per 100m ² for the office floor area.	To the satisfaction of the Municipality.
Hotel	1 space per room and 6 spaces per 100m ² public floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Related Conference Facilities	10 parking spaces per 100m ² public room floor area.	
Related Restaurants	10 parking spaces per 100m ² .	

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
Industry	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Informal Trading	3 spaces per 100m ² floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.
Institution	6 spaces per 100m ² floor area and 1 space per 4 seats.	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.
Laundromat	1 space per 100m ² floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality.
Laboratory	3 spaces per 100m ² floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Light Industry	2 parking spaces per 100m ² floor area.	1 bay per 1 000m ² floor area.
Lodge / self-catering unit / holiday accommodation	1 space per guest room or suite and 6 spaces per 100m ² public floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Medical Consulting Rooms / frail care / hospice / sanatorium	6 spaces per 100m ² floor area.	No loading bays required.
Motor Showroom / workshop	2 parking spaces per 100m ² floor area.	2 bays per 1000m ² floor area or part thereof for the first 1000m ² and 3 bays per 1000m ² floor area thereafter.
Municipal Use	4.5 spaces per 100m ² office floor area and 6 spaces per 100m ² public floor area and 1 space per 4 seats.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Mining	To the satisfaction of the Municipality.	
Office	2 spaces per 100m ² floor area.	To the satisfaction of the Municipality.
Panel Beater	2 parking spaces per service bay; and	To the satisfaction of the Municipality. Municipality.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
	2 parking spaces per 100m ² for offices and spares.	
Place of Amusement	1 space per 4 seats and 6 spaces per 100m ² public floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Place of Entertainment / Flea Market	6 parking spaces per 100m ² floor area. And/or 1 per 10 seats or to Municipal Satisfaction	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Place of Instruction	2 spaces per 100m ² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students.	1 drop-off space for buses per 100 students.
Place of Worship	1 space per 6 seats.	
Private Open Space	To the satisfaction of the Municipality.	Not applicable
Public Garage	4 spaces per 100m ² floor area 2/100m ² office, show room & workshop GLFA; 4/100m ² retail shop floor area	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality
Public Open Space	To the satisfaction of the Municipality	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality.
Rehabilitation Centre	1 space per bed. 2 spaces per 100m ² of office floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality.
Residential Building / Flat	1 space per unit. 1 space for every 2 residential units for visitors.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Restaurant	6 spaces per 100m ² floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality.
Retirement facility	1.5 parking spaces per dwelling unit.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality.
(Private) Resort (Public) Resort	1 space per room and 6 spaces per 100m ² public floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
Scrapyard	3 spaces per 500m ² floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Service Industry	2 parking spaces per 100m ² .	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality. Municipality.
Service Station / Fuel Depot	40% of property reserved for parking and loading requirements and 4 spaces per 100m ² retail floor area. Allow for sufficient parking space to have access to fillers.	
Shop	4 spaces per 100m ² floor area.	2 bays per 1000m ² or part thereof for the first 1000m ² and 1 bay per 1000m ² floor area thereafter.
Showroom	3 spaces per 100m ² floor area	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Social Hall	1 space per 100m ² office floor area 1 space per 4 seats.	1 space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Sports Facility / Shooting Range	2 spaces per 100m ² building floor area. To the satisfaction of the Municipality for outside areas.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality.
Supermarket / Shop	4 spaces per 100m ² trade floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Tavern or Shebeen	2 spaces per 100m ² floor area.	Sufficient dedicated on-site loading and delivery space to the satisfaction of the Municipality.
Transport Facilities / Terminus	To the satisfaction of the Municipality. Municipality.	To the satisfaction of the Municipality.

Land Use	Number of Parking spaces to be provided	Requirements for loading spaces and areas
Tourist Facilities	4 spaces per 100m ² floor area.	To the satisfaction of the Municipality.
Group houses	1.5 parking spaces per dwelling unit with 1 or 2 bedrooms. 2.5 parking spaces per dwelling unit with 3 or more bedrooms. 1 space per 5 dwelling units for visitors.	To the satisfaction of the Municipality.
Utility Services	To the satisfaction of the Municipality and Waste licence conditions issued by the relevant Provincial Authority.	
Vehicle Workshop	4 spaces per service bay. 2 spaces per 100m ² for offices and spares.	To the satisfaction of the Municipality. Municipality.
Warehousing and Packaging	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Waste Disposal Site	To the satisfaction of the Municipality.	
Wholesale Trade	2 spaces per 100m ² trade floor area and 1 space per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 3 spaces per every 1000m ² floor area thereafter.
Workshop	2 spaces per 100m ² floor area.	1 space per first 2000m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.

SECTION 9 GENERAL REGULATIONS FOR SPECIFIC LAND USES

27 ABATTOIR

- (a) Loading and off-loading of livestock or poultry must take place on the property in an enclosed and controlled environment to the satisfaction of the Municipality.
- (b) Disposal of blood, intestines or any other waste product resulting from the slaughtering activities must comply with the relevant health requirements to the satisfaction of the Municipality.
- (c) No slaughtering of livestock or poultry will be allowed prior to the issuing of the required health certificates and license, except for the required test slaughtering under supervision of the State Veterinary.

- (d) All legislative licensing requirements to be adhered to.

28 ADULT ENTERTAINMENT

- (a) An adult entertainment business shall only be allowed within the parameters of the central business district (CBD).
- (b) No material, actions, exhibitions or live performances may be visible from the street.
- (c) Strict access control must be provided at all times and no person under the age of 18 years may enter such premises and no form of business may be conducted with or services rendered to persons under the age of 18 years.
- (d) No person under the age of 18 years may be employed by an adult entertainment business.
- (e) Under no circumstances may an adult entertainment business establish within 500 meters from a school, pre-school facility or a place of public worship; and
- (f) Transgression of any of the development conditions relating to an adult entertainment business will result in the immediate termination of the approved land use rights.

29 CAMPING SITE

- (a) A caravan camping site may include a convenience or House-shop, located inside the property next to the administration offices or recreational facilities, for the convenience of the visitors, guests and holidaymakers, and shall not be accessible to the general public.
- (b) Day visitors will be allowed access to recreational facilities subject to the payment of an access fee, provided the camping site applies strict access control and sufficient provision is made to separate areas open to day visitors from the caravan and tent camping sites.
- (c) Internal roads on the property shall be constructed and maintained by the registered owner to the satisfaction of the Municipality.
- (d) The siting of buildings and outbuildings hereafter erected on the property, as well as the siting of caravan parking sites and camping sites for tents shall be in terms of an approved site development plan and to the satisfaction of the Municipality.
- (e) No facilities or structures shall be located below the 1:100-year flood line if the property is situated adjacent to or in close proximity to a natural water course.
- (f) Communal laundry facilities shall be provided to the satisfaction of the Municipality.
- (g) Communal ablution facilities must be provided for each gender in the ratio of 1 toilet, 1 basin and 1 bath or shower per 10 caravan or camping sites or to the satisfaction of the Municipality.
- (h) Permanent service connection points for electricity shall be provided on each caravan parking site to the satisfaction of the Municipality.
- (i) The provision, siting and screening of household refuse containers shall be to the satisfaction of the Municipality.
- (j) Fire hydrants or alternative firefighting instruments shall be provided throughout the camping site to the satisfaction of the Municipality.

30 CEMETERY

- (a) Environmental authorisation is required prior to the establishment of a cemetery.

- (b) All cemeteries must be registered with the relevant authority.

31 CRECHE

- (a) The necessary license or health certificate must be obtained annually from the Health Department and Environmental Health Services of the District Municipality.
- (b) Playgroups also include specialized tutoring of Grade RR and Grade R pupils, for preparation of school-readiness.
- (c) A single signboard (1.5m x 1.5m) indicating the name and contact details of the Creche may be affixed to the boundary wall or fence of the facility.

32 DRY CLEANER

- (a) A dry cleaner situated outside an industrial area shall be subject to the following conditions:
 - i. Only chemicals of non-flammable or non-explosive character as approved by the Municipality shall be used in the cleaning process.
 - ii. Steam and hot water shall be provided by means of electric boilers only or, with the Municipality's consent, by means of gas or automatic oil operated boilers.
 - iii. The public shall not be allowed in the work section which shall be portioned-off from public view; and
 - iv. Provision for the disposal of fumes shall be made to the satisfaction of the Municipality and or District Municipality.

33 HERITAGE SITES

- (a) Any developments on a cultural heritage site shall only be permitted subject to the submission of a separate application for such intended facilities or uses, restricted to the specific portion of the property intended for the proposed developments and shall be subject to certain development conditions to be imposed by the Municipality.
- (b) Uses associated with the operation, maintenance and general administration of a cultural heritage site, such as rest rooms, ablution facilities, administration offices, access control facilities, storage facilities, visitor's viewpoints, parking areas, personnel housing, etc. do not require additional permission from the Municipality or additional land use rights.
- (c) Access to a cultural heritage site may be restricted and payment of an entrance fee by the general public may be imposed.
- (d) Written authorization for any proposed development, issued by the South African Heritage Resources Agency (SAHRA), including a Record of Decision in terms of the provisions of the National Environmental Management Act, 1998 (Act 107 of 1998) shall accompany any application for additional land use rights to the Municipality; and
- (e) Any developments on a cultural heritage site shall only be allowed under supervision or guidance of SAHRA and must be in accordance with the provisions of the National Heritage Resources Act, 1999 (Act 25 of 1999).

34 GROUP HOUSES

- (a) Notwithstanding any contrary stipulation elsewhere in this scheme, the development of group houses on a designated site may only be undertaken subject thereto that:

- i. A site development plan, as referred to in Section 94 is approved by the relevant Authorised Employee/Official prior to submitting building plans, and to which all development and any improvement, alteration, or addition to the development, must be in compliance with, is approved by the relevant Authorised Employee/Official prior to submitting building plans, and to which all development and any improvement, alteration, or addition to the development, must be in compliance with.
 - ii. No building plan for the erection of any building shall be considered, that does not comply with the approved site development plan.
 - iii. The development site size equals 3500m² or more.
- (b) Individual subdivisions to be transferred as separate erven are subject to the same coverage restriction as for the entire group housing site and no individual subdivision may be developed so as to exceed the coverage applicable to the site.
- i. Only 1 (one) dwelling unit may be erected per individual subdivision to be transferred as a separate erf.
 - ii. All individual vehicle entrances providing access to separate erven be provided from an internal road only.
 - iii. All internal roads, stormwater, water (including fire hydrants), sewage and electrical services, if ownership thereof is to be transferred to the Municipality, be designed and constructed to the satisfaction of the Municipality.
 - iv. When the development of a group housing site is conducted in phases, no individual subdivision may be registered as a separate erf or be transferred to an individual owner until the development proposal, in which the dwelling units do not necessarily have to be included, has been executed in accordance with the phases indicated on an approved site development plan and certified accordingly by the Municipality.

35 GUEST HOUSE

- (a) The number of guest rooms shall not exceed 3 rooms (at most 15 beds).
- (b) Only temporary lodging may be provided to transient guests or holidaymakers and the renting of rooms for boarding purposes is not allowed.
- (c) The owner of the property or a manager must permanently reside on the property.
- (d) Only a single signboard, measuring 1,5m x 1,5m indicating the name and contact details of the guest house may be affixed to the boundary wall or fence of the property.
- (e) The kitchen facilities must comply with the criteria for food handling as required by the Health Department and no refreshments may be sold to non-residents. The necessary license should be obtained from the Health Department; and
- (f) Should the way in which the use is conducted in any way invade the privacy of the adjacent property owners or be a nuisance, the Municipality reserves the right to take the necessary steps to enforce the Land Use Scheme to rectify the nuisance.

36 HOME ENTERPRISE (OCCUPATIONAL PRACTICE)

- (a) A Home Enterprise may only be conducted by a full-time resident / owner of a property and must reside on the property.
- (b) The home enterprise may also be conducted from an ancillary building, second dwelling unit or, a new extension to an existing building.

- (c) The conducting of a home enterprise, including any alterations or extensions to the buildings, required for the home enterprise may not deviate in appearance from the residential character of, the existing buildings on the property.
- (d) The Municipality reserves the right not to approve any, building plans where the elevation of the buildings or proposed extensions to buildings as a result, of the intended home enterprise will result in a noticeable deviation from the existing residential, character of the property.
- (e) The occupation may not adversely affect the amenity of the neighbourhood.
- (f) The employment or taking into partnership of a maximum of five persons, who do not live in the dwelling, is permissible.
- (g) at most 25% of the total floor surface of the residential unit, to a maximum of 50m², may be used for this purpose as permitted by the property size with the support of the Municipality.
- (h) The occupation may not impose a load on any municipal service greater than normally required for domestic use.
- (i) No goods, other than goods manufactured or serviced in the home enterprise may be offered for sale.
- (j) Materials used or goods manufactured or serviced or repaired in the home enterprise must be stored within a building.
- (k) No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site.
- (l) Parking shall be provided on the property to the satisfaction of the Municipality.
- (m) Only a single signboard, measuring 300mm x 420mm (A3-size), indicating the name and contact details of the home enterprise may be affixed to the boundary wall or fence of the property; and
- (n) Should the way in which the use is conducted in any way invade the privacy of the adjacent property owners or be a nuisance, the Municipality reserves the rights to take the necessary steps to rectify the nuisance.

37 HOUSE SHOP

All House Shops shall be governed by the Umsobomvu Municipality Policy on House Shops as amended from time to time. The most restrictive condition of Section shall apply.

38 INFORMAL BUSINESS

- (a) Informal business facilities must/shall comply with the health regulations of the Health Department and may not trade in any meat, poultry, fish, alcohol or pharmaceutical products.
- (b) Informal business will only be allowed in areas specifically demarcated for such use by the Municipality and it may include informal street vending areas, where such informal trading is managed by a competent authority.
- (c) No open fires will be allowed within a demarcated informal trade area and the storage of products or fresh produce will be restricted to the facilities of each trader's stall.

39 LAUNDROMAT

- (a) The establishment or location of a laundromat will be restricted to the properties in the central business district (CBD), existing business nodes and neighbourhood shopping centres.

- (b) Laundromat services and facilities reserved for the occupants of residential buildings (flats), tourist accommodation facilities, resorts and camping sites are regarded as ancillary uses to the main use and such facilities shall not be open to the general public.

40 LEISURE RESIDENTIAL

- (a) Zoning requirements include:
 - (i.) Area to be used for sectional title or share block development to be subdivided in terms of Act 70 of 1970. The approval for subdivision will be subject to the implementation of the intended sectional title or share block development within 18 months.
 - (ii.) Size of area to be used for sectional title or share block development:
 - 1. Sectional title and share block scheme leisure residential developments: maximum 2 hectare per dwelling.

