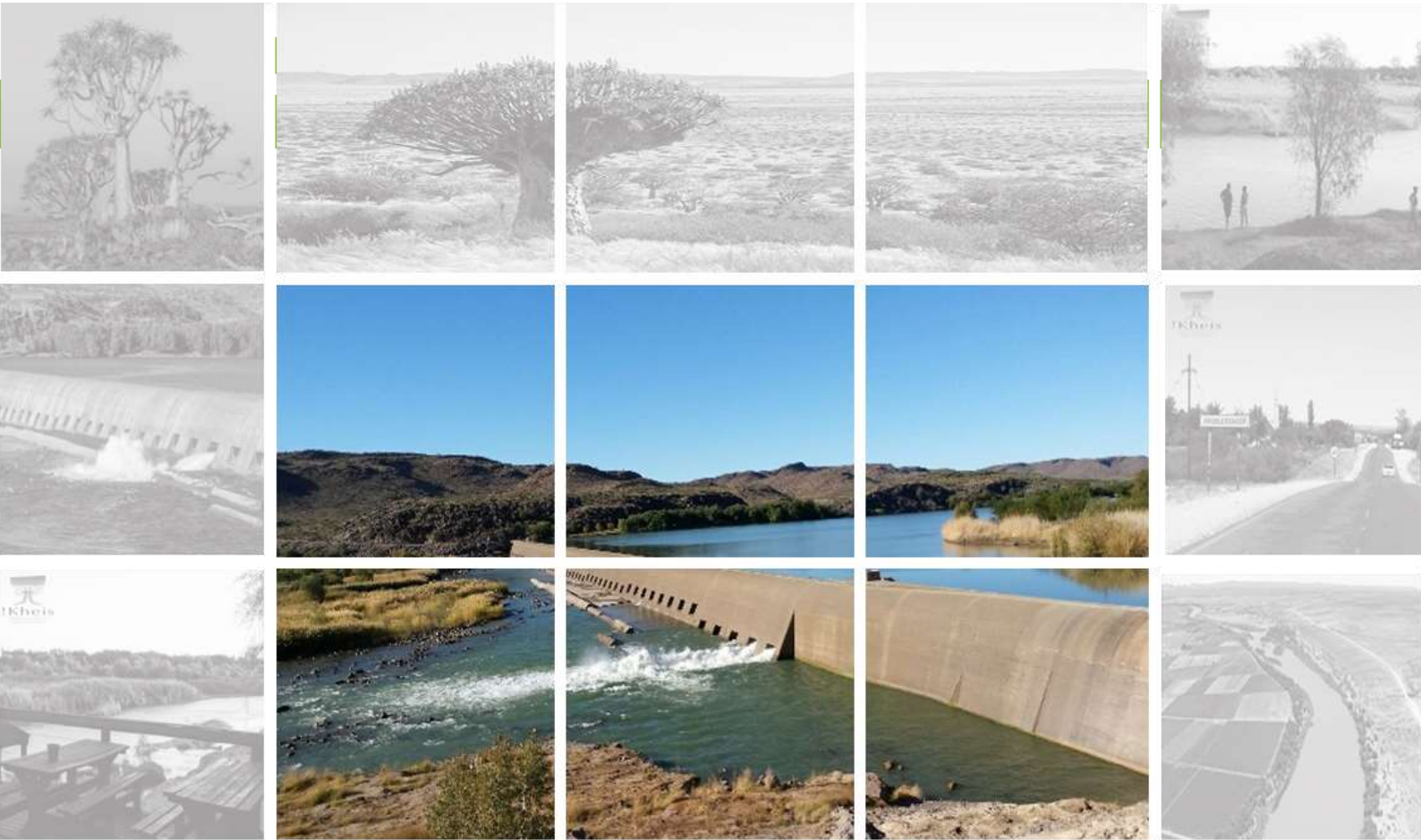




!KHEIS LOCAL MUNICIPALITY

Land Use Management Scheme (LUMS)



!KHEIS LOCAL MUNICIPALITY

LAND USE SCHEME

JANUARY 2020

(VERSION 8)

PREPARED BY:



PREPARED FOR:



APPROVAL STATEMENT

Approved by the !Kheis Local Municipality on:

Date: 09 May 2020

By virtue of Council Resolution:

Number: CM 04/05/2020

DRAFTING TEAM

CLIENT:

!KHEIS LOCAL MUNICIPALITY

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FOREWORD:

The !Kheis Local Municipality has enforced scheme regulations in terms of Section 36(1) of the Northern Cape Planning and Development Act (1998) for the total Municipal area of the Municipality in 2007.

The updated !Kheis Local Municipality Land Use Scheme was compiled in accordance with the:

- Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013.
- Northern Cape Provincial Spatial Development Framework (2019)

- Northern Cape Critical Biodiversity Areas, 2016
- !Kheis Local Municipality Planning Bylaw (Provincial gazette Notice 1961 of 2015) – to be repealed once Gazetted.

This firm was appointed in by the Department of Agriculture, Land Reform and Rural Development (DALRR - SPLUM) in June 2019 for the review of the !Kheis Local Municipality LUMS.

The document consists of the following:

- Scheme Regulations
- Reference Manual
- Application Form
- Zoning Maps
- Zoning Register

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

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PREAMBLE

These Scheme Regulations were compiled to align with Section 156 of the Constitution and to comply with the requirements of Chapter 5 of the Spatial Planning and Land Use Management Act, Act 16 of 2016.

Section 156 of the Constitution is clear on the Powers and function of Municipalities. In accordance to section 156

(1) A municipality has executive authority in respect of, and has the right to administer—

- (a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
- (b) any other matter assigned to it by national or provincial legislation.

The list of the matters in which the Municipality has executive authority over, as listed in Part B of Schedule 4 refers to:

- Air pollution; Building regulations; Child care facilities; Electricity and gas reticulation; Firefighting services; Local tourism; Municipal airports; Municipal planning; Municipal health services; Municipal public transport; Municipal public works only in respect of the needs of municipalities in the discharge of their responsibilities to administer functions specifically assigned to them under this Constitution or any other law; Pontoons, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matters related thereto Stormwater management systems in built-up areas; Trading regulations; and Water and sanitation services limited to potable water supply systems and domestic wastewater and sewage disposal systems.

The list of the matters in which the Municipality has executive authority over, as listed in Part B of Schedule 5 refers to:

- Beaches and amusement facilities; Billboards and the display of advertisements in public places; Cemeteries, funeral parlours and crematoria; Cleansing; Control of public nuisances; Control of undertakings that sell liquor to the public; Facilities for the accommodation, care and burial of animals; Fencing and fences; Licensing of dogs; Licensing and control of undertakings that sell food to the public; Local amenities; Local sport facilities; Markets; Municipal abattoirs; Municipal parks and recreation; Municipal roads; Noise pollution; Pounds; Public places; Refuse removal, refuse dumps and solid waste disposal; Street trading; Street lighting; and Traffic and parking.

Chapter 5 of the Spatial Planning and Land Use Management Act, Act 16 of 2016, specifically makes provision for the following:

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

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

USER ORIENTATION

PURPOSE OF THE SCHEME

The purpose of the Scheme shall be to establish and hold the land use rights to use and develop land as an indivisible component of the land; furthermore:

- To regulate the development of land, with respect to the use of same;
- To regulate the location and use of buildings and structures for different land uses;
- To regulate the bulk and aesthetics of buildings and other structures to be erected hereafter or the alteration of existing properties and land parcels;
- To prescribe building lines;
- To protect and improve amenities;

- To promote health, safety and the general welfare;
- To strive towards implementing the SPLUMA Principles as contained in the Spatial Planning and Land Use Management Act, act 16 of 2015, and the development objectives and strategies of the Municipality as contained in the !Kheis IDP and Spatial Development Framework;
- To divide land into zones of such number, shape and extent as may be deemed best suited to carry out these regulations;
- To lay down criteria whereby the need and desirability of land uses can be measured, and the nature of development regulated and to provide for the granting and refusal of land use rights; and
- In accordance therewith, including, where necessary, the imposition of conditions relative to the granting of such rights.

OBJECTIVES OF THE SCHEME

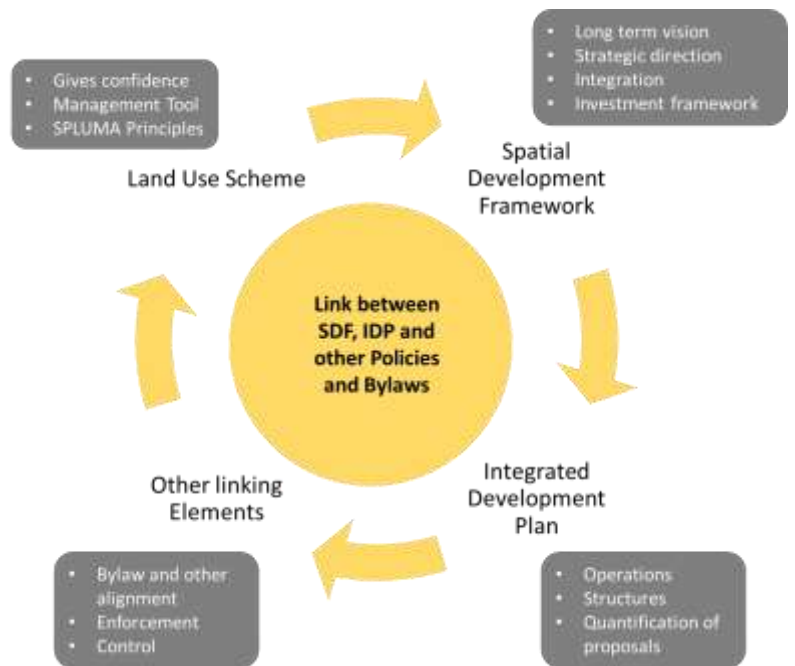
In the design and development of the Scheme, certain objectives were formulated to guide the process. These objectives represent a composite of national development policies and principles, contemporary documents on planning and land use management and local factors. **The Scheme is to:**

- Provide a single, user-friendly mechanism applicable to all land whereby land use is obtained, held and regulated;
- Provide for sufficient participation in planning matters by all concerned and interested parties, especially the marginalized poor and uninformed;
- Simplify land use management;
- Be flexible in content and administration to provide for different local circumstances;
- Encourage private sector initiative and pro-active co-operation;
- Balance the usually more stagnant nature of land use control with the usually more dynamic nature of private sector investment and development;
- Provide greater integration and linking of the traditional municipal planning functions of forward planning (Municipal SDF) and land use control (Scheme);
- Provide a mechanism whereby desirable development – as foreseen in the IDP – can be facilitated in the Municipality;
- Provide integrated environmental management mechanisms;
- Provide for developments with special requirements;
- Provide a mechanism whereby national policy directives can be implemented;
- Provide a mechanism whereby land can be reserved for future public facilities; and
- Facilitate a standardised Land Use Management System for the Municipality.

RELATIONSHIP BETWEEN THE SDF, IDP AND LUMS

All Municipalities are by law required to prepare Integrated Development Plans, which should include a Spatial Development Framework. A Spatial Development Framework is strategic and indicative in nature and is prepared at a broad scale. It is meant to guide and inform land development and management. It should contain the following components:

- Policy for land use and development;
- Guidelines for land use management (as proposed in the spatial Development Framework);
- Provide site specific details on land use rights where the SDF broadly indicated the development outcomes;
- Sets out the procedures and conditions relating to the use and development of land in any zones, thus regulating the form and the nature of development in a site;
- A capital expenditure framework showing where the municipality intends spending its capital budget; and
- A strategic environmental assessment.



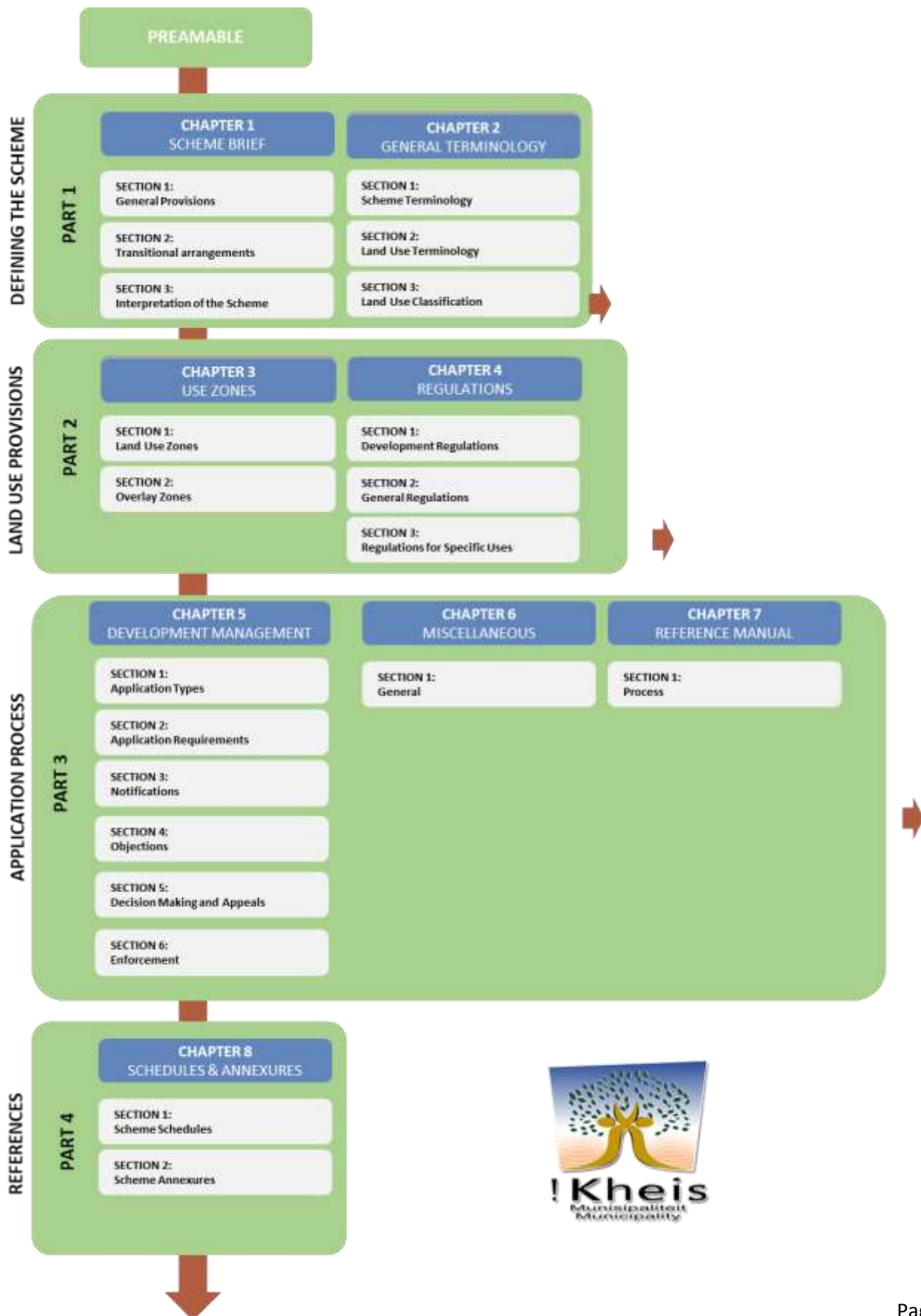
CONTENT OF THE SCHEME

Some of the main components of the Scheme are briefly discussed below:

- The **Register of Land Use Rights**, that contains all existing and approved land use rights on properties. The register is a database that was developed by the !Kheis Local Municipality and is to be maintained by the Municipality. The rights contained in the database is extracted on demand in the form of either a Zoning Certificate, which serves as proof of the land use rights on that property. Existing rights (where proof was provided) is to be accommodated spatially in the Scheme map book;
- **Definitions for General Terminology**, to ensure a common understanding of the terminology used in the application of the Scheme regulations;
- **Definitions for Land Uses**, It is expected that the land uses established and defined in the Scheme are comprehensive and provide for all reasonably expected land use activities within the municipal area;
- **The Spatial Planning Categories (SPC's)**, that indicate the type of development that is regarded as desirable within a specific, demarcated area, aligned to the Provincial and Local Spatial Development Frameworks. The zones were developed from both the Northern Cape Provincial and !Kheis Local SDF and reflect the development objectives and strategies of the Municipality on a detail level in the Scheme. The zones present the opportunity of facilitating the development objectives and strategies of the Municipality through the application of the Scheme;
- The **Land Use/Zone Matrix**, indicating the land uses that conform towards the land use, categorised as either primary and secondary or prohibited within the specific zone;
- The **General Policy Guidelines** applicable to land use changes;

- The **Land Use Zones Map (Scheme Map)**, being a map of the Municipal area indicating the land use zones applied to specific properties and/or areas, and supported by an extract of the Provincial Spatial Development Framework (SPC's), Biodiversity Plan and Arial Imagery;
- The **Regulations with regard to Construction / Design Issues**, for all land uses, applicable to all development and planning applications in the Municipal area;
- **General Regulations for all land uses**, being criteria against which the location of land uses and/or developments will be evaluated. These criteria represent a policy-based approach towards the evaluation of developments. The criteria are applied in addition to the Municipal Planning Bylaw and applicable zone regulations;
- Other Regulations for **Specific Land Uses**, being regulations guiding the establishment of specific land uses;
- The **Application Procedures**, establishing the procedures to be followed with the preparation, submission, administering, consideration and decision of applications. The procedures are to be used as an extension of the Municipal Planning Bylaw, to provide more clarity towards approval conditions;
- The **Application Formats**, establishing the formats of different documents used in planning applications; and
- The Land Use **Categories aligned to the Provincial Spatial Planning Categories (SPC's)**, established to indicate existing land use rights on maps.

COMPONENTS OF THE SCHEME



PART 1 DEFINING THE SCHEME

CHAPTER 1 SCHEME BRIEF

SECTION 1 GENERAL PROVISIONS

1. TITLE

This scheme shall be known as the !Kheis Land Use Scheme, 2019 – the “K-Scheme”, promulgated by virtue of Notice No: dated in the Northern Cape Provincial Gazette No....., and shall hereafter be referred to as the “Scheme”.

2. ENACTMENT

- a) The Scheme has been prepared and enacted in terms of Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);
- b) The Scheme shall come into operation on _____, the “Effective date” and govern from the effective date onward.
- c) The scheme reads with the Municipal Land Use Planning By-Laws (Provincial gazette Notice: of 2020).

3. LAND USE RIGHTS

- a) Whether or not land is registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the land may be used only in accordance with the land use rights held in terms of the Scheme. All conditions included in a title deed of a land parcel within the Local Municipality supersede the land use rights granted by the !Kheis Land Use Scheme;
- b) A Register of Land Use Rights, compiled in terms of SPLUMA (Section 25(2)(c)), shall be the definitive source of the land use and development rights of a property; and
- c) It shall be the responsibility of the landowner to register land use rights obtained via legislation other than SPLUMA or Scheme on the Register of Land Use Rights.

4. CONFLICT BETWEEN PROVISIONS OF THIS LAND-USE SCHEME, CONDITIONS OF TITLE AND LEGISLATION

A consent granted by the Municipality by the 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.

5. AUTHORIZED LOCAL MUNICIPALITY

The !Kheis Local Municipality, (the “Municipality”) is the authority responsible for enforcing and carrying out the provisions of the Scheme.

6. AREA OF SCHEME

The Scheme incorporates the area of jurisdiction of the !Kheis Local Municipality, as proclaimed.

7. REPEAL

The zoning schemes listed in **SCHEDULE 1** are repealed.

8. LAND USE AND ZONING DISCREPANCY

It is the owners responsibility to rectify any illegal land use, in terms of this scheme, on his or her property within a time period of 12 months after the commencement of this Scheme.

If any landowner has an objection against a land use and or zoning indicated in this Scheme, such an objection must be provided in writing to the Municipality and within a time period of 12 months after the mentioned date of commencement of this Scheme by 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.

If both parties in an agreement the necessary amendment to zoning maps and register would be made.

SECTION 2 TRANSITIONAL ARRANGEMENTS**9. TOWN-PLANNING / LAND USE SCHEMES IN OPERATION**

On the effective date, the “K Scheme” replaces all other town-planning schemes in operation within the area of the Scheme.

10. EXISTING LAND USE RIGHTS

- a) All existing legal land use rights that were in effect on properties prior to the effective date are deemed to continue in full force and effect, and are hereby incorporated into the Scheme; and
- b) Should a mistake or oversight be made in the recording of an existing land use right, such mistake or oversight shall be rectified as provided for in the K Scheme on the producing of proof of such existing land use right.

11. CURRENT APPLICATIONS

- a) All planning 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 period from the effective date; and
- b) Should the application not be approved and/or proclaimed within the twelve-month period, such application will be deemed to have lapsed and a de novo application in terms of the Scheme will be required. The Municipality may, at its discretion, grant a further 12-month period for the proclamation of an application on good cause shown.

12. OWNER’S RESPONSIBILITY

A landowner within the Municipal Area and the duly authorized representative of such owner may apply for any approval required in terms of the Act, this Scheme and the By Law. The fact that land may be used for a specific purpose according to its zoning or in terms of Municipality’s consent or approval does not exempt anyone from obtaining the necessary permit, license, authorization or approval required in terms of any other legislation.

13. THE MUNICIPALITY’S RESPONSIBILITY

- a) Public Document

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

- b) Keeping a Register

The Municipality is responsible for keeping and maintaining a record of all rezoning's, secondary uses and departures approved in terms of this Scheme. Additional records relating to the use of land in terms of this Scheme as required by the Municipality may also be included in the register. The register must be in an electronic or hard copy format.

c) Updating Amendments

The Municipality is responsible for updating the register and zoning maps based on approvals granted from time to time, after the conditions of the approval have been complied with.

Amendments to the electronic zoning maps should be updated at least every 6 months.

SECTION 3 INTERPRETATION OF THE SCHEME

14. THE SCHEME SHALL COMPRISE;

- a) The Scheme Clauses (Part 1 - 3), the Schedules and Annexures (Part 4), contained in this document.
- b) The Scheme Map (hereinafter referred to as the "Map Book"), which depicts the zoning of all properties within the Scheme Area. The notation used for each zoning is indicated in the front of the Map Book and the meaning to be assigned to the notations on the zoning map is set out in Part 2, Chapter 3 of this Scheme.
- c) The headings to the clauses of this Scheme are for reference purposes only.
- d) Any reference in this Scheme to:
 - i. "clause" shall, subject to any contrary indication, be construed as a reference to a clause hereof;
 - ii. "law" shall be construed as any law (including common law), or statute, constitution, decree, judgment, treaty, regulation, directive, by-law, order or any other legislative measure of the national, provincial or local government, statutory or regulatory body or court;
 - iii. a "person" shall include any reference to any person, firm, company, corporation, government, state or agency of a state or any association or partnership (regardless of having separate legal personality or not), or two or more of the foregoing.
- e) In this Scheme document, unless the context indicates otherwise, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.
- f) The Schedules, Annexures and Map Book to this Scheme form an integral part hereof and words and expressions defined in this Scheme shall bear, unless the context otherwise requires, the same meaning in such Schedules, Annexures and Map Book.
- g) When any number of days is prescribed in this Scheme, same shall refer to calendar days and be reckoned exclusive of the first and inclusive of the last day, unless the last day falls on a day other than a Business Day or on a public holiday, in which case the last day shall be the next succeeding Business Day.

15. ROADMAP TO USE THE SCHEME

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 that is required for the development from the land uses defined in Part 1, Chapter 2.
- b) Ascertain what the rights are on the subject property by obtaining a Zoning Certificate from the Municipality and verify the information contained in it against the K Scheme.
- c) Verify if 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 Map or maps contained in Part 2, Chapter 3, Section 1.
- 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 3, Chapter 5.
- g) Investigate the further regulations imposed by the zone as contained in Part 2, Chapter 4.
- h) Obtain the information and motivations required and prepare and submit the application with due regard to the procedures and formats of applications as contained in Part 3, Chapter 5.
- i) 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.