41 NATURE RESERVE

- (a) Uses associated with the operation, maintenance and general administration of a nature reserve, such as rest rooms, ablution facilities, administration offices, access control facilities, storage facilities, visitor's viewpoints, parking areas, personnel housing, etc. do not require additional permission from the Municipality or additional land use rights.
- (b) Access to a nature reserve may be restricted and payment of an entrance fee by the general public may be imposed; and
- (c) Written authorization for any proposed development, issued by the respective conservation authorities, including an Environmental Authorisation in terms of the provisions of the National Environmental Management Act, 1989 (Act 107 of 1998) shall accompany any application for additional land use rights to the Municipality.

42 PRIVATE STREET/ROAD

- (a) A private street/road may include a gatehouse facility for access control purposes, including ablution facilities, but does not make provision for overnight accommodation facilities for security guards or access control personnel.
- (b) An Owners Association must be established as a Section 21 Company to attend to the maintenance and repair of a private street/road as per the agreed service level agreement entered into with the Municipality.
- (c) Access to municipal vehicles may not be refused, provided that upon entrance the driver may be requested to sign a visitor's register.
- (d) The construction of a private street/road must comply to the minimum engineering design criteria as determined by the Municipality.

43 RENEWABLE ENERGY PLANT

- (a) To set up renewable energy infrastructure that utilises a portion of an Agriculture Zone I property, the area to be used for such infrastructure must be accompanied by an Annexure to the Scheme indicating the area spatial extent and area of the development.

- (b) All development controls mentioned for Renewable Energy Plants Zone in this Scheme will apply to the area used for renewable energy infrastructure.

44 RESORT

- (a) Only temporary lodging may be provided to transient guests or holidaymakers and the renting of accommodation facilities for boarding purposes is not allowed.
- (b) Kitchen facilities will need to comply with the criteria for food handling as required by the Health Department. The necessary license should be obtained from the Health Department.
- (c) The resort may not be sectionalised or managed as a share block scheme.

45 SCRAP-YARD

- (a) A scrapyard shall be enclosed by a solid perimeter wall, at least 2 meter in height.
- (b) Access to a scrapyard will be restricted to a single entrance gate, with sufficient access control to restrict direct access to the facility to customers only.
- (c) A scrapyard or scrap metal dealer shall at all times keep register of all goods received and such register must contain the name, identity number and contact details of the supplier.
- (d) Municipal officials shall be allowed to perform random inspections of the facility and may not be restricted access to any part of the facility, provided that the owner may request that such an official be accompanied by an employer of the concern.
- (e) Should the way in which the use is conducted in any way result in a negative impact on the surrounding area or be a nuisance, the Municipality reserves the right to take the necessary steps to rectify the impact or nuisance or instruct the property owner to rectify the impact or nuisance within a period not exceeding 28 days from date of being given written notice in this regard.
- (f) Sub-letting of any portion of the property for any other use shall not be permitted.

46 SECOND DWELLING UNIT

- (a) A second dwelling unit may only be erected on a residential property if the development regulations are adhered to.
- (b) The erection of a second dwelling unit is subject to payment of a municipal bulk service contribution fee to the Municipality.
- (c) Title ownership of the second dwelling unit may not be separated from the primary dwelling house by means of sectional title ownership.
- (d) Not more than 60% of that of the main dwelling, to a maximum of 120m², provided that the maximum coverage area for all the buildings on the premises shall not exceed 66% coverage.

47 SERVICE STATION/PUBLIC GARAGE

- (a) An application for the development of a service station may include the following supportive documents and reports:
- (b) A detail traffic impact study.

- (c) Market feasibility report.
- (d) An Environmental Authorisation in terms of the provisions of the National Environmental Management Act, 1998 (Act 107 of 1998), authorizing the establishment of a service station on the application site.
- (e) The workshop areas and temporary storage of vehicles must be screened to the satisfaction of the Municipality.
- (f) No material or equipment of any nature whatsoever shall be stored or stacked to a height greater than the height of the screen wall; provided that the Municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses; and
- (g) No repairs of any nature to vehicles or equipment shall be effected outside the garage building, except in an area which is screened to the satisfaction of the Municipality for that purpose:
 - i. Provided that the Municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses; and
 - ii. No material or equipment of any nature shall be stored or stacked outside the garage building except in an area which is screened to the satisfaction of the Municipality for that purpose.
- (h) Provided that fuel pumps or oil and fuel installations shall be sited outside the building to the satisfaction of the Municipality: The Municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.

48 TAVERN

- (a) In terms of Section 22(2)(d) of the Liquor Act, the Liquor Board will not grant a license unless:
 - i. The premises are, or will be on completion, suitable for the purposes for which it will be used under the license.
 - ii. If the premises are situated in the vicinity of a place of public worship, school or residential area, and the business will be carried on in a manner that will disturb the proceedings of the activities taking place in these areas or prejudice the neighbours.
 - iii. The applicant concerned is not of good character which includes records such as criminal, insanity, insolvency.
 - iv. That the granting of the license is not in the public's interest.
 - v. Taverns may not operate in mobile structures.
 - vi. Sanitation facilities must be provided to the satisfaction of the Municipality in the ratio of two separate facilities for males and females.
 - vii. Storage facilities, for especially empty bottles, must be provided.
 - viii. Facilities for the disposal of waste must be provided and provision must be made for the recycling of cans and bottles.
 - ix. Stock will not be delivered to the tavern, but the owner must fetch the stock at a depot.
 - x. Reasonable side and rear spaces must be provided to limit the impact on neighbouring properties.

PART C: GENERAL PROVISIONS

49 WATER SUPPLY AND MANAGEMENT DIRECTIVES

- 49.1 Development or subdivision of property shall only be allowed if the developer or owner can submit proof of a sustainable water source.
- 49.2 If the water supply for the development will be connected to or supplied by the Municipality, the developer shall apply to the Municipality for water supply.
- 49.3 If the development cannot be connected to the municipal water supply the developer should apply for a water license from Department of Water and Sanitation (DWAS) in terms of Chapter 4 of the National Water Act, 1998 should water be abstracted from a watercourse.
- 49.4 If the proposed development has existing lawful water entitlements those water entitlements may be exercised, if the water use sector remains the same.
- 49.5 If a proposed development on a property has no existing water rights entitlements, water rights from other willing existing water users may be permanently transferred to the property should additional water be required for the development. Such transfer must be approved by DWAS.
- 49.6 If the development requires the use of ground water, the use must either be registered or a license obtained from DWAS. The following requirements are set by DWAS:
- (a) No development may occur in a water course or a 52 m buffer around the water course;
 - (b) A buffer zone may however be proposed or amended with regard to site specific characteristics by applying the policies and guidelines from DWAS. This includes where relevant the bed and banks of:
 - i. A river or spring;
 - ii. A natural channel in which water flows regularly or intermittently; and
 - iii. A wetland, lake or dam into which or from which water flows.
 - (c) Any collection of water which the Minister may by notice declare to be a water course;
 - (d) Proposed watercourse crossings must be placed in areas where the impact on the watercourse will be minimal;
 - (e) Storm water control must be adequate, and any substance must not contaminate storm water whether that substance is a solid, liquid, vapor or gas or any combination thereof; and
 - (f) Rehabilitation of disturbed areas must continue during the construction phase in order to prevent wash down of soils into any watercourse.
- 49.7 To facilitate accessible refuse removal which should prevent littering.
- 49.8 Domestic sewage must be disposed of in such a manner that no pollution of surface or ground water will take place.
- 49.9 All new developments must comply with the provisions of the National Water Act, 1998 (Act 36 of 1998) and its Regulations.

50 DEVELOPMENT WITHIN 1:100-YEAR FLOOD LINE

- 50.1 No building whatsoever may be erected on a property which falls below the 1:100-year flood line.
- 50.2 The Municipality may request that flood lines be determined and indicated on the Site Development Plan. The Determination of the flood line must be done by a Professional Engineer.

51 HANDLING/ MANAGEMENT OF STORMWATER

- 51.1 Where, in opinion of the Municipality, it is impracticable for storm- water to be drained from higher lying properties direct to a public street, the owner of the lower lying property shall be obliged to accept and permit the passage over the property of such stormwater.
- 51.2 Provided that the owner of any higher lying properties, the stormwater from which is discharged over any lower lying property, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying property may find necessary to lay or construct for the purpose of conducting the water so discharged over the property.
- 51.3 Properties affected by stormwater is subject to a detailed stormwater management plan prepared by a professional engineer.

52 DEVELOPMENT ON DETRIMENTAL SOIL CONDITIONS

- 52.1 A soil stability report drawn up by a qualified person, acceptable to the Municipality, indicating the soil conditions of the property and recommendations as to suitable founding methods and depths or any relevant aspect, shall be submitted to the Municipality simultaneously with the submission of building plans prior to the commencement of any building operations on the property.
- 52.2 No French drain shall be permitted on the property.
- 52.3 Trenches and excavations for foundations, pipes, cables or any other purpose, shall be properly refilled with damp soil in layers not thicker than 150mm, and shall be compacted until the same grade of compaction as that of the surroundings material is obtained to the satisfaction of the Municipality.
- 52.4 All pipes which carry water shall be watertight and shall be provided with watertight flexible couplings.
- 52.5 The entire surface of the property shall be drained to the satisfaction of the Municipality in order to prevent surface water damming up, and water from roof gutters shall be discharged away from the foundations.
- 52.6 Proposals to overcome detrimental soil conditions to the satisfaction of the Municipality shall be contained in all building plans submitted for the approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Municipality.
- 52.7 If required, a soil report drawn up by a qualified person acceptable to the Municipality, indicating the soil conditions of the property and recommendations as to suitable founding methods and depths shall be submitted to the Municipality simultaneously with the submission of building plans prior to the commencement of any building operations on the property.
- 52.8 Proposals to overcome detrimental soil conditions to the satisfaction of the Municipality shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Municipality.
- 52.9 The owner of the land shall make necessary arrangements to the satisfaction of the Municipality, in order to ensure that drainpipes convey water away from the foundations of buildings. Drainpipes running parallel to structures shall be placed as and at a distance, as specified by the Municipality.
- 52.10 The collection of water shall not be permitted on land without the consent of the Municipality, and the land shall be drained to the satisfaction of the Municipality.

53 TEMPORARY USE OF LAND

- 53.1 Notwithstanding anything to the contrary contained in this Scheme, the Municipality may grant, subject to any environmental procedures and/or authorisations, to consent to the temporary use of any land or building within any zone, for any of the following:
- (a) The erection and use of temporary buildings or the use of existing buildings for purposes of site offices, storerooms, workshops or such other uses as are, in the opinion of the Municipality, necessary during the construction of any permanent building or structure on the land, provided that such consent shall *ipso facto* lapse upon completion of the permanent building or structure;
 - (b) The *ad hoc* use of land or buildings for concerts, fares, circuses, bazaars or public gatherings.
 - (c) The use of land or buildings thereon for state or municipal purposes provided that any such consent shall be for a period not exceeding 12 months which period may be extended by the Municipality for further periods not exceeding 12 months, subject thereto that the total of such period shall not exceed 5 years.

54 SPOILING OF LAND

- 54.1 No person shall spoil or waste land so as to destroy or impair its use for the existing land use or the land use reasonably foreseen in the applicable zone.
- 54.2 Any proposed development shall incorporate the planning for future roads, pedestrian paths, parks, other social or municipal facilities and services infrastructure contained in any section of the Scheme.
- 54.3 At its discretion, the Municipality may waive the future use of such land for the public purpose should an acceptable alternative be provided.

55 TRANSFER OF EXISTING LAND USE RIGHTS

- 55.1 When a property is subdivided, the existing land use rights on the original property shall be transferred to the newly created properties only to the extent that the total land use rights created on the new properties shall not exceed the original approved development restrictions.

56 SPLAYING OF CORNERS

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

57 LINES OF NO ACCESS

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

58 ENTRANCES AND EXITS

- 58.1 The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the Municipality.

59 BUILDING RESTRICTION ALONG ROAD RESERVES

- 59.1 No material or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the lying out of lawns, gardens, parking or access roads; provided that if it is necessary for a screen wall to be erected on such a boundary, this condition may be relaxed by the Municipality and subject to such conditions as may be determined by it.

60 SCREENING AND FENCING

- 60.1 All screen wall or walls shall be erected and maintained to the satisfaction of the Municipality as and when required by it. If the property is fenced, such fence, and the maintenance thereof, shall be to the satisfaction of the Municipality.

61 MAINTENANCE OF DEVELOPMENT

- 61.1 The registered owner is responsible for the maintenance of the whole development on the property. If the Municipality is of the opinion that the property, or any portion of the development, is not being satisfactorily maintained the Municipality shall be entitled to undertake such maintenance at the cost of the registered owner.

PART D: ENFORCEMENT

62 OFFENCES AND PENALTIES

62.1 Any person who:

- (a) contravenes or fails to comply with Section 78 or;
- (b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the Municipality;
or
- (c) supplies particulars, information or answers in an application or in any documentation or appeal application knowing it to be false, incorrect or misleading or not believing them to be correct,
- (d) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee;
or
- (e) hinders or interferes with an authorised employee in the exercise of any power or the performance of any duty of that employee

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

62.2 An owner who permits his or her land to be used in a manner set out in subsections 62.1 (a) and 62.1 (b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a zoning scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and such imprisonment.

62.3 Any person who refuses an authorised employee of the Municipality access to land in terms of Section 68 or hinders the authorised employee of the Municipality in giving effect to power with which such an authorised employee clothed with in terms of Section 69 , is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding two years and a fine of Twenty Thousand Rand or to both a fine and imprisonment.

62.4 The Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this Scheme.

62.5 The Municipality must comply and enforce compliance with—

- (a) the provisions of this By-law;
- (b) the provisions of a zoning scheme;
- (c) conditions imposed in terms of this By-law or previous planning legislation; and
- (d) title deed conditions.

62.6 The Municipality may not do anything that is in conflict with subsection

63 SERVING OF COMPLIANCE NOTICES

- 63.1 The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence in terms of Sections 67 and 67 of this Scheme.
- 63.2 A compliance notice must instruct the occupier and owner to cease the unlawful utilisation of land or construction activity or both, without delay or within the period determined by the Municipality, and may include an instruction to—
- (a) demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the land or restore the building concerned to its original form or to cease the activity, as the case may be, within the period determined by the Municipal Manager;
 - (b) submit an application for the approval of the utilisation of the land or construction activity in terms of this By-law within thirty (30) days of the service of the compliance notice and to pay the contravention penalty within thirty (30) days after approval of the utilisation; or
 - (c) rectify the contravention of or non-compliance with a condition of approval within a specified period.
- 63.3 A person who has received a compliance notice with an instruction contemplated in subsection 63.2 (a) may not submit an application in terms of subsection 63.2 (b).
- 63.4 An instruction to submit an application in terms of subsection 63.2 (b) must not be construed as an indication that the application will be approved.
- 63.5 In the event that the application submitted in terms of subsection 63.2 (b) is refused, the owner must demolish, remove or alter the building, structure or work unlawfully erected or constructed and rehabilitate the land or restore the building.
- 63.6 A person who received a compliance notice in terms of this section may object to the notice by submitting written representations to the Municipality within thirty (30) days of receipt of the notice.

64 CONTENTS OF A COMPLIANCE NOTICE

- 64.1 A compliance notice must—
- (a) identify the person to whom it is addressed;
 - (b) describe the alleged unlawful utilisation of land or construction activity concerned and the land on which it is occurring or has occurred;
 - (c) state that the utilisation of land or construction activity is unlawful and inform the person of the particular offence contemplated in Sections 67 and 78 which that person allegedly has committed or is committing by the continuation of that activity on the land;
 - (d) state the steps that the person must take and the period within which those steps must be taken;
 - (e) state anything which the person may not do and the period during which the person may not do it;
 - (f) make provision for the person to submit representations in terms of Section 63 with the contact person stated in the notice; and
 - (g) issue a warning to the effect that—
 - i. the person may be prosecuted for and convicted of an offence contemplated in Section 62 ;
 - ii. on conviction of an offence, the person will be liable for the penalty as provided for;
 - iii. the person may be required by an order of court to demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the land or restore the building concerned or to cease the activity;

- iv. in the case of a contravention relating to a consent use or temporary departure, the approval may be withdrawn;
 - v. in the case of an application for authorisation of the activity or development parameter, the contravention penalty in the amount as stated in the notice, including any costs incurred by the Municipality, may be imposed.
- 64.2 Any person on whom a compliance notice is served must comply with that notice within the period stated in the notice unless the person has objected to the notice in terms of Section 65 and the Municipality has not decided on the matter in terms of that section or the Municipality has agreed to suspend the operation of the compliance notice in terms of Subsection 65.2 .

65 OBJECTION TO COMPLIANCE NOTICE

- 65.1 Any person or owner who receives a compliance notice in Failure to comply with compliance notice terms of Section 63 may object to the notice by making written representations to the Municipality within thirty (30) days of the date of notification.
- 65.2 After consideration of any objections or representations made in terms of Subsection 65.1 and any other relevant information, the Municipality—
- (a) may suspend, confirm, vary or withdraw a compliance notice or any part of the compliance notice; and
 - (b) must specify the period within which the person to whom the compliance notice is addressed must comply with any part of the compliance notice that is confirmed or varied.

66 FAILURE TO COMPLY WITH A COMPLIANCE NOTICE

- 66.1 If a person fails to comply with a compliance notice, the Municipality may-
- (a) lay a criminal charge against the person;
 - (b) apply to the High Court for an order—
 - i. restraining that person from continuing the unlawful utilisation of the land;
 - ii. directing that person to, without the payment of compensation—
 - (aa) demolish, remove or alter any building, structure or work unlawfully erected or constructed; or
 - (bb) rehabilitate the land concerned;
 - (c) in the case of consent use or a temporary departure, withdraw the approval granted and act in terms of Section 67 .

67 GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

- 67.1 An authorised employee of the Municipality may, without the permission of the occupier or owner of land, at any reasonable time, without a warrant and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this Scheme and Scheme Regulations.
- 67.2 An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of subsection 67.1 .
- 67.3 An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

68 POWERS OF ENTRY, SEARCH AND SEIZURE

- 68.1 In ensuring compliance with this Scheme, an authorised employee of the Municipality may—
- (a) question any person on land entered upon or in a building or on premises entered, who, in the opinion of the authorised employee, may be able to furnish information on a matter that relates to the enforcement of this Scheme;
 - (b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute:—
 - i. an offence in terms of this Scheme;
 - ii. a contravention of this Scheme; or
 - iii. a contravention of an approval or a term or condition of that approval;
 - (c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
 - (d) copy or photograph or make extracts from any document, book, record or written or electronic information referred to in paragraph (c), or remove that document, book, record or written or electronic information in order to make copies or extracts;
 - (e) require that person to produce or deliver to a place specified by the authorised employee, any document, book, record or any written or electronic information referred to in paragraph (c) for inspection;
 - (f) examine that document, book, record or any written or electronic information or make a copy thereof or an extract there from;
 - (g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
 - (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
 - (i) take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or
 - (j) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his or her opinion may serve as evidence at the trial of the person to be charged with an offence or contravention under this Scheme or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.
- 68.2 When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document or any written or electronic information as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
- 68.3 An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

69 WARRANT OF ENTRY FOR ENFORCEMENT PURPOSES

- 69.1 A Magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land of building or premises if the:
- (a) prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or
 - (b) purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof.

- 69.2 A warrant may only be issued if it appears to the Magistrate from information on oath that there are reasonable grounds for believing that:
- (a) an authorised employee has been refused entry to land or a building that he or she is entitled to inspect;
 - (b) an authorised employee reasonably anticipates that entry to land or a building, that he or she is entitled to inspect, will be refused;
 - (c) there are reasonable grounds for suspecting that an offence contemplated in Subsection 78.1 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - (d) the inspection is reasonably necessary for the purposes of this Scheme.
- 69.3 A warrant must authorise the Municipality to enter upon the land or to enter the building or premises to take any of the measures as specified in the warrant, on one occasion only, and that entry must occur:
- (a) within one month of the date on which the warrant was issued; and
 - (b) at a reasonable hour, except where the warrant was issued on grounds of urgency.

70 REGARD TO DECENCY AND ORDER

- 70.1 The entry of land, a building or structure under this Chapter must be conducted with strict regard to decency and order, which must include regard to:
- (a) a person's right to respect for and protection of his or her dignity;
 - (b) the right to freedom and security of the person; and
 - (c) the right to a person's personal privacy.

71 ENFORCEMENT LITIGATION

- 71.1 The Municipality may apply to the High Court in whose jurisdiction the land is situated to obtain an order to compel the owner and/or the occupiers of land in question to:
- (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
 - (b) rehabilitate the land concerned; or
 - (c) cease with the unlawful utilisation of land.

SECTION 10 MISCELLANEOUS

72 ZONING REGISTER

- 72.1 The Zoning Register must be used to indicate all approvals with regards to Land Use Applications as stated in the Scheme;
- 72.2 The Register must be in an electronic or hard copy format for safe keeping;
- 72.3 The main purpose of a Zoning Register is to ensure that the new zonings are transferred to the Erven in the event that the Scheme Regulations are revised; and
- 72.4 The following information must be included within the Zoning Register:
- (a) File Number;
 - (b) Applicant;
 - (c) Owner;
 - (d) Application for;
 - (e) Details of Property;
 - (f) Erf/Farm no;
 - (g) Street Address;
 - (h) Town;
 - (i) Zoning (Current and New);
 - (j) Subdivision (no of portions);
 - (k) Consolidation;
 - (l) Council Resolution;
 - (m) Item Number;
 - (n) Resolution Number;
 - (o) Date; and
 - (p) Notes.

73 PROPERTY DESCRIPTION

- 73.1 The property descriptions referred to in the Scheme Map(s) or in any Annexure(s), Schedule(s) or Figure(s) to the Scheme are allocated either by the Surveyor-General or by the Municipality irrespective of whether such property has been registered as such in a Deeds Registry or not.

74 USE OF ANNEXURES

- 74.1 Any additional land use rights, conditions and restrictions which may apply to any property within a use zone, may be indicated in an Annexure as per Annexure 4.
- 74.2 The dominant Use Zone shall prevail unless amended by the appropriate application procedure.
- 74.3 The Annexure shall include the following information:
- (a) Scaled drawing of the property boundary,
 - (b) Amendment Scheme and Annexure number

- (c) Use zone notation
- (d) Annexure with explanation of additional or specific land use and development controls.

75 NAMING AND NUMBERING OF STREETS

- 75.1 If, as a result of the approval of a development application, streets are created, whether public or private, the Municipality must approve the naming of the street(s) and must allocate a street number to each of the erven or land units located in such street.
- 75.2 The proposed names of the streets and numbers must be submitted as part of an application for subdivision.
- 75.3 In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering.
- 75.4 The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of the Scheme.

76 ADVERTISING SIGNS

- 76.1 No advertising sign or display board that is visible from the outside of the property, shall be displayed or erected without the consent of the Municipality.
- 76.2 The Municipality shall prohibit such application if it is convinced that the proposed sign or board will be injurious to the amenity of the neighbourhood and/or if the application is in conflict with the Municipal Bylaws relating to the Control of Advertisements.
- 76.3 Provided further that this Section shall not prohibit the display of a nameplate not exceeding 300 mm x 450 mm on a fence, entrance, entrance hall or front door of a property or building in use zone "Residential Zone I"; Provided that such nameplate shall be utilised exclusively to indicate the name and vocation of the occupant.

77 REPEAL OF LEGISLATION AND SCHEMES

The zoning schemes listed in **Schedule 2** are repealed.

PART E: APPLICATION PROCESS

SECTION 11 APPLICATION TYPES

78 LAND DEVELOPMENT THAT REQUIRES APPROVAL

- 78.1 No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of subsection 78.2 .
- 78.2 The owner of land or a person listed in section 45(1) of the Act must apply to the Municipality in terms of this Scheme for one or more of the following development rights:
- (a) the establishment of a township or the extension of the boundaries of a township;
 - (b) the amendment of an existing scheme or land use scheme by the rezoning of land;
 - (c) the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (d) consent for the amendment or cancellation in whole or in part of a general plan of a township;
 - (e) the subdivision and consolidation of any land other than a subdivision and consolidation made provision for sub section (v) and (w) hereof;
 - (f) the permanent closure of any public place;
 - (g) any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (h) the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential development on a specific erf where the residential density is regulated by a land use scheme in operation;
 - (i) the departure from the development parameters of the zoning scheme;
 - (j) the departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - (k) the subdivision of land, including the registration of a servitude;
 - (l) the consolidation of land;
 - (m) the amendment, suspension or deletion of restrictive conditions in respect of a land unit;
 - (n) the permission required in terms of the Scheme;
 - (o) the amendment, deletion or imposition of conditions in respect of an existing approval;
 - (p) the extension of the validity period of an approval;
 - (q) the approval of an overlay zone as provided for in the zoning scheme;
 - (r) the phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - (s) permission required in terms of a condition of approval;
 - (t) a closure of a public place or part thereof;
 - (u) a secondary use (consent use) provided for in an existing zoning or land use management scheme;
 - (v) the subdivision of any land where such subdivision is expressly provided for in a land use management scheme;

- (w) the consolidation of land where such consolidation is permitted in terms of an existing land use management scheme; and
 - (x) the exemption of consolidations and subdivision applications as provided for in the regulations.
- 78.3 The owner of a property who uses a property in contravention of the approved land use right, shall be liable for the payment of a levy approved by the municipality in its annual budget after proper notice has been serviced on the owner to stop the illegal land use activity and the owner continues with the illegal land use despite an instruction by the municipality to stop the illegal land use.
- 78.4 The municipality must stop the levy once the application for a land use change listed in sub-section (a) to (x) has been approved.
- 78.5 Decisions on applications will be decided upon, by:
- (a) A Municipal Planning Tribunal; or
 - (b) An Authorised Employee/Official
- 78.6 If there no Authorised Employee/Official appointed by the Municipality in terms of section 35(2) of the Act, the application must be sent to the Town Planning official at the District or the Municipal Planning Tribunal.
- 78.7 If objections are received on an application submitted to the Authorised Employee/Official, the decision-making powers will revert to the Municipal Planning Tribunal.
- 78.8 If section 52 of the Act is applicable to the development right being applied for, the provisions of Section 52 of the Act must be adhered to. The Municipality or Municipal Planning Tribunal, as the case may be, shall inform the applicant in writing if it is of the opinion that section 52 of the Act is applicable.
- 78.9 If any development right is granted subject to any conditions as may be imposed in respect thereof, the applicant and owner must comply with such conditions imposed, as well as any conditions contained in any applicable land use management scheme and the Spatial Development Framework of the Municipality.
- 78.10 If a Municipality wishes to apply for any development rights made provision for in this Scheme, it must submit its application in the manner prescribed which will be dealt with in the manner prescribed by the Act.
- 78.11 The owner of a property who uses a property in contravention of the approved land use right, shall be liable for the payment of a levy approved by the Municipality in its annual budget after proper notice has been serviced on the owner to stop the illegal land use activity and the owner continues with the illegal land use despite an instruction by the Municipality to stop the illegal land use.
- 78.12 The Municipality must stop the levy once the application for the land use change listed in Subsection 78.2 78.1 (a) to (x) has been approved.

79 APPLICATIONS THAT WILL BE DECIDED ON BY MUNICIPAL PLANNING TRIBUNAL

- 79.1 The following applications will be decided by the Municipal Planning Tribunal:
- (a) The establishment of a township or the extension of the boundaries of a township.
 - (b) The rezoning of land from one zone to another.
 - (c) The removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land.
 - (d) The amendment or cancellation a general plan or SG Diagram.
 - (e) The closure of any public place.
 - (f) The secondary use (consent) as provided for in the regulations (not supported by the Scheme or Spatial Development Framework).

80 APPLICATIONS THAT WILL BE DECIDED ON BY THE AUTHORISED EMPLOYEE/OFFICIAL

80.1 The following applications will be decided by the Authorised Employee/ Official:-

- (a) The departure from the development parameters of the zoning scheme.
- (b) The departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis.
- (c) The Consent use as provided for in the regulations (supported by the Scheme) – where the Municipality has the necessary capacity in terms of qualified personnel to assess such application.
- (d) The subdivision of land.
- (e) The registration of a servitude.
- (f) The consolidation of land.
- (g) The extension of the validity period of an approval.
- (h) The application for the exemption of consolidations as provided for in the regulations.
- (i) The application for the exemption of subdivisions as provided for in the regulations.

81 CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

81.1 If land that is the subject of an application for a development right made provision for in this Scheme is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this Scheme, provided that the following is submitted to the Municipality:

- (a) proof of change of ownership; and
- (b) an amended power of attorney if an agent was appointed to make the application.

81.2 The new owner must advise the Municipality in writing of the continuation of the application in the manner prescribed.

82 REZONING OF LAND

82.1 An applicant who wishes land to be rezoned, must submit an application to the Municipality in terms of the LUS.

82.2 A zoning may be made applicable to a land unit or part thereof, and zoning need not follow cadastral boundaries, were more than one zoning is applicable to the property.

82.3 An applicant may submit a subdivision and consolidation application simultaneously with an application for rezoning.