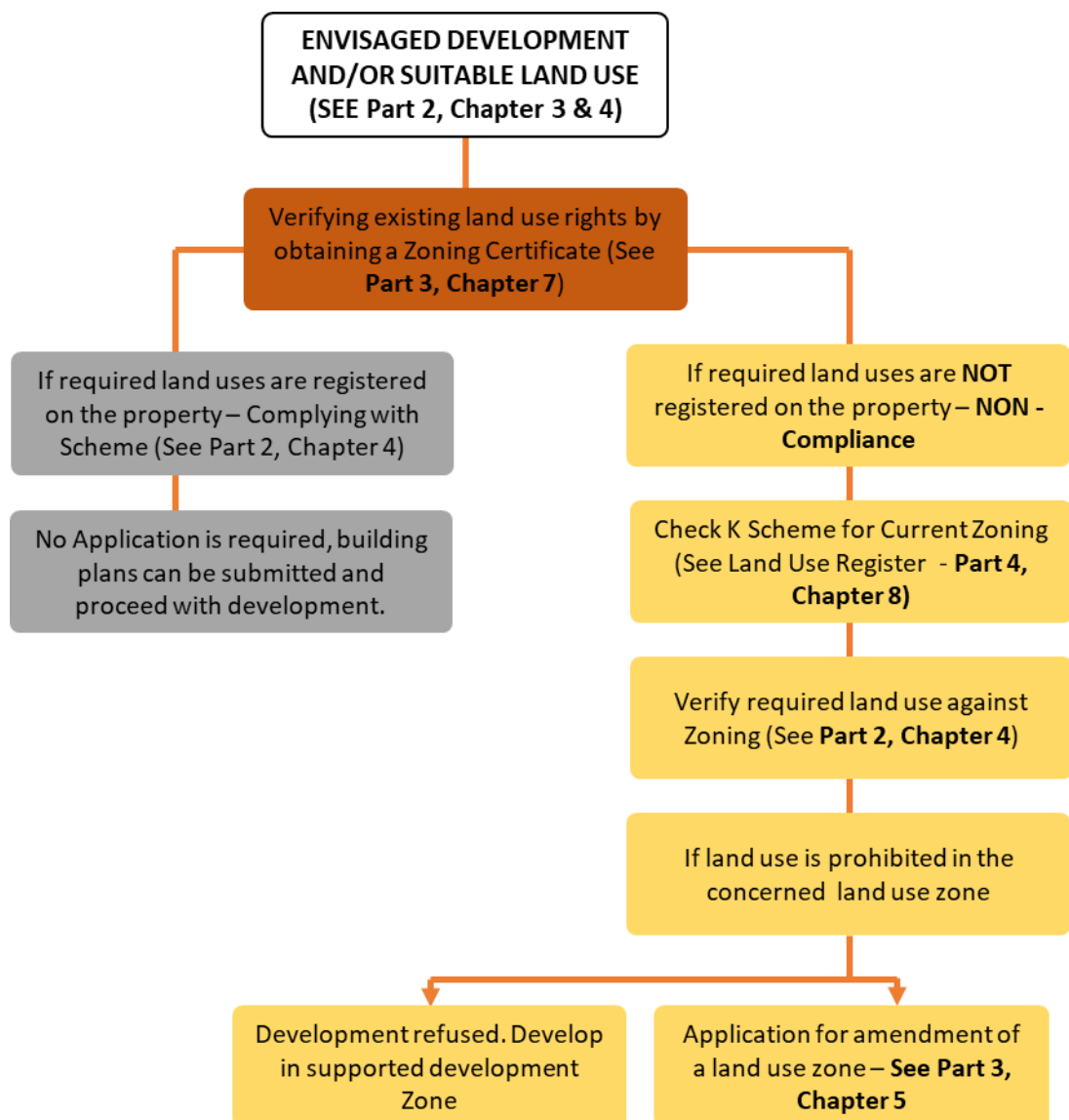


Figure 1 : Roadmap to use the scheme

CHAPTER 2 GENERAL TERMINOLOGY USED IN THE SCHEME

In this Land Use Scheme, annexures, appendixes, registers, any note on the zoning map and in any condition imposed in terms of this Land Use Scheme, the words and expressions shall have the meanings assigned to them in accordance with the definitions contained in Part 1, Chapter 2, Section 1 except where another interpretation is clear from the context. Interpretation of words not defined in this chapter will have the meanings assigned to them in the 'New Shorter Oxford English Dictionary' published by Oxford University Press, except where another interpretation is clear from the context.

SECTION 1 SCHEME RELATED TERMINOLOGY

Table 1 : General scheme related terminology used in the Scheme

TERMINOLOGY	DEFINITION
Adopt	In relation to a spatial development framework, zoning scheme, policy or strategy, means the approval thereof by the Municipal Council
Advertisement	Means any visible representation of a word, name, letter, figure, object, mark, or symbol or of an abbreviation of a word or name, or of any combination of such elements with the object of transferring information.
Ancillary Use	A use, building or activity which is subservient to, related to and reasonably required for the conducting of the dominant use on the property. Notwithstanding anything contained in this Scheme, the classification or not by the Municipality of an ancillary use shall be decisive and final.
Appeal	Means a legal proceeding by which a land use decision is brought before the Municipal Appeals Tribunal for the review of the decision taken by the Designated 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 an application submitted to the Municipality in terms of which a development right is sought;
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
Awning	A cantilevered or suspended roof, slab or covering (not being the floor or balcony) projecting from the wall of a building.
Balcony	A floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings, or by main containing walls of rooms abutting such projecting floor, and includes a roof, if any, over such floor and pillars supporting such roof.
Basement	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;
Base Zone	Means the zone that determines the lawful land use and development rules for a land unit before the application of additional parameters or rules of an overlay zone;

TERMINOLOGY	DEFINITION
Building	Means any construction or structure, which has been completed or is still under construction, or which is built underground, and which is intended to be used by humans or animals, or storing, processing, manufacturing, or selling of goods and materials, or for the treatment of refuse or waste materials and includes any wall higher than 2 meters, swimming pool, reservoir, water tower, bridge, summerhouses, aerial or radio mast, and, depending on the context, also includes a portion of a building and the structural change of or any addition to a building.
Building Line	Building line means the line that indicates the distance from a boundary of a land unit within which no building or other structure, except a boundary fence, may be erected, provided that no boundary fence, erected within the street building line area, shall exceed a height of 1,8m;
Bulk	A term used to describe the size, volume, area and shape of structures and their physical relationship of their exterior walls or their location on property boundaries, other buildings or structures or other walls of the same building and all open spaces required in connection with a building.
By-Law	Means a by-law promulgated by the !Kheis Local Municipality.
Carport	Means a building that is open on at least two of the four sides that are not closed by a wall.
Consent Use / Secondary Use	Means a land use that may be permitted with the consent of Municipal Planning Tribunal, as contemplated in Part 2, Chapter 3, Section 1 - Zoning Schedules.
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 local municipality as the case may be
Coverage	Means the total area, expressed as a percentage of the area of a site, 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
Council	Means the Council of !Kheis ;
Date of Approval	Means the date on which this Scheme was officially approved and promulgated in the Northern Cape Provincial Gazette.
Deeds Registry	Means a deeds registry as defined in section 102 of the Deeds Registry Act, 1937 (Act 47 of 1937).
Diagram	Means a diagram approved by the Surveyor General in terms of the Land Survey Act, 1997 (Act 8 of 1997).
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 Provincial Level.
Erect / Erection	Means with regard to a building - a) the erection, alteration, subdivision or converting of, or addition to a building, and b) the re-erection or repairing of a building that was wholly or partly destroyed or demolished;
Family	Means a parental couple or a single parent with or without own offspring or legally adopted or foster children, that do not have such family relations or legal linkage with the parent or parents;

TERMINOLOGY	DEFINITION
Floor Area	The total area of all floors/storeys of a building (including a basement storey), measured over the external walls of each floor/storey in the building, provided that in the calculation of the floor area the following areas shall not be included: a) Any area, including the basement storey(s), which is reserved solely for covered parking by the tenants or occupants of the building, provided that only 50% of the parking may be reserved for occupants or tenants; b) Unroofed buildings, open roofs and areas occupied by fire-escapes or staircases, whether inside or outside the building; c) Entrance halls, communal corridors and staircases not enclosed by external walls - therefore excluding closed entrance halls and foyers; d) Mezzanine or intermediate floor; e) Areas used to accommodate lift motors, and other mechanical or electrical equipment necessary for the proper use of the building; f) Chimneys, ornamental features, outdoor or uncovered swimming pools, canopies and parking bays covered by shade nets; g) Public toilets; Housing for servants on the roof of the building, provided that the floor area thus excluded shall not exceed 3% of the permissible floor area of such building; h) All balconies or verandas in a building, provided that such veranda or balcony shall not be enclosed except by means of a parapet at most one (1) meter high; i) Areas reasonably used for the cleaning, maintenance and care of the building or buildings, excluding dwelling units for supervisors, cleaners and caretakers.
General Plan	Means an approved plan registered as such in the office of the Surveyor General indicating a township or extension of a township and includes small-scale diagrams.
Gross Leasable Floor Area	The floor area designed for occupation and control by a lessee, or which is suitable for such purposes, measured from the centre line of joint partitions and/or the outer surfaces of the external walls, but shall exclude toilets, lift shafts, service ducts, loading bays and interior parking.
Group Erf	Means a portion of land in a group site which is approved for the erection of a single dwelling as part of a group housing scheme;
Group site	Means a piece of land that can be subdivided into a number of group erven with or without public or private street and/or open space;
Ground floor	Means the lowest floor of a building which is not a basement;
Homeowner's association	Means an association as intended by Section 53 of the Act;
Kitchen	A room or any portion of a room equipped with cooking facilities and used for the preparation of meals, including a kitchenette, but excluding outside entertainment areas. Cooking facilities include any stove, hotplate, oven, microwave oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. A water kettle, coffee percolator and bread toaster are not regarded as cooking facilities.
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 jurisdiction of !Kheis Municipality;
Land Use	Means the purpose for which land is or may be used lawfully in terms of a land use scheme, existing scheme or in terms of any other authorisation, permit or consent issued by a competent authority, including any conditions related to such land use purposes;
Land Use Management	Means establishing or implementing any statutory or non-statutory mechanism in terms of which the use of land is or may be restricted or in any other way regulated.
Land use restriction	Means a restriction, in terms of a zoning, on the extent of the improvement of land;

TERMINOLOGY	DEFINITION
Land Use Rights	Means the inherent rights to use and develop land that is attached to a property. The Land Use Rights determine what is allowed on the property in terms of the type of development, the bulk or intensity thereof and the conditions to which the development or land use are subject. The components of the Land Use Rights are: - The land use allowed, as defined in the land use definitions, - The bulk of development allowed, as defined in the density, Coverage and Height restrictions, and - The conditions to which the development must comply, as defined in the building lines, parking and loading requirements, site development, urban design, landscaping, servitudes and other conditions.
Land Use Scheme	Means a land use scheme adopted in terms of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the regulation of land use and shall include, where the context so requires, an existing land use scheme that was adopted prior to commencement of the Act and an amendment scheme.
Line of no Access	A line along a street or property boundary prohibiting any vehicular access or egress.
Linked	In relation to the definition of “group housing”, means to be connected by means of a communal wall and/or garage;
Local Municipality	Means the !Kheis Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision-making body of the municipality, and its delegates.
MEC	Means the Member of the Executive Local Municipality of the Department of Cooperative Governance, Human Settlements and Traditional Affairs of the Northern Cape Province.
Municipal Planning Tribunal (MPT)	Means the Municipal Planning Tribunal as referred to in Chapter 6 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).
Occupant	In relation to any building, structure, or land, means and includes the following; any person occupying such building, structure, or land or legally entitled to occupy it, or anybody entrusted with the control or supervision thereof; and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.
Overlay Zone	Means a demarcated area indicated on a plan included in the zoning map book, which is subject to additional development controls and/or guiding development principles, as specified in terms of the requirements of a policy plan approved by Council. A property falling within an overlay zone is subject to the provisions as set out in Part 2, Chapter 3, Section 3 of the Scheme, over and above those specified for any of the Use Zones;
Outbuilding	Means an additional and approved single storey structure, either attached to or separate from the main unit, and 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 required in connection with the main structure, but does not include a second residential unit;
Owner	Means in relation to any building, structure or land: - The person in whose name the ownership to such building, structure or land is registered in the Deeds Office; - The person who lawfully exercise ownership on behalf of the owner of such land, building or construction; - If the premises are under lease, the registration of which is in law necessary for the validity of such lease, the lessee; - Any person receiving, or entitled to receive rent in respect of any premises on behalf of the owner of such premises; and - The designated official of any of the above persons.

TERMINOLOGY	DEFINITION
Panhandle	Means an L-shape property/subdivision, consisting of a narrow portion, which is known as the panhandle / entrance and which abuts on a street, and a broader buildable portion, provided that such portion complies to the minimum requirements set out for an erf in the applicable area. Such panhandle portion must have a minimum width of 4m and a common boundary with a public street.
Pergola	Any unroofed horizontal or approximately horizontal grille or framework, such that the area in the horizontal projection of the solid portions thereof does not exceed 25% of the total area thereof.
Permitted Use / Primary Use	Means land uses which are permitted in a specific zoning. Planning permission is not required when both the present and proposed uses fall within the same zoning as defined in the Land Use Scheme. If an applicant wishes to rezone an erf to another zoning it needs to be compatible with the surrounding land uses.
Property / Land Unit	Means any portion of land filed with the Surveyor General and registered in the Deeds Registry as a separate portion, entity or unit and includes a farm, small holding, erf, section, lease area, or any subdivision thereof, as well as the building or structure erected thereon.
Public Use	Means any land and/or a building used by any public or private organisation, with the purpose of rendering services to the public.
Rear Boundary	A "rear boundary" of a site or plot means every one of its boundaries (street boundary excluded) that is parallel or within 45 degrees of parallel to every street boundary of such premises or plot and does not join a street boundary;
Register	Means documents held by a local authority in connection with all concerned zonings, departures, concessions and restrictions and includes a record of all: a) departures from the town planning conditions, b) rezoning conditions (including special zonings) that influence the land use right of any land unit, and c) concessions approved by Council;
Regulations	Means the written supplement to the map in terms of which town planning control should be practised and it refers to this document;
Servitude	Means a registered right that grants the use of a portion of land for specified purposes and is registered against a title deed and/or general plan.
Side boundary	Means a boundary of a site or erf which is not also a street boundary or rear boundary;
Split Zoning	In the case of the split zone, the rights will apply pro-rata to each split zone portion.
SPLUMA	Means the Spatial Planning and Land Use Management Act 2013, (Act 16 of 2013) and any regulations enacted in terms thereof.
Stoep	An uncovered paved area or projecting floor outside and immediately adjoining a building, at or below the level of the ground floor thereof, and includes any low walls or railings enclosing such paved area or floors.
Storey	Means a single floor of a building, including a basement, which does not exceed a height of 4m, measured from finished floor level to finished floor level or to the ceiling in the case of the top storey;
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 broadening, the street boundary of the site or land unit is the boundary of such proposed new street or proposed street broadening;
Street building line	In connection with a land unit, means a building line applicable on a setback or, where no setback is applicable, in connection with a common boundary between the concerned land unit and any adjoining street;

TERMINOLOGY	DEFINITION
Surrounding Properties	Properties immediately adjacent to and abutting on the subject property, including properties located in line with and across any street or road from the subject property.
Temporary Structure	Any building or structure that is so declared by the owner and that is being used or is to be used for a specific purpose for a specified limited period of time but does not include a builder's yard.
The Act	Means the Spatial Planning and Land Use Management Act, Act 16 of 2013; Means a notice, as the example included in "Procedures for Application", by the applicant to each land owner who has an interest or who may have an interest in the matter, according to the opinion of the Designated Officer, and whose address is recorded with the Municipal Planning Tribunal:
To serve a notice	a) specifying the place where and the hours during which particulars of the matter will be available for inspection, b) stating that objections may be lodged with a person specified in the notice before a date likewise specified, being not less than 28 days after the date on which the notice is so published, and to give proof of service to the Municipal Planning Tribunal with the application;
Traffic Impact Assessment	A study of demand for travel generated by a proposed development in relation to the existing and planned road system, provided that such a study must be conducted by a competent, registered civil or traffic engineer.
Undevelopable Land	Undevelopable land includes: a) land situated within a 1:100 year Floodline area, b) land where the gradient is steeper than 1:5 (20%), c) environmentally sensitive areas, such as wetlands, or natural habitats, or areas forming an integral link between such areas of environmental sensitivity, d) unique landscape features, cultural heritage sites, and any other land that, due to physical or other constraint cannot reasonably be developed.
Undetermined	Referred to properties previously zoned 'undetermined' or other abolished zones in previous schemes which cannot be appropriately converted to a new use zone;
Urban Edge	A line which delineates and contain the formal development within the municipal area (also refer to Land Use Maps)
Zone	Means a portion of land set apart on the map for a particular zoning, irrespective of whether it comprises one or more land units or a portion of a land unit;
Zoning	Means a portion of land set apart on the map for a particular zoning, irrespective of whether it comprises one of more land units. It also means the restrictions, provisions and guidelines that regulate the use and development thereon as stipulated by the relevant zoning with regard to the erecting and use of buildings or the use of land.
Zoning Map	Means the series of maps on which the different land use zones are indicated and forms part of this scheme.
Zoning Scheme	Means the scheme consisting of these regulations, the register and the zoning map.

SECTION 2 LAND USE RELATED TERMINOLOGY

Table 2 : General building and land use terminology used in the Scheme

TERMINOLOGY	DEFINITION
A	
Abattoir	Means a building licensed in terms of relevant health regulations, designed for the slaughtering of animals (including poultry and birds), the processing of animal products and in the context of this definition, the further processing of meat for human consumption.
Adult Entertainment	Means an enterprise or commercial business that mainly supplies adult entertainment, in trade or selling of articles, and includes enterprises such as escort agencies, sex shops and any other enterprises or shops where persons under the age of 18 are not allowed, but does not include a casino, gambling house, tavern or bottle store;
Agricultural Use	Means the cultivation of crops and plants and/or the breeding of animals, as well as the operation of a game farm on an extensive basis on natural land or veld, stock- or auction pens and at most two residential houses and other buildings, and it includes workers dwellings for bona fide labourers, which are reasonably connected with the main agricultural activity on the farm.
Agri-Industry	Means an industry or enterprise primarily for the processing of products produced on that or surrounding agricultural unit(s), agricultural products must be perishable and fragile in nature and includes, wine cellars and sheds, packing facilities, juice processing plants, caretaker's quarters and silos, or related, but excludes a abattoir.
Airport	Means a site used for landing, transit, assembly, maintenance and storage of aircraft for commercial, military and recreational purposes and includes a landing strip, airline terminal, aircraft storage, maintenance hangars and warehouses for handling of airfreight, together with associated buildings and may also include shops, banks, vehicle rental establishments, and hotel.
Animal Clinic	Means a site and/or building where animals/ birds receive medical treatment but may stay overnight
Animal Hospital	Means a site and/or building where animals/ birds receive medical treatment and may stay overnight if necessary.
Auction Pen	Means a building or place used for the purpose of the public sale of livestock and includes a public cattle market and sale pens.
Auctioneer	Means a building or site used for the sale of moveable or unmovable goods (other than livestock) to the public by means of a public sale in execution and which includes the sale of goods that had been offered for sale during auctions, but which have not been sold.
Authority Use	Means a usage practised by a local government and of which the extent thereof is of such nature that it cannot be classified or defined under another usage in these regulations, for example fire-brigade services, vehicle test centre or any services installation, such as power stations, sewerage works, refuse dump sites, reservoirs, substations, etc.;
B	
Base Flood / Flood line	The level of flood water that on average is exceeded everyone (1) hundred years. Also termed 1:100-year flood-line.
Bottle store	Means a shop in which mainly alcoholic beverages are sold in the retail trade, and includes an off-sales facility which is under the same management as a licensed hotel;
Brickwork	Means an industry conducted with the purpose of manufacturing bricks and other products made of clay, which are either removed from an extracted quarry and then baked on the premises or may include an industry which uses extractive products that originates from another site.

TERMINOLOGY	DEFINITION
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 be intended as a terminal station for a number of routes, or as a transfer station where the routes continue.
Business Building / Premises	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, put-put course, 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;
C	
Cafeteria	Means a place where people collect food and beverages from a serving area and take it to a table themselves after paying for it.
Camping Sites	Means an area which is laid out/planned in an informal way for day camping and/or accommodation of caravans and/or tents on clearly indicated sites or stands, but not intended for mobile homes (<i>also refer subsection 44</i>);
Canal	Permanently constructed waterways, e.g. irrigation canals normally governed by an Irrigation Board, storm water trenches associated therewith, as well as pump stations and relevant infrastructure.
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;
Caravan Park	Means an area used for the purpose of placing and parking of caravans, motor homes, movable dwellings and a camping site for temporary overnight accommodation of tourist and visitors, or long-term accommodation not exceeding three months. This may include cabins, chalets or huts used for temporary overnight accommodation for tourist and visitors. The area must be provided with ablution and sanitary facilities, permanent water points, approved refuse receptacles and sites with or without power connections. Sufficient open space for recreational purposes and activities associated with camping must be provided and may also include one dwelling house or flat for caretaker or administrative use. Any caravan park must adhere to the requirements of the South African Bureau of Standards (Publication SABS 092/1971- Code of Practice for Caravan parks).
Caretaker's quarters	Means an additional approved building that is secondary to a building or practice in the industrial zones, and in such further zones on which the Council may decide from case to case, and which may only be erected after or at the same time as the establishment of the primary activity for the accommodation of a caretaker, who works on the premises, and his/her family;
Carport	Means a building that is open on at least two of the four sides that are not closed by a wall.
Carwash	Land and/or buildings used for the washing, polishing and cleaning of vehicles by means of mechanical apparatus or by hand.
Casino	Means any institution, place or enterprise, irrespective of whether it is licensed for this purpose, 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, and may include a Hotel, Restaurant, Place of Entertainment and related business;
Cemetery Use / Graveyard	Means a site used exclusively for the burial of the deceased, which includes buildings for the accompanying administrative and church observances (excluding a crematorium)

TERMINOLOGY	DEFINITION
	and dwelling for a caretaker, as well as a commemorative wall for the storage of human ashes in a manner and format determined by the Local Municipality.
Clinic	Means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and emphasis on outpatients, provided that a clinic may contain live-in facilities for no more than twenty persons, including patients and staff; a clinic may include medical suites, operating theatre, outpatients' centre and a wellness centre with ancillary uses.
College	An institution or higher learning facility, furnishing courses of instruction in the liberal arts and sciences, using to a Bachelor's degree.
Commonage	Means land that is usually acquired through state grants and where residents may acquire land for agricultural utilisation, mainly to benefit the local community.
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 a building or place owned or controlled by a public authority or a body of persons, which may provide for the physical, social, cultural or intellectual development or welfare of the local community, and could include uses such as community hall, place of instruction, place of assembly, place of worship, institution, and sport- and recreation facilities.
Conservation area	Means a premise or area indicated in this scheme to be used by Council, a person or an institution, exclusively for the conservation of the natural environment, land, historical buildings, fauna and/or flora and can include tourist facilities that forms an integral part thereof;
Contractual Conservation Area	Means areas designated for conservation purposes in terms of an agreement with a conservation agency, or between landowners, a lease agreement, or servitude. This category includes conservancies and biodiversity stewardship sites.
Crèche	Means a building/premise where six to 20 pre-school children are cared for / taken care of, but may not stay overnight;
Crematorium	Means a building where corpses are cremated;
Critical Biodiversity Area	Means areas required to meet biodiversity targets for ecosystems, species and ecological processes, as identified in a systematic biodiversity plan (<i>also refer to special management zones in Part 2, chapter 3, Section 2</i>)
D	
Dam	Is a structure built across a stream, a river, or an estuary to retain water. Dams are built to provide water for human consumption, for irrigating arid and semiarid lands, or for use in industrial processes.
Depot	Means a building or place used for the storage and distribution (but not retail sale) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place.
Dormitory	A building usually situated at educational facilities containing a number of private or semiprivate room for residents, usually along with common bathroom facilities and recreational areas.
Drive-in restaurant	Means any land or buildings used for a restaurant or café from which food and refreshments are served to patrons who remain seated in motor cars parked in the vicinity of such restaurant or café;
Dwelling House / Residential House	Means a building containing only one residential unit - a self-contained interlinking group of rooms for the accommodation and housing of a single family, or a maximum of four persons who do not satisfy the definition of a "family", together with such outbuildings as are ordinarily used therewith.

TERMINOLOGY	DEFINITION
Dwelling Unit	Means a building used for residential purposes containing one or more habitable rooms and provided with adequate sanitary and cooking facilities.
E	
Educational Building	Means buildings designed as a pre-primary school, primary and secondary schools, college, technical institution, academy, lecture hall or other educational centre and includes an accompanying hostel, dwelling house/s for staff and activities incidental to a place of instruction.
Extractive Industry	Means the process of extracting, mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone and includes buildings and crushing plant used in connection with such process
Extramural Activities	Means the utilisation of a building or premise for any extramural activities (sport, art, cultural, recreational or other) which are not normally associated with the primary use or occupants of the site, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or lowering of aesthetics being caused and may include art classes, dance classes, motivation classes, yoga-, pilates-, aerobics classes or any other fitness related activity;
F	
Farm stall / Roadside stall	Means a building and/or structure which covers an area not exceeding 100m ² and where a farmer can sell his produce, either to his employees or to the general public;
Financial Institution	Means any enterprise that renders mainly financial services to clients and includes banks, stock exchange services and home-loan enterprises;
Four x Four Trail (4x4)	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 do not include holiday accommodation and tourist facilities.
Flats	Means a building containing more than one residential unit;
Forrest Wilderness Area	Means declared forest wilderness areas e.g. natural forests, woodlands and natural habitats or ecosystem components.
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 bank of the river or the delineated riparian areas, whichever is larger, and measured from the outside edge of the wetland.
Funeral Parlour Office	Means an enterprise that provides coffins and arranges funerals but excludes the storage of corpses prior to burial and a crematorium.
Funeral Parlour Facility	Means an enterprise that provides coffins and arranges funerals and includes a hall where corpses are stored prior to burial or cremation but excludes a crematorium.
G	
General Industrial Use	Means the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use to retail stores.
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 practised by the State, such as military training centres and installations, telecommunication facilities, police stations and prisons; or by the Provincial or District authority, such as road stations and road camps or any other parastatals such as Eskom, Telkom, etc.;
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

TERMINOLOGY	DEFINITION
	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.
Guest House	Means a house or building where the majority of facilities are shared and where at most 15 beds are leased on short-term basis, provided that a house where at most 3 rooms or 8 beds are leased, is not regarded as a guest house, but as a bed and breakfast unit or a self-catering unit;
Gymnasium	Means a building used for physical exercise such as aerobic exercises, boxing, wrestling, karate or similar indoor physical activities, with or without apparatus.
H	
Hawker's Stall	Means a permanent and/or non-permanent structure exclusively used for informal trading purposes, given with the consent of Local Municipality.
Heavy vehicle overnight facilities	Means land and/or buildings used for parking of heavy vehicles and/or where the drivers of such vehicles can overnight;
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).
Holiday Accommodation	Means a harmoniously designed and built holiday development, belonging to one owner, with an informal layout of which the individual units are only marketed by means of renting to travellers and holiday- makers 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;
Hospital	Means a place for the diagnosis and treatment of human illness and providing health care services (such as preventative or convalescent care, emergency / casualty treatment, diagnosis, medical or surgical treatment, care for people with development disabilities, psychiatric care or counselling and services provided by health care professionals), and includes; a) integrated facilities such as operating theatres and live-in accommodation for patients or for their visitors; b) ancillary facilities for the accommodation of doctors, nurses or other health care workers; c) ancillary shops or refreshment rooms and facilities used for educational and research purposes; d) a clinic, primary health care facility and medical suites.
Hostel	Provide budget-orientated, sociable accommodation where guest can rent a bed and share a bathroom, lounge and sometimes kitchen.
Hotel	Means a building designed to comply with the requirements of a hotel, but does not include linked or separate buildings or premises for off-sale facilities;
I	
Incremental housing	Means single residential housing units 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

TERMINOLOGY	DEFINITION
	the informal stages. 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. All properties zoned as Residential Zone IV in former zoning schemes are converted to "incremental housing" in this land use management scheme.
Industrial Building	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 quarters, 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.
Infrastructure	The fundamental facilities and systems serving a country, city, or area, and transportation and communication systems and power plants.
Initiation School	Means a registered cultural institution or a place where cultural initiation into manhood/womanhood (that may also involve circumcision), including teachings of cultural practices and behaviours are carried out.
Institution	Means a building or part thereof which is used or intended to be used as a charity, health or welfare institution and/or for the administration thereof, and includes community facilities, a hospital, a pharmacy linked to a hospital, clinic or reformatory, either private or public, but does not include a prison or place of detention;
J	
K	
Kennels / Animal Establishment	Means land and/or a building used for breeding, boarding, training, keeping or caring of animals/birds, and includes a riding school and petting zoo, but excludes an auction pen and livestock yard;
L	
Landing Strip	Means a long flat area of ground that is used by aircraft with wings when taking off and landing.
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.
Licensed hotel	Means a building designed to provide mainly short-term accommodation to visitors and includes an off-sales facility for liquor/public bar;
	Means land and/or a building used as a light industry and includes, inter alia, uses or activities to the Scheme, as may be amended by Local Municipality from time to time, and in which;
Light Industrial Use	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; c) With special permission from Local Municipality, articles commodities, goods or foodstuffs manufactured, produced, processed or assembled wholly or partly on the premises, are sold.
Liquid Fuel Depot	Means a place used for the bulk storage of petrol, oil, diesel or other inflammable liquid for wholesale distribution.