82.4 Rezoning approval will be valid for two years, after which the approval will lapse if no action is taken on the approval.

83 CONSENT USE

83.1 An applicant must apply to the Municipality for a Consent use.

83.2 A Consent use may not be granted if it is in conflict with a condition in the Title Deed of the land to which the application for consent use relates to.

84 SUBDIVISION OF LAND

- 84.1 No person may subdivide land without the approval of the Municipality in terms the LUS, unless the subdivision is exempted in terms of subsection 86 .
- 84.2 The Municipality must impose appropriate conditions relating to engineering services for an approval of a subdivision.
- 84.3 An applicant may submit a subdivision application simultaneously with an application for rezoning and consolidation.
- 84.4 If the Municipality approves a subdivision, the applicant must within a period of two (2) years, or a shorter period as the Municipality may determine, from the date that the approval comes into operation comply with the following requirements:
- (a) submit the approval of the Surveyor-General's general plan or diagram to the Municipality.
 - (b) completion of the installation of engineering services.
 - (c) registration of the transfer of ownership in terms of the Deeds Registries Act of the land unit shown on the diagram or of at least one new land unit shown on the general plan.

85 CONSOLIDATION OF LAND

- 85.1 No person may consolidate land without the approval of the Municipality in terms the LUS, unless the consolidation is exempted in terms of subsection 86 .
- 85.2 If the Municipality approves a consolidation, the applicant must submit a diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
- (a) the Municipality's decision to approve the consolidation;
 - (b) the conditions of approval imposed in terms of section 66; and
 - (c) the approved consolidation plan.
- 85.3 If the Municipality approves a consolidation, the Municipality must amend the zoning map and where applicable the register, accordingly.
- 85.4 The Municipality must impose appropriate conditions relating to engineering services for an approval of a consolidation.
- 85.5 An applicant may submit a consolidation application simultaneously with an application for rezoning, removal of restrictive title conditions and subdivision.
- 85.6 Two or more properties may only be consolidated when the land use rights on the properties to be consolidated are similar.
- 85.7 If the Municipality approves a consolidation, the applicant must within a period of two (2) years, or a shorter period as the Municipality may determine, from the date that the approval comes into operation comply with the following requirements:
- (a) submit the approval of the Surveyor-General's general plan or diagram to the Municipality.
 - (b) completion of the installation of engineering services.
 - (c) registration of the transfer of ownership in terms of the Deeds Registries Act of the land unit shown on the diagram or of at least one new land unit shown on the general plan.

86 EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

- 86.1 The following subdivisions or consolidations of land does not require a comprehensive application procedure:
- (a) If the subdivision or consolidation arises from the implementation of a Court order;
 - (b) If the subdivision or consolidation arises from an expropriation of land in terms of other legislation, unless a consolidation of land as a result of a properly completed expropriation process will result in the consolidated piece of land to be registered which is in contravention of the provisions of any applicable land use management scheme or the Spatial Development Framework of the Municipality, in which event an application must be submitted to the Municipality to approve such a consolidation;
 - i) minor amendment to the common boundary between two or more land units if the resulting change in area of any of the land units does not exceed 10 percent;
 - ii) the consolidation of a closed public place with an abutting erf;
 - iii) the subdivision of land for the construction or alteration of a public street or road;
 - iv) the subdivision of land in existing housing schemes in order to make private ownership possible;
 - v) the subdivision of land in order to transfer ownership to the municipality or other organ of state;
 - vi) the subdivision of land in order to transfer ownership from the municipality or other organ of state excluding a subdivision for the purposes of alienation for development.
 - (c) The registration of a servitude or lease agreement for the provision or installation of-
 - i) water pipelines, electricity transmission lines, sewer pipelines, storm water pipes and canals, gas pipelines or oil and petroleum product pipelines by or on behalf of an organ of state or service provider;
 - ii) telecommunication lines by or on behalf of a licensed telecommunications operator;
 - iii) the imposition of height restrictions; or
 - iv) the granting of a right of habitation, private right of way or usufruct;
 - (d) the exclusive utilisation of land for agricultural purposes if the utilisation –
 - i. requires approval in terms of legislation regulating the subdivision of agricultural land; and
 - ii. does not lead to urban expansion.
 - (d) The subdivision of existing National and Provincial roads to be transferred to the Municipality;
 - (e) The registration of a right of way servitude;
 - (f) A minor amendment to the common boundary between two or more land units if the resulting change in area of any of the land units is not more than 10%;
- 86.2 The Municipality must if so, requested in writing by the owner of the land or a person made provision for in section 45(1) of the Act, provide a certificate in terms of sections 86 and or 85.7 that such a subdivision or consolidation has been approved by the Municipality.
- 86.3 The Municipality must indicate on the subdivision plan, or on the diagram in respect of the consolidation, that the subdivision or consolidation is exempted from the application of the sections referred to in subsection 82(2).
- 86.4 The approval of exemption will be valid for two years, after which the approval will lapse if no action is taken on the approval.

87 AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- 87.1 The Municipal Planning Tribunal may upon application amend or remove a restrictive condition contained in the conditions of establishment of a township, in a title deed relating to land or those conditions contained in a land use management scheme administered by it.
- 87.2 In addition to the documents required and procedures, the owner must:
- (a) submit the original title deed to the Municipality or a certified copy thereof; and
 - (b) where applicable, submit the bondholder's consent to the application
- 87.3 The Municipality must cause a notice of an application in terms of 87.1 to be served on:
- (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will be materially and adversely affected by the approval of the application; and
 - (d) all persons mentioned in the title deed for whose benefit the restrictive condition applies.
- 87.4 The approval will be valid for two years, after which the approval will lapse if no action is taken on the approval.

88 OWNERSHIP OF PUBLIC PLACES AND LAND REQUIRED FOR MUNICIPAL ENGINEERING SERVICES AND SOCIAL FACILITIES

- 88.1 The ownership of land that is earmarked for a public place as shown on an approved subdivision plan shall vest in the Municipality upon registration of the public open space in terms of the Deed Registries Act, unless a provision to the contrary is contained in the development right granted to an applicant, in which event the condition contained in such a development right shall prevail.
- 88.2 Subject to the provisions of section 120 the Municipality may in terms of conditions imposed in terms of any development right granted determine or designate land that must be used for the provision of engineering service which must be transferred to the Municipality at the cost of the owner upon the owner complying with the development right thus granted.

89 CLOSURE OF PUBLIC PLACES

- 89.1 The Municipality may upon application, temporarily or permanently close a public place or any portion thereof in accordance with provisions of this Scheme.
- 89.2 An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply in terms of Section 78 in the manner prescribed to the Municipality.
- 89.3 The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.
- 89.4 The Municipal Manager may, without complying with Subsection 89.1 , temporarily close a public place—
- (a) for the purpose of, or pending, the construction, reconstruction or maintenance of the Public place;
 - (b) for the purpose of, or pending, the construction, extension, maintenance or demolition of any building, structure, works or service alongside, on, across, through, over or under the public place;
 - (c) if the public place is in a state that is dangerous to the public;
 - (d) by reason of an emergency or public event that requires special measures for the control of traffic or crowds; or
 - (e) for any other reason that renders the temporary closing of the public place necessary or desirable.

- 89.5 The Municipality must notify the Surveyor-General of an approval in terms of subsection (1) and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the closure of the public place.
- 89.6 The approval will be valid for two years, after which the approval will lapse if no action is taken on the approval.

90 SERVICES ARISING FROM SUBDIVISION OR GRANTING OF ANY OTHER DEVELOPMENT RIGHTS

- 90.1 Subsequent to the approval of an application for subdivision or any other development right in terms of this Scheme, the owner of any land unit originating from the subdivision must:
- (a) allow without compensation that the following be conveyed across its land in respect of other land units originating from the subdivision:
 - i. gas mains;
 - ii. electricity cables;
 - iii. telephone cables;
 - iv. television cables;
 - v. other electronic infrastructure;
 - vi. main and other water pipes;
 - vii. foul sewers;
 - viii. storm water pipes;
 - ix. ditches and channels; and
 - x. any cable conveying data in any format whatsoever.
 - (b) allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality:
 - i. surface installations such as mini substations;
 - ii. meter kiosks; and
 - iii. service pillars;
 - (c) allow access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in Subsection (a) or (b); and
 - (d) receive material or permit excavation on the land unit as may be required to allow use of the full width of an abutting street and to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

SECTION 12 APPLICATION REQUIREMENTS

91 APPLICATION REQUIREMENTS

- 91.1 An applicant must comply with the procedures in this Scheme in submitting an application to the Municipality.
- 91.2 Any application in terms of this Scheme must be submitted in printed and/or electronic format to the main office of the Umsobomvu Municipality.
- 91.3 Any application submitted in printed format by an applicant must be signed by the applicant or a person made provision for in section 45(1) of the Act.
- 91.4 If an application in terms of this Scheme must be decided upon by the Municipal Planning Tribunal or the Authorised Employee/Officials, the Application Form set out in Schedule XX to this Scheme should be used and all the information requested therein should be submitted with the application form itself.
- 91.5 The Municipality may implement an electronic lodgement system for applications if so decided upon by its Council.
- 91.6 It is incumbent upon the applicant to ensure that all the relevant information prescribed in this Scheme is submitted to the Municipality.
- 91.7 The Municipality may publish guidelines to assist applicants in the submission of applications.

92 INFORMATION REQUIRED

- 92.1 An application for a development right listed in section 67 must be accompanied by the following documents:
 - (a) a properly completed Application Form(s);
 - (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, close corporation, trust, body corporate or homeowners' association, proof that the person is authorised to act on behalf of the company, close corporation, trust, body corporate or a homeowners' association;
 - (d) the relevant bondholder's consent, if required by the Municipality;
 - (e) a comprehensive written motivation as to why the development right applied for should be granted and which deals with the development principles contained in section 2 of the Act, the applicable land use scheme, the Spatial Development Framework of the Municipality and the factors listed in sections 42(1)(c) and 42(2) of the Act;
 - (f) proof of payment of application fees;
 - (g) a full, certified copy of the existing title deed indicating all existing title conditions;
 - (h) if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds or any other documents in which restrictive conditions may appear such as a deed of sale;
 - (i) should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application; and
 - (j) any of the maps made provision for in Section 91 .
 - (k) Schedule 4 provide a list of documents that should accompany a land development application by type.

93 APPLICATION STANDARDS

- 93.1 An application that does not comply with the provisions of this Scheme will be deemed to be incomplete and will be dealt with in terms of Section 98 .
- 93.2 Dependant on the nature of the development right being applied for the applicant must, in addition to any other documents provided for in this Scheme, submit the following maps:
- (a) an orientation locality map as described in (c);
 - (b) a zoning map as described in (d);
 - (c) a land use map as described in (e);
 - (d) a detailed layout map as described in (f);
 - (e) a basic layout map as described in (g); and
 - (f) a site development plan as described in Section 94 .
- 93.3 An orientation locality map shall be a legible printed document of at least A3 size which must reflect the following details:
- (a) true north, scale, key and heading "orientation locality map";
 - (b) the approximate location of the land to which the application relates to relative to the nearest town in the case of rural or farming areas and the immediate residential neighbourhoods in the case of urban areas;
 - (c) boundary of the Municipality and the jurisdictional areas of adjacent Municipalities;
 - (d) Roads, whether they are national, regional or local in nature if they are near or adjacent to the land in question; and
 - (e) Size and location of the land to which the application relates to.
- 93.4 A zoning map shall be a printed document extract of at least A3 size which must reflect an extract of the Municipality's official zoning map with the following detail:
- (a) the scale, true north, key and heading "Zoning Map";
 - (b) All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as of all undeveloped land units for applications within Urban Areas; and
 - (c) All land units and existing zonings of adjacent farms for applications within Rural Areas.
- 93.5 A land use map shall be a printed document where the existing land uses differ from the relative zonings of the application area, or if it is requested by the Municipality. A land use map must include the following:
- (a) The scale, true north, key and heading "Land Use Map";
 - (b) All existing land uses found within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units for applications within Urban Areas and;
 - (c) All land units and existing land uses of adjacent farms for applications within Rural Areas.
- 93.6 A detail layout map shall be a printed document of at least A3 size which shall reflect the following detail:
- (a) the scale, true north, key and heading "Detail Layout Map";
 - (b) the Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers;
 - (c) contours with 1m or 2m height differences up to outside of the Layout boundary;
 - (d) all areas steeper than 1:5;
 - (e) fifty year and hundred-year flood lines, if applicable;

- (f) other physical features that may influence the layout such as cliffs, marshes and dunes;
- (g) all existing services within and surrounding the application area;
- (h) roads present on adjacent land;
- (i) the proposed subdivisions;
- (j) the size of the proposed subdivisions;
- (k) the erven included in the subdivision with erven numbered consecutively;
- (l) the name of the person that prepared the map;
- (m) the contours;
- (n) co-ordinates with grid references;
- (o) the proposed street name and name for the development or neighbourhood, if applicable; and
- (p) a list of the proposed zonings in accordance with the land use management scheme applicable, as well as the size of the proposed zonings as expressed in square meters or hectares.

93.7 A basic layout map shall be a printed document of at least A3 size which shall reflect the following detail:

- (a) the scale, true north, key and heading "Basic Layout Map";
- (b) erf boundaries, street names (if applicable), including neighbouring erf or farm numbers;
- (c) the location of existing buildings on the application area and surrounding properties, if the application has an influence on them;
- (d) detail regarding the proposed development, including proposed subdivision and consolidation boundaries; and
- (e) any physical restrictions on the land unit or neighbouring land units that might influence the application, if applicable.

94 SITE DEVELOPMENT PLAN

- 94.1 The landowner shall submit a Site Development Plan (SDP) for approval where so required by the Municipality, and the Municipality may require that a Site Development Plan (SDP) be submitted in support of an application for land use rights;
- 94.2 The Site Development Plan (SDP) shall be approved by the Municipality prior to the approval of building plans for the development;
- 94.3 The Municipality shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the elevation and architectural treatment of the proposed building or structure;
- 94.4 Buildings may be sited contrary to any provision of the local authorities building by-laws, if such siting is in accordance with an approved site development plan;
- 94.5 The 1:100-year flood-line, as defined by Section 49 of the National Water Act, 1988 (Act 36 of 1988) must be indicated on a site development plan where applicable;
- 94.6 The Local Municipality may require some or all of the following information for a Site Development Plan:
 - (a) Existing bio-physical characteristics of the property;
 - (b) Existing and proposed cadastral boundaries;
 - (c) The layout of the property, indicating the use of different portions thereof;
 - (d) The massing, position, use and extent of buildings;

- (e) Sketch plans and elevations of proposed structures, including information about their external appearance;
- (f) Cross-sections of the site and buildings on site;
- (g) The alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
- (h) The position and extent of private, public and communal space;
- (i) Typical details of fencing or walls around the perimeter of the land unit and within the property;
- (j) Electricity supply and external lighting proposals;
- (k) Provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
- (l) External signage details;
- (m) General landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
- (n) The phasing of a development;
- (o) The proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
- (p) Statistical information about the extent of the proposed development, floor area allocations and parking supply;
- (q) Relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
- (r) Relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
- (s) Illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
- (t) Any other details as may reasonably be required by the Municipality.
- (u) The Municipality may require that the area covered by a site development plan must extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact.
- (v) The Municipality may determine the extent of the area covered by a site development plan.
- (w) An applicant must submit a site development plan to the Municipality if it is required in terms of this Land Use Scheme, before any development on the relevant land unit may commence.
- (x) The Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- (y) In considering an application for the approval of a site development plan, the Municipality shall take into account any objections, comments and/or representation timeously lodged in writing by any interested party in respect of such application, and when it has taken a decision on such application, it shall forthwith notify the applicant and any such interested party of such decision in writing.
- (z) An applicant may at any time before an application has been decided to amend the application in writing in accordance with Municipal procedures.

95 APPLICATION FEES

- 95.1 An applicant must pay the application fees determined by the Municipality before submitting an application in terms of this Scheme; and
- 95.2 Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

96 GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- 96.1 The Municipality may refuse to accept an application if:
- (a) the Municipality has already decided on the application in the past two years;
 - (b) there is no proof of payment of the applicable fees;
 - (c) the application is not in the form required by the Municipality or does not contain the documents required for the submission of the application as set out in the Scheme.

97 RECEIPT OF APPLICATION AND REQUEST FOR FURTHER INFORMATION, DOCUMENTATION, PLANS OR ADDITIONAL FEES

- 97.1 The Municipality must:
- (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and
 - (b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within 21 days of receipt of the application or the further period as may be agreed upon.

98 PROVISION OF FURTHER INFORMATION, DOCUMENTATION OR PLANS AND PAYMENT OF FEES

- 98.1 The applicant must provide the Municipality with any outstanding documents and additional fees to enable it to consider the application as being complete within fourteen days calculated from the date on which a written notice to that effect is sent to the applicant.
- 98.2 The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in in this section.
- 98.3 The Municipality must notify the applicant in writing of a refusal to consider an application and must close the application.
- 98.4 An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated to refuse to consider the application.
- 98.5 If an applicant wishes to continue with an application that the Municipality refused to the applicant must apply again and pay the applicable application fees.

99 CONFIRMATION OF COMPLETE APPLICATION

- 99.1 The Municipality must notify the applicant in writing that the application is complete within twenty-one days of receipt of the information requested and the payment of additional fees, if applicable.

100 WITHDRAWAL OF APPLICATION OR AUTHORISATION

- 100.1 An applicant may, at any time before the Municipality makes a decision, withdraw an application or an authorisation by written notice to the Municipality.

SECTION 13 NOTIFICATION

101 NOTIFICATION OF APPLICATION IN MEDIA

- 101.1 Applications that will materially affect the public interest or the interests of the community, if approved, must cause notice to be given in the media.
- 101.2 Notice of the application in the media must be given in the following manner linked to each application type listed in Section / Section 105

102 SERVING OF NOTICES

- 102.1 Notice of a development application must be served on each person whose rights may be adversely affected by the approval of the application;
- 102.2 For the purpose of service of notices on person other than the applicant whose rights may be adversely affected by the approval of an application received, notice shall be given in terms of section 101 and by of service in the following manner:
- (a) if it is displayed in a conspicuous place on the land to which the application relates to it relates; and
 - (b) if it is delivered by hand to an affected person personally or at that person's physical address; or
 - (c) it is served by way of registered post on the physical address of an affected person; or
 - (d) by means of electronic means with the relevant proof of such.
- 102.3 The Municipality must at least cause a notice contemplated in subsection 102.2 in respect of all applications;
- 102.4 The Municipality may require the serving of a notice by way of another manner of service of the facts relating to the application requires such service as is made provision for in Section / Section 104
- 102.5 If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- 102.6 The date of notification in respect of a notice served in terms of this section:
- (a) when it was served by registered post, it is a date seven days after the registered post documents were received by the Post Office or postal agency;
 - (b) when it was delivered to that person personally, it is the date on delivery actually took place;
 - (c) when it was displayed in a conspicuous place on the land to which the application relates to, it is the date that displaying of the commenced on the land in question.

103 CONTENT OF NOTICE

- 103.1 When notice of an application must be served in terms of Section / Section 101 and 102 , the notice must:
- (a) provide the full names of the applicant, if authorised representative, the full names and organisation of the representative;
 - (b) identify the land or land unit to which the application relates by giving the land description as registered in terms of the Deeds Registries Act and actual physical address;
 - (c) state the intent and purpose of the application;

- (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
- (e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
- (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
- (g) state in which manner comments, objections or representations may be submitted;
- (h) state the date by which the comments, objections or representations must be submitted, which date may not be less than thirty days from the date on which the notice was given;
- (i) state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

104 ADDITIONAL METHODS OF PUBLIC NOTICE

104.1 The Municipality may within its sole discretion after taking into account the nature of the application, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this Scheme:

- (a) displaying a notice contemplated in subsection 102.2 of a size of at least 60 centimetres by 42 centimetres on the frontage of the land concerned or at any other conspicuous and easily accessible place on the land provided that -
 - i. the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - ii. the applicant must, within 21 days from the last day of display of the notice, submit to the Municipality:
 - a sworn affidavit confirming the maintenance of the notice for the prescribed period; and
 - at least two photos of the notice, one from close up and one where the notice and full extent of a boundary can be seen, where possible.
- (b) convening a meeting for the purpose of informing the affected members of the public of the application;
- (c) broadcasting information regarding the application on a local radio station in a specified language;
- (d) holding an open day or public meeting to notify and inform the affected members of the public of the application;
- (e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or
- (f) obtaining letters of consent or objection to the application.

- 104.2 The Municipality must give additional public notice contemplated in subsection 104.1 if it considers notice in accordance with sections 89 or 90 to be ineffective or if it expects that the public notice would be ineffective and should inform the applicant in writing of its decision in this regard. The applicant must comply with the decision of the Municipality in terms of this subsection within fourteen days after receipt of a written notice to that effect.
- 104.3 Additional public notice can be given simultaneously with notice given in accordance with sections 101 or 102 thereafter.
- 104.4 If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.

105 NOTIFICATION REQUIREMENTS

105.1 The minimum notification procedures for applications are indicated in the Table 8 below:

Table 8 Minimum Notification Requirements

MINIMUM NOTIFICATION PROCEDURES			
Land Use Application	Noticed Procedure		
	Newspaper notice	Notice on Site and to Surrounding Properties	Notice in Provincial Gazette
The establishment of a township or the extension of the boundaries of a township.	Yes (One Notice)	Yes	Yes
The rezoning from one zone to another	Yes (One Notice)	Yes	No
The removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land.	Yes (One Notice)	Yes	Yes
The amendment or cancellation a general plan or SG Diagram	Yes (One Notice)	Yes	No
The closure of any public place	Yes (One Notice)	Yes	Yes
The secondary use as provided for in the regulations (not supported by SDF)	Yes (One Notice)	Yes	No
The departure from the development parameters of the zoning scheme	Yes (One Notice)	Yes	No
The departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis	Yes (One Notice)	Yes	No
Consent use	No	Yes	No
The subdivision of land	Yes (One Notice)	Yes	No
The registration of a servitude	No	Yes	No
The consolidation of land	No	Yes	No
The extension of the validity period of an approval	No	No	No

The application for the exemption of consolidations as provided for in the regulations	No	No	No
The application for the exemption of subdivisions as provided for in the regulations	No	No	No

106 FURNISHING OF COMMENT AND INFORMATION

- 106.1 If a person or government department is required by the Municipality in terms of this Scheme to furnish any comment or other information in terms of this Scheme, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or body may be deemed to have had no comment or other information to furnish.
- 106.2 The period of 60 days mentioned in a) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.

SECTION 14 OBJECTIONS

107 OBJECTION REQUIREMENTS FOR PETITIONS

- 107.1 All petitions launched for or against a specific application must clearly state the following details:
- The contact details of the authorised representative of the signatories of the petition, including the proxy constituting the said representative to act on their behalf;
 - The full name, telephone number and physical address of each signatory; and
 - The detail objection, comment or representation and reasons, therefore.

108 REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- 108.1 A person may in response to a notice received in terms of this Scheme object, comment or make representations in accordance with this section.
- 108.2 Any objection, comment or representation received as a result of a notice process must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice and in the manner set out in this section.
- 108.3 The Municipality must refuse to accept an objection, comment or representation received after the closing date.

109 RIGHT OF AN APPLICANT TO REPLY

- 109.1 Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within fourteen days after the closing date for public comment together with a notice informing the applicant of its rights in terms of this section.
- 109.2 The applicant may, within a period of twenty-one (21) days from the date of receipt of objections, comments or representations, as contemplated in subsection 109.1 , submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- 109.3 The applicant may, before the expiry of the thirty-day period referred to in subsection 109.2 , apply to the Municipality for an extension of the period to submit a written reply, to an additional period of ten days.
- 109.4 If the applicant does not submit comments within the period prescribed or within an additional period of ten days if applied for and granted, the applicant shall be deemed to have no comment on the objections, comments or representations submitted to the Municipality.
- 109.5 If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be determined by the Municipality or agreed to between the applicant and the Municipality.
- 109.6 If the applicant does not provide the additional information within the period contemplated in (e), the applicant shall be deemed to have no comment on the additional information requested.

110 AMENDMENTS PRIOR TO APPROVAL

- 110.1 An applicant may amend his or her application at any time after notice of the application has been given in terms of this Scheme and prior to the approval thereof-
- (a) at the applicant's own initiative;
 - (b) as a result of an objection comment or representation made during the notice process; or
 - (c) at the request of the Municipality.
 - (d) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this Scheme or that when it was served by certified or registered post, is the date of registration of the notice; and
 - (e) when it was delivered to that person personally, is the date of delivery to that person;
 - (f) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
- 110.2 when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

SECTION 15 DECISION MAKING

111 WRITTEN ASSESSMENT OF APPLICATION

- 111.1 The Municipal Planning Tribunal or the authorised employee may request the Municipality to provide it with a written assessment of any application within a reasonable period of time.
- 111.2 A written assessment contemplated in a) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

112 DECISION-MAKING PERIOD

- 112.1 The Municipal Planning Tribunal or Designated employee as the case may be, must decide on an application within one hundred days reckoned from the date on which it is requested to do so in writing by the Municipality.
- 112.2 The Municipality must provide the written request contemplated in (a) to the Municipal Planning Tribunal or Designated employee in such a manner that the Municipality and the Municipal Planning Tribunal or Designated employee, as the case may be, act in a manner compliant with the time periods made provision of in the Act as read with the Regulations.

113 POWERS TO CONDUCT ROUTINE INSPECTIONS

- 113.1 Members of the Municipal Planning Tribunal, the designated employee or an employee authorised by the Municipality may, in accordance with the requirements of this section, enter land or a building for the purpose of assessing an application in terms of this Scheme and to prepare a written assessment contemplated in Section 111 .
- 113.2 When conducting an inspection, the persons referred to in 113.1 may-
- (a) request that any record, document or item be produced to assist in the inspection;
 - (b) make copies of, or take extracts from any document produced by virtue of paragraph (a) that is related to the inspection;
 - (c) on providing a receipt, remove a record, document or other item that is related to the inspection; or
 - (d) inspect any building or structure and make enquiries regarding that building or structure.
- 113.3 No person may interfere with the persons referred to in subsection 111.1 who are conducting an inspection as contemplated in subsection 111.1
- 113.4 The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- 113.5 An inspection under subsection 111.1 must take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building.

114 NOTIFICATION OF DECISION

- 114.1 The Municipality must, within 21 days after a Municipal Planning Tribunal or Designated employee, as the case may be, in writing notify the applicant and any person whose rights are affected by decision of the content of the decision and their right to appeal against the decision in question.

115 ERRORS AND OMISSIONS

- 115.1 The Municipal Planning Tribunal or the designated employee may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- 115.2 The Municipal Planning Tribunal or the designated employee may on its own initiative or on application by the applicant or interested party, and upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

116 CONDITIONS OF APPROVAL

- 116.1 The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed utilisation of land.
- 116.2 The Municipality may not approve a land use application subject to a condition that approval in terms of other legislation is required.
- 116.3 No conditions may be imposed that rely on a third party for fulfilment.
- 116.4 If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.
- 116.5 The Municipality may, on its own initiative or on application, amend, delete or impose additional conditions after having given due notice to the owner and any persons whose rights may be affected.

117 APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- 117.1 All applications submitted in terms of this section of the Land Use Scheme may be subject to conditions as imposed by either the Municipal Planning Tribunal or the Authorised Employee/Official.
- 117.2 Applications approved subject to conditions lapses within a period of five (5) years from the date of such approval.
- 117.3 The Municipality may approve an application for the extension of a validity period of any development right granted in terms of this Scheme, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the lapsing of the development right granted.
- 117.4 When the Municipality considers an application in terms of subsection 117.3 , it must have regard to the following:
 - i) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - ii) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- 117.5 The extension of development rights granted will be considered by the Municipal Planning Tribunal or the designated employee who granted such rights.
- 117.6 The extended validity period takes effect on and is calculated from the date on which the original development right thus granted, lapsed.

118 MEETINGS OF THE MUNICIPAL PLANNING TRIBUNAL

- 118.1 The Municipal Planning Tribunal must determine its own internal arrangements, proceedings and procedures in accordance with the Act. and its Regulations.

119 DEVELOPMENT CHARGES

- 119.1 The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- 119.2 The external engineering service for which development charges are payable must be set out in a policy adopted by the Municipality which may be adopted from time to time.
- 119.3 The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- 119.4 The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval contained in any development right granted by a Municipal Planning Tribunal or Designated employee as the case may be.
- 119.5 The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges as adopted and amended from time to time by the Municipality.

120 LAND FOR PARKS, OPEN SPACES AND OTHER USES

- 120.1 When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.
- 120.2 The extent of land required for parks or public open spaces is determined by the Municipality in accordance with its applicable land use management scheme and the Spatial Development Framework of the Municipality.
- 120.3 The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Act.
- 120.4 When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land which shall not be more than the actual costs of obtaining, developing and establishing such a park or open space.