TERMINOLOGY	DEFINITION
M	
Medical Consulting Room	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.
Mining Activity	Means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or by which any operation is carried on 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, and includes extractive industries.
Mix Density Residential Use	An area consisting of a mixture of housing densities and types to accommodate a diverse combination of age and income groups.
Mobile home	Means a factory-assembled structure, approved by the Provincial Legislator, and with the necessary service connections, which can be moved on the site and designed in such a way that it can be used as a permanent home, but does definitely not include any extensions constructed with building materials;
Motor vehicle	Means a vehicle designed or intended for propulsion by other than human or animal power, and includes a motorcycle and a trailer or caravan, but does not include a vehicle moving exclusively on rails;
Mountain Catchment Area	Means areas declared as mountain catchment areas that provide for the conservation, use, management and control of such land.
Municipal Use	Means land/erven and buildings utilised by Local and District Municipality to carry out its mandatory functions, of which the extent thereof is of such nature that is cannot be classified or defined under any other usage in these regulations and include uses such as stores, warehouses, cemeteries, commonage, nursery, waste disposal site and water purification works, etc. The land/erven zoned for this purpose must be registered in the name of the Municipality.
N	
Nature Reserve	Means provincial, local authority and registered private nature reserves and include areas of significant ecological, biophysical, historical, or archaeological interest or that are in need of long-term protection for the maintenance of its biodiversity or for the provision of environmental goods and services. And may include tourist facilities and accommodation facilities
Noxious Industrial Use	Means a building or site that may be hazardous to the general public due to vapour, effluvia or any waste matters. The Local Municipality may require of the owner of such an industry to process the wastewater and fall-out to an acceptable level.
Nursery	Means a place where plants are cultivated and/or sold to the public;
O	
Occupational Practice	Means the practicing of an occupation or trade, subject to the provisions subsection 57, practiced by at most one person per residential unit and/or outbuilding of which that person is the occupant, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or lowering of aesthetics being caused; provided that at most two assistants may be employed and that two persons that are legally married (including persons that live together according to common-law, or persons that are regarded man and wife in terms of religious beliefs) and reside in the same unit, may each practice their occupations;
Offensive industry	Means any building or premise or portion thereof, designed or used for any known 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

TERMINOLOGY	DEFINITION
	generality of aforementioned, include the following: any chemical works, distillery, brewery, 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 Council/Municipal Planning Tribunal may regard as an “offensive industry”;
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, land surveyor, attorney or advocate, but excluding a clinic and hospital and subject thereto that no manufacturing, repairing or selling of goods, except the dispensary of medicine by a medical doctor and/or chemist, as part of the activities of the premises and no storing or distribution of any material or goods be permitted on or from the premises.
Overnight Facility	Means a dwelling unit or rooms with or without kitchen, used for provision of temporary accommodation to persons.
P	
Park	Means land used for recreational purposes by the general public, as well as a building or structure in relation thereto and may include ablution facilities and playing apparatus.
Parking area	Means a site that accommodates more than one parking bay and normally includes holding areas as well as ablution facilities and can include a private parking area;
Parking Bay	means a site with a minimum area of 5,5m by 2,5m that is clearly outlined and marked out for the parking of one motor vehicle, as well as any such areas that are needed for circulation and landscaping, and are accessible to the Council/Municipal Planning Tribunal’s satisfaction;
Parking Facility	Means a building or site that provides parking of vehicles to the public for free, or at payment of a prescribed fee, for a pre-determined period.
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 directly related to a commercial undertaking;
Place of entertainment	means any building or site where people assemble for entertainment or social relaxation or sport 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 any building or site for a casino or adult entertainment;
Place of Instruction / Educational building	Means a school (both primary, secondary, special and private schools), college, technical institute, academy, university, lecture hall or other centre of instruction, and includes a hostel appertaining thereto, and a convent, dormitory, public library, art gallery, museum, gymnasium, training centre and creche, but does not include a building used or intended to be used wholly or primarily as a certified reformatory or industrial school or as a school for the mentally handicapped;
Place of Refreshment	Means land and buildings or a part of a building used for the preparation, sale and consumption of refreshment on the property such as a restaurant, cafe, coffee shop, cafeteria, tearoom, tea garden and excludes a bar, tavern or the re-selling of liquor.
Place of Worship	Means a church, synagogue, mosque, temple, chapel or other place for practising religion. This includes any building in connection therewith, for instance a hall, Sunday school classes or parsonage, but does not include funeral parlours (Office & Facility), including chapels forming part of such funeral parlours;
Power Line	A structure or structures used in electric power transmission and distribution to transmit electrical energy over long distances, whether above of underneath the ground. Above the ground it normally consists of one or more conductors (most often three or four)

TERMINOLOGY	DEFINITION
	suspended by towers or utility poles. This may also include mini-stations, substations, offices related to maintenance and vacant land as part of the servitude.
Primary School	Means an educational building for learners between the ages of 6 till 13 or grade one till seven for learners.
Private Conservation Area	Means any land which has been set aside in this scheme for use as a private site for recreation facilities or as an ornamental garden or pleasure-garden, provided that the land is under the long-term management of a private person or authority, for the primary use of conservation and includes areas unofficially designated and managed for conservation purposes by the relevant land owner.
Private Open Space	Means any land which has been set aside in this scheme for use as a private site for sport, playing, rest and recreation facilities or as an ornamental garden or pleasure-garden, provided that the land is under the long-term management of a private person or authority, and also a cemetery or show grounds, whether public or private;
Private Parking Area	Means a lot where vehicles can park and is owned by a private institution or person.
Private School	Means a school that are administered by a non-governmental organisation and funded in whole or in part by student's tuition.
Private Street/Road	Means any street which is not a "public street/road" or does not fall under public authority control.
Professional Offices	Means such types of uses as that is normally and reasonably associated with the concept "professional", e.g. doctors, dentists, architects, engineers, etc. the rendering of services, in contrast with carrying on a business, is one of the distinguishing factors
Prospecting	Means intentionally searching for any mineral by means of any method:
	(a) which disturbs the surface or subsurface of the earth, including any portion of the earth that is under the sea or under other water; or
	(b) in or on any residue stockpile or residue deposit, in order to establish the existence of any mineral and to determine the extent and economic value thereof; or
	(c) in the sea or other water on land.
Protected Environment	Means areas as a buffer zone for the protection of a wilderness area, special natural reserve, national park, world heritage site or nature reserve, to enable owners to conserve biodiversity, protect specific ecosystem and control land use.
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, a restaurant or café, spray-painting, panel beating, body and blacksmith work, but does not include heavy vehicle overnight facilities;
Public Open Space	Means any 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 or recreational site, whether it appears on an approved general plan or not;
Public Parking Area	Means land or a building or part thereof that is accessible to the general public for parking purposes;
Public Road	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 in addition to the roadway;
	a) The space between the roadway and the road reserve boundaries on either side of the roadway;

TERMINOLOGY	DEFINITION
	b) Any other work or object on that land forming part of, is connected with, or belonging to such road, servitude or thoroughfare, and; Any bridge, subway or drift traversed by such road, servitude or thoroughfare.
Public Street	Means any land indicated on a plan or diagram or is specified within this zoning scheme, reserved for street purposes and where the ownership as such vests in a competent authority and includes facilities for public transport;
Put-put course	Means any land or buildings used as extramural miniature golf course;
R	
Racecourse	Means a site or structure used mainly for races or practising for any form of races, and include vehicle racecourses, motor-cycle racecourses, horse racecourses and any other similar uses;
Railway Purpose	Means land used for rail transport purposes and includes the rail reserves, the station and any uses directly connected to the rail transport service;
Renewable Energy Structure	Means a plant 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 it includes boarding-houses, guest houses (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 "place of 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 an enterprise or place that mainly prepares food and refreshments on the site which is served to clients who consume it on the site, and where alcoholic beverages are only served with meals but excludes a tavern;
Retirement Resort / Village	Means a group of separate and/or connected individual residential units or rooms with communal amenities that is planned, designed and built as an entity to accommodate and/or care for old people;
Riding School	Means the place or enterprise for hiring out horses for payment and includes the caring for and stabling of such horses.
River and riverbed (incl. 32m buffer)	Means all perennial and non-perennial rivers and wetlands.
S	
Scrapyard	Means a building or land used for one or more of the following purposes:

TERMINOLOGY	DEFINITION
	a) the storing, depositing, or collecting of junk or scrap material or articles of which the value depends entirely or partially on the material out of which they are manufactured, b) the dismantling of second-hand vehicles or machines with the aim to recover components or material;
Second dwelling unit	Means a secondary, completely self-contained residential unit which is erected or adapted on a site on which there already exists a residential unit, and which is used for the definition of a “family”;
Secondary School	Means an educational building for learners between the ages of 13 till 18 or grade eight till twelve for learners.
Self-Catering Unit	Means units, either architecturally linked or detached, which mainly serves as a residency for overnight visitors and tourist’s accommodation facility and where meals are prepared by the guests themselves.
Self-Storage Facility	Means one or more separate storage units with a maximum size of 36m ² each, which shall be individually accessible and used primarily for the long- and short-term storage of household goods, caravans, trailers, boats, cars, motorcycles, office equipment, documentation, etc. A single office may be provided for administration purposes as well as a security office from where access to and from the site is controlled.
Service Industry	Means a commercial business or concern mainly geared for service to 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 Council, but does not involve any trade that resorts under the definition of industry, service station, garage, offensive trade or business, unless listed above.
Service Station	Means a business or concern where the sale of motor vehicles, oil, tyres and motor spares are traded in and includes a business where motor vehicles are provided with fuel for payment as well as the repair and overhaul of motor vehicles, as well as a café and restaurant, the use of a Service Station may also include a Petro-port (which is normally found as ancillary uses , part of a service station), but excludes spray-painting, panel beating, body and blacksmith work and heavy vehicle overnight facilities.
Sewerage Plants and Refuse Area	Means areas designated as municipal and private sewerage treatment plants and refuse areas, including recycling facilities, guard houses, ablution facilities and relevant infrastructure.
Shooting Range	Means premises approved by Local Municipality and police services, or military authority for safe shooting practice and competing with rifles, other firearms and weapons, including non-licence weapons such as crossbows and bow-and arrows, including associated buildings and structures, clubhouse, shooting pits, etc.
Shop	Means a site and/or building and/or structure used for carrying on a retail concern and may include a laundrette, offices, nursery, restaurant, a dry-cleaner, flats above ground floor and a retail concern where goods sold are manufactured and/or repaired in such a concern, provided that the floor area relating to such manufacture and/or repair shall not exceed one third of the floor area of the shop, but it does not include any industries, public garages, service stations, taverns, supermarkets (with or without the selling of wine) or bottle stores.
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 also may include the occasional use of the premises for assembly of people and/or for public religious purposes and/or sport gatherings.

TERMINOLOGY	DEFINITION
Smallholding	Means an agricultural unit, smaller than 5000m ² that is used for the 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 is reasonably relevant to the main agricultural activity on the farm, including bona-fide staff housing;
Special Reserve Nature	Means areas characterised by sensitive, ecologically outstanding ecosystems or natural habitats, natural communities, populations or species, or unique geological or biophysical features conserved primarily for scientific research, educational and limited nature-based recreational purposes. And may include tourist facilities and accommodation facilities.
Special use	Means a use which is such, or of which the land use restrictions are such that it is not catered for in these regulations, and of which the uses and land use parameters are fully described by means of the conditions as contained in the special zone;
Sport Recreation Facility &	Means the use of building/ buildings and/or land for sporting activities such as soccer, rugby, cricket, hockey, tennis golf, etc. and may include grandstands, change rooms, ablution facilities, a clubhouse and other uses ancillary and subservient to the main use on the same property.
Sport Grounds	Means land which is utilized for the practicing of outdoor sport and includes only improvements ancillary to the practicing of outdoor sport.
Sport Facility betting	Means any institution, place or enterprise, irrespective of whether it is licensed for this purpose, where any form of sports betting or other game is played with the purpose of determining the profit or loss of money, other property or credit.
Storage Yard	Means a yard in which materials, equipment and vehicles are stored, kept and maintained and may be covered, enclosed or screened.
Street	Means streets or roads that are part of an approved general plan, indicating a township or extension, and registered at the offices of the Surveyor General.
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 basis of self-service.
T	
Tavern	Means a building in which the on-site consumption of liquor has been legalised by means of a liquor licence, 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 titbits are also served;
Taxi Rank	Means a place where taxis park while waiting to be hired and may include ablution facilities.
Tea Garden	Means a public garden where tea and light refreshments are served.
Tele-Communication 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.
Tourist Facility	Means facilities created in a rural area for the recreation and entertainment of tourists and may include overnight facilities, wine tasting, micro-brewery, a restaurant and a farm stall.

TERMINOLOGY	DEFINITION
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;
Training Centre	Means a place where people undergo skills training for work.
Truck Stop	Means an erf or building used primarily as a stop-over facility for commercial vehicles, with facilities for the maintenance or repair of commercial vehicles, dispensing of motor fuel or other petroleum products, ablution facilities and convenience shop for travellers with overnight facilities.
Tuck shop	Means a small commercial business (including a telephone kiosk / cell phone shop), not bigger than 25m ² , run by a member/members of the household from a part of the house or outbuilding, provided that stock shall be limited to the volume that can be accommodated in the tuck shop and no processing, subdividing or preparing of food may be done and no stock may be stored outside of the tuck shop.
U	
University of Technology and University	Means an institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees; specifically: one made up of an undergraduate division which confers bachelor's degrees and a graduate division which comprises a graduate school and professional schools each of which may confer master's degrees and doctorates.
V	
Vehicle Showroom	Means a business directed towards the buying and selling of vehicles used for the transportation of people and goods as well as the sale of tractors, caravans and boats, but does not include the sale of motor spares for such vehicles, the sale of fuel for any vehicle, the lubrication or repair of vehicles, or a scrap-yard.
Vehicle Workshop	Means a building used for the repair, servicing, washing, cleaning, panel beating or spray painting of motor vehicles and includes facilities connected with these activities including storage of fuel and lubricants, office, storeroom, workshop, grease pit and machinery.
W	
Warehouse	Means a building for storage of goods or products as well as the running of a wholesale business in connection with such goods (including alcoholic beverages), provided that the 'warehouse' excludes retail trade, and wholesalers may only sell or deliver to dealers.
Wedding and Conference facilities	Means a building or area of commercial nature, used to cater weddings and conferences, and may include a restaurant/catering facilities to serve guests, and any other ancillary use linked to the main use;
Wilderness Area	Means areas characterised by their intrinsically wild and pristine appearance and character, or that are capable of being restored to such, and which are undeveloped, without permanent improvements or human habitation.
Workers Dwelling	Means residential facilities for an employee located on a farm or small holding that is not the primary residence on a property on which there is a single dwelling, and that is only occupied by persons engaged in rural or peri-urban occupations on that land,
World Heritage Site	Means cultural or natural areas that has been: a) Included on the World Heritage List, or the tentative list of the Republic, and has been proclaimed as a World Heritage Site, or b) Proclaimed to be a special heritage site for management in accordance with the Act (such areas cannot be referred to as a World Heritage Site).
Z	

SECTION 3 LAND USE CLASSIFICATION

In terms of Schedule 2 of the Spatial Planning and Land Use Management Act, 2013, land use purposes are classified into the 14 main classes. These main land use classes were used as the foundation for the determination of the use zones and the primary land uses allocated to each use zone.

LAND USE PURPOSE	SPLUMA DEFINITION
Agricultural	Means purposes normally or otherwise reasonably associated with the use of land for agricultural activities, including the use of land for structures, buildings and dwelling units reasonably necessary for or related to the use of the land for agricultural activities.
Business	Means purposes normally or otherwise reasonably associated with the use of land for business activities, including shops, offices, showrooms, restaurants or similar businesses other than places of instruction, public garages, builder's yards, scrap yards and industrial activities.
Community	Means purposes normally or otherwise reasonably associated with the use of land for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sport clubs or recreational or other activities where the primary aim is not profit-seeking, excluding a place of amusement.
Conservation	Means purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity.
Educational	Means purposes normally or otherwise reasonably associated with the use of land primarily for instruction or teaching purposes, including crèches, schools, lecture halls, monasteries, public libraries, art galleries, museums, colleges and universities.
Government	Means purposes normally or otherwise reasonably associated with the use of land by the national government, a provincial government or a municipality to give effect to its governance role.
Industrial	Means purposes normally or otherwise reasonably associated with the use of land for the manufacture, altering, repairing, assembling or processing of a product, or the dismantling or breaking up of a product, or the processing of raw materials, including a noxious activity. Note that this category excludes extractive activities (these would fall under mining).
Institutional	Means purposes normally or otherwise reasonably associated with the use of land for charitable institutions, hospitals, nursing homes, old-age homes, clinics and sanatoriums, either public or private.
Mining	Means purposes normally or otherwise reasonably associated with the use of land for mining.
Public	Means purposes normally or otherwise reasonably associated with the use of land as open spaces, public parks, public gardens, recreation sites, sport fields or public squares or for religious gatherings.
Recreational	Means purposes normally or otherwise reasonably associated with the use of land primarily for recreation, including entertainment, leisure, sports and amusement facilities.
Residential	Means purposes normally or otherwise reasonably associated with the use of land primarily for human habitation, including a dwelling house, group housing, hotels, flats, boarding houses, residential clubs, hostels, residential hotels and rooms to let.
Transport	Means purposes normally or otherwise reasonably associated with the use of land primarily as a point for the pick-up or off-load of people or goods, including taxi ranks,

LAND USE PURPOSE

SPLUMA DEFINITION

bus bays, bus stations, bus terminuses, railway stations and ancillary uses, including roads and streets.

16. ALIGNMENT TOWARDS THE SPC'S

The development control chapter has been linked directly to the six (6) "SPC's categories as described in the Provincial Spatial Development Framework (PSDF) and SDF of the !Kheis Local Municipality and includes the following main categories:

Table 3: SPC's and subsequent Zoning categorisation

SPATIAL PLANNING CATEGORIES (SPC'S)		ZONING	COLOUR NOTATION ON MAP
A: CORE AREAS			
SPC A areas constitute sites of high conservation importance including terrestrial land, aquatic systems (rivers, wetlands and estuaries). Due to their highly irreplaceable status such areas should be protected from change or restored to their former level of ecological functioning. Such SPC A areas are a natural resource (capital) of international, national and provincial significance within which the natural environment is able to provide a range of ecosystem services essential for sustainable life of humans.			
B: BUFFER AREAS			
Buffer areas are primarily in private ownership. Therefore, a key challenge to any land-use strategy or plan is to address the conflicts that often occur between biodiversity conservation and consumptive agricultural practices. In order to start addressing this phenomenon it is imperative to understand and appreciate the often-divergent perspectives of landowners and other stakeholders, and to respect the landowners' rights to use land in accordance with defined legal			
A.a, B.a, B.b	Statutory Conservation Areas	Open Space Zone I	R: 50 G: 90 B: 30
	Non-Statutory Conservation areas Ecological Corridor		
B.c	Urban Green Areas	Open Space Zone II (Public open Space)	R: 120 G: 230 B: 120
B.c	Urban Green Areas	Open Space Zone III (Private open Space)	R: 210 G: 220 B: 150
C: AGRICULTURAL AREAS			
The protection and appropriate use of high potential agricultural land is of critical importance for sustainable economic growth and food security. High potential agricultural land in close proximity to settlements are often subjected to non-agricultural development pressure, while negative social impacts associated with such settlements often have a significant detrimental impact on the production potential of such land. It is therefore imperative that the highest priority be given to the protection of high potential agricultural land and that measures be instituted to create and maintain circumstances conducive to sustainable agriculture.			
C.a, D.r	Agricultural Areas	Agricultural Zone I	R: 190 G: 190 B: 150
	Farmsteads & Outbuildings		
E.a	Agricultural Industry	Agricultural Zone II	R: 150 G: 140 B: 80

D: URBAN AND RURAL RELATED AREAS

Resort and Tourism Related Areas

D.q	Resorts & Tourism Related Areas	Resort Zone I	R: 100 G: 180 B: 170
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Residential Areas

D.h	Dwelling House & Guest Houses	Residential Zone I	R: 255 G: 255 B: 160
D.h	Group Housing (Medium Density)	Residential Zone II	R: 255 G: 255 B: 0
D.h	Residential Building (High Density)	Residential Zone III	R: 255 G: 152 B: 1
D.h	Incremental Housing	Residential Zone IV	R: 255 G: 152 B: 1
D.h	Mixed Density Residential	Residential Zone V	R: 255 G: 152 B: 1
D.m	Leisure Residential	Residential Zone VI	R: 255 G: 152 B: 1

Institutional Areas

D.f	Educational Purposes Place of Instruction	Institutional Zone I	R: 0 G: 180 B: 240
D.f	Place of Worship	Institutional Zone II	R: 100 G: 200 B: 230
D.f	Institutional	Institutional Zone III	R: 80 G: 90 B: 120

Authority Areas

D.g,	Municipal Uses	Authority Zone I	R: 240 G: 220 B: 220
D.g,	Government Uses	Authority Zone II	R: 230 G: 190 B: 180
	Special Use	Special Zone	R: 0 G: 153 B: 153
	Undetermined	Undetermined	R: 255 G: 255 B: 255

Business areas

D.i, D.j, Dm	Business Premise Mixed Use Development Areas	Business Zone I	R: 240 G: 30 B: 30
D.i, D.l	Shop Commercial	Business Zone II	R: 150 G: 50

D.j Service Station or Garage Business Zone III

D.i, D.k Sport Betting Facility Business Zone IV

D.i, D.k Casino Business Zone V

D.k Adult Entertainment Business Zone VI

E: INDUSTRIAL AREAS

E.b Light industry
Service Trade Industry Industrial Zone I

E.b, E.c General Industry Industrial Zone II

E.d Noxious Industry Industrial Zone III

E.e Extractive industry Industrial Zone IV

F: SURFACE AREAS

F.k, F.h, Surface Infrastructure Utility Zone I

F.h, Telecommunication Utility Zone II

F.i Renewable Energy Utility Zone III

F.a, F.b, F.c, F.d Roads & Streets Transport Zone I

Parking Transport Zone II

D.p, F.e, F.f Transport Transport Zone III

B: 50

R: 225

G: 90

B: 55

R: 225

G: 90

B: 55

R: 225

G: 90

B: 55

R: 225

G: 90

B: 55

R: 250

G: 200

B: 250

R: 250

G: 150

B: 240

R: 220

G: 80

B: 200

R: 210

G: 0

B: 150

R: 143

G: 255

B: 255

R: 143

G: 255

B: 255

R: 143

G: 255

B: 255

R: 190

G: 190

B: 190

R: 150

G: 150

B: 150

R: 110

G: 110

B: 110

PART 2 LAND USE PROVISIONS

CHAPTER 3 USE ZONES

SECTION 1 LAND USE ZONES

The development control chapter has been linked directly to the six (6) “SPC’s categories as described in the Provincial Spatial Development Framework (PSDF) and SDF of the !Kheis Local Municipality and includes the following main categories:

- A. CORE AREAS.
- B. BUFFER AREAS.
- C. AGRICULTURAL AREAS.
- D. URBAN AREAS.
- E. INDUSTRIAL AREAS.
- F. SURFACE INFRASTRUCTURE AND BUILDINGS.

SPATIAL PLANNING CATEGORIES

	A CORE	A.a Statutory Protected Areas
	B BUFFER	B.a Non-Statutory Conservation Areas B.b Ecological Corridors B.c Urban Green Areas
	C AGRICULTURAL AREAS	C.a Extensive agricultural areas C.b Intensive agricultural areas
	D URBAN RELATED	D.a Main Towns D.b Local Towns D.c Rural Settlements D.d Tribal Authority Settlements D.e Communal Settlements D.f Institutional Areas D.g Authority Areas D.h Residential Areas D.i Business Areas D.j Service Related Business D.k Special Business D.l SMME Incubators D.m Mixed Use Development Areas D.n Cemeteries D.o Sports fields & Infrastructure D.p Airport and Infrastructure D.q Resorts & Tourism Related Areas D.r Farmsteads & Outbuildings
	E INDUSTRIAL AREAS	E.a Agricultural industry E.b Light industry E.c General industry E.d Nuisance industry E.e Extractive industry
	F SURFACE INFRASTRUCTURE & BUILDINGS	F.a National roads F.b Main roads F.c Minor roads F.d Public Streets F.e Heavy Vehicle Overnight Facilities F.f Railway lines F.g Power lines F.h Telecommunication Infrastructure F.i Renewable Energy Structures F.j Dams & Reservoirs F.k Canals F.l Sewerage Plants and Refuse Areas

17. ZONING SCHEDULES

This section describes any information, provisions or restrictions applicable to a certain Land Use Zoning listed in this section.

AGRICULTURAL ZONE I	
R: 190 G: 190 B: 150	AGRICULTURAL USE
GENERAL AGRICULTURAL LANDSCAPE Additional requirements: - All applications for consent under this use zone should be accompanied by the written approval of the Department of Agriculture, Forestry and Fisheries. - 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.	
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Agricultural Use	<i>Means the cultivation of crops and plants and/or the breeding of animals, as well as the operation of a game farm on an extensive basis on natural land or veld, stock- or auction pens and at most two residential houses and other buildings, and it includes workers dwellings for bona fide labourers, which are reasonably connected with the main agricultural activity on the farm.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Farm Stall	<i>Means a building and/or structure which covers an area not exceeding 100m² and where a farmer can sell his produce, either to his employees or to the general public.</i>
Nursery	<i>Means a place where plants are cultivated and/or sold to the public;</i>
Riding School	<i>Means the place or enterprise for hiring out horses for payment and includes the caring for and stabling of such horses.</i>
Tourist Facilities	<i>Means facilities created in a rural area for the recreation and entertainment of tourists and may include overnight facilities, wine tasting, micro-brewery, a restaurant and a farm stall.</i>
Kennels / Animal Establishment	<i>Means land and/or a building used for breeding, boarding, training, keeping or caring of animals/birds, and includes a riding school and petting zoo, but excludes an auction pen and livestock yard.</i>

Animal Clinic	<i>Means a site and/or building where animals/ birds receive medical treatment but may stay overnight</i>
Animal Hospital	<i>Means a site and/or building where animals/ birds receive medical treatment and may stay overnight if necessary.</i>
Guest House	<i>Means a house or building where the majority of facilities are shared and where at most 15 beds are leased on short-term basis, provided that a house where at most 3 rooms or 8 beds are leased, is not regarded as a guest house, but as a bed and breakfast unit or a self-catering unit.</i>
LAND USE RESTRICTIONS	
Coverage	<i>Not applicable for areas larger than 5000m²</i>
	<i>A maximum of 30% for areas smaller than 5000m²</i>
Height	<i>At most 12m above the natural ground level directly beneath any particular point or portion of the building.</i>
Building Lines	<i>The street is 4,5m, rear- and side building lines are 3,0m for the primary residential house. No building or part thereof, with the exception of the residential dwellings and farm stalls, boundary walls or boundary fences, may, where the premise borders another premise with a different zoning, be erected closer than 30m from the said boundary of the premise and these building lines are 5m where the premise borders another premise also zoned as "Agricultural zone I".</i>
Parking	Guest house: 1 space per room All other Land Uses: 1 parking per 25m ² , or to Municipal Satisfaction.
Advertisements and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>
FURTHER RESTRICTIONS	
Notwithstanding the foregoing land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.	
FARM STALLS	
Building Lines	<i>4,5m from any street reserve boundary and 10m from all other boundaries.</i>
Floor Area	<i>at most 100m²</i>

AGRICULTURAL ZONE II	
R: 150 G: 140 B: 80	AGRICULTURAL INDUSTRY
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Agri-Industry	<i>Means an industry or enterprise primarily for the processing of products produced on that or surrounding agricultural unit(s), agricultural products must be perishable and fragile in nature and includes, wine cellars and sheds, packing facilities, juice processing plants, caretaker's quarters and silos, or related, but excludes a abattoir.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Agricultural Use	<i>Means the cultivation of crops and plants and/or the breeding of animals, as well as the operation of a game farm on an extensive basis on natural land or veld, stock- or auction pens and at most two residential houses and other buildings, and it includes workers dwellings for bona fide labourers, which are reasonably connected with the main agricultural activity on the farm.</i>
LAND USE RESTRICTIONS	
Coverage	75 %
Height	<i>At most 12m above the natural ground level directly beneath any particular point or portion of the building.</i>
Building Lines	<i>The street building line shall be at least 3m from the boundary of the adjoining street. Side and rear building lines may be zero, provided that Council might demand building lines in the interest of public health or to enforce the upholding of any act or right or to provide for storm water drainage or any other engineering service. Furthermore, the same building line will be applicable in the agricultural- industrial zone as in any adjoining zone in terms of the common boundary between the two zones with a different zoning, be erected closer than 30m from the said boundary of the premise and these building lines are 5m where the premise borders another premise also zoned as "Agricultural zone I".</i>
Parking	All Land Uses: 1 parking bay for each 100m ² of the total floor area up to 1500m ² , and one additional parking bay per 200m ² thereafter.
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.

	<i>For this purpose, the loading zone size will be a minimum of 45m². It must have a hard surface and be clearly marked as loading places.</i>
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>
FURTHER RESTRICTIONS APPLICABLE TO SPECIFIC USES IN THESE ZONE	
Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.	
AGRICULTURE	The restrictions that agriculture is subject to in Agricultural Zone I, are applicable in this zone.

AUTHORITY ZONE I	
R: 240 G: 220 B: 220	MUNICIPAL USES
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Municipal Use	<i>Means land/erven and buildings utilised by Local and District Municipality to carry out its mandatory functions, of which the extent thereof is of such nature that is cannot be classified or defined under any other usage in these regulations and include uses such as stores, warehouses, cemeteries, commonage, nursery, waste disposal site and water purification works, etc. The land/erven zoned for this purpose must be registered in the name of the Municipality.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>

AUTHORITY ZONE II	
R: 230 G: 190 B: 180	GOVERNMENT USES
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Government Use	<i>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 practised by the State, such as military training centres and installations, telecommunication facilities, police stations and prisons; or by the Provincial or District authority, such as road stations and road camps or any other parastatals such as Eskom, Telkom, etc.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>

BUSINESS ZONE I	
R: 240 G: 30 B: 30	BUSINESS (LARGE BUSINESS CENTRE) Additional requirements: - Sufficient services must be available for the approval of an application. - In each application for the development of a business erf, provision must be made for sufficient space for on- and offloading of goods on, to or from vehicles, whether inside the building or on open spaces within the boundaries of the erf.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Auctioneer	<i>Means a building or site used for the sale of moveable or unmovable goods (other than livestock) to the public by means of a public sale in execution and which includes the sale of goods that had been offered for sale during auctions, but which have not been sold.</i>
Business Building / Premises	<i>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, put-put course, 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.</i>
Place of Refreshment	<i>Means land and buildings or a part of a building used for the preparation, sale and consumption of refreshment on the property such as a restaurant, cafe, coffee shop, cafeteria, tearoom, tea garden and excludes a bar, tavern or the re-selling of liquor.</i>
Vehicle Showroom	<i>Means a business directed towards the buying and selling of vehicles used for the transportation of people and goods as well as the sale of tractors, caravans and boats, but does not include the sale of motor spares for such vehicles, the sale of fuel for any vehicle, the lubrication or repair of vehicles, or a scrap-yard.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Bottle Store	<i>Means a shop in which mainly alcoholic beverages are sold in the retail trade, and includes an off-sales facility which is under the same management as a licensed hotel.</i>
Care Takers Quarters	<i>Means an additional approved building that is secondary to a building or practice in the industrial zones, and in such further zones on which the Council may decide from case to case, and which may only be erected after or at the same</i>

	<i>time as the establishment of the primary activity for the accommodation of a caretaker, who works on the premises, and his/her family.</i>
Drive-in restaurant	<i>Means any land or buildings used for a restaurant or café from which food and refreshments are served to patrons who remain seated in motor cars parked in the vicinity of such restaurant or café.</i>
Institution	<i>Means a building or part thereof which is used or intended to be used as a charity, health or welfare institution and/or for the administration thereof, and includes community facilities, a hospital, a pharmacy linked to a hospital, clinic or reformatory, either private or public, but does not include a prison or place of detention.</i>
Animal Clinic	<i>Means a site and/or building where animals/ birds receive medical treatment but may stay overnight</i>
Animal Hospital	<i>Means a site and/or building where animals/ birds receive medical treatment and may stay overnight if necessary.</i>
Licensed hotel	<i>Means a building designed to provide mainly short-term accommodation to visitors and includes an off-sales facility for liquor/public bar;</i>
Place of Entertainment	<i>Means any building or site where people assemble for entertainment or social relaxation or sport 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 any building or site for a casino or adult entertainment.</i>
Service Industry	<i>Means a commercial business or concern mainly geared for service to 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 Council, but does not involve any trade that resorts under the definition of industry, service station, garage, offensive trade or business, unless listed above.</i>
Service Station	<i>Means a business or concern where the sale of motor vehicles, oil, tyres and motor spares are traded in and includes a business where motor vehicles are provided with fuel for payment as well as the repair and overhaul of motor vehicles, as well as a café and restaurant, the use of a Service Station may also include a Petro-port (which is normally found as ancillary uses, part of a service station), but excludes spray-painting, panel beating, body and blacksmith work and heavy vehicle overnight facilities.</i>
Tavern	<i>Means a building in which the on-site consumption of liquor has been legalised by means of a liquor licence, 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 titbits are also served.</i>

Funeral Parlour Office	<i>Means an enterprise that provides coffins and arranges funerals but excludes the storage of corpses prior to burial and a crematorium.</i>
Wedding and Conference facilities	<i>Means a building or area of commercial nature, used to cater for weddings and conferences, and may include a restaurant/catering facilities to serve guests, and any other ancillary use linked to the main use.</i>
Warehouse	<i>Means a building for storage of goods or products as well as the running of a wholesale business in connection with such goods (including alcoholic beverages), provided that the 'warehouse' excludes retail trade, and wholesalers may only sell or deliver to dealers.</i>
LAND USE RESTRICTIONS	
Coverage	<i>Institution, Place of Entertainment, Kennels / Animal Establishment & Animal Clinic/Hospital: 80 %</i> <i>All other Land Uses: 100%</i>
Height	<i>Kennels / Animal Establishment, Animal Clinic/Hospital, Bottle Store & Tavern: At most 8m above the natural ground level directly beneath any particular point or portion of the building.</i> <i>All other Land Uses: At most 12m above the natural ground level directly beneath any particular point or portion of the building.</i>
Building Lines	<i>Business buildings, flats and residential buildings on top of business buildings may be erected on the street boundary. All other buildings must maintain a building line of 4,5m from the street boundary.</i> <i>With regard to rear and side boundaries, buildings in this zone may be erected on such boundaries. A building or portion of a building may only be erected on the side and rear boundaries of a property if no windows, doors or ventilation openings are let into any wall on such boundary.</i> <i>Notwithstanding these building line regulations for side and rear boundaries, in cases where these boundaries form the division between the business zone and any other zone, a building line on both sides of the communal boundary shall be applicable, which is equal to the relevant building line in the adjoining zone.</i>
Parking	<i>Place of Refreshment, Place of Entertainment & Institution: 6 per 100m² and/or 1 per 10 seats or to Municipal Satisfaction.</i> <i>Hotel: 1 space per room and 6 spaces per 100m² public floor area or to Municipal Satisfaction.</i> <i>All other Land Uses: 4 spaces per 100m² GLA or to Municipal Satisfaction.</i> <i>Wedding & Conference Facilities: 1 Parking for every 10m² or five persons.</i> <i>Visitor Parking: 1 parking bay for every 2 residential unit</i>

Further Parking and Site Access Requirements	<i>The vehicle access and exit ways shall be restricted to at most 1 each per site per street abutting the site. The vehicle access and exit ways to the site shall be restricted to a maximum total width of 6m where they cross the street boundary. No vehicle crossing over the pavement may be situated within 5m of any street corner.</i>
Projections	<i>In this zone, projections, excluding advertising signs approved by Council in accordance with the provisions of any other Act, over streets and building lines shall be limited to minor, distinctive architectural features and one cantilevered open canopy to within 1m of the pavement edge; provided that no portion of a projection shall be less than 2,4m above the pavement and further than 3,5m from the edge of the said property and there shall be no access from the building to the canopy.</i>
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>
FURTHER RESTRICTIONS APPLICABLE ON SPECIFIC USES IN THIS ZONE	
Notwithstanding the preceding land use restrictions which are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.	
SERVICE STATIONS	
Service stations and services uses in this zone shall be subject to the same restrictions as contained in the Business zone III.	

BUSINESS ZONE II	
R: 150 G: 50 B: 50	COMMERCIAL (NEIGHBOURHOOD CENTRE) Additional requirements: - Sufficient services must be available for the approval of an application. - In each application for the development of a business erf, provision must be made for sufficient space for on- and offloading of goods on, to or from vehicles, whether inside the building or on open spaces within the boundaries of the erf.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Shop	<i>Means a site and/or building and/or structure used for carrying on a retail concern and may include a laundrette, offices, nursery, restaurant, a dry-cleaner, flats above ground floor and a retail concern where goods sold are manufactured and/or repaired in such a concern, provided that the floor area relating to such manufacture and/or repair shall not exceed one third of the floor area of the shop, but it does not include any industries, public garages, service stations, taverns, supermarkets (with or without the selling of wine) or bottle stores.</i>
Office	<i>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, land surveyor, attorney or advocate, but excluding a clinic and hospital and subject thereto that no manufacturing, repairing or selling of goods, except the dispensary of medicine by a medical doctor and/or chemist, as part of the activities of the premises and no storing or distribution of any material or goods be permitted on or from the premises.</i>
Professional Offices	<i>Means such types of uses as that is normally and reasonably associated with the concept "professional", e.g. doctors, dentists, architects, engineers, etc. the rendering of services, in contrast with carrying on a business, is one of the distinguishing factors.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Dwelling House / Residential House	<i>Means a building containing only one residential unit - a self-contained interlinking group of rooms for the accommodation and housing of a single family, or a maximum of four persons who do not satisfy the definition of a "family", together with such outbuildings as are ordinarily used therewith.</i>
Care Takers Quarters	<i>Means an additional approved building that is secondary to a building or practice in the industrial zones, and in such further zones on which the Council may decide from case to case, and which may only be erected after or at the same time as the establishment of the primary activity for the</i>

	<i>accommodation of a caretaker, who works on the premises, and his/her family.</i>
Flats	<i>Means a building containing more than one residential unit;</i>
Residential Building	<i>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 it includes boarding-houses, guest houses (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 "place of education" or "institution".</i>
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 80%
Height	All Land Uses: At most 8m above the natural ground level directly beneath any particular point or portion of the building.
Building Lines	<i>Shops and flats on top of shops may be erected on the street boundary. All other buildings must maintain a building line of 4,0m from the street boundary. With regard to rear and side boundaries, buildings in this zone may be erected on such boundaries. A building or portion of a building may only be erected on the side and rear boundaries of a property if no windows, doors or ventilation openings are let into any wall on such boundary.</i> <i>Notwithstanding these building line regulations for side and rear boundaries, in cases where these boundaries form the division between the business zone and any other zone, a building line on both sides of the communal boundary shall be applicable, which is equal to the relevant building line in the adjoining zone.</i>
Parking	Flats & Residential Buildings: 1 per unit, and 1 parking bay for every 2 residential units for visitors. Shop: 4 spaces per 100m² GLA or to Municipal Satisfaction. All Land Uses: 4 spaces per 100m² GLA or to Municipal Satisfaction Visitor Parking: 1 parking bay for every 2 residential unit
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>

BUSINESS ZONE III	
R: 255 G: 90 B: 55	SERVICE STATION
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Service Station	<i>Means a business or concern where the sale of motor vehicles, oil, tyres and motor spares are traded in and includes a business where motor vehicles are provided with fuel for payment as well as the repair and overhaul of motor vehicles, as well as a café and restaurant, the use of a Service Station may also include a Petro-port (which is normally found as ancillary uses, part of a service station), but excludes spray-painting, panel beating, body and blacksmith work and heavy vehicle overnight facilities.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Carwash	<i>Land and/or buildings used for the washing, polishing and cleaning of vehicles by means of mechanical apparatus or by hand.</i>
Public Garage	<i>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, a restaurant or café, spray-painting, panel beating, body and blacksmith work, but does not include heavy vehicle overnight facilities.</i>
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 75%
Height	All Land Uses: At most 8m above the natural ground level directly beneath any particular point or portion of the building.
Building Lines	<i>A street line of 0m is applicable, provided that a street building line of 3.5m is valid for the erection of fuel pumps and 4.5m for any structure. Side and rear building lines may be zero, provided that Council may require side building lines in the interest of public health or in order to enforce the upholding of any act or right.</i> <i>Where these boundaries form the division between the business zone and any other zone, a building line on both sides of the communal boundary shall be applicable, which is equal to the relevant building line in the adjoining zone</i>
Parking	All Land Uses: 4 spaces per 100m ² GLA or to Municipal Satisfaction

Fencing	<i>Council may require that any part of the premise be enclosed with a high brick or concrete wall with a height of 2m, if Council is of the opinion that it is of aesthetical importance to the area.</i>
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>
Loading	<i>All Land Uses:</i> 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.

BUSINESS ZONE IV	
R: 255 G: 90 B: 55	SPORT BETTING FACILITIES
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Sport Betting Facility	Means any institution, place or enterprise, irrespective of whether it is licensed for this purpose, where any form of sports betting or other games is played with the purpose of determining the profit or loss of money, other property or credit.
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Place of Entertainment	Means any building or site where people assemble for entertainment or social relaxation or sport 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 any building or site for a casino or adult entertainment.
LAND USE RESTRICTIONS	
Coverage	Place of Entertainment: 80% All other Land Uses: 100%
Height	All Land Uses: At most 12m above the natural ground level directly beneath any particular point or portion of the building.
Building Lines	Street: 0m in CBD, 4.5 m in other areas Rear: 0m in CBD, 2m in other areas Side: 0m in CBD, 2m in other areas NOTE: Where these boundaries form the division between the business zone and any other zone, a building line on both sides of the communal boundary shall be applicable, which is equal to the relevant building line in the adjoining zone.
Projections	In this zone, projections, excluding advertising signs approved by Council in accordance with the provisions of any other act over streets and building lines, shall be limited to minor, distinctive architectural features and one cantilevered open canopy to within 1m of the pavement edge, provided that no portion of a projection shall be less than 2,4m above the pavement and further than 3,5m from

	<i>the edge of the said property and there shall be no access from the building to the canopy.</i>
Parking	Place of Entertainment: 6 per 100m² and/or 1 per 10 seats or to Municipal Satisfaction. All other Land Uses: 4 spaces per 100m² GLA or to Municipal Satisfaction
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Advertisement and Publicity	<i>All boards, signs and other forms of publicity must comply with Council's advertising policy.</i>
GENERAL	
Municipal services, refuse removal, washing lines and outside toilet facilities.	<i>Council shall give special attention with the consideration of the building plans in order to ensure that the best functional and aesthetic results are obtained.</i>

BUSINESS ZONE V	
R: 255 G: 90 B: 55	CASINO RELATED FACILITIES
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Casino	Means any institution, place or enterprise, irrespective of whether it is licensed for this purpose, 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, and may include a Hotel, Restaurant, Place of Entertainment and related business;
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Service Station	Means a business or concern where the sale of motor vehicles, oil, tyres and motor spares are traded in and includes a business where motor vehicles are provided with fuel for payment as well as the repair and overhaul of motor vehicles, as well as a café and restaurant, the use of a Service Station may also include a Petro-port (which is normally found as ancillary uses, part of a service station), but excludes spray-painting, panel beating, body and blacksmith work and heavy vehicle overnight facilities.
Place of Entertainment	Means any building or site where people assemble for entertainment or social relaxation or sport 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 any building or site for a casino or adult entertainment.
LAND USE RESTRICTIONS	
Coverage	Place of Entertainment: 80% All other Land Uses: 100%
Height	All Land Uses: At most 12m above the natural ground level directly beneath any particular point or portion of the building.
Building Lines	Street: 0m in CBD, 4.5 m in other areas Rear: 0m in CBD, 2m in other areas Side: 0m in CBD, 2m in other areas NOTE: Where these boundaries form the division between the business zone and any other zone, a building line on both sides of the communal boundary shall be applicable,

	<i>which is equal to the relevant building line in the adjoining zone.</i> <i>A building or portion of a building may only be erected on the side and rear boundaries of a property if no windows, doors or ventilation openings are let into any wall on such boundaries.</i>
Projections	<i>In this zone, projections, excluding advertising signs approved by Council in accordance with the provisions of any other act over streets and building lines, shall be limited to minor, distinctive architectural features and one cantilevered open canopy to within 1m of the pavement edge, provided that no portion of a projection shall be less than 2,4m above the pavement and further than 3,5m from the edge of the said property and there shall be no access from the building to the canopy.</i>
Parking	Place of Entertainment: 6 per 100m² and/or 1 per 10 seats or to Municipal Satisfaction. All other Land Uses: 4 spaces per 100m² GLA or to Municipal Satisfaction
Loading	All Land Uses: 2 spaces per first 1000m² floor area, or part thereof and 1 space per every 1000m² floor area thereafter.
Advertisement and Publicity	<i>All boards, signs and other forms of publicity must comply with Council's advertising policy.</i>
GENERAL	
Municipal services, refuse removal, washing lines and outside toilet facilities.	<i>Council shall give special attention with the consideration of the building plans in order to ensure that the best functional and aesthetic results are obtained.</i>
SERVICE STATION	
The restrictions applicable to service stations in, Business Zone III, are also applicable in this zone.	

BUSINESS ZONE VI	
R: 255 G: 90 B: 55	ADULT ENTERTAINMENT
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Adult Entertainment	Means an enterprise or commercial business that mainly supplies adult entertainment, in trade or selling of articles, and includes enterprises such as escort agencies, sex shops and any other enterprises or shops where persons under the age of 18 are not allowed, but does not include a casino, gambling house, tavern or bottle store;
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Place of Entertainment	Means any building or site where people assemble for entertainment or social relaxation or sport 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 any building or site for a casino or adult entertainment.
LAND USE RESTRICTIONS	
Coverage	Place of Entertainment: 80% All Land other Uses: 100%
Height	All Land Uses: At most 12m above the natural ground level directly beneath any particular point or portion of the building.
Building Lines	Street: 0m in CBD, 4.5 m in other areas Rear: 0m in CBD, 2m in other areas Side: 0m in CBD, 2m in other areas NOTE: Where these boundaries form the division between the business zone and any other zone, a building line on both sides of the communal boundary shall be applicable, which is equal to the relevant building line in the adjoining zone. A building or portion of a building may only be erected on the side and rear boundaries of a property if no windows, doors or ventilation openings are let into any wall on such boundaries.
Projections	In this zone, projections, excluding advertising signs approved by Council in accordance with the provisions of any other act over streets and building lines, shall be limited

	<i>to minor, distinctive architectural features and one cantilevered open canopy to within 1m of the pavement edge, provided that no portion of a projection shall be less than 2,4m above the pavement and further than 3,5m from the edge of the said property and there shall be no access from the building to the canopy.</i>
Parking	Adult Entertainment: 4 spaces per 100m ² GLA or to Municipal Satisfaction. Place of Entertainment: 6 per 100m ² and/or 1 per 10 seats or to Municipal Satisfaction.
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>
GENERAL	
Municipal services, refuse removal, washing lines and outside toilet facilities.	Council shall give special attention with the consideration of the building plans in order to ensure that the best functional and aesthetic results are obtained.

INDUSTRIAL ZONE I	
R: 250 G: 200 B: 250	SERVICE AND LIGHT INDUSTRIES Additional requirements: - In each application to development of a business or industrial erf provision must be made for sufficient space for on- and offloading of goods on, to or from vehicles, whether inside the building or on open spaces within the boundaries of the erf, - Sufficient services must be available for the approval of an application.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Light Industrial Use	<i>Means land and/or a building used as a light industry and includes, inter alia, uses or activities to the Scheme, as may be amended by Local Municipality from time to time, and in which;</i> <i>a) No solid fuel is used in connection with any industrial process;</i> <i>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;</i> <i>c) With special permission from Local Municipality, articles commodities, goods or foodstuffs manufactured, produced, processed or assembled wholly or partly on the premises, are sold.</i>
Service Industry	<i>Means a commercial business or concern mainly geared for service to 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 Council, but does not involve any trade that resorts under the definition of industry, service station, garage, offensive trade or business, unless listed above.</i>
Service Station	<i>Means a business or concern where the sale of motor vehicles, oil, tyres and motor spares are traded in and includes a business where motor vehicles are provided with fuel for payment as well as the repair and overhaul of motor vehicles, as well as a café and restaurant, the use of a Service Station may also include a Petro-port (which is normally found as ancillary uses, part of a service station), but excludes spray-painting, panel beating, body and blacksmith work and heavy vehicle overnight facilities.</i>
Warehouse	<i>Means a building for storage of goods or products as well as the running of a wholesale business in connection with such goods (including alcoholic beverages), provided that the 'warehouse' excludes retail trade, and wholesalers may only sell or deliver to dealers.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION

Public Garage	<i>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, a restaurant or café, spray-painting, panel beating, body and blacksmith work, but does not include heavy vehicle overnight facilities.</i>
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 75%
Height	All Land Uses: At most 2 storeys which in total may not exceed 12m above the natural ground level directly beneath any particular point or portion of the building
Building Lines	Street: 3 m Rear: 2 m Side: 2 m NOTE: Where these boundaries form the division between the industrial zone and any other zone, a building line on both sides of the communal boundary shall be applicable, which is equal to the relevant building line in the adjoining zone.
Parking	All Land Uses: 1 space per 100m ² GLA up to a total floor space of 1500m ² and 1 additional parking for every additional 200m ² .
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>
FURTHER RESTRICTIONS APPLICABLE ON SPECIFIC USES IN THIS ZONE	
Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.	
SERVICE STATION & PUBLIC GARAGE	
The restrictions applicable to service stations in, Business Zone III, are also applicable to public garages in this zone.	