SECTION 16 APPEALS AND INTERVENER STATUS

121 APPEAL AUTHORITY

- 121.1 An Appeal Authority as contemplated in Sections 51(2) of the Act must be established.
- 121.2 The functions of the Appeal Authority shall be to decide on appeals relating to:
- (a) decisions taken by the Municipal Planning Tribunal or Authorised Employee/Official.
 - (b) undue delay relating to a land use and development application Municipal Planning Tribunal or Authorised Employee/Official.
 - (c) disputes regarding contributions in respect of engineering services emanating from a land use and development application.
- 121.3 The Municipality shall nominate at least 5 members to constitute an Appeals Authority and must have the chairperson appointed by Council.
- 121.4 The Appeal Authority must:
- (a) have at least 3 members at any given time to constitute a quorum, of which the chairperson is not counted as a member.

- 121.5 The chairperson of the Appeal Authority must:
- (a) communicate the procedure of the hearing.
 - (b) respond to questions asked and matters arising with regard to the procedure at the hearing.
 - (c) decide on all matters of law arising during the hearing, including whether a matter is a question of fact or law.
 - (d) determine the date and whether the hearing would be written or oral for each appeal.
- 121.6 Nothing precludes the Municipality from adding members who are not part of the Executive Authority or Councillors to be part of the Appeals Authority should the need arise.
- 121.7 Subject to subsection 121.3 , if a member has resigned with immediate effect, deceased or fallen ill, the Municipal Council may nominate a temporary member as part of the Appeals Authority for a period of not more than 3 months, where after another permanent member should have been designated or nominated;.
- 121.8 The disqualification from membership of the Appeals Authority is as set out in Section 38 of the Act and shall apply *mutatis mutandis*.
- 121.9 The Code of Conduct of the members of the Appeals Authority is as set out in Schedule 3 of the Regulations published in terms of section 54 of the Act and shall apply *mutatis mutandis*.

122 APPEAL PROCEDURE

- 122.1 The lodging of an appeal notice shall be subject to the provisions of Sections 51(1) and (4) of the Act.;
- 122.2 Any notice of appeal must;
- (a) be submitted to the Municipal Manager within 21 days of the date of notification;
 - (b) indicate whether the appeal is being lodged against the whole decision or only a part of it and it shall specifically indicate the part under appeal; and
 - (c) indicate the reasons for such appeal.
- 122.3 If the appellant is not the applicant, he/she must in addition to the provisions of 122.1 and 122.2
- (a) pay the application fee equal to that of the land use and development application that is subject to the appeal and attach the proof of payment on the notice;
 - (b) provide the applicant and Municipal Manager with a copy of the notice of appeal; and
 - (c) a report containing his/her counter arguments.
- 122.4 Subject to subsection 122.1 , 122.2 and 122.3 , the Municipal Manager must;
- (a) notify Town Planning Unit of such notice of appeal within 21 days of receiving the appeal notice,
 - (b) request the Unit to prepare and submit information relating to the application that is subject of the appeal within 21 days from the date of receiving the request from the Municipal Manager.
 - (c) submit the appeal notice to the Appeals Authority for consideration within 30 days of receipt of such notice together with the information referred to in (a).
 - (d) send the invitation letters to the parties involved by registered mail, email or fax after receiving the date and format of the appeal hearing from the chairperson of the Appeal Authority.
- 122.5 Subject to subsection 122.4 all parties must:
- (a) respond to the invitation, indicating if they will be attending and making representation during the hearing within 14 days of sending of the invitation letters; and

- (b) if the party appoints a representative, they must have a Power of Attorney indicating such appointment, the nature and extent of the appointment.
- 122.6 The Appeals Authority must:
- (a) sit and decide on an application within 90 days of receipt of the appeal notice;
 - (b) consider and determine all the appeals lawfully submitted to it;
 - (c) confirm, vary or revoke the decision in a written format;
 - (d) provide reasons for its decision;
 - (e) keep a record of all its proceedings; and
 - (f) disclose any interest in the case.
- 122.7 The chairperson has a casting vote in the event of an equality of votes and must provide reason as how he/she arrived at such decision.
- 122.8 The chairperson of the Appeals Authority must sign the decision of the Appeals Authority and any order made by it.
- 122.9 The outcome of an appeal is decided by a majority of quorum hearing the appeal and must be communicated to the Municipality, appellant and interested and affected parties within 14 days from the day of the decision.
- 122.10 The Appeals Authority may remit the matter to the Municipal Planning Tribunal or Authorised Employee/Official for reconsideration in the event that a procedural defect occurred.
- 122.11 The decision of Appeal Authority is final and not negotiable in terms of municipal processes.
- 122.12 Once the decision has been given to the appellant in terms of 122.11 , such application shall be forwarded to the Town Planning Unit to effect the decision taken by the Appeal Authority.
- 122.13 Only written appeals will be heard by the Appeal Authority.

123 UNDUE DELAY

- 123.1 If the Municipal Planning Tribunal or Authorised Employee/Official fail to decide on a land use and development application submitted to it within the stipulated timeframes, it is deemed to be undue delay and the applicant may write a notice to report such to the Municipal Manager.
- 123.2 The notice referred to in 123.1 must include:
- (a) name of the applicant;
 - (b) copy of a submitted application, proof of receipt and reference number;
 - (c) proof indicating all required documents were submitted on time; and
 - (d) reason/s for submitting such application.

- 123.3 The Municipal Manager must within 7 days of receipt of the undue delay notice, notify and request reasons for such delay from the Municipal Planning Tribunal or Authorised Employee/Officials, as the case may be.
- 123.4 The reasons referred to in 123.3 must be submitted within 14 days of the notice.
- 123.5 The Municipal Manager shall at the same time instruct that the application be finalised within 30 days provided that the application has no outstanding matters as per Section 98 .
- 123.6 If the Municipal Planning Tribunal or Authorised Employee/Official, as the case may be, fail to finalise the application within the timeframe stipulated under subsection 123.5 , the Municipal Manager must refer the land use and development application to the Appeals Authority and must notify the applicant about that decision.
- 123.7 Subject to subsection 123.2 , the provisions of the subsection 123.3 of this document shall apply *mutatis mutandis*.

124 INTERVENER STATUS

- 124.1 Subject to section 31 of the Regulations of the Act, an interested person may, after paying the application fee equal to the fee of the original land use and development application, write a notice of petition to the Municipal Planning Tribunal, Authorised Employee/Official or Appeals Authority.
- 124.2 Any person who has lodged an appeal or notice of petition may withdraw such appeal or notice by serving a notice to that effect on the Municipal Manager. The Municipal Manager must notify all parties involved about such withdrawal

PART F: SCHEDULES TO THE SCHEME

125 SCHEDULE 1 – CONVERSION OF EXISTING USE ZONES TO NEW USE ZONES

EXISTING			NEW LAND USE SCHEME		
Use Zone	Primary Use	Consent Use	Use Zone	Primary Use	Consent Use
AGRICULTURAL ZONE I	Agriculture	Second residential unit Farm stalls Riding school Tourist facilities Animal Hospital Guest house Bird or animal cages	AGRICULTURAL ZONE I	Agricultural use Agricultural building Agricultural employee accommodation Bird or animal cages Dwelling house Second Dwelling unit	Animal clinic/ hospital Backpackers' accommodation Craft Brewery Educational building Farm stall Four by Four Trail Riding school Shooting range Telecommunication Infrastructure Tourism Incentive Accommodation Tourist facilities
AGRICULTURAL ZONE II	Agricultural Industry	Agriculture	AGRICULTURAL ZONE II	Agricultural building Agricultural employee accommodation	Agri-park Agri-settlement Airfield/Aerodrome Animal clinic / hospital Auction facility Borrow pit Camping site Craft Brewery Compost manufacturing Educational building Farm stall Four by Four Trail Feedlot/feed pen Game farm Game reserve Garden centre / nursery Greenhouse Holiday accommodation Leisure Residential dwelling Mini storage Racecourse Shooting range Telecommunication infrastructure Tourist facility Tourism Incentive accommodation
BUSINESS ZONE I	Business premises (purpose)	Bottle store Tavern Institution Place of entertainment Service station Drive-in restaurant Service industry Funeral parlour Animal clinic	BUSINESS ZONE I	Animal Clinic / Hospital ATM Auction facility Backpackers' accommodation Bakery Beauty parlour Boarding house Bottle store Business purpose	Adult entertainment Bar / Pub Car wash Craft Brewery Casino Drive in Restaurant Fitment centre Fitness centre Funeral parlour Homeless shelter

		Animal hospital Warehouse		Car sales lot Clinic Confectionary Drycleaner Dwelling house Flats Financial Institution Fitness centre / Gymnasium Garden centre / nursery Guest house Hotel Internet café Laundromat / laundrette Medical consulting rooms Motor showroom Office Pharmacy Private club Residential building Restaurant Shop Supermarket Tea garden / coffee shop	Live entertainment Lodge Place of Amusement Place of worship Public garage Service industry Service / Filling station Tavern Training centre Telecommunication Infrastructure Warehouse Workshop
BUSINESS ZONE III	Service station	Public garage			
BUSINESS ZONE IV	Casino (Gambling house)	Place of entertainment			
BUSINESS ZONE V	Adult entertainment Bottle store Tavern	Place of entertainment			
BUSINESS ZONE II	Shop	Residential houses Flats	BUSINESS ZONE II	Beauty parlour Confectionary Conference centre / facility Dwelling house Financial Institution Flat Fitness centre / Gymnasium Office Residential building Shop	Educational building Homeless shelter Laundromat Restaurant Tea garden / coffee shop Telecommunication Infrastructure
New Use Zone			CEMETERY ZONE	Cemetery Place of worship Wall of Remembrance	Crematorium Funeral Parlour
New use zone			CONSERVATION ZONE	Conservation area Critical Biodiversity area Freshwater Ecosystem priority area Game farm Game reserve Nature reserve	Camping site / camping area Conference centre / facility Four by Four Trail Holiday accommodation Landing area / strip Leisure residential dwelling Resort Spa / Hydro and Wellness centre Telecommunication Infrastructure
Authority zone I	Authority use	None	GOVERNMENT ZONE	Authority use Clinic Correctional facility Educational Building Government use	Hostel
AUTHORITY ZONE II	Government use	None			

				Hospital Telecommunication Infrastructure	
INDUSTRIAL ZONE I	Service industry Warehouse Service station	Public garage	INDUSTRIAL ZONE I SERVICE AND LIGHT INDUSTRIES	Auction facility Builder's yard Canteen Car sales lot Caretaker's flat Depot Fitment centre Funeral parlour Laboratory Light Industry Mini Storage Motor showroom dealer Motor workshop / service Service Industry Shop Transport facilities / Terminus Training centre Warehouse Woodyard	Brewery / Distillery Brick yard / Brick works Carwash Fuel depot Industrial Motor scrapyard Office Public garage Scrapyard Service station / Filling station Showground Telecommunication Infrastructure Waste Reclamation Storage and Recycle Workshop
INDUSTRIAL ZONE II	Industry Warehouse Service station Service industry Transport use Public garage	Funeral parlour Scrapyard			
INDUSTRIAL ZONE III	Offensive industry Crematorium Public garage	Industry Warehouse Transport use Scrapyard	INDUSTRIAL ZONE II	Abattoir Brick yard / brick works Brewery / Distillery Crematorium Heavy vehicle overnight facilities Noxious Industry	Compost manufacturing Depot Industrial Public Garage Scrapyard Telecommunication Infrastructure Warehouse Waste Reclamation Storage and Recycle Workshop
INSTITUTIONAL ZONE I	Place of instruction	Place of assembly	INSTITUTIONAL ZONE I	Childcare facility Children's home College Community facility Creche Educational building Institution Place of assembly Place of instruction Place of worship Retirement Social hall Sport and recreation facility	Conference centre / facility Correctional facility Fitness centre Homeless shelter Private club Residential building Telecommunication Infrastructure
INSTITUTIONAL ZONE III	Institution	None			
INSTITUTIONAL ZONE II	Public place of worship	Place of assembly			
			INSTITUTIONAL ZONE II	Clinic Frail care centre / hospice / sanatorium Home care facility Hospital Laboratory Rehabilitation centre	Animal clinic/ hospital Creche Hostel Medical Consulting rooms Pharmacy Telecommunication Infrastructure
New Zone			MINING ZONE	Depot Mining Activity Renewable energy structures	Fuel depot Noxious Industry Waste disposal site

					Sport and Recreation facility Telecommunication infrastructure Workshop	
New Zone				MUNICIPAL UTILITIES ZONE /	Airfield / Aerodrome Greenhouse Municipal use Public Service Installations Reservoirs Sport and Recreation facility Telecommunication Infrastructure Urban agriculture	Office Renewable Energy Structures Showground Waste Reclamation storage and Recycle Educational Building Hospital Institution Informal business Place of assembly Place of worship
OPEN SPACE ZONE II	Private open space	Racecourse		PRIVATE OPEN SPACE ZONE	Conservation area Private open space Sport and Recreation facility	Flea market Putt-putt course Riding school Telecommunication Infrastructure Urban agriculture Racecourse
OPEN SPACE ZONE III	Conservation area	None				
OPEN SPACE ZONE I	Public open space	None		PUBLIC OPEN SPACE ZONE	Public Open Space Urban agriculture	Greenhouse Sport and Recreation facility Telecommunication Infrastructure
				RENEWABLE ENERGY PLANTS ZONE	Renewable Energy structures	Temporary accommodation Telecommunication infrastructure Workshop
RESORT ZONE I	Holiday accommodation	Hotel Restaurant Place of entertainment	of	RESORT ZONE	Clubhouse Function venue Holiday accommodation Resort	Campsite Four by Four track Function venue Hotel Landing Area / Strip Leisure residential Dwelling Place of Entertainment Retirement Resort / village Spa/Hydro and wellness centre Telecommunication infrastructure
RESIDENTIAL ZONE I	Residential House	Second residential unit Creche Tuck shop Animal clinic Guest house Bird or animal cages		RESIDENTIAL ZONE I LOW DENSITY	Dwelling house Educational classes Home enterprise (Occupational Practice) Second dwelling unit	Animal clinic Backpackers' accommodation Beauty Parlour Boarding house Childcare facility Children's home Creche Frail care Centre / Hospice Guest house Homecare facility Hostel