INDUSTRIAL ZONE II	
R: 250 G: 150 B: 240	MEDIUM IMPACT INDUSTRIES Additional requirements: Any scrap yard or land or buildings which would in the opinion of the Local Municipality, distract from the visual character of the area shall be screened to the satisfaction of the Local Municipality up to a minimum height of 2.5m.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Industrial Building	<i>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 quarters, 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.</i>
Public Garage	<i>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, a restaurant or café, spray-painting, panel beating, body and blacksmith work, but does not include heavy vehicle overnight facilities.</i>
Service Industry	<i>Means a commercial business or concern mainly geared for service to 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 Council, but does not involve any trade that resorts under the definition of industry, service station, garage, offensive trade or business, unless listed above.</i>
Service Station	<i>Means a business or concern where the sale of motor vehicles, oil, tyres and motor spares are traded in and includes a business where motor vehicles are provided with fuel for payment as well as the repair and overhaul of motor vehicles, as well as a café and restaurant, the use of a Service Station may also include a Petro-port (which is normally found as ancillary uses, part of a service station), but excludes spray-painting, panel beating, body and blacksmith work and heavy vehicle overnight facilities.</i>
Transport Use	<i>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;</i>

Warehouse	<i>Means a building for storage of goods or products as well as the running of a wholesale business in connection with such goods (including alcoholic beverages), provided that the 'warehouse' excludes retail trade, and wholesalers may only sell or deliver to dealers.</i>
Liquid Fuel Depot	<i>Means a place used for the bulk storage of petrol, oil, diesel or other inflammable liquid for wholesale distribution.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Scrapyard	<i>Means a building or land used for one or more of the following purposes:</i> <i>c) the storing, depositing, or collecting of junk or scrap material or articles of which the value depends entirely or partially on the material out of which they are manufactured,</i> <i>d) the dismantling of second-hand vehicles or machines with the aim to recover components or material;</i>
Funeral Parlour Facility	<i>Means an enterprise that provides coffins and arranges funerals and includes a hall where corpses are stored prior to burial or cremation but excludes a crematorium.</i>
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 75%
Height	All Land Uses: At most 2 storeys which in total may not exceed 12m above the natural ground level directly beneath any particular point or portion of the building.
Building Lines	Street: 3 m Rear: 2 m Side: 2 m NOTE: Where these boundaries form the division between the industrial zone and any other zone, a building line on both sides of the communal boundary shall be applicable, which is equal to the relevant building line in the adjoining zone.
Parking	All Land Uses: 1 space per 100m ² GLA up to a total floor space of 1500m ² and 1 additional parking for every additional 200m ² .
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>
FURTHER RESTRICTIONS APPLICABLE ON SPECIFIC USES IN THIS ZONE	
Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.	

SCRAP YARDS	<i>Any land utilised for the purpose of a scrap yard, builder's yard, coal yard, timber yard or a transport business, shall be completely fenced in at all sides with a wall prescribed by Council.</i>
SERVICE STATIONS AND PUBLIC GARAGES	<i>The restrictions service stations in the Business zone III are subject to, are also applicable to service stations and public garages in this zone.</i>

INDUSTRIAL ZONE III	
R: 220 G: 80 B: 200	HIGH IMPACT INDUSTRIES Additional requirements: Any scrap yard or land or buildings which would in the opinion of the Local Municipality, distract from the visual character of the area shall be screened to the satisfaction of the Local Municipality up to a minimum height of 2.5m.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Abattoir	<i>Means a building licensed in terms of relevant health regulations, designed for the slaughtering of animals (including poultry and birds), the processing of animal products and in the context of this definition, the further processing of meat for human consumption.</i>
Offensive industry	<i>Means any building or premise or portion thereof, designed or used for any known 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, include the following: any chemical works, distillery, brewery, 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 Council/Municipal Planning Tribunal may regard as an "offensive industry".</i>
Public Garage	<i>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, a restaurant or café, spray-painting, panel beating, body and blacksmith work, but does not include heavy vehicle overnight facilities.</i>
Crematorium	<i>Means a building where corpses are cremated.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Scrapyard	<i>Means a building or land used for one or more of the following purposes:</i> <i>e) the storing, depositing, or collecting of junk or scrap material or articles of which the value depends entirely or partially on the material out of which they are manufactured,</i> <i>f) the dismantling of second-hand vehicles or machines with the aim to recover components or material;</i>
Industrial Building	<i>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</i>

	<i>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 quarters, 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.</i>
Transport Use	<i>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;</i>
Warehouse	<i>Means a building for storage of goods or products as well as the running of a wholesale business in connection with such goods (including alcoholic beverages), provided that the 'warehouse' excludes retail trade, and wholesalers may only sell or deliver to dealers.</i>
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 75%
Height	All Land Uses: At most 12m above the natural ground level directly beneath any particular point or portion of the building.
Building Lines	Street: 3 m Rear: 2 m Side: 2 m NOTE: Where these boundaries form the division between the industrial zone and any other zone, a building line on both sides of the communal boundary shall be applicable, Street: 6 m; Rear: 10m; Side: 10m
Parking	All Land Uses: 1 space per 100m ² GLA up to a total floor space of 1500m ² and 1 additional parking for every additional 200m ² .
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.
FURTHER RESTRICTIONS APPLICABLE ON SPECIFIC USES IN THIS ZONE	
The regulations applicable to the Industrial zones I and II shall be applicable to this zone and that: • Council must specifically approve any primary use; • 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	

INDUSTRIAL ZONE IV	
R: 210 G: 0 B: 150	MINING Additional requirements: - For all applications under this use zone, the Local Municipality or any other lawful authority (i.e. Department of Mineral Resources) may require: - 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.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Extractive Industry	<i>Means the process of extracting, mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone and includes buildings and crushing plant used in connection with such process.</i>
Mining Activity	<i>Means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or by which any operation is carried on 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 and includes extractive industries.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>

INSTITUTIONAL ZONE I	
R: 0 G: 180 B: 240	EDUCATIONAL USES Additional requirements: - Sufficient services must be available for the approval of an application. - All new erven zoned “Educational Purposes” in new townships establishments must have the comments and approval of Department Education and must comply with their specifications. - 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: - The number of children permitted to be cared for on the premises; - The minimum and the maximum ages of the children permitted to be cared for on the premises; and - The hours during which the childcare service may operate.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Place of Instruction / Educational building	<i>Means a school (both primary, secondary, special and private schools), college, technical institute, academy, university, lecture hall or other centre of instruction, and includes a hostel appertaining thereto, and a convent, dormitory, public library, art gallery, museum, gymnasium, training centre and creche, but does not include a building used or intended to be used wholly or primarily as a certified reformatory or industrial school or as a school for the mentally handicapped;</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Place of Assembly	<i>Means a public hall, a town hall or community hall for social functions, music hall, concert hall or exhibition hall which is not directly related to a commercial undertaking.</i>
Extramural Activities	<i>Means the utilisation of a building or premise for any extramural activities (sport, art, cultural, recreational or other) which are not normally associated with the primary use or occupants of the site, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or lowering of aesthetics being caused and may include art classes, dance classes, motivation classes, yoga-, pilates-, aerobics classes or any other fitness related activity.</i>
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 50%
Height	All Land Uses: n/a
Building Lines	Street: 4 m Rear: 4 m

	Side: 4 m
Parking	Place of Assembly: 2 spaces per 100m² office floor area and 1 space per 20 seats. All other Land Uses: 2 spaces per 100m² office floor area and 1 space per classroom and 5 drop-off spaces for passenger vehicles per 100 students.
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.
Advertisement and Publicity	All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

INSTITUTIONAL ZONE II	
R: 100 G: 200 B: 230	WORSHIP Additional requirements: Sufficient services must be available for the approval of an application.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Place of Worship	<i>Means a church, synagogue, mosque, temple, chapel or other place for practising religion. This includes any building in connection therewith, for instance a hall, Sunday school classes or parsonage, but does not include funeral parlours (Office & Facility), including chapels forming part of such funeral parlours;</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Place of Assembly	<i>Means a public hall, a town hall or community hall for social functions, music hall, concert hall or exhibition hall which is not directly related to a commercial undertaking.</i>
Extramural Activities	<i>Means the utilisation of a building or premise for any extramural activities (sport, art, cultural, recreational or other) which are not normally associated with the primary use or occupants of the site, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or lowering of aesthetics being caused and may include art classes, dance classes, motivation classes, yoga-, pilates-, aerobics classes or any other fitness related activity;</i>
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 60%
Height	All land uses: at most 12m, or to Municipal Satisfaction Also see Section 22
Building Lines	Street: 3 m Rear: 3 m Side: 3 m <i>Except a parsonage, which shall be subject to the same building lines as applicable to the Residential zone I.</i>
Parking	All Land Uses: 2 spaces per 100m ² office floor area and 1 space per 10 seats. Or to Municipal Satisfaction
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter.

Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>
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INSTITUTIONAL ZONE III	
R: 80 G: 90 B: 120	INSTITUTION
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Institution	Means a building or part thereof which is used or intended to be used as a charity, health or welfare institution and/or for the administration thereof, and includes community facilities, a hospital, a pharmacy linked to a hospital, clinic or reformatory, either private or public, but does not include a prison or place of detention.
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 60%
Height	To Municipal Satisfaction
Building Lines	Street: 3 m Rear: 3 m Side: 3 m
Parking	All Land Uses: 2 spaces per 100m ² office floor area and 1 space per 10 seats. Or to Municipal Satisfaction
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 2000m ² floor area thereafter
Advertisement and Publicity	All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

OPEN SPACE ZONE I	
R: 50 G: 90 B: 30	CONSERVATION AREAS Specific land use restrictions shall be determined by the relevant Responsible Authority taking authority with regard to every site which is being 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, identify 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 the collection of comment and inputs from affected parties and neighbouring landowners, be submitted to the Responsible Authority for consideration.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Wilderness Area	<i>Means areas characterised by their intrinsically wild and pristine appearance and character, or that are capable of being restored to such, and which are undeveloped, without permanent improvements or human habitation.</i>
Mountain Catchment Area	<i>Means areas declared as mountain catchment areas that provide for the conservation, use, management and control of such land.</i>
Nature Reserve	<i>Means provincial, local authority and registered private nature reserves and include areas of significant ecological, biophysical, historical, or archaeological interest or that are in need of long-term protection for the maintenance of its biodiversity or for the provision of environmental goods and services. And may include tourist facilities and accommodation facilities</i>
Protected Environment	<i>Means areas as a buffer zone for the protection of a wilderness area, special natural reserve, national park, world heritage site or nature reserve, to enable owners to conserve biodiversity, protect specific ecosystem and control land use.</i>
Special Nature Reserve	<i>Means areas characterised by sensitive, ecologically outstanding ecosystems or natural habitats, natural communities, populations or species, or unique geological or biophysical features conserved primarily for scientific research, educational and limited nature-based recreational purposes. And may include tourist facilities and accommodation facilities</i>
World Heritage Site	<i>Means cultural or natural areas that has been:</i> <i>c) Included on the World Heritage List, or the tentative list of the Republic, and has been proclaimed as a World Heritage Site, or</i>

	d) Proclaimed to be a special heritage site for management in accordance with the Act (such areas cannot be referred to as a World Heritage Site).
Contractual Conservation Area	Means areas designated for conservation purposes in terms of an agreement with a conservation agency, or between landowners, a lease agreement, or servitude. This category includes conservancies and biodiversity stewardship sites.
Critical Biodiversity Area	Means areas required to meet biodiversity targets for ecosystems, species and ecological processes, as identified in a systematic biodiversity plan (also refer to special management zones in Part 2, chapter 3, Section 2)
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 bank of the river or the delineated riparian areas, whichever is larger, and measured from the outside edge of the wetland.
River or Riverbed	Means all perennial and non-perennial rivers and wetlands.
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
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.
Holiday Accommodation	Means a harmoniously designed and built holiday development, belonging to one owner, with an informal layout of which the individual units are only marketed by means of renting to travellers and holiday- makers 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.
Four by Four (4x4) 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 do not include holiday accommodation and tourist facilities.
Camping Sites	Means an area which is laid out/planned in an informal way for day camping and/or accommodation of caravans and/or tents on clearly indicated sites or stands, but not intended for mobile homes (also refer subsection 44);
Caravan Park	Means an area used for the purpose of placing and parking of caravans, motor homes, movable dwellings and a camping site for temporary overnight accommodation of tourist and visitors, or long-term accommodation not exceeding three months. This may include cabins, chalets or huts used for temporary overnight accommodation for tourist and visitors. The area must be provided with

	<i>ablution and sanitary facilities, permanent water points, approved refuse receptacles and sites with or without power connections. Sufficient open space for recreational purposes and activities associated with camping must be provided and may also include one dwelling house or flat for caretaker or administrative use. Any caravan park must adhere to the requirements of the South African Bureau of Standards (Publication SABS 092/1971- Code of Practice for Caravan parks).</i>
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>

OPEN SPACE ZONE II	
R: 120 G: 230 B: 120	PUBLIC OPEN SPACE Additional Provisions: The Local Municipality may grant approval for the conducting of a flea market or any other public activity, provided it is of a temporary basis
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Public Open Space	<i>Means any 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 or recreational site, whether it appears on an approved general plan or not.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>

OPEN SPACE ZONE III	
R: 210 G: 220 B: 150	PRIVATE OPEN SPACE
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Private Open Space	<i>Means any land which has been set aside in this scheme for use as a private site for sport, playing, rest and recreation facilities or as an ornamental garden or pleasure-garden, provided that the land is under the long-term management of a private person or authority, and also a cemetery or show grounds, whether public or private.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Racecourse	<i>Means a site or structure used mainly for races or practising for any form of races, and include vehicle racecourses, motor-cycle racecourses, horse racecourses and any other similar uses;</i>
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>

RESORT ZONE I	
R: 100 G: 180 B: 170	RESORTS Development Control: 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.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Holiday Accommodation	Means a harmoniously designed and built holiday development, belonging to one owner, with an informal layout of which the individual units are only marketed by means of renting to travellers and holiday- makers 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.
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Hotel	Means a building designed to comply with the requirements of a hotel, but does not include linked or separate buildings or premises for off-sale facilities;
Place of Entertainment	Means any building or site where people assemble for entertainment or social relaxation or sport 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 any building or site for a casino or adult entertainment.
Wedding and Conference facilities	Means a building or area of commercial nature, used to cater weddings and conferences, and may include a restaurant/catering facilities to serve guests, and any other ancillary use linked to the main use;
LAND USE RESTRICTIONS	
Coverage	To Municipal Satisfaction
Height	To Municipal Satisfaction
Building Lines	To Municipal Satisfaction
Parking	To Municipal Satisfaction
Loading	To Municipal Satisfaction
Advertisement and Publicity	All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

RESIDENTIAL ZONE I	
R: 255 G: 255 B: 160	SINGLE RESIDENTIAL USES (MIN PROPERTY SIZE: 250m²) All zonings, primary and secondary uses must be in line with the desired spatial development patterns as stipulated in the !Kheis Spatial Development Framework.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Dwelling House / Residential House	<i>Means a building containing only one residential unit - a self-contained interlinking group of rooms for the accommodation and housing of a single family, or a maximum of four persons who do not satisfy the definition of a "family", together with such outbuildings as are ordinarily used therewith.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Second dwelling unit	<i>Means a secondary, completely self-contained residential unit which is erected or adapted on a site on which there already exists a residential unit, and which is used for the definition of a "family".</i>
Crèche	<i>Means a building/premise where six to 20 pre-school children are cared for / taken care of, but may not stay overnight.</i>
Occupational Practice	<i>Means the practicing of an occupation or trade, subject to the provisions subsection 57, practiced by at most one person per residential unit and/or outbuilding of which that person is the occupant, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or lowering of aesthetics being caused; provided that at most two assistants may be employed and that two persons that are legally married (including persons that live together according to common-law, or persons that are regarded man and wife in terms of religious beliefs) and reside in the same unit, may each practice their occupations</i>
Tuck shop	<i>Means a small commercial business (including a telephone kiosk / cell phone shop), not bigger than 25m², run by a member/members of the household from a part of the house or outbuilding, provided that stock shall be limited to the volume that can be accommodated in the tuck shop and no processing, subdividing or preparing of food may be done and no stock may be stored outside of the tuck shop.</i>
Guest House	<i>Means a house or building where the majority of facilities are shared and where at most 15 beds are leased on short-term basis, provided that a house where at most 3 rooms or 8 beds are leased, is not regarded as a guest house, but as a bed and breakfast unit or a self-catering unit;</i>

Animal Clinic	<i>Means a site and/or building where animals/ birds receive medical treatment but may stay overnight</i>
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 50%
Height	All Land Uses: At most 8m above the natural ground level directly beneath any particular point or portion of the building.
Building Lines	Street: 3 m Rear: 2 m Side: 2 m
Parking	Guest House: 1 space per guest room Creche: 1 space for every 4 children. Occupational Practice: 2 per 25m ² Dwelling Unit: 1 per unit
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
FURTHER RESTRICTIONS APPLICABLE ON SPECIFIC USES IN THIS ZONE	
Notwithstanding the foregoing land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.	
SECOND RESIDENTIAL UNITS	
FLOOR AREA	<i>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 premise shall not exceed 66%.</i>
HEIGHT	<i>At most one storey.</i>

RESIDENTIAL ZONE II	
R: 255 G: 255 B: 0	MEDIUM DENSITY RESIDENTIAL All zonings, primary and secondary uses must be in line with the desired spatial development patterns as stipulated in the !Kheis Spatial Development Framework.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Group Housing	<i>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.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Dwelling House / Residential House	<i>Means a building containing only one residential unit - a self-contained interlinking group of rooms for the accommodation and housing of a single family, or a maximum of four persons who do not satisfy the definition of a "family", together with such outbuildings as are ordinarily used therewith.</i>
Crèche	<i>Means a building/premise where six to 20 pre-school children are cared for / taken care of, but may not stay overnight.</i>
Occupational Practice	<i>Means the practicing of an occupation or trade, subject to the provisions subsection 57, practiced by at most one person per residential unit and/or outbuilding of which that person is the occupant, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or lowering of aesthetics being caused; provided that at most two assistants may be employed and that two persons that are legally married (including persons that live together according to common-law, or persons that are regarded man and wife in terms of religious beliefs) and reside in the same unit, may each practice their occupations;</i>
Retirement Resort / Village	<i>Means a group of separate and/or connected individual residential units or rooms with communal amenities that is planned, designed and built as an entity to accommodate and/or care for old people;</i>
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 50%
Density	40 units per gross hectare

Height	All Land Uses: At most 8m above the natural ground level directly beneath any particular point or portion of the building.
Building Lines	The street building line may be zero, but if necessary, for safe traffic movements or for other reasons like aesthetics and character of the development in the area, a street building line of 2m may be imposed. The street building line with regard to the garage is 5m, or alternatively the design should be such that any motor vehicle can be safely parked outside the street reserve when the garage door is closed. Except as may be necessary for service mains, the building line with regard to the rear boundary and side boundaries can also be zero. However, where this zone borders another zone (Open space zone excluded), a building line of 2m shall apply with regard to the rear and side boundaries
Parking	Group House: 2 space per group house Creche: 1 space for every 4 children. Retirement Resort: 1 per unit and Dwelling Unit: 1 per unit Visitor Parking: 1 parking bay for every 2 residential unit
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Street Widths	For a public street at least 10m reserve, but 8m in cases of a cul-de-sac which does not serve more than 14 group houses.
Communal Open Space	At least 80m ² per residential unit. These open spaces exclude streets, private outdoor space and communal service areas. This requirement shall fall away if Council is of the opinion that sufficient open space is available.
Private Outdoor Space	At least 40% of the gross floor area of the relevant unit in a form of which the sides do not exceed a ratio of 2:1.
Design	The purpose reflected in the definition of group housing (as included in the definition) should be followed and implemented very closely.
Advertisement And Publicity	All boards, signs and other forms of advertising and publicity must comply with Council's advertising policy.
FURTHER RESTRICTIONS APPLICABLE ON SPECIFIC USES IN THIS ZONE	
Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.	
RESIDENTIAL HOUSES	Residential houses in this zone shall be subjected to the same development restrictions as in the Residential zone I.
GENERAL	

Municipal services, refuse removal, washing lines and outside toilet facilities.

Council shall give special attention with the consideration of the building plans in order to ensure that the best functional and aesthetic results are obtained.

RESIDENTIAL ZONE III	
R: 255 G: 152 B: 1	HIGH DENSITY RESIDENTIAL All zonings, primary and secondary uses must be in line with the desired spatial development patterns as stipulated in the !Kheis Spatial Development Framework.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Flats	<i>Means a building containing more than one residential unit;</i>
Residential Building	<i>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 it includes boarding-houses, guest houses (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 "place of education" or "institution";</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Institution	<i>Means a building or part thereof which is used or intended to be used as a charity, health or welfare institution and/or for the administration thereof, and includes community facilities, a hospital, a pharmacy linked to a hospital, clinic or reformatory, either private or public, but does not include a prison or place of detention;</i>
Group Housing	<i>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.</i>
Dwelling House / Residential House	<i>Means a building containing only one residential unit - a self-contained interlinking group of rooms for the accommodation and housing of a single family, or a maximum of four persons who do not satisfy the definition of a "family", together with such outbuildings as are ordinarily used therewith.</i>
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 80%
Height	All Land Uses: At most 16m above the natural ground level directly beneath any particular point or portion of the building.

Building Lines	Street: 4 m Rear: 3 m Side: 1 m
Parking	Institution: 6 per 100m² and/or 1 per 10 seats or to Municipal Satisfaction. All other Land Uses: 1 per unit Visitor Parking: 1 parking bay for every 2 residential unit
Loading	All Land Uses: 2 spaces per first 1000m² floor area, or part thereof and 1 space per every 1000m² floor area thereafter.
Open Space	In the case of a block of flats, at least 15% of the site area should be reserved as an uninterrupted unit for gardening or recreation.
Advertisement and Publicity	All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.
FURTHER RESTRICTIONS APPLICABLE ON SPECIFIC USES IN THIS ZONE	
Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.	
GROUP HOUSES AND RESIDENTIAL HOUSES	The restrictions that are subject to group houses in the Residential zone II and residential houses in the Residential zone I, are applicable in this zone.
GENERAL	
Municipal services, refuse removal, washing lines and outside toilet facilities.	Council shall give special attention with the consideration of the building plans in order to ensure that the best functional and aesthetic results are obtained.

RESIDENTIAL ZONE IV	
R: 255 G: 152 B: 1	INCREMENTAL HOUSING
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Incremental housing	Means single residential housing units 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 stages. 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. All properties zoned as Residential Zone IV in former zoning schemes are converted to "incremental housing" in this land use management scheme.
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Crèche	<i>Means a building/premise where six to 20 pre-school children are cared for / taken care of, but may not stay overnight.</i>
Tuck shop	<i>Means a small commercial business (including a telephone kiosk / cell phone shop), not bigger than 25m², run by a member/members of the household from a part of the house or outbuilding, provided that stock shall be limited to the volume that can be accommodated in the tuck shop and no processing, subdividing or preparing of food may be done and no stock may be stored outside of the tuck shop.</i>
Occupational Practice	<i>Means the practicing of an occupation or trade, subject to the provisions subsection 57, practiced by at most one person per residential unit and/or outbuilding of which that person is the occupant, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or lowering of aesthetics being caused; provided that at most two assistants may be employed and that two persons that are legally married (including persons that live together according to common-law, or persons that are regarded man and wife in terms of religious beliefs) and reside in the same unit, may each practice their occupations;</i>
Guest House	<i>Means a house or building where the majority of facilities are shared and where at most 15 beds are leased on short-term basis, provided that a house where at most 3 rooms or</i>

	<i>8 beds are leased, is not regarded as a guest house, but as a bed and breakfast unit or a self-catering unit;</i>
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 80%
Height	All Land Uses: At most 8m above the natural ground level directly beneath any particular point or portion of the building.
Building Lines	Street: 4.5 m Rear: 2 m Side: 2 m
Parking	Guest House: 1 space per guest room Creche: 1 space for every 4 children. Occupational Practice: 2 per 25m ² Dwelling Unit: 1 per unit
Loading	All Land Uses: 2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Advertisement and Publicity	<i>All boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.</i>

RESIDENTIAL ZONE V	
R: 255 G: 152 B: 1	MIXED DENSITY RESIDENTIAL DEVELOPMENTS
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Mix Density Residential Use	An area consisting of a mixture of housing densities and types to accommodate a diverse combination of age and income groups.
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
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.
Flats	Means a building containing more than one residential unit;
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 it includes boarding-houses, guest houses (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 "place of education" or "institution";
Guest House	Means a house or building where the majority of facilities are shared and where at most 15 beds are leased on short-term basis, provided that a house where at most 3 rooms or 8 beds are leased, is not regarded as a guest house, but as a bed and breakfast unit or a self-catering unit;
LAND USE RESTRICTIONS	
Coverage	All Land Uses: 80%
Height	All Land Uses: At most 12m above the natural ground level directly beneath any particular point or portion of the building.
Building Lines	Street: 4 m Rear: 3 m Side: 1 m

Parking	Guest House: 1 space per guest room Residential Uni & Group House: 1 per unit Visitor Parking: 1 parking bay for every 2 residential unit
Loading	All Land Uses: 2 spaces per first 1000m² floor area, or part thereof and 1 space per every 1000m² floor area thereafter.

RESIDENTIAL ZONE VI	
R: 255 G: 152 B: 1	LEISURE RESIDENTIAL/ESTATE DEVELOPMENT Also see section 55
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Leisure Residential Dwelling	<i>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.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Wedding and Conference facilities	<i>Means a building or area of commercial nature, used to cater weddings and conferences, and may include a restaurant/catering facilities to serve guests, and any other ancillary use linked to the main use;</i>
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>

SPECIAL ZONE	
R: 0 G: 153 B: 153	ZONINGS NOT ACCOMMODATED IN SCHEME Additional requirements: 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.
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Special use	<i>Means a use which is such, or of which the land use restrictions are such that it is not catered for in these regulations, and of which the uses and land use parameters are fully described by means of the conditions as contained in the special zone;</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>

UTILITY ZONE I	
R: 143 G: 255 B: 255	UTILITIES
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Canal	<i>Permanently constructed waterways, e.g. irrigation canals normally governed by an Irrigation Board, storm water trenches associated therewith, as well as pump stations and relevant infrastructure.</i>
Dam	<i>Is a structure built across a stream, a river, or an estuary to retain water. Dams are built to provide water for human consumption, for irrigating arid and semiarid lands, or for use in industrial processes.</i>
Infrastructure	<i>The fundamental facilities and systems serving a country, city, or area, and transportation and communication systems and power plants.</i>
Power Line	<i>A structure or structures used in electric power transmission and distribution to transmit electrical energy over long distances, whether above of underneath the ground. Above the ground it normally consists of one or more conductors (most often three or four) suspended by towers or utility poles. This may also include mini-stations, substations, offices related to maintenance and vacant land as part of the servitude.</i>
Railway Purpose	<i>Means land used for rail transport purposes and includes the rail reserves, the station and any uses directly connected to the rail transport service;</i>
Reservoir	<i>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</i>
Sewerage Plants and Refuse Area	<i>Means areas designated as municipal and private sewerage treatment plants and refuse areas, including recycling facilities, guard houses, ablution facilities and relevant infrastructure.</i>
SECONDARY LAN USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>

Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>

UTILITY ZONE II	
R: 143 G: 255 B: 255	TELECOMMUNICATION
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Tele-Communication Infrastructure	<i>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.</i>
SECONDARY LAN USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>Street: 4.5 m</i> <i>Rear: 2 m</i> <i>Side: 2 m</i> <i>Or to Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>

UTILITY ZONE III	
R: 143 G: 255 B: 255	RENEWABLE ENERGY
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Renewable Energy Structure	<i>Means a plant 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.</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
Temporary Accommodation	<i>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.</i>
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>

TRANSPORT ZONE I	
R: 190 G: 190 B: 190	ROADS AND STREETS Additional requirements: Detailed traffic – and / or aesthetic impact assessment may be required by the Local Municipality or the applicable roads authority
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Private Street/Road	<i>Means any street which is not a “public street/road” or does not fall under public authority control.</i>
Public Road	<i>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 in addition to the roadway;</i> <i>a) The space between the roadway and the road reserve boundaries on either side of the roadway;</i> <i>b) Any other work or object on that land forming part of, is connected with, or belonging to such road, servitude or thoroughfare, and;</i> <i>Any bridge, subway or drift traversed by such road, servitude or thoroughfare.</i>
Public Street	<i>Means any land indicated on a plan or diagram or is specified within this zoning scheme, reserved for street purposes and where the ownership as such vests in a competent authority and includes facilities for public transport;</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>

TRANSPORT ZONE II	
R: 150 G: 150 B: 150	PARKING
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Parking area	<i>Means a site that accommodates more than one parking bay and normally includes holding areas as well as ablution facilities and can include a private parking area;</i>
Parking Bay	<i>means a site with a minimum area of 5,5m by 2,5m that is clearly outlined and marked out for the parking of one motor vehicle, as well as any such areas that are needed for circulation and landscaping, and are accessible to the Council/Municipal Planning Tribunal's satisfaction;</i>
Parking Facility	<i>Means a building or site that provides parking of vehicles to the public for free, or at payment of a prescribed fee, for a pre-determined period.</i>
Public Parking Area	<i>Means land or a building or part thereof that is accessible to the general public for parking purposes;</i>
SECONDARY LAND USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>

TRANSPORT ZONE III	
R: 110 G: 110 B: 110	TRANSPORTATION
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Airport	<i>Means a site used for landing, transit, assembly, maintenance and storage of aircraft for commercial, military and recreational purposes and includes a landing strip, airline terminal, aircraft storage, maintenance hangars and warehouses for handling of airfreight, together with associated buildings and may also include shops, banks, vehicle rental establishments, and hotel.</i>
Bus Terminus	<i>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 be intended as a terminal station for a number of routes, or as a transfer station where the routes continue.</i>
Landing Strip	<i>Means a long flat area of ground that is used by aircraft with wings when taking off and landing.</i>
Truck Stop	<i>Means an erf or building used primarily as a stop-over facility for commercial vehicles, with facilities for the maintenance or repair of commercial vehicles, dispensing of motor fuel or other petroleum products, ablution facilities and convenience shop for travellers with overnight facilities.</i>
SECONDARY LAN USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	<i>To Municipal Satisfaction</i>
Height	<i>To Municipal Satisfaction</i>
Building Lines	<i>To Municipal Satisfaction</i>
Parking	<i>To Municipal Satisfaction</i>
Loading	<i>To Municipal Satisfaction</i>

UNDETERMINED ZONE	
R: 255 G: 255 B: 255	Unspecified Zone
PRIMARY LAND USE RIGHTS	
LAND USE	DEFINITION
Undetermined	<i>Referred to properties previously zoned 'undetermined' or other abolished zones in previous schemes which cannot be appropriately converted to a new use zone;</i>
SECONDARY LAN USE RIGHTS	
LAND USE	DEFINITION
n/a	n/a
LAND USE RESTRICTIONS	
Coverage	None
Height	None
Building Lines	None
Parking	None
Loading	None

SECTION 2 OVERLAY ZONES**18. REQUIREMENTS AND PROCEDURES FOR OVERLAY ZONES**

- a) The Municipality may prepare any overlay zone as provided for in this Scheme and the preparation of such an overlay zone shall take into consideration the following requirements where applicable:
- i. Development principles contained in Planning Law including but not limited to;
 - ii. Desired spatial form, spatial reconstruction and the utilisation of space;
 - iii. The location, nature and size of development, as well as areas for infrastructure investment, including the development of public and private land;
 - iv. Densification and the optimal use of infrastructure;
 - v. Areas of strategic intervention and mitigation of development impacts;
 - vi. Duties and objectives of local government as set out in the Municipal Systems Act, 2000 (Act No. 32 of 2000), and the Constitution of the Republic of South Africa, 1996;
 - vii. Council's development vision and planning principles as set out in its latest Integrated Development Plan (IDP) and Spatial Development Framework (SDF);
 - viii. Development principles and planning standards set by National and Provincial Government relating to spatial planning, infrastructure, transport, environmental conservation, heritage protection, or any other requirements binding on the Municipality in terms of legislation.
- b) The Municipality may adopt, replace or amend any existing or new overlay zone by means of a Council resolution and incorporate such adoption, replacement or amendment within the Scheme by approving a distinctive name and number for each overlay zone when adopting such overlay zone; and recording the existence of an overlay zone adopted, replaced or amended with the relevant name and number, as well as the date adopted or revised, as set out in Part 4, Chapter 9, (Record of Overlay Zones) of this Scheme.

19. IDENTIFICATION AND NUMBERING

- a) The Municipality shall approve a distinctive name and number for each overlay zoning when adopting such overlay zoning.

20. STATUS OF OVERLAY ZONING

- a) The Municipality may adopt, replace or amend any existing or new overlay zone by means of a Council resolution and incorporate such adoption, replacement or amendment within the Scheme by approving a distinctive name and number for each overlay zone when adopting such overlay zone; and recording the existence of an overlay zone adopted, replaced or amended with the relevant name and number, as well as the date adopted or revised, as set out in Part 4, chapter 9, (Record of Overlay Zones) of this Scheme.
- b) An overlay zone may vary the development rules or use rights relating to an area or land unit or may set new development rules or use rights.
- c) The provisions of an overlay zoning may be more restrictive or more permissive than the provisions applicable to the base zoning of the property concerned or may set specific development rules for an area or land unit.
- d) All development and land use parameters in the base zone apply in full in an overlay zone except if, and to the extent that it is specifically varied in the overlay zone.

- e) A specific parameter in an overlay zone will always override the same parameter in a base zone, unless an overlay zone is silent on the matter, in which case the parameters in the base zone which are not addressed in the overlay zone, remain applicable.
- f) The Municipality may grant departures from the development rules or restrictions or provisions of any overlay zone by following the departure procedures set out in the Part 2, Chapter 3 of the Scheme.
- g) An overlay zone may contain general provisions or specific provisions and the designation must indicate which provisions apply to a land unit or area.
- h) The provisions of more than one overlay zone may apply to a land unit or area.
- i) Development rules in overlay zones
- j) The development rules of an overlay zone may apply to specific land units or to all land units in a specified area.
- k) The Municipality may, on its own initiative, amend, replace or delete the overlay zone map, or development rules for an overlay zone by amendment of this zoning scheme, or delete an overlay zone in its entirety.

CHAPTER 4 REGULATIONS

SECTION 1 DEVELOPMENT REGULATIONS

A land use zone is a demarcated portion of land or area in terms of which regulations pertaining to the potential use and development of that land are imposed. A zone does not indicate the existing land use rights on a property. These regulations are derived from the Municipal Spatial Development Framework and have as goal the implementation of the municipal development objectives through the application of land use control. All developments must comply with the regulations contained in the applicable zone and all applications for land use rights shall be considered against the stated regulations. A Zone may be used to allocate and reserve specific land portions for public use, such as public streets, pedestrian paths, parks and other open spaces, educational institutions, health and welfare institutions, other social, community or municipal facilities and engineering services infrastructure.

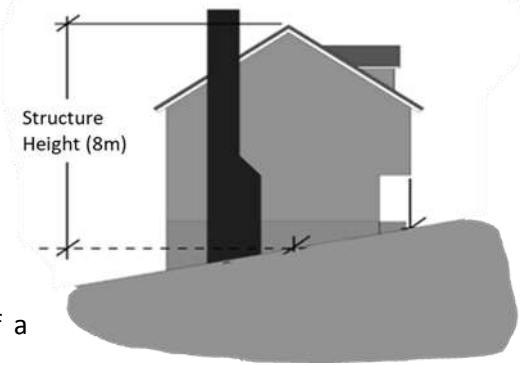
21. A ZONE MAY CONTAIN REGULATIONS WITH REGARDS TO:

- a) Land Uses, including:
 - i. Determining “Primary Land Uses”, meaning land uses that are considered to be compatible and desirable in the zone;
 - ii. Determining “Secondary Land Uses” meaning land uses that are considered to be compatible and desirable in the zone
 - iii. Determining “Special Consent Land Uses”, meaning land uses that may be compatible and desirable within the zone subject to certain conditions, and
 - iv. Determining “Prohibited Land Uses”, meaning land uses that are prohibited in that zone,
 - v. The determining agency being the Municipality.
- b) Development Controls & Extent of Development, including:
 - i. The erf or land parcel area and dimensions,
 - ii. The density and intensity of development,
 - iii. The type, extent and scale of buildings and structures that may be erected, including the maximum Coverage and height (storeys) of buildings and structures and other building restrictions.
 - iv. No provision is made for the use of Floor Area Ratios, land use control is managed through the use of Coverage, Densities, Height, Building Lines, Parking and Loading Requirements, these requirements shall be determined as set out in the Zoning Schedules
 - v. Aesthetic considerations, including the architectural design, colour and texture of improvements, construction materials, street furniture, signs, landscaping and other urban design aspects.
 - vi. Site Development, the layout and orientation of buildings and structures, public areas, building lines and other servitudes and minimum on-site and/or off-site parking requirements.
 - vii. General matters, which include any other aspect identified by the Municipality as being relevant to the achievement of the desirable future development of the locality.
 - viii. Except where expressly provided, no regulations contained in a zone shall be deemed to apply to any existing public street and any public street may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by the Municipality.

22. HEIGHT

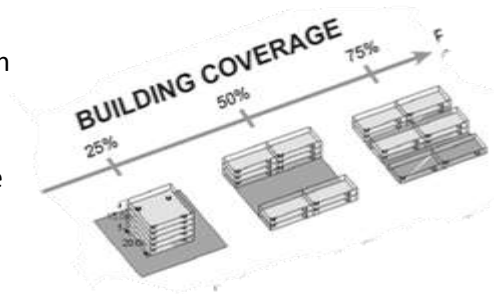
- a) Minimum height restrictions shall be determined as set out in the Zoning Schedules (Section 17);

- b) The Municipality may permit the maximum number of storeys to be exceeded if it is satisfied that the greater height is necessary or desirable as a result of the topography and location of the site;
- c) Any chimney, ornamental tower, tower-like projection or similar architectural feature or lift servicing room or room wherein mechanical or electrical equipment is installed, shall not be taken into account when calculating the height;
- d) Where 75% or more of a floor is used for the parking of vehicles, it shall not be counted as a storey;
- e) For the purposes of this clause basements shall not be included in height; and
- f) For the purpose of this clause the maximum height of a storey shall not exceed four (4) m.



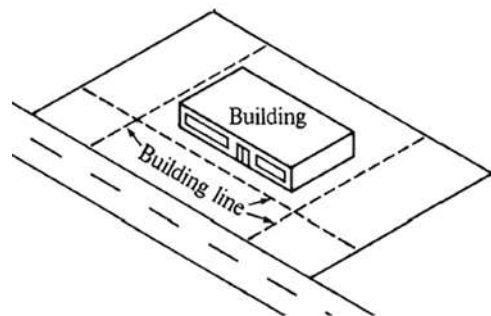
23. COVERAGE

- a) Coverage restrictions shall be determined as set out in the Zoning Schedules (Section 17); and
- b) For purposes of calculating the coverage on a property structures which are not covered by a roof shall not be taken into account.



24. BUILDING LINES

- a) Building Line restrictions shall be determined as set out in the Zoning Schedules (Section 17);
- b) No buildings or structure, other than boundary walls, fences or temporary buildings or structures which are required in connection with building operations be executed on the property, shall be erected within any building restriction area;
- c) Any building line along a proposed new road or widening shall be measured from that boundary of such proposed road or widening which is the common boundary of the road or widening and the remaining part of the property to which the building line applies;
- d) A building or portion of a building may only be erected on the side and rear boundaries of a property if no windows, doors or ventilation openings are let into any wall on such boundary; and
- e) The Municipality may on written application by the owner:
 - i. permit the erection of a building in the building restriction area in the case of corner erven or if, due to the gradient of the property or of the adjoining land, or the proximity of buildings which have already been erected in front of the building line, complies with the building line requirements will hamper the development of the property to an unreasonable extent;
 - ii. permit the erection of a swimming pool or a tennis court within the building restriction area; and
 - iii. Relax the building line on any boundary other than a street boundary of any erf upon consolidation of such erf with an adjoining erf.

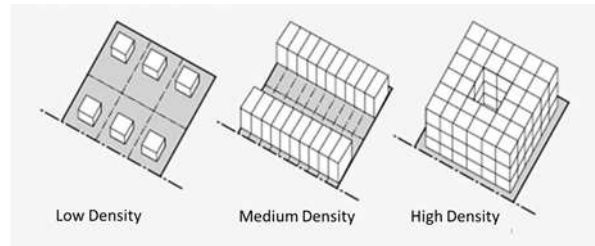


25. PARKING AND LOADING REQUIREMENTS

- a) Parking and Loading requirements shall be determined as set out in the Zoning Schedules (Section 17);
- b) The Municipality may relax or waive the parking and loading requirements if it is of the opinion that adequate parking already exists in the vicinity of the site; provided further that in the event of such relaxation or waiving the applicant shall pay a cash contribution to the Municipality in lieu of the provision of such parking spaces, provided further that any owner may provide the parking area required in terms of this clause on any alternative site approved by the Municipality;
- c) The owner of a building in respect of which parking spaces are required in terms of this clause shall keep such parking spaces in a proper condition for such purpose to the satisfaction of the Municipality;
- d) The levying of a parking fee for the hire of parking spaces provided in terms of this clause shall not be regarded as a business;
- e) 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; and
- f) A larger parking requirement may be required by Council in a particular case where Council is convinced that the specific type of development justifies such a bigger demand.

26. DENSITIES

- a) Densities shall be determined as set out in the Zoning Schedules (Section 17);
- b) Where the existing land use rights on a property are for a “Dwelling House”, a maximum of one (1) dwelling house may be erected on that property, subject thereto that the bulk regulations on the property and the density directives in the applicable zone will not be exceeded and further subject to the approval of a Site Development Plan (SDP), Building Plans and the satisfaction of any other conditions imposed by the Municipality, inclusive of the payment of a services contribution;
- c) Where the existing land use rights on a property are for Dwelling Units, the number of dwelling units on that property may not exceed the pro-rata maximum number of units per hectare as specified in that land use right;
- d) Where a development of dwelling units takes place at a density greater than 20 units per hectare, the landowner shall make available and accessible, to the satisfaction of the Municipality, at least 250 m² per hectare of the erf as children’s play area, which area may include paved areas and lawns. Play apparatus, according to the requirements of the residents, shall be provided on the erf by the registered owner to the satisfaction of the Municipality; and
- e) Existing erven with rights for dwelling units may be subdivided, provided that:
 - i. The density directives contained in the zone will not be exceeded for any of the newly created erven; and
 - ii. Such subdivision will not cause the development restrictions prescribed in the land use rights to be exceeded.



SECTION 2 GENERAL REGULATIONS FOR ALL LAND USES**27. WATER SUPPLY AND MANAGEMENT DIRECTIVES**

- a) Development or subdivision of property shall only be allowed if the developer or owner can submit proof of a sustainable water source;
- b) 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;
- c) If the development cannot be connected to the municipal water supply the developer should apply for a water license from DWAS in terms of Chapter 4 of the National Water Act, 1998 should water be abstracted from a watercourse;
- d) If the proposed development has existing lawful water entitlements that water entitlements may be exercised, if the water use sector remains the same;
- e) 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;
- f) 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:
 - i. No development may occur in a water course or a 52 m buffer around the water course;
 - ii. 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:
 - iii. A river or spring;
 - iv. A natural channel in which water flows regularly or intermittently; and
 - v. A wetland, lake or dam into which or from which water flows.
 - vi. Any collection of water which the Minister may by notice declare to be a water course;
 - vii. Proposed watercourse crossings must be placed in areas where the impact on the watercourse will be minimal;
 - viii. 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
 - ix. Rehabilitation of disturbed areas must continue during the construction phase in order to prevent wash down of soils into any watercourse;
- g) To facilitate accessible refuse removal which should prevent littering;
- h) Domestic sewage must be disposed of in such a manner that no pollution of surface or ground water will take place; and
- i) All new developments must comply with the provisions of the National Water Act, 1998 (Act 36 of 1998) and its Regulations.

28. TEMPORARY USE OF LAND

- a) Notwithstanding anything to the contrary contained in this Scheme, it shall be competent for the Municipality, subject to any environmental procedures and/or authorisations, to consent to the temporary use of any land or building within any zone, for any of the following:
 - i. 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;
- ii. The ad hoc use of land or buildings for concerts, fares, circuses, bazaars or public gatherings.
 - iii. 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.

29. SPOILING OF LAND

- a) 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;
- b) 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; and
- c) At its discretion, the Municipality may waive the future use of such land for the public purpose should an acceptable alternative be provided.

30. TRANSFER OF EXISTING LAND USE RIGHTS

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.

31. ALLOWING FOR SPLAYING OF CORNERS

- a) 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; and
- b) 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.

32. LINES OF NO ACCESS

- a) 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. Provided further that no such relaxation shall be granted in respect of entrance to or exit from a property or to a provincial or national road without the approval of the *“Controlling Authority”*.

33. BINDING FORCE OF CONDITIONS

- a) Where permission to erect any building or execute any works or to use any building or land for a particular purposes granted in terms of the Scheme, and conditions have been imposed, the

conditions shall have the same force and effect as if they were part of the Scheme and shall be regarded as though they were part of this Scheme.

34. RESTRICTION ON EXCAVATION

- a) Except with the written consent of the Municipality, and subject to such conditions as it may impose, neither the owner nor any other person shall:
 - i. Have the right, save and except to prepare the erf for building purposes, to excavate any material there from;
 - ii. Sink any wells or boreholes thereon or abstract any subterranean water there from; or
 - iii. Make, or permit to be made, on the property for any purpose whatsoever, any tiles or earthenware pipes or other articles of a like nature.

35. DEVELOPMENT BELOW BASE FLOOD AREA

- a) No building whatsoever may be erected on a property which falls below the 1974 & 1988 flood line. 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.

36. ENTRANCES AND EXITS

- a) 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.

37. BUILDING RESTRICTION ALONG ROAD RESERVES

- a) 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.

38. SCREENING AND FENCING

- a) 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.

39. MAINTENANCE OF DEVELOPMENT

- a) 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, of 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.

40. CONFLICT BETWEEN SCHEME, TITLE CONDITIONS AND TOWNSHIP CONDITIONS

- a) No consent of the Municipality given under the provisions of this Scheme shall be construed as conferring upon any person the right to use any land or to erect or use any building thereon in any manner or for any purpose which is prohibited in any condition registered against the title

deed of the land or imposed in respect of the land under any law relating to the establishment of townships.

SECTION 3 REGULATIONS FOR SPECIFIC LAND USES

The land use specific development regulations/guidelines contained in this section shall be applicable to all developments within the Municipality.

41. 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 waster product from the slaughtering activities must comply with the relevant health requirements to the satisfaction of the Municipality; and
- 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.

42. ADULT ENTERTAINMENT BUSINESS

- a) An adult entertainment business shall only be allowed within a 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 business rights.

43. BED & BREAKFAST ESTABLISHMENT

- a) The extent of the establishment will be restricted to a maximum of 3 guest rooms or a maximum of 12 guests;
- b) Only temporary lodging may be provided to transient guests and the renting of rooms for boarding purposes are not allowed;
- c) The occupant of the property 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 bed & breakfast establishment may be affixed to the boundary wall or fence of the property;
- e) The property may not be utilized for corporate functions or conferences;
- f) Guest rooms may not have separate kitchen facilities, although in-room dining facilities may be provided for the serving of meals and beverages;
- g) 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; and
- h) The application for a Bed & Breakfast establishment must include a landscaping plan.

44. CAMPING SITE

- a) A caravan camping site may include a convenience or tuck-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 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 sex in the ratio of 1 toilet, 1 basin and 1 bath or shower per 10 caravan or camping sites provided on the property 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; and
- j) Fire hydrants or alternative firefighting instruments shall be provided throughout the camping site to the satisfaction of the Municipality.

45. CEMETERY

- a) Approval needs to be obtained i.t.o the National Environmental Management Act, 1998 (Act 107 of 1998 before the construction of a cemetery; and
- b) All cemeteries must be registered with the relevant authority.

46. CRECHE

- a) The necessary license or health certificate must be obtained annually from the Health Department;
- b) Playgroups also include specialized tutoring of Grade RR and Grade R pupils, for preparation of school-readiness; and
- 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.

47. CULTURAL HERITAGE SITE

- 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).

48. DRY CLEANER

- a) A dry cleaner situated outside of 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.

49. DWELLING UNIT

- a) The dwelling unit may only be designed and utilized as residence for a single family, provided that the property owner has the primary right to accommodate a maximum of two lodgers within his dwelling unit on condition that the family remains the primary residents of the dwelling unit.

50. GAMBLING ESTABLISHMENT

- a) Building plans will only be approved after submission of an official gaming license from the regulating authority; and
- b) Access to any casino will strictly be limited to persons over the age of 18 years and sufficient provision must be made for access control facilities to regulate entrance and/or exit from such facilities

51. 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 subsection 82 is approved by the relevant designated 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; and

- 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;
- c) Only 1 (one) dwelling unit may be erected per individual subdivision to be transferred as a separate erf;
- d) All individual vehicle entrances providing access to separate erven be provided from an internal road only;
- e) 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 relevant official;
- f) 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 relevant designated official.

52. GUEST HOUSE

- a) The number of guest rooms shall not exceed 8 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 are 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 rights to take the necessary steps to rectify the nuisance.

53. INFORMAL TRADE

- a) Informal trade facilities must/shall comply to the health regulations of the Health Department and may not trade in any meat or poultry products, fish, alcohol or pharmaceutical products;
- b) Informal trade 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; and
- 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 stall.

54. LAUNDERETTE

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

- b) Launderette 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.

55. 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:
 - iii. Sectional title and share block scheme leisure residential developments: maximum 2 hectare per dwelling

56. 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 a Record of Decision 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.

57. OCCUPATIONAL PRACTICE

- a) A home occupation may only be conducted by the permanent resident of the residential property, or a member of his family residing on the property;
- b) The home occupation 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 occupation, including any alterations or extensions to the buildings, required for the home occupation may not deviate in appearance from the residential character of, the existing buildings on the property. The Municipality reserves the right not to approve any, building plans where the elevation of the buildings or proposed extensions to buildings as a result, of the intended home occupation will result in a noticeable deviation from the existing residential, character of the property;
- d) The occupation may not adversely affect the amenity of the neighbourhood;
- e) The employment or taking into partnership of a maximum of two persons, who do not live in the, dwelling, is permissible. A maximum of three people (including a cleaner, clerk, messenger, receptionist, secretary, etc.) will be permitted to work at or from the premises of a home occupation;
- f) at most 25% of the total floor surface of the residential unit, to a maximum of 25m², may be used for this purpose;

- g) The occupation may not impose a load on any municipal service greater than normally required for domestic use;
- h) No goods, other than goods manufactured or serviced in the home occupation may be offered for sale;
- i) Materials used or goods manufactured or serviced or repaired in the home occupation must be stored within a building;
- j) No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site;
- k) Parking shall be provided on the property to the satisfaction of the Municipality;
- l) Only a single signboard, measuring 300mm x 420mm (A3-size), indicating the name and contact details of the home occupation may be affixed to the boundary wall or fence of the property; and
- m) 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.

58. PLACE OF PUBLIC WORSHIP

- a) A dwelling house for the exclusive use as a parsonage may be erected on the property, including administrative offices ancillary and directly related to the main use of the property (place of public worship); provided all developments remain within the parameters of the development controls of the property.

59. 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) A Section 21 Company must be registered to attend to the maintenance and repair of a private street/road;
- c) Access to municipal vehicles may not be refused, provided that upon entrance the driver may be requested to sign a visitor's register; and
- d) The construction of a private street/road must comply to the minimum engineering design criteria as determined by the Municipality.

60. RAILWAY STATION

- a) Loading and storage facilities for railway freight must be separated and screened-off from the main terminal building, with restricted access to such facilities; and
- b) The design and layout of the railway station and or buildings shall provide sufficient security measures or physical barriers to prevent passengers or the general public gaining direct access to the railway lines, loading areas or shunting yard.

61. RESORT

- a) Only temporary lodging may be provided to transient guests or holidaymakers and the renting of accommodation facilities for boarding purposes are 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.