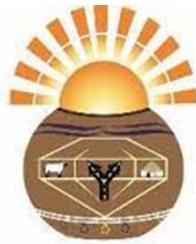
					House shop / Spaza shop/ Tuck shop Guesthouse Lodge Self-catering unit Tea Garden / Coffee Shop Telecommunication Infrastructure
RESIDENTIAL ZONE II	Group Housing	Residential house Creche Old-age home	RESIDENTIAL ZONE II MEDIUM DENSITY	Group Housing Dwelling house Second dwelling unit	Creche Home enterprise Guest House Retirement Resort / Old age home Telecommunication Infrastructure
RESIDENTIAL ZONE III	Flats Residential building	Institution Group Housing Residential house	RESIDENTIAL ZONE III HIGH DENSITY / COMMERCIALISED RESIDENTIAL	Flats Group housing Guest House Residential building Retirement Resort / Old age home	Dwelling house Institution Telecommunication Infrastructure
RESIDENTIAL ZONE IV	Informal dwelling Residential house	Public place of worship Place of instruction Guest house Tuck shop Birds of animal cages	RESIDENTIAL ZONE IV TRANSITIONAL	Informal dwelling/structure Transitional Residential	Car wash Clinic Childcare facility Creche Educational building Guest house House shop Home enterprise Informal business Internet cafe Place of worship Telecommunication Infrastructure
SPECIAL ZONE	Special use	None	SPECIAL ZONE	Special use	N/A
			TRANSPORT ZONE I PRIVATE ROADS / STREETS	Private Road	Taxi holding area
TRANSPORT ZONE II	Public street	None	TRANSPORT ZONE II PUBLIC ROADS / STREETS	Public Road	Taxi holding area
Transport zone III	Public parking	None			
TRANSPORT ZONE I	Transport use	None	TRANSPORT ZONE III TRANSPORT USES	Airfield/Aerodrome / Airport Bus terminus Hanger Helipad Landing area / Landing strip Taxi holding area Taxi rank Transport use Truck stop	Heavy vehicle overnight facility Telecommunication infrastructure Workshop
Transport zone IV	Heavy vehicle Overnight facilities	None			
UNDETERMINED ZONE	None	None	UNDETERMINED	N/A	N/A

126 SCHEDULE 2 – LEGISLATION REPEALED BY THE LAND USE SCHEME

126.1 Umsobomvu Municipality Land Use Management Scheme, 2013.

127 SCHEDULE 3 – APPLICATION FORM

UMSOBOMVU LOCAL MUNICIPALITY



UMSOBOMVU LOCAL MUNICIPALITY

APPLICATION FORM

SECTION 1	
Details of Applicant (Landowner or Authorised Agent)	
Name: _____ Postal address: _____ _____ _____ Code: _____ Tel no: _____ Fax no: _____ SACPLAN Reg No: _____ (Where applicable to Authorised Agent)	Contact person: _____ Physical address: _____ _____ _____ Code: _____ Cell no: _____ E-mail address: _____ Preferred manner of communication: Email: _____ Post: _____

SECTION 2	
Details of Landowner (if different from Applicant)	
Name: _____ Postal address: _____ _____ _____ Code: _____ Tel no: _____ Fax no: _____ SACPLAN Reg No: _____	Contact person: _____ Physical address: _____ _____ _____ Code: _____ Cell no: _____ E-mail address: _____ Preferred manner of communication: Email: _____ Post: _____
<p>In the case where the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.</p> <p>In the case where the landowner is a legal entity include the resolution, legal documents and other documents as may be required by the Municipality</p>	

SECTION 3

Details of Property (In accordance with the registered Title Deed)

<p>Property in proclaimed Township Erf number: _____ Portion number: _____ Township: _____ Physical address: _____ _____ Location: _____ _____ Town/suburb: _____ Registration Division: _____</p>	<p>Size (m² or ha): _____ Existing zoning: _____ Existing Land Use: _____ Is the existing use supported by the permitted zoning of the property: Yes _____ No: _____ If "No" provide details: Use of all buildings: _____ _____ Floor areas: _____ _____ Title deed no: _____</p>
<p>Property: Farm or Holding Portion number: _____ Farm Name _____ Registration Division: _____ Physical address: _____ _____ Location: _____ _____</p>	<p>Size (ha): _____ Existing zoning: _____ Existing Land Use: _____ Is the existing use supported by the permitted zoning of the property: Yes _____ No: _____ If "No" provide details: Use of all buildings: _____ _____ Floor areas: _____ _____ Title deed no: _____</p>

SECTION 4

Type of Application being Submitted (Mark with an X and give detail)
 Combined applications are supported)

Application for: (Please mark application block with a cross)	
The establishment of a township.	
The extension of the boundaries of a township.	
The amendment of an existing scheme or land use scheme by the rezoning of land	
The removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land.	
The amendment or cancellation of a General Plan or SG Diagram	
The permanent closure of any public place	
Consent use as provided for in the Land Use Scheme	
The departure from the development parameters of the zoning scheme	
The departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis	
The subdivision of land (
The consolidation of land	
The registration of a servitude	
The extension of the validity period of an approval	
The application for any exemption provided for in the Land Use Scheme, Regulations and Act.	
Please provide a short description of the scope of the project:	

SECTION 5				
Detail of application (Mark with an X and give detail where applicable)				
Is the property burdened by a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application.	
Has an application for subdivision / rezoning / secondary use / departure on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including all authority reference numbers and decisions.	
Does the proposal apply to the entire land unit?	YES	NO	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, including the remaining extend.	
Are there any restrictions such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description.	
Are there any physical restrictions (e.g., steep inclines, unstable land formations, vlei areas, marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, provide full particulars and state how the problem will be solved and submit detailed layout plan.	
Is any portion of the land unit in a flood plain of a river beneath the 1 :100-year flood-line or subject to any flooding?	YES	NO	If answered YES, please provide detail description.	
Is there any other approval that all out this Act necessary for the implementation of the intended development?	YES	NO	If answered YES, please provide outside detailed description.	
What arrangements will be made regarding the following services for the development? (Provide Detail Where applicable).	Water Supply:			
	Electricity Supply:			
	Sewerage and wastewater:			
	Stormwater:			
	Road Network: Municipal / Provincial/ National			

SECTION 6

List of Attachments of supporting information required / submitted with checklist for Municipal use (Mark with an X / number annexure)

Checklist (For the completion by the Applicant only)				Checklist (For the use of Responsible Authority only)		
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Comprehensive Application form			
			Complete Motivation Memorandum			
			Public participation report (minutes of meetings, copies of advertisement, etc.)			
			Power of Attorney			
			Company / Trust Resolution			
			Copy of Title Deed(s)			
			Bond holder's consent			
			Cadastral information – SG diagram / General Plan including servitudes, lease areas, etc.			
			Status report from Surveyor General - street closure or state-owned land			
			Topographic map / aerial map			
			Locality Map			
			Site Plan			
			Zoning Map			
			Zoning Certificate			
			Land Use Map			
			Conveyancer's certificate			
			Special endorsement/proxy			
			Homeowners' Association consent			
			Proposed design/layout plan			
			Proposed subdivision plan			
			Proposed consolidation plan			
			Proposed development plan			
			Mineral rights certificate (together with mineral holder's consent) and/or prospecting contract			
			Environmental Impact Assessment (NEMA QUERY, BAR, EIA OR RECORD OF DECISION) where required and may include: Heritage Impact Assessment (approval from Dept Sport, Arts and Culture)			
			Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA)			
			Detail Engineering Services report (Bulk and internal)			
			Traffic impact study			
			Geo-technical report (including geology) (NHRB Standards)			
			Social impact assessment			
			Flood line assessment (1 :50 and 1 :100 years)			
			Subdivision of agricultural land (consent of the Dept of Agriculture)			
			List of sections (paragraph numbers) in Title Deed conditions to be removed / amended			

			Adherence to planning legislation including the Planning Profession Act 36 of 2002			
			No Objection letter from Department of Agriculture, Forestry & Fisheries			
			Comments / No Objection letter from the South African National Road Agency Ltd (SANRAL)			
			No Objection letter from Department of Roads & Public Roads			
			Consistent / Inconsistent with the SDF and other municipal strategic development frameworks			
			Confirmation of availability of services (OSR)			
			Any other information as requested by the Local Authority:			
			At least three (3) sets of full colour documentation copies			

SECTION 7

Declaration

Note	If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory
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I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorised to make this application.

Applicant's/ Signature:	Owner's	Date:									
Full name (print):											
Professional capacity:											
Applicant's ref:											

SECTION 8					
Prescribed Notice and advertisement procedures (For the completion and use of Responsible Authority only)					
Checklist for required advertisement procedure			Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date
		<p>Notices to neighbours can be delivered per hand, by registered post or electronic means. In any event the necessary proof must be provided.</p> <p>Note: The map indicating the neighbouring erven and list of neighbours will be provided.</p> <p>If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour, One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority.</p> <p>Alternatively (Option 2), the notices can be sent via registered post with the control slips provided.</p> <p>Option 3: Delivery by electronic means – proof of send/receive and or screen print of the submission</p>			<p>Proof of Notice to neighbours</p> <p>Option 1: The signed notice of all surrounding neighbours as identified by the Responsible Authority, must be provided.</p> <p>Option 2: The proof of the registered mail must be provided to the Responsible Authority</p> <p>Option 3: Proof of delivery of the electronic notice must be provided to the Local Authority.</p>
		<p>Notice to be placed on the site</p> <p>Note: The notice provided must be placed on the site in a laminated A3 format (two languages formats separate on A3) on or before the date on the notice.</p>			<p>Proof of Notice on site</p> <p>Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.</p>
		<p>Public Meeting</p> <p>Note: The holding of a public meeting in order to inform the general public of the application</p>			<p>Proof of Public Meeting</p> <p>The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.</p>
		Any Additional components (If yes, provide a description below)			Proof of additional components

128 SCHEDULE 4 – DOCUMENTATION REQUIRED PER APPLICATION TYPE

	Township Establishment or extension of boundaries	Amend Land Use Scheme (Rezoning)	Removal/amendment/suspension of restrictive conditions	Amendment or cancelation of General Plan	Closure of any public spaces	Consent use	Departure from Scheme Regulations	Departure for the Use of land on a temporary basis	Subdivision of land	Consolidation of land	Registration of a servitude	Exemption of consolidations as provided for in the regulations	Extension of the validity period
✓ Required ◇ May be required × Not required													
Application fees	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	◇
Municipal Clearance Certificate	✓	✓	✓	✓	×	✓	✓	✓	✓	✓	×	✓	✓
Completed Application Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Motivation Memorandum	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Copy of Title Deed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	◇
Power of Attorney	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Company / Close Corporation / Trust Resolution	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bond holder's consent	✓	✓	✓	✓	◇	✓	◇	◇	✓	✓	✓	✓	✓
Zoning Certificate	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Scheme Clauses / Schedule or Annexure / Map	✓	✓		✓	×	×	✓	×	×	×	×	×	×
Orientation / Locality Map	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

	Township Establishment or extension of boundaries	Amend Land Use Scheme (Rezoning)	Removal/amendment/suspension of restrictive conditions	Amendment or cancelation of General Plan	Closure of any public spaces	Consent use	Departure from Scheme Regulations	Departure for the Use of land on a temporary basis	Subdivision of land	Consolidation of land	Registration of a servitude	Exemption of consolidations as provided for in the regulations	Extension of the validity period
✓ Required ◇ May be required × Not required													
Land Use Plan	✓	✓	✓	◇	◇	✓	◇	◇	◇	◇	◇	◇	×
Zoning Plan	✓	✓	◇	◇	◇	✓	◇	◇	◇	◇	◇	◇	×
Subdivision / Consolidation Plan	✓	×	×	✓	◇	×	×	×	✓	✓	◇	×	×
Site Development plan	◇	✓	◇	×	◇	✓	◇	◇	◇	◇	◇	✓	×
Detail Layout Plan	✓	◇	◇	✓	×	×	×	×	×	×	×	×	×
Building Plan	×	◇	◇	×	×	◇	◇	◇	◇	◇		◇	×
Municipal Engineering Services Report	✓	✓	◇	◇	◇	◇	×	◇	◇	◇	◇	◇	×
Electrical Services Report	✓	✓	◇	◇	◇	◇	×	◇	◇	◇	◇	◇	×
Environmental Authorization	✓	◇	×	◇	◇	◇	×	◇	×	×	◇	◇	×
Geohydrological Report	◇	×	×	×	×	◇	×	◇	×	×	×	◇	×
Geotechnical Report	✓	◇	×	×	×	◇	×	◇	×	×	×	◇	×
Traffic Impact Assessment	✓	◇	◇	◇	◇	◇	×	◇	◇	×	◇	◇	×
Additional Specialist Reports / Studies	◇	◇	◇	◇	◇	◇	×	◇	◇	◇	◇	◇	◇

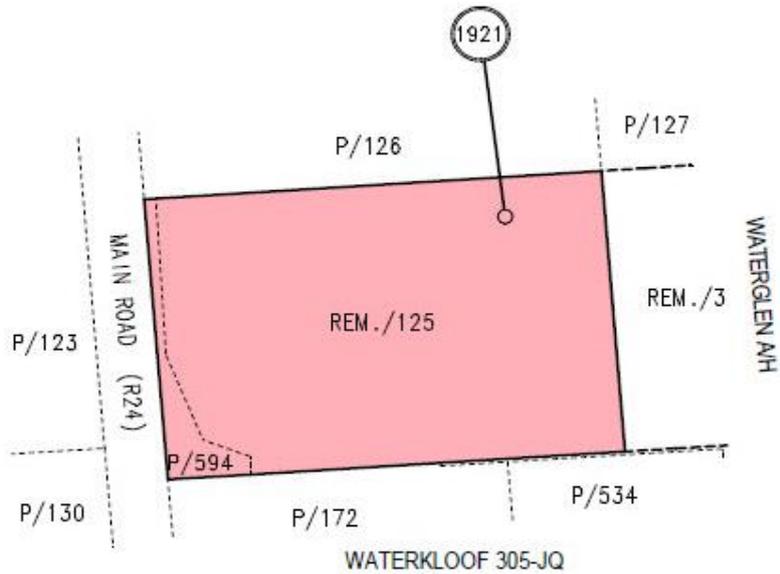
129 SCHEDULE 5 - ANNEXURE TO THE SCHEME AND AMENDMENT SCHEME MAP

UMSOBOMVU LOCAL MUNICIPALITY LAND USE SCHEME 2022		
Property Description:		
1	Use Zone:	[Insert Base Use Zone]
		[insert additional Use Zone]
2	Permitted Uses:	[List land uses to be included in the Base Zone and additional use zone]
3	Definitions of land uses:	
4	Density:	
5	Coverage:	
6	Height:	
7	Building Lines:	
8	Parking and loading requirements:	
9	Physical barriers / Line of no access:	
10	Outdoor advertising:	[Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first being obtained in terms of municipal by-laws for outdoor advertising.]
11	Detrimental soil conditions:	
12	Open Space:	
13	General:	
APPROVED:		STAMP:
_____ Date: _____		

UMSOBOMVU LOCAL MUNICIPALITY LAND USE SCHEME 2022

AMENDMENT SCHEME MAP

PROPERTY DESCRIPTION



SCALE: 1:2,000

REFERNCE

Zoning Notation

Amendment Scheme Number:

Annexure Number

APPROVED:

Date: _____

STAMP:

PART G: REFERENCE MANUAL

SECTION 17 HOW TO USE THE SCHEME

130 ROADMAP TO USE THE LAND USE SCHEME

- 130.1 The road map is a step-by-step guide intended to assist the user of the Scheme to navigate his or her way through the Scheme.
- a. Determine what the land use or uses are required for the intended development from the land uses defined in the Scheme.
 - b. Ascertain what land use rights are currently supported on the subject property by obtaining a Zoning Certificate from the Municipality and verify the information contained in it against the Land use Scheme.
 - c. Verify whether the required land uses are registered on the property or not. If the land uses are registered on the property and they provide sufficient bulk for the envisaged development, no application in terms of the Scheme is required and building plans may be submitted for approval.
 - d. If the required rights are not registered or only partially registered on the property, determine the extent of the additional rights required.
 - e. Identify the zone applicable to the property by investigating the scheme land use zones Map or maps.
 - f. If the required rights are either free, permitted or permitted with discretion in that zone, identify the application procedure that will be required as set out in Part A – land use applications above.
 - g. Investigate the further regulations imposed by the zone as contained in the scheme.
 - h. If the relevant zone prohibits the required land uses, identify the zone or zones where such development is desirable and consider establishing the development in that area.