62. 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 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; and
- f) Sub-letting of any portion of the property for any other use shall not be permitted.

63. 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 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; and
- 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 premise shall not exceed 66%.

64. SERVICE STATION/FILLING STATION/PUBLIC GARAGE

- a) An application for the establishment of a service station may include the following supportive documents and reports:
 - i. A detail traffic impact study;
 - ii. Official support from an oil company for the fuelling component or filling station, as part of the service station on the application property; and
 - iii. 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 property.
- b) The workshop areas and temporary storage of vehicles must be screened to the satisfaction of the Municipality;
- c) 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
- d) 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;
- 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; and
- iii. Provided that fuel pumps or oil and fuel installations shall be sited outside the building to the satisfaction of the Municipality: Provided further that the Municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.

65. 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, be 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, the business will be carried on in a manner that will not disturb the proceedings of the activities taking place in these areas, or prejudice the neighbours;
 - iii. The applicant concerned is of good character which includes records such as criminal, insanity, insolvency; and
 - iv. That the granting of the license is in public interest.
- b) Taverns may not operate in mobile structures;
- c) Sanitation facilities will be provided to the satisfaction of the Municipality in the ratio of two separate facilities for males and females;
- d) Storage facilities, for especially empty bottles, must be provided;
- e) Facilities for the disposal of waste must be provided and provision must be made for the recycling of cans and bottles;
- f) Stock will not be delivered to the tavern but the owner must fetch the stock at the depot; and
- g) Reasonable side and rear spaces must be provided to limit the impact on neighbouring properties.

66. TUCK SHOP

- a) Tuck shops shall be limited to sale of convenience goods to the local community;
- b) Tuck shops must be operated quietly without any disturbance to the neighbours;
- c) The comments of adjacent landowners shall weigh heavily in the consideration of an application;
- d) Tuck shops that sell perishable goods and flammable substances must comply with health and fire regulations and bylaws. The availability of suitable storage facilities is of utmost importance in this regard;
- e) Adequate facilities for the disposal of waste must be provided and provision shall be made for the recycling of cans and bottles;
- f) No stock delivery will be allowed, and the owner must collect stock from the depot themselves;
- g) The exercising of the tuck shop shall exclusively be for the owner / occupant residing in the dwelling house / unit;
- h) The maximum extent of the Tuck Shop that the Municipality may grant is restricted to 25m².
- i) The Tuck Shop shall be conducted from a fixed structure for which building plans have been approved. (It may include a container/s);
- j) The Municipality may impose such conditions and requirements as it may deem fit upon approval of the written consent for a Tuck Shop;

- k) The sale and consumption of liquor shall not be permitted in the shop whatsoever; and
- l) Any condition of this consent may be altered, or any new condition added thereto by the Municipality if it is of the opinion that owing to a change in the circumstances or for any other reason such alteration or addition is necessary or desirable from a town planning point of view.

PART 3 APPLICATION PROCESS

CHAPTER 5 DEVELOPMENT MANAGEMENT

SECTION 1 APPLICATION TYPES

67. LAND DEVELOPMENT REQUIRING APPROVAL

- a) No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality in terms of (b);
- b) 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:
 - i. the establishment of a township or the extension of the boundaries of a township;
 - ii. the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - iii. consent for the amendment or cancellation in whole or in part of a general plan of a township;
 - iv. the permanent closure of any public place;
 - v. 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;
 - vi. the removal, amendment, deletion or suspension of a restrictive tile condition;
 - vii. the rezoning of land;
 - viii. the departure from the development parameters of the zoning scheme;
 - ix. the departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis;
 - x. the subdivision of land, including the registration of a servitude;
 - xi. the consolidation of land;
 - xii. the permission required in terms of the zoning scheme;
 - xiii. the amendment, deletion or imposition of conditions in respect of an existing approval;
 - xiv. the extension of the validity period of an approval;
 - xv. the approval of an overlay zone as provided for in the zoning scheme;
 - xvi. the phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - xvii. permission required in terms of a condition of approval;
 - xviii. a closure of a public place or part thereof;
 - xix. a secondary use provided for in an existing zoning or land use management scheme;
 - xx. the exemption of consolidations and subdivision applications as provided for in the regulations.
- c) Decisions on applications will be decided upon, by:
 - i. A Municipal Planning Tribunal; or
 - ii. A Designated Official
- d) If there is no Designated Official appointed by the Municipality in terms of section 35(2) of the Act, the Municipality must delegate the powers to the Municipal Planning Tribunal.
- e) If objections are received on an application submitted to the Designated Official, the decision-making powers will revert to the Municipal Planning Tribunal.
- f) 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.

- g) 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.
- h) 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.
- i) The table below indicates the list of applications that can be approved by the Municipal Planning Tribunal or the Designated Official. Both lists must be endorsed by the Municipality by means of a Council Resolution.

APPLICATIONS THAT WILL BE DECIDED ON BY MUNICIPAL PLANNING TRIBUNAL

The establishment of a township or the extension of the boundaries of a township

The rezoning from one zone to another

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 a general plan or SG Diagram

The closure of any public place

The secondary use as provided for in the regulations **(not supported by SDF)**

APPLICATIONS THAT MAY BE DECIDED ON BY THE DESIGNATED OFFICIAL

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 secondary use as provided for in the regulations **(supported by SDF)**

The subdivision of land

The registration of a servitude

The consolidation of land

The extension of the validity period of an approval

The application for the exemption of consolidations as provided for in the regulations

The application for the exemption of subdivisions as provided for in the regulations

68. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

- a) 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:

- i. proof of change of ownership; and
 - ii. an amended power of attorney, if an agent was appointed to make the application.
- b) The new owner must advise the Municipality in writing of the continuation of the application in the manner prescribed

69. REZONING OF LAND

- a) An applicant who wishes land to be rezoned, must submit an application to the Municipality in terms of the LUMS;
- b) 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;
- c) An applicant may submit a subdivision and consolidation application simultaneously with an application for rezoning; and
- d) Rezoning approval will be valid for two years, after which the approval will lapse if no action is taken on the approval.

70. SECONDARY USE

- a) An applicant must apply to the Municipality for a secondary use;
- b) A secondary 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; and
- c) A secondary use approval will be valid for two years, after which the approval will lapse if no action is taken on the approval.

71. SUBDIVISION

- a) No person may subdivide land without the approval of the Municipality in terms the LUMS, unless the subdivision is exempted in terms of subsection 73;
- b) The Municipality must impose appropriate conditions relating to engineering services for an approval of a subdivision;
- c) An applicant may submit a subdivision application simultaneously with an application for rezoning and consolidation;
- d) If the Municipality approves a subdivision, the applicant must within a period of two years, or a shorter period as the Municipality may determine, from the date that the approval comes into operation comply with the following requirements:
 - i. submit the approval of the Surveyor-General's general plan or diagram to the Municipality;
 - ii. completion of the installation of engineering services;
 - iii. 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.
- e. A subdivision approval will be valid for two years, after which the approval will lapse if no action is taken on the approval.

72. CONSOLIDATION

- a) No person may consolidate land without the approval of the Municipality in terms the LUMS, unless the consolidation is exempted in terms of subsection 73;
- b) The Municipality must impose appropriate conditions relating to engineering services for an approval of a consolidation;
- c) An applicant may submit a consolidation application simultaneously with an application for rezoning and subdivision;
- d) Two or more properties may only be consolidated when the land use rights on the properties to be consolidated are similar; and
- e) A consolidation approval will be valid for two years, after which the approval will lapse if no action is taken on the approval.

73. EXEMPTION OF SUBDIVISIONS AND CONSOLIDATIONS

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 ruling;
- 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;
- c) The registration of a servitude or lease agreement for the provision or installation of:
 - i. water pipelines, electricity transmission lines, sewer pipelines, 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;
- d) The subdivision of existing National & Provincial roads to be transferred to the Municipality;
- e) 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%;
- f) 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 section 73 that such a subdivision or consolidation has been approved by the Municipality; and
- g) The approval of exemption will be valid for two years, after which the approval will lapse if no action is taken on the approval.

74. AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- a) 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;
- b) In addition to the documents required and procedures, the owner must:
 - i. submit the original title deed to the Municipality or a certified copy thereof; and
 - ii. where applicable, submit the bondholder's consent to the application
- c) The Municipality must cause a notice of an application in terms of (a) to be served on:
 - i. all organs of state that may have an interest in the title deed restriction;

- ii. every holder of a bond encumbering the land;
 - iii. a person whose rights or legitimate expectations will be materially and adversely affected by the approval of the application; and
 - iv. all persons mentioned in the title deed for whose benefit the restrictive condition applies.
- d) The approval will be valid for two years, after which the approval will lapse if no action is taken on the approval.

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

- a) 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.
- b) Subject to the provisions of section 106 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

76. CLOSURE OF PUBLIC OPEN PLACES

- a. The Municipality may upon application, permanently close a public place or any portion thereof in accordance with provisions of this Scheme;
- b. An applicant who requires the closure of a public place, including the Municipality, whether permanently or temporarily, must apply in terms of section 67 in the manner prescribed to the Municipality;
- c. 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; and
- d. The approval will be valid for two years, after which the approval will lapse if no action is taken on the approval.

77. SERVICES ARISING FROM SUBDIVISION OR GRANTING OF ANY OTHER DEVELOPMENT RIGHTS

- a) 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:
 - i. allow without compensation that the following be conveyed across its land in respect of other land units originating from the subdivision:
 - a. gas mains;
 - b. electricity cables;
 - c. telephone cables;
 - d. television cables;
 - e. other electronic infrastructure;
 - f. main and other water pipes;
 - g. foul sewers;

- h. storm water pipes;
 - i. ditches and channels; and
 - j. any cable conveying data in any format whatsoever.
- ii. 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:
 - a. surface installations such as mini-substations;
 - b. meter kiosks; and
 - c. service pillars;
- iii. allow access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraphs (i) or (ii); and
- iv. 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.

78. EXTENSION OF DEVELOPMENT RIGHTS AND APPROVALS

- a) The applicant may apply for an extension of the validity period of an approval granted in terms of these regulations;
- b) The request for such an extension must be submitted before the last day of the two-year validity period of the of the approval;
- c) If the Municipality approves an extension contemplated in (a), the extended period may not exceed an additional two years calculated from date on which the development right would have lapsed; and
- d) It is the sole responsibility of the applicant/owner to apply for the extension of development rights and approvals.

SECTION 2 APPLICATION REQUIREMENTS

79. APPLICATION REQUIREMENTS

- a) An applicant must comply with the procedures in this Scheme in submitting an application to the Municipality;
- b) Any application in terms of this Scheme must be submitted in printed and electronic format to the main office of the !Kheis Municipality;
- c) 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;
- d) If an application in terms of this Scheme must be decided upon by the Municipal Planning Tribunal or the Designated Officials, the Application Form set out in section 131 to this Scheme should be used and all the information requested therein should be submitted with the application form itself;
- e) The Municipality may implement an electronic lodgement system for applications if so decided upon by its Council;

- f) It is incumbent upon the applicant to ensure that all the relevant information prescribed in this Scheme is submitted to the Municipality; and
- g) The Municipality may publish guidelines to assist applicants in the submission of applications.

80. INFORMATION REQUIRED

- a) An application for a development right listed in section 67 must be accompanied by the following documents:
 - i. a properly completed Application Form;
 - ii. if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - iii. 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;
 - iv. the relevant bondholder's consent, if required by the Municipality;
 - v. 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;
 - vi. proof of payment of application fees;
 - vii. a full, certified copy of the existing title deed indicating all existing title conditions;
 - viii. 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;
 - ix. if required by the Municipality, a no-objection letter from any Department whose rights may be affected;
 - x. should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application; and
 - xi. any of the maps made provision for in section 81.

81. APPLICATION STANDARDS

- a) An application that do not comply with the provisions of this Scheme will be deemed to be incomplete and will be dealt with in terms of section 86;
- b) 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:
 - i. an orientation locality map as described in (c);
 - ii. a zoning map as described in (d);
 - iii. a land use map as described in (e);
 - iv. a detailed layout map as described in (f);
 - v. a basic layout map as described in (g); and
 - vi. a site development plan as described in subsection (83).
- c) An orientation locality map shall be a legible printed document of at least A3 size which must reflect the following details:
 - i. true north, scale, key and heading "orientation locality map";

- ii. 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;
 - iii. boundary of the Municipality and the jurisdictional areas of adjacent Municipalities;
 - iv. Roads, whether they are national, regional or local in nature if they are near or adjacent to the land in question; and
 - v. Size and location of the land to which the application relates to.
- d) 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:
 - i. the scale, true north, key and heading "Zoning Map";
 - ii. 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
 - iii. All land units and existing zonings of adjacent farms for applications within Rural Areas.
- e) 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:
 - i. The scale, true north, key and heading "Land Use Map";
 - ii. 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;
 - iii. All land units and existing land uses of adjacent farms for applications within Rural Areas.
- f) A detail layout map shall be a printed document of at least A3 size which shall reflect the following detail:
 - i. the scale, true north, key and heading "Detail Layout Map";
 - ii. the Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers;
 - iii. contours with 1m or 2m height differences up to outside of the Layout boundary;
 - iv. all areas steeper than 1:5;
 - v. fifty year and hundred-year flood lines, if applicable;
 - vi. other physical features that may influence the layout such as cliffs, marshes and dunes;
 - vii. all existing services within and surrounding the application area;
 - viii. roads present on adjacent land;
 - ix. the proposed subdivisions;
 - x. the size of the proposed subdivisions;
 - xi. the erven included in the subdivision with erven numbered consecutively;
 - xii. the name of the person that prepared the map;
 - xiii. the contours;
 - xiv. co-ordinates with grid references;
 - xv. the proposed street name and name for the development or neighbourhood, if applicable; and
 - xvi. 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.
- g) A basic layout map shall be a printed document of at least A3 size which shall reflect the following detail:
 - i. the scale, true north, key and heading "Basic Layout Map";

- ii. erf boundaries, street names (if applicable), including neighbouring erf or farm numbers;
- iii. the location of existing buildings on the application area and surrounding properties, if the application has an influence on them;
- iv. detail regarding the proposed development, including proposed subdivision and consolidation boundaries; and
- v. any physical restrictions on the land unit or neighbouring land units that might influence the application, if applicable.

82. SITE DEVELOPMENT PLAN

- a) 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;
- b) The Site Development Plan (SDP) shall be approved by the Municipality prior to the approval of building plans for the development;
- c) 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;
- d) 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;
- e) The 1:100-year flood-line, as defined by subsection 49 of the National Water Act, 1988 (Act 36 of 1988) must be indicated on a site development plan where applicable;
- f) The Local Municipality may require some or all of the following information for a Site Development Plan:
 - i. Existing bio-physical characteristics of the property;
 - ii. Existing and proposed cadastral boundaries;
 - iii. The layout of the property, indicating the use of different portions thereof;
 - iv. The massing, position, use and extent of buildings;
 - v. Sketch plans and elevations of proposed structures, including information about their external appearance;
 - vi. Cross-sections of the site and buildings on site;
 - vii. The alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
 - viii. The position and extent of private, public and communal space;
 - ix. Typical details of fencing or walls around the perimeter of the land unit and within the property;
 - x. Electricity supply and external lighting proposals;
 - xi. Provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
 - xii. External signage details;
 - xiii. General landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
 - xiv. The phasing of a development;
 - xv. The proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
 - xvi. Statistical information about the extent of the proposed development, floor area allocations and parking supply;

- xvii. Relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
- xviii. Relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
- xix. Illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
- xx. Any other details as may reasonably be required by the Municipality.
- xxi. 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.
- xxii. The Municipality may determine the extent of the area covered by a site development plan.
- xxiii. 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.
- xxiv. 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.
- xxv. 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.
- xxvi. An applicant may at any time before an application has been decided to amend the application in writing in accordance with Municipal procedures.

83. APPLICATION FEES

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

84. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- a) The Municipality may refuse to accept an application if:
 - i. the Municipality has already decided on the application in the past two years;
 - ii. there is no proof of payment of the applicable fees;
 - iii. 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.

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

- a) The Municipality must:
 - i. record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and

- ii. 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.

86. PROVISION OF FURTHER INFORMATION, DOCUMENTATION OR PLANS AND PAYMENT OF FEES

- a) 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;
- b) 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 (a);
- c) The Municipality must notify the applicant in writing of a refusal to consider an application under (b) and must close the application;
- d) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in (b) to refuse to consider the application; and
- e) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of (b), the applicant must apply again and pay the applicable application fees.

87. CONFIRMATION OF COMPLETE APPLICATION

- a) 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.

88. WITHDRAWAL OF APPLICATION OR AUTHORISATION

- a) An applicant may, at any time before the Municipality makes a decision, withdraw an application on written notice to the Municipality.

SECTION 3 NOTIFICATIONS

89. NOTIFICATION OF APPLICATION IN MEDIA

- a) 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.
- b) Notice of the application in the media must be given by:
 - i. appending notices of the application on the notice boards situated at the libraries in the town to which the application relates to;
 - ii. publishing a notice of the application, in newspapers with a general circulation in the area concerned, in at least two of the official languages of the Province most spoken in the area concerned; or
 - iii. if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality for such purposes.

90. SERVING OF NOTICES

- a) Notice of a development application must be served on each person whose rights may be adversely be affected by the approval of the application;
- b) For the purpose of serving a notices on a person other than the applicant whose rights may by adversely affected by the approval of an application received, notice shall be given in terms of section 89 and by of serving it in the following manner:
 - i. if it is displayed in a conspicuous place on the land to which the application relates to; and
 - ii. if it is delivered by hand to an affected person personally or at that person's physical address; or
 - iii. it is served by way of registered post on the physical address of an affected person.
- c) The Municipality must at least cause a notice contemplated in (b) in respect of all applications;
- d) 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 92;
- e) 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;
- f) The date of notification in respect of a notice served in terms of this section:
 - i. when it was served by registered post, it is a date seven days after the registered post documents were received by the Post Office;
 - ii. when it was delivered to that person personally, it is the date on delivery actually took place;
 - iii. 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.

91. CONTENT OF NOTICE

- a) When notice of an application must be served in terms of subsection 89 & 90, the notice must:
 - i. provide the full names of the applicant, if authorised representative, the full names and organisation of the representative;
 - ii. 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;
 - iii. state the intent and purpose of the application;
 - iv. 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;
 - v. state the name and contact details of the person to whom comments, objections or representations must be addressed;
 - vi. invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;
 - vii. state in which manner comments, objections or representations may be submitted;
 - viii. 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;
 - ix. 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.

92. ADDITIONAL METHODS OF PUBLIC NOTICE

- a) 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:
- i. displaying a notice contemplated in section 90(b)(i) 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;
 - ii. the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - iii. 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;
 - iv. convening a meeting for the purpose of informing the affected members of the public of the application;
 - v. broadcasting information regarding the application on a local radio station in a specified language;
 - vi. holding an open day or public meeting to notify and inform the affected members of the public of the application;
 - vii. publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or
 - viii. obtaining letters of consent or objection to the application.
- b) The Municipality must give additional public notice contemplated in (a) 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;
- c) Additional public notice can be given simultaneously with notice given in accordance with sections 89 or 90 thereafter; and
- d) 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.

93. NOTIFICATION REQUIREMENTS

a) The minimum notification procedures for applications are indicated in the Table below:

MINIMUM NOTIFICATION PROCEDURES				
Land Use Application	Noticed Procedure			
	Newspaper notice	Notice on Site	Notice 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	Yes
The rezoning from one zone to another	Yes (One Notice)	Yes	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)	No	Yes	Yes
The amendment or cancellation a general plan or SG Diagram	Yes (One Notice)	No	Yes	No
The closure of any public place	Yes (One Notice)	Yes	Yes	Yes
The secondary use as provided for in the regulations (not supported by SDF)	Yes (One Notice)	Yes	Yes	No
The departure from the development parameters of the zoning scheme	Yes (One Notice)	Yes	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	Yes	No
The secondary use as provided for in the regulations (supported by SDF)	Yes (One Notice)	Yes	Yes	No
The subdivision of land	Yes (One Notice)	Yes	Yes	No
The subdivision and consolidation of Agricultural land (i.t.o Act 70 of 70)	Yes (One Notice)	No	Yes	No
The registration of a servitude	No	Yes	Yes	No
The consolidation of land	Yes (One Notice)	Yes	Yes	No
The extension of the validity period of an approval	No	Yes	No	No
The application for the exemption of subdivisions and consolidations as provided for in the regulations	No	No	No	No

94. LIABILITY FOR COST OF NOTICE

The applicant is liable for the costs of giving and serving notice of an application in terms of this Scheme.

95. FURNISHING OF COMMENT AND INFORMATION

- a) 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; and
- b) 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.

96. CONSULTATION WITH OTHER LAND DEVELOPMENT AUTHORITIES

- a) As per Section 29, (1), of the Act, the Municipality must consult any organ of state responsible of administering legislation relating to any aspect of an activity that also requires approval in terms of the Act in order to coordinate activities and give effect to the respective requirements of such legislation, and to avoid duplication.
- b) The Municipality may request the applicant to serve the notice as mentioned in (a).

SECTION 4 OBJECTION**97. REQUIREMENTS FOR PETITIONS**

- a) All petitions launched for or against a specific application must clearly state the following details:
 - i. 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;
 - ii. The full name, telephone number and physical address of each signatory; and
 - iii. The detail objection, comment or representation and reasons, therefore.

98. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- a) A person may in response to a notice received in terms of this Scheme object, comment or make representations in accordance with this section;
- b) 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; and
- c) The Municipality must refuse to accept an objection, comment or representation received after the closing date.

99. RIGHT OF AN APPLICANT TO REPLY

- a) 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;
- b) The applicant may, within a period of twenty one days from the date of receipt of objections, comments or representations, as contemplated in (a), submit a written reply thereto to the

Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations;

- c) The applicant may, before the expiry of the thirty-day twenty-one-day period referred to in (b), apply to the Municipality for an extension of the period to submit a written reply, to an additional period of ten days;
- d) 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;
- e) 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; and
- f) 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.

100. AMENDMENTS PRIOR TO APPROVAL

- a) 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:
 - i. at the applicant's own initiative;
 - ii. as a result of an objection comment or representation made during the notice process; or
 - iii. at the request of the Municipality.
- b) 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.

SECTION 5 DECISION MAKING AND APPEALS

101. WRITTEN ASSESSMENT OF APPLICATION

- a) 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;
- b) A written assessment contemplated in a) may include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

102. DECISION-MAKING PERIOD

- a) The Municipal Planning Tribunal 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;
- b) The Designated employee must decide on an application within sixty days reckoned from the date on which it is requested to do so in writing by the Municipality; and
- c) The Municipality must provide the written request contemplated in (a) & (b) 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.

103. POWERS TO CONDUCT ROUTINE INSPECTIONS

- a) 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 101.
- b) When conducting an inspection, the persons referred to in (a) may:
 - i. request that any record, document or item be produced to assist in the inspection;
 - ii. make copies of, or take extracts from any document produced by virtue of paragraph (a) that is related to the inspection;
 - iii. on providing a receipt, remove a record, document or other item that is related to the inspection; or
 - iv. inspect any building or structure and make enquiries regarding that building or structure.
- c) No person may interfere with the persons referred to in (a) who are conducting an inspection as contemplated in (a).
- d) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.
- e) An inspection under (a) must take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building.

104. NOTIFICATION OF DECISION

- a) 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.

105. ERRORS AND OMISSIONS

- a) 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.
- b) 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.

106. CONDITIONS OF APPROVAL

- a) The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed utilisation of land;
- b) The Municipality may not approve a land use application subject to a condition that approval in terms of other legislation is required;
- c) No conditions may be imposed that rely on a third party for fulfilment;
- d) 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;

- e) 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; and
- f) Conditions imposed may include conditions relating to:
 - i. the provision of engineering services and infrastructure;
 - ii. the cession of land or the payment of money;
 - iii. the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
 - iv. the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
 - v. settlement restructuring;
 - vi. agricultural or heritage resource conservation;
 - vii. biodiversity conservation and management;
 - viii. the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
 - ix. energy efficiency;
 - x. requirements aimed at addressing climate change;
 - xi. the establishment of an owners' association in respect of the approval of a subdivision;
 - xii. the provision of land needed by other organs of state;
 - xiii. the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
 - xiv. the registration of public places in the name of the municipality;
 - xv. the transfer of ownership to the municipality of land needed for other public purposes;
 - xvi. the implementation of a subdivision in phases;
 - xvii. requirements of other organs of state;
 - xviii. the submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
 - xix. agreements to be entered into in respect of certain conditions;
 - xx. the phasing of a development, including lapsing clauses relating to such phasing;
 - xxi. the delimitation of development parameters or land uses that are set for a particular zoning;
 - xxii. the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this Scheme;
 - xxiii. the setting of a period within which a particular condition must be met;
 - xxiv. requirements relating to engineering services;
 - xxv. requirements for an occasional use, which must include - parking and the number of ablution facilities required; the maximum duration or occurrence of the occasional use; and parameters relating to a consent use in terms of the zoning scheme.

107. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- a) 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.
- b) When the Municipality considers an application in terms of (a), 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.
- c) The extension of development rights granted will be considered by the Municipal Planning Tribunal or the designated employee who granted such rights.
- d) The extended validity period takes effect on and is calculated from the date on which the original development right thus granted, lapsed.

108. MEETINGS OF THE MUNICIPAL PLANNING TRIBUNAL

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

109. DEVELOPMENT CHARGES

- a) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- b) 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.
- c) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- d) 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.
- e) 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.

110. LAND FOR PARKS, OPEN SPACES AND OTHER USES

- a) 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.
- b) 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.
- c) 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.
- d) 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.

111. DEVELOPMENT INCENTIVES

- a) Section 24,(2),(e), of the Act stipulates that a Land Use Management Scheme must include land use and development incentives to promote the effective implementation of the Spatial Development Framework.
- b) The Development Incentives could be reviewed and updated to align with the Spatial Development Framework.
- c) For the purpose of this scheme the following development incentives could be implemented:
 - i. Rates and Tax deductions for new developments (e.g. Business Developments); and
 - ii. The waving of certain development regulations as per Chapter 4, Section 1 of this Scheme.