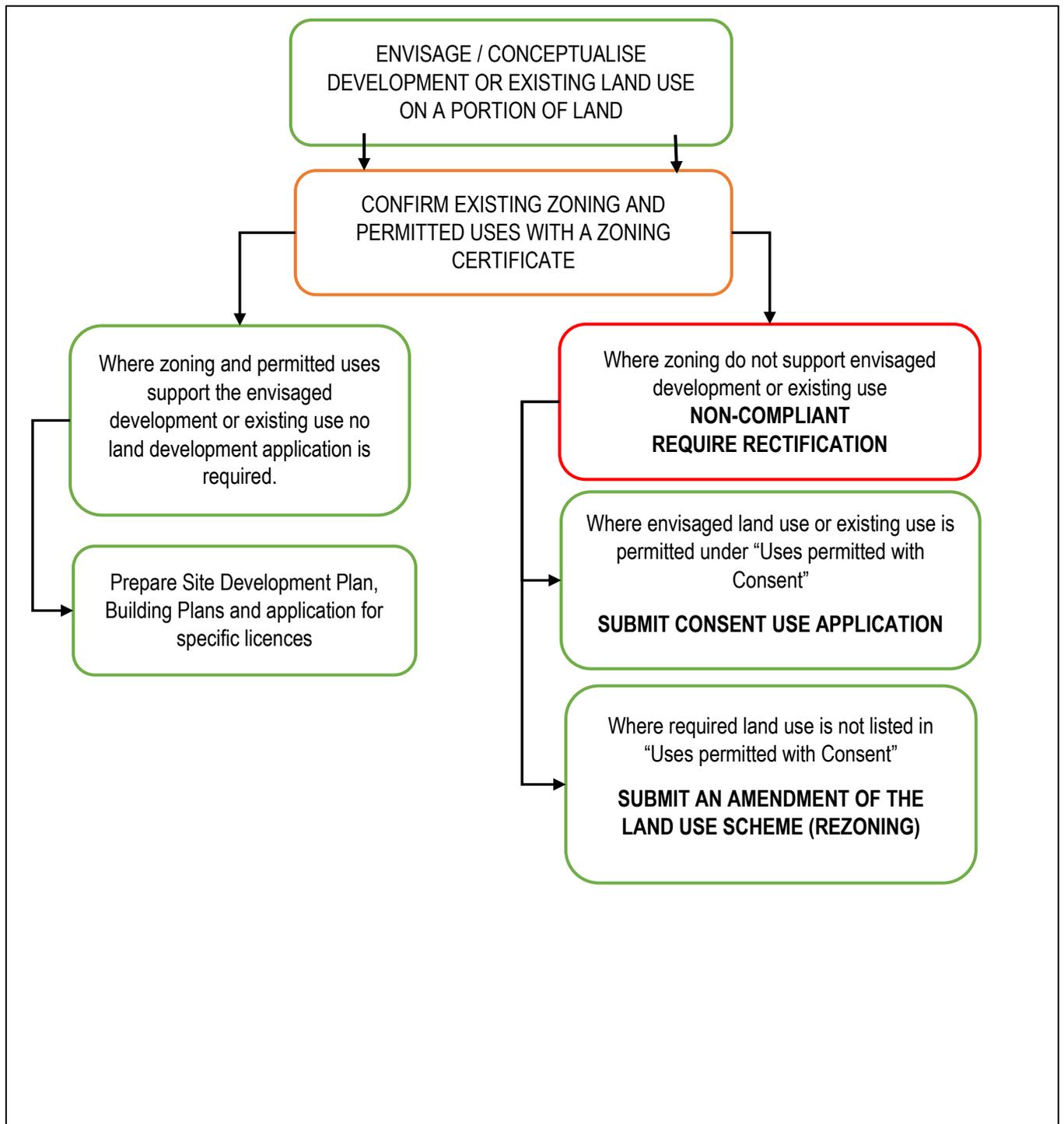


Figure 1 Roadmap to use the Land Use Scheme

131 NUTS AND BOLTS OF MAKING AN APPLICATION

- 131.1 The “Nuts and Bolts of Making an Application” intend to provide a guideline and general actions associated with in the Land Use Scheme and supported by the Application Process as part of the Scheme.
- 131.2 The Reference Manual will form part of the UMSOBOMVU Land Use Scheme – Scheme Regulations and will serve the purpose of assisting the user / applicant / the decision maker/authority to prepare and process a SPLUMA compliant application.
- 131.3 This Clause was formulated to help with the administration and general facilitation of all land use change and land development applications within the municipal jurisdiction, referring directly to the LUS as the legislative input.
- 131.4 The application procedures that form part of this section, takes into consideration and are in-line with the Scheme.
- 131.5 This reference manual will help you determine if approval is required, if so, assist you to prepare an application and help you understand the general process involved in obtaining planning approval. This reference manual is to be used as a guide only and the onus still lie on the applicant to discuss the application through a pre-consultation process to determine the specific application needs. Application requirements could be different depending on the application type, scale, priority and needs.

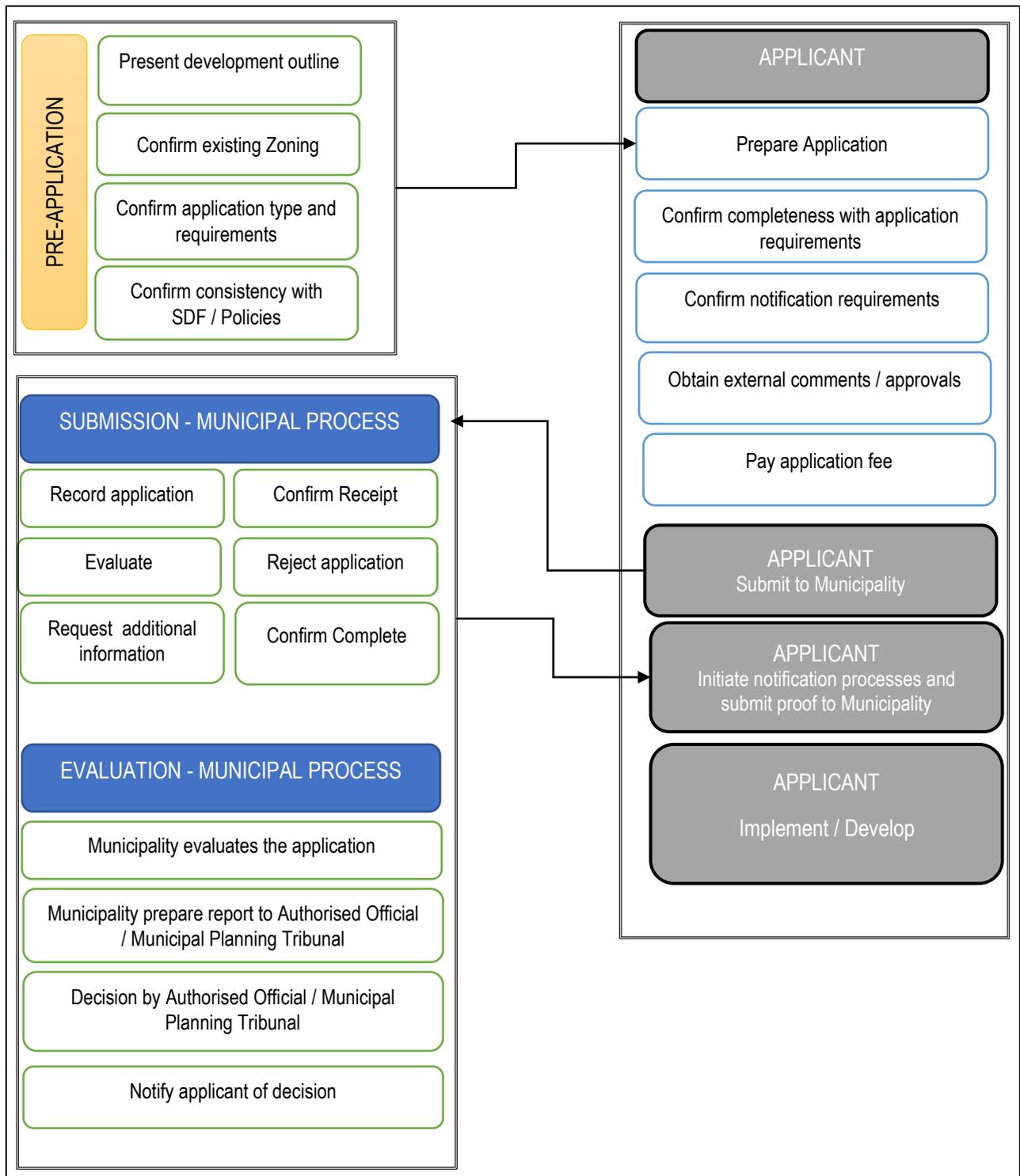


Figure 2 Nuts and Bolts to make an Application

132 APPLICATION PROCESS

- 132.1 The application process forms part of the land use scheme – Scheme Regulations and will serve the purpose of assisting the applicant and the decision maker/authority to prepare and process a SPLUMA compliant application.
- 132.2 This Clause was formulated to help with the administration and general facilitation of all land use change and land development applications within the municipal jurisdiction, referring directly to the LUS as the legislative input.
- 132.3 The application procedures that form part of this section, takes into consideration and are in-line with the Scheme.
- 132.4 This reference outline will help you determine if approval is required, if so, assist you to prepare an application and help you understand the general process involved in obtaining planning approval.
- 132.5 This reference manual is to be used as a guide only and the onus still lie on the applicant to discuss the application through a pre-consultation process to determine the specific application needs. Application requirements could be different depending on the application type, scale, priority and needs.

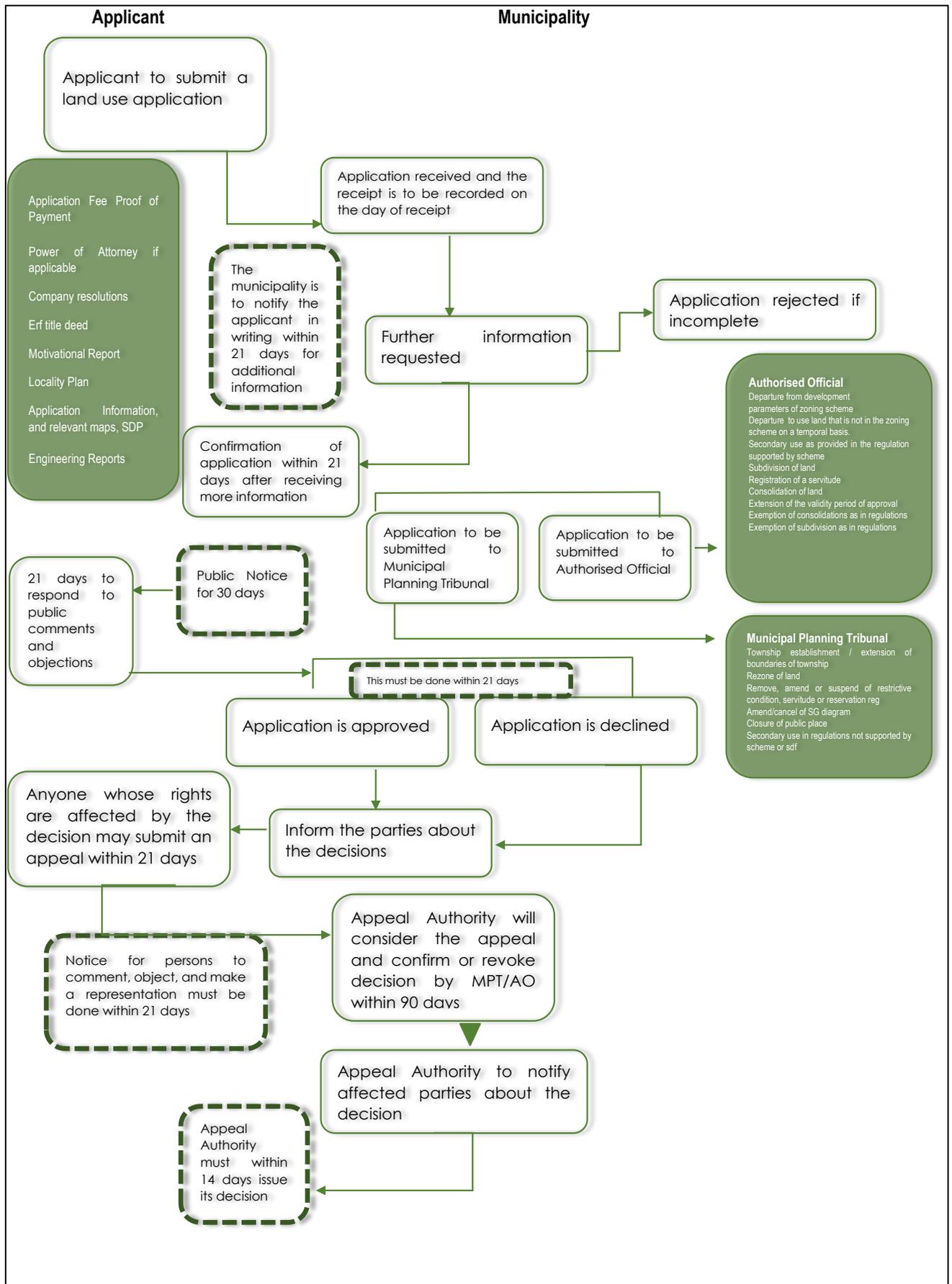


Figure 3 General process flow of a Land Development Application