112. APPEAL AUTHORITY

- a) An Appeals Authority as contemplated in Sections 51(2) of the Act must be established;
- b) The functions of the Appeals Authority shall be to decide on appeals relating to:
 - i. decisions taken by the Municipal Planning Tribunal or Designated Official;
 - ii. undue delay relating to a land use and development application Municipal Planning Tribunal or Designated Official; and
 - iii. disputes regarding contributions in respect of engineering services emanating from a land use and development application.

113. APPEAL PROCEDURE

- a) The lodging of an appeal notice shall be subject to the provisions of Sections 51(1) and (4) of the Act.;
- b) Any notice of appeal must;
 - i. be submitted to the Municipal Manager within 21 days of the date of notification;
 - ii. 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
 - iii. indicate the reasons for such appeal.
- c) If the appellant is not the applicant, he/she must in addition to the provisions of (a) and (b):
 - i. 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;
 - ii. provide the applicant and Municipal Manager with a copy of the notice of appeal; and
 - iii. a report containing his/her counter arguments.
- d) Subject to subsection (a), (b) and (c), the Municipal Manager must;
 - i. notify Town Planning Unit of such notice of appeal within 21 days of receiving the appeal notice,
 - ii. 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;
 - iii. submit the appeal notice and relevant information, referred to in (ii), to the Appeals Authority for consideration within 21 days of receipt of such information as referred to in (ii); and

- iv. 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 Appeals Authority.
- e) All parties must:
 - i. 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
 - ii. if the party appoints a representative, they must have a Power of Attorney indicating such appointment, the nature and extent of the appointment.
- f) The Appeals Authority must:
 - i. sit and decide on an application within 90 days of receipt of the appeal notice;
 - ii. consider and determine all the appeals lawfully submitted to it;
 - iii. confirm, vary or revoke the decision in a written format;
 - iv. provide reasons for its decision;
 - v. keep a record of all its proceedings; and
 - vi. disclose any interest in the case.
- g) 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;
- h) The Appeals Authority may remit the matter to the Municipal Planning Tribunal or Designated Official for reconsideration in the event that a procedural defect occurred;
- i) The decision of Appeal Authority is final and not negotiable in terms of municipal processes. Once the decision has been given to the appellant in terms of (g), such application shall be forwarded to the Town Planning Unit to effect the decision taken by the Appeal Authority.
- j) Only written appeals will be heard by the Appeal Authority.

114. UNDUE DELAY

- a) If the Municipal Planning Tribunal or Designated 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;
- b) The notice referred to in (a) must include:
 - i. name of the applicant;
 - ii. copy of a submitted application, proof of receipt and reference number;
 - iii. proof indicating all required documents were submitted on time; and
 - iv. reason/s for submitting such application.
- c) 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 Designated Officials, as the case may be;
- d) The reasons referred to in (c) must be submitted within 14 days of the notice;
- e) 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 subsection 86;
- f) If the Municipal Planning Tribunal or Designated Official, as the case may be, fail to finalise the application within the timeframe stipulated under (e), the Municipal Manager must refer the land use and development application to the Appeals Authority and must notify the applicant about that decision; and
- g) Subject to (b), the provisions of the subsection 113 (c) of this document shall apply *mutatis mutandis*.

SECTION 6 ENFORCEMENT**115. OFFENCES AND PENALTIES**

- a) Any person who:
 - i. contravenes or fails to comply with section 67 (a); or
 - ii. utilises land in a manner other than prescribed by a zoning scheme without the approval of the municipality; or
 - iii. supplies particulars, information or answers in an application knowing it to be false, incorrect or misleading or not believing them to be correct,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.
- b) An owner who permits his or her land to be used in a manner set out in subsections(1)(a) and (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.
- c) Any person who refuse an authorised employee of the Municipality access to land in terms of section 116 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 116, 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.

116. GENERAL POWERS AND FUNCTIONS OF AUTHORISED EMPLOYEES

- a) 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.
- b) An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of (a).
- c) 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.

117. POWERS OF ENTRY, SEARCH AND SEIZURE

- a) In ensuring compliance with this Scheme, an authorised employee of the Municipality may—
 - i. 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;
 - ii. 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—
 - an offence in terms of this Scheme;
 - a contravention of this Scheme; or
 - a contravention of an approval or a term or condition of that approval;

- iii. 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;
 - iv. copy 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;
 - v. 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;
 - vi. examine that document, book, record or any written or electronic information or make a copy thereof or an extract there from;
 - vii. require from that person an explanation of any entry in that document, book, record or any written or electronic information;
 - viii. 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;
 - ix. 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
 - x. 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 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.
- b) When an authorised employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he or she must issue a receipt to the owner or person in control thereof.
- c) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

118. WARRANT OF ENTRY FOR ENFORCEMENT PURPOSES

- a) 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:
- i. prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or
 - ii. purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof.
- b) A warrant may only be issued if it appears to the Magistrate from information on oath that there are reasonable grounds for believing that:
- i. an authorised employee has been refused entry to land or a building that he or she is entitled to inspect;
 - ii. an authorised employee reasonably anticipates that entry to land or a building that he or she is entitled to inspect will be refused;

- iii. there are reasonable grounds for suspecting that an offence contemplated in section 115 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - iv. the inspection is reasonably necessary for the purposes of this Scheme.
- c) 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:
 - i. within one month of the date on which the warrant was issued; and
 - ii. at a reasonable hour, except where the warrant was issued on grounds of urgency.

119. REGARD TO DECENCY AND ORDER

- a) 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:
 - i. a person's right to respect for and protection of his or her dignity;
 - ii. the right to freedom and security of the person; and
 - iii. the right to a person's personal privacy.

120. ENFORCEMENT LITIGATION

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

CHAPTER 6 MISCELLANEOUS

SECTION 1 GENERAL

121. ZONING REGISTER

- a) The zoning register must be used to indicate all approvals with regards to Land Use Applications as stated in the Scheme;
- b) The register must be in an electronic or hard copy format for safe keeping;
- c) 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
- d) The following information must be included within the Zoning Register:
 - i. *File Number;*
 - ii. *Applicant;*
 - iii. *Owner;*
 - iv. *Application for;*
 - v. *Details of Property;*
 - vi. *Erf/Farm no;*
 - vii. *Street Address;*
 - viii. *Town;*
 - ix. *Zoning (Current and New);*
 - x. *Subdivision (no of portions);*
 - xi. *Consolidation;*
 - xii. *Council Resolution;*
 - xiii. *Item Number;*
 - xiv. *Resolution Number;*
 - xv. *Date; and*
 - xvi. *Notes.*

122. PROPERTY DESCRIPTION

- a) 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.

123. USE OF ANNEXURES AND SCHEDULES

- a) Special rights, conditions and restrictions which may apply to any property within a use zone, may be indicated in an Annexure and / or a Schedule and / or Figure to the Scheme.

124. NAMING AND NUMBERING OF STREETS

- a) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land units located in such street or road;
- b) The proposed names of the streets and numbers must be submitted as part of an application for subdivision;
- c) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering; and

- d) 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.

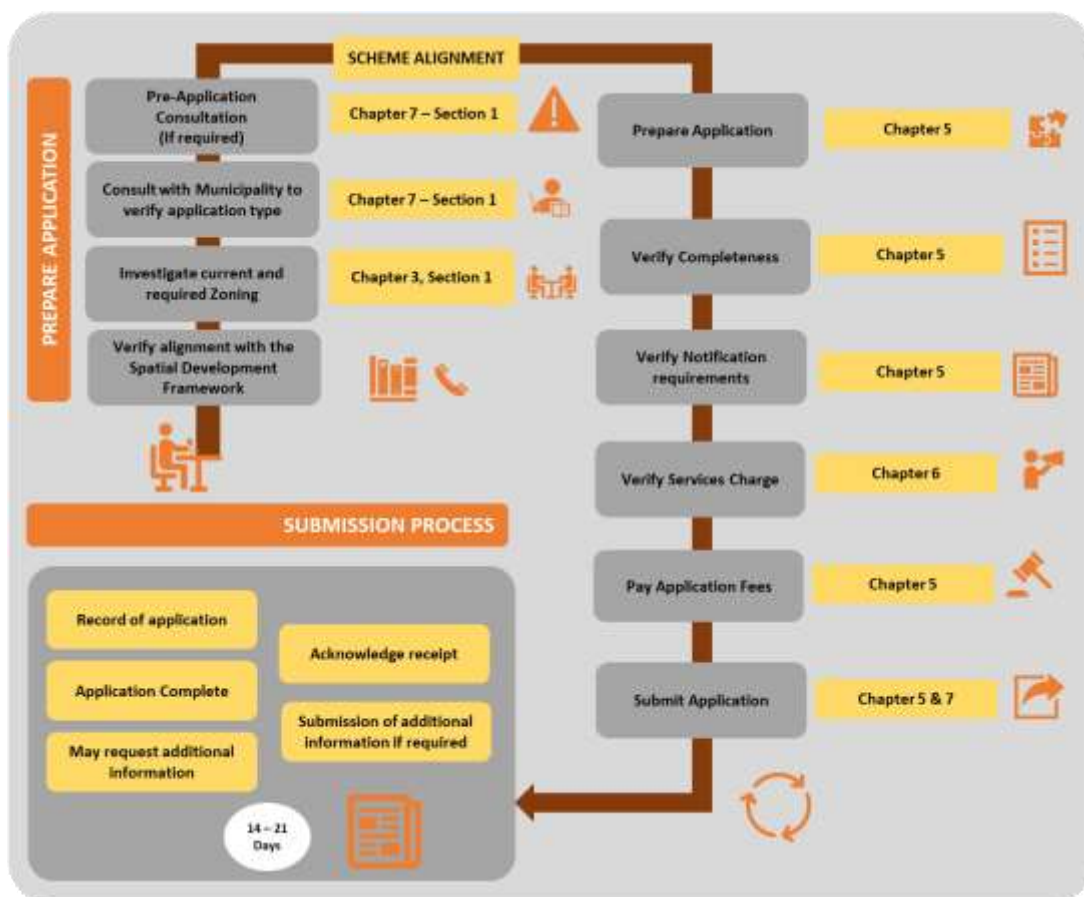
125. ADVERTISING SIGNS

- a) 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. The Municipality shall disallow 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; Provided further that this clause shall not prohibit the display of a name-plate not exceeding 300mm x 450mm on a fence, entrance, entrance hall or front door of a property or building in use zone "Residential Zone I"; Provided that such name-plate shall be utilised exclusively to indicate the name and vocation of the occupant.

CHAPTER 7 REFERENCE MANUAL

SECTION 1 PROCESS

The Reference Manual serves as a “how to” document for any application that is governed by the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013 – SPLUMA). The Reference Manual will form part of the !Kheis Land Use Management 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. 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 LUMS as the legislative input. The application procedures that forms part of this section, takes into consideration and are in-line with the Scheme. 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.



126. DEVELOPMENT RIGHTS

- a) **Where can I find more information?** As a first step, it is important to establish what the existing land use and development rights are for the property entails. To determine this, contact the local planning office, and follow the next few simple steps:
- Step 1: Establish where in the existing zoning scheme the property is located.
 - Step 2: By examining the scheme map (and/or database) at the local planning office, identify the zoning allocated to the property. A Zoning Certificate can also be requested and issued by the Municipality in support of the examination exercise.
 - Step 3: Peruse the specific section of the land use scheme regulations related to the particular use/zoning category to determine the exact nature and extent of the existing land use and development rights applicable to the property (i.e. what land uses and activities are permitted in terms of such zoning/use).
 - Step 4: Decide how the proposed building or development would be accommodated on the specific site and whether any departures would be necessary or not.
- b) **When is an application for planning approval required?** If a development proposal or intended land use activity is not already permitted in terms of the property's existing zoning rights, one must apply to the local Municipality for development approval by submitting a Land Use Application. This may either involve a request for additional rights (such as a secondary use) or changing the development rights of a property completely (such as rezoning). There are specific standards for such applications and its processing (including mandatory public participation) prescribed in the Land Use Management Scheme. Any proposed development will be assessed by the Municipal Planning Tribunal or the Designated Official as the case may be, in terms of its desirability and consistency with existing policies, plans and guidelines before a decision is taken.
- c) **What about working from home, e.g. a home occupation, occupational use, or a professional practice from home?** In some instances, the land use scheme could allow for running a small home industry, professional practice or occupation from a single residential zoned premise as of right (i.e. without any approval required by). Where this is the case, such practices are usually subject to firm restrictions to limit their scale, potential nuisance to neighbors and impact on the surrounding environment and amenity. However, before the user make an assumption and start up such an activity or business, contact a planning official at the local planning office who will explain the rules applying to the premises. Should the applicant or user fail to do this, and the relevant activity is not permitted in terms of the applicable land use/ zoning scheme provisions, the adjacent neighbors may complain to the Municipality. In terms of the law, the Municipality must investigate such cases and take action to rectify it.
- d) **What if I start a new land use activity or development without planning approval?** It remains a property owner's responsibility to comply with the provisions and restrictions of the K Scheme and obtain approval for any new land use activity and/or related building work. Non-compliance in this regard would constitute an offence. Problems may arise if property owners engage in illegal land use (e.g. an unauthorized business from home), or illegal building work carried out without obtaining planning approval or building plan approval from the



Municipality. These problems may include neighbors complaining to the municipality, prospective property buyers requesting a copy of the approved building plan, or even prosecution. Should complaints be received about an illegal land use activity or building work, this will be investigated by the Municipal Planning Tribunal or Designated Official who are entitled to enter the specific property to investigate the matter, order construction work to stop immediately and take any legal steps necessary to rectify the situation. Property owners can also be fined, and the inspector may even obtain a Court order for the structures to be demolished at the expense of the owner.

- e) **How should I motivate my proposal?** Providing proper motivation for the development proposal will not only explain the idea to interested and affected parties but will help the Planning department to assess the application. An application must include a clear explanation of the concepts and detail and desirability involved in a motivation report. Explanations should still be kept as succinct as possible to simplify the understanding.

A detailed motivation report should address the following aspects:

- i. **Background:** Site history, any previous applications, negotiations, transactions or changing circumstances preceding the application.
- ii. **Physical site characteristics:** Description of subject premises and surroundings, including topography, slopes, drainage, vegetation, flood plains and flood lines, unique ecological habitats and sensitive areas, any unstable soil formations, existing buildings and structures, access routes etc. (use of photographs are encouraged).
- iii. **Development Proposal:** Detailed description of all aspects of proposed development, including any alternative schemes.
- iv. **Desirability:** Instead of causing any significant harm to existing or future users of the premises, surrounding residents or property owners, the surrounding natural/cultural/man-made environment, the local authority or public in general, a desirable development should lead to improved social, economic and physical circumstances for all parties involved. Defined as the degree of acceptability of the proposed development on the land unit(s) concerned, desirability of the proposal should be discussed in terms of the following:
 - Subject site's suitability for proposed development in terms of location, accessibility and physical characteristics.
 - Consistency with higher order policy and planning frameworks, especially the Northern Cape Provincial Spatial Development Framework, district and Local Frameworks.
 - Conservation worthiness of existing buildings, structures, vegetation and other natural features.
 - Compatibility of proposed development/land use(s) with character and existing spatial structure of surrounding area.
 - Access to subject premises and possible traffic problems.
 - Cost and availability of required services and infrastructure.
 - External visual impact of proposed development, as well as internal aesthetical aspects.
 - Any potential disruption of/damage to environment or public nuisance as a result of proposed development/land use(s).
 - Potential of application site for alternative uses/ development.

- f) **Pre-application advice: Where can I get assistance?** In order to ensure a successful outcome to any application, it is advisable that the applicant approach the local planning office during the pre-consultation phase for advice on the feasibility of a proposal and any specific factors which should be taken into account. As some proposals may involve complicated issues of a technical nature or require preparation of detailed architectural drawings, subdivision or site development plans for submission, the applicant may wish to, appoint a town planning consultant to assist in the preparation of the application. Should a consultant be appointed, the property owner must give them power of attorney to act as agent and carry out the work on his/her behalf.

127. TYPES OF DEVELOPMENT APPLICATIONS

What are the main types of planning or development applications?

Should planning approval be required and depending on the nature of the development proposal, the applicant will have to determine what type of application will be necessary. This may involve any one or a combination of the following:

a) Rezoning

This type of application alters the Zoning scheme category applicable to the property and is required where a substantial change in the land use or development rights of a property is envisaged and where the proposed land use activity is not already permitted in the existing zoning category of the subject property (e.g. rezoning from a Single residential zone to a Business zone).

b) Secondary Use

This application involves and seeks approval for an additional/secondary or alternative land use or development right that requires the approval of the Municipality. Once granted, these rights are usually of a permanent nature and cannot lapse.

c) Removal or amendment of title deed restrictions

Where existing conditions or restrictions in a property's title deed may restrict or prohibit a new use or development, an application for amendment or even complete removal of such restrictions is required.

d) Subdivision

This kind of application involves dividing a single parent property into a number of smaller portions or land units along new cadastral boundaries. Subdivision allows for the individual registration of separate new properties at the Deeds office. This must be acted upon by registering at least one subdivided portion at the Deeds office within 2 years after approval in order for it not to lapse.

e) Zoning scheme departure

This kind of application involves approval either on a temporary basis of a land use or activity that is not specifically identified or provided for in the zoning scheme, or on a permanent basis where a proposed development or building would not comply with the applicable zoning scheme regulations and exceed the parameters and restrictions specified for that specific zoning category (e.g. relaxation of a building line to accommodate a dwelling extension).

Once implemented, a regulation departure is a permanent right, whereas a land use departure would be granted only temporarily (e.g. up to 5 years where approved by the Municipal Planning Tribunal). Notwithstanding this, approval of both types of departure will lapse if not implemented within 2 years after it was granted.

f) Extension of approval validity

As indicated earlier, most planning approvals are subject to expiry or lapsing if they are not implemented or acted upon within a set period of time. However, in all instances, and where good reason exists, application can be made for extension of approval to allow more time for implementation of such approvals.

g) Consolidation

This kind of application involves consolidating a single parent property with a number of other portions of land there by a new cadastral boundary. It is important to note that all parcels of land need to have the same zoning and belong to the same entity, to be enabled to do a consolidation.

h) Township Establishment

This type of application involves the development of farmland by creating new erven or land uses that acquires development rights to each erf that falls within the new township. The township will get a specific name and extension number and be incorporated into the Land Use Management Scheme.

i) Permanent closure of any public place

This kind of application involves that a public place will have a change in its land use rights, the procedure forces an applicant to advertise to the public through a notice of intend that an open space will be closed and new land use rights will be permitted to it through an application process in the Land Use Management Scheme.

j) Deciding on the most appropriate option

When lodging a planning application, it is important that submissions include all application components and that all possible departures and underlying title deed restrictions have been identified correctly. Failure to do so will only result in delays in the processing of an application. For assistance in this regard and to identify the most appropriate options (e.g. whether to apply for a temporary land use departure or a permanent rezoning), speak to a planning official at the local municipal planning office.

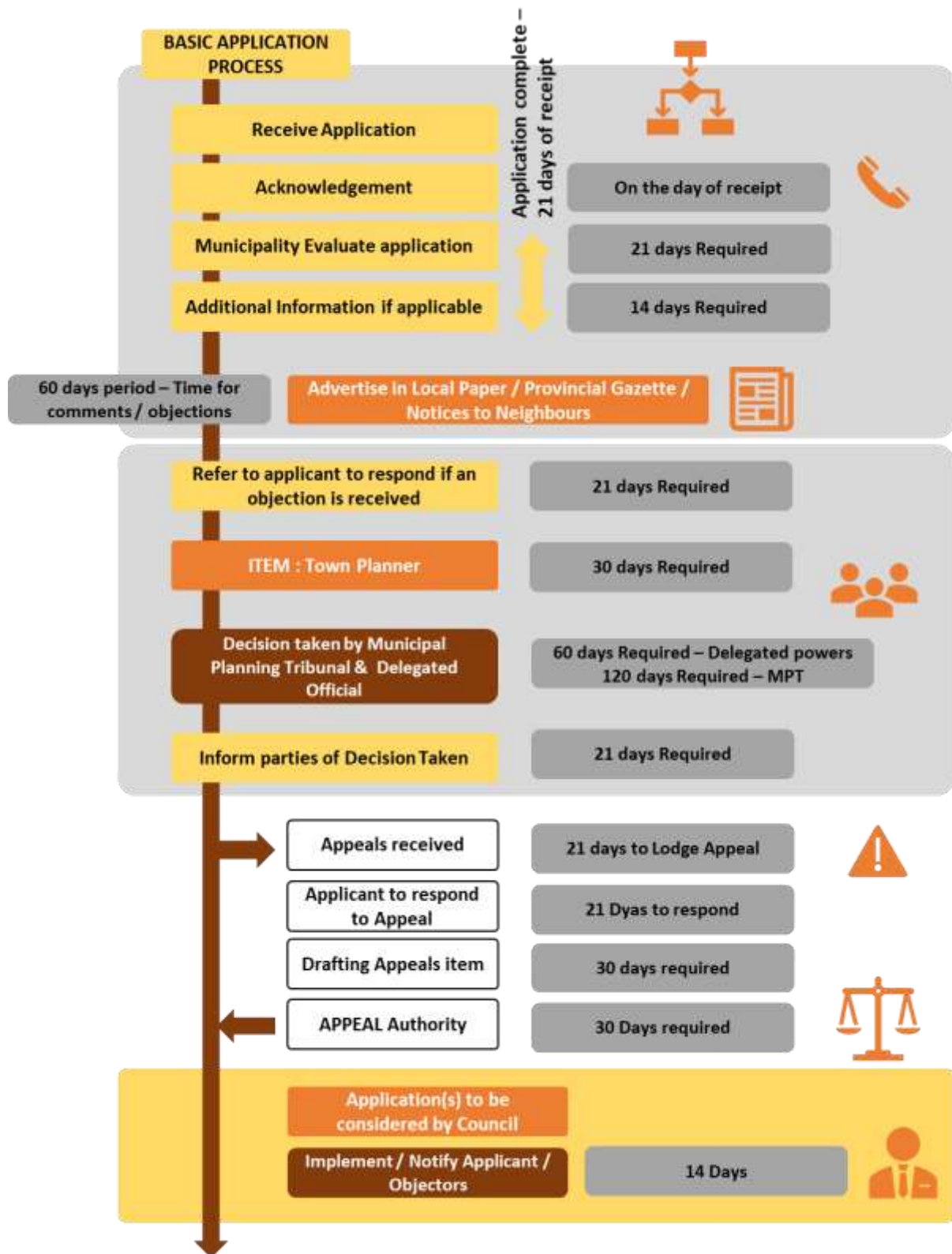


Figure 2: Brief overview of the K Scheme Application Process

128. PRESCRIBED DOCUMENTATION PER APPLICATION TYPE

The table below indicates the minimum requirements needed per application type. The Local Authority may however request any additional information relevant to an application.

✓	Required
☼	May be required
-	Not required

PRESCRIBED DOCUMENTATION: Applications for Municipal permission, approval or consent														
	Establishment of a Township	Rezoning	Removal of Restrictions	Amendment / Cancellation of a General Plan	Closure of any Public Place	Secondary Use	Departure from Scheme Regulations	Departure for the use of land on a temporary basis	Subdivision	Consolidation	Registration of a Servitude	Exemption of Consolidation & Subdivisions	Extension of the validity period	
STANDARD DOCUMENTATION														
Application Fees	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	☼	
Municipal Clearance Certificate	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	-	✓	✓	
Application Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Motivating Memorandum	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	☼	
Certified Copy of title deed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	☼	
Special Power of Attorney	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Bondholder's consent	✓	✓	☼	✓	☼	✓	☼	✓	✓	☼	☼	☼	☼	
Zoning Schedule / Certificate	✓	✓	-	☼	☼	✓	☼	✓	-	✓	☼	☼	☼	
Scheme Clauses / Schedule	✓	✓	-	✓	-	✓	☼	✓	-	-	-	-	-	
MAPS & PLANS														
Orientation Locality Map	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Land Use Plan	✓	✓	☼	☼	-	✓	☼	☼	☼	☼	-	☼	-	
Zoning Plan	✓	✓	☼	☼	☼	✓	☼	☼	☼	☼	☼	☼	-	
Subdivision / Consolidation plan	✓	-	-	✓	☼	-	-	-	✓	✓	☼	-	-	
Site development plan	☼	✓	☼	-	☼	✓	☼	☼	☼	☼	☼	✓	-	

✓	Required
⚙	May be required
-	Not required

PART 4 REFERENCES

CHAPTER 8 SCHEDULES AND ANNEXURES

SECTION 1 SCHEME SCHEDULES

129. SCHEDULE 1 - ZONING SCHEMES REPEALED BY THIS SCHEME

Section 7 Regulations of the Land Use Planning Ordinance 15 of 1985 and all subsequent amendments in terms of Sect. 36(1) of the Northern Cape Planning and Development Act (1998)

130. SCHEDULE 2 - CONVERSION OF ZONING ON REPEALED ZONING MAPS

In the column on the left the zoning of the repealed zoning scheme is indicated. In the column on the right the proposed new zoning in terms of this Scheme is indicated. In cases where a suitable corresponding zone does not exist in the new scheme, the zoning was manually converted based on the lawful existing land use.

OLD LUMS – ZONINGS			NEW LUMS – ZONINGS		
Zoning	Primary Use	Secondary Use	Zoning	Primary Use	Secondary Use
Agricultural zone I	Agriculture	Additional dwelling units, Farmstore, Farmstall, Feed-pen farming, Riding school, Nursery, Service trade, Tourist facilities	Agricultural zone I	Agricultural Use	Farm Stall Nursery Riding School Tourist Facilities Kennels / Animal Establishment Animal Clinic Animal Hospital Guest House
Agricultural zone II	Agricultural industry	Tourist facilities, Farmstore	Agricultural zone II	Agri-Industry	Agricultural Use
Residential zone I	Dwelling house	Additional dwelling units	Residential zone I	Dwelling House / Residential House	Second dwelling unit Crèche Occupational Practice Tuck shop Guest House Animal Clinic
Residential zone II	Group house	Dwelling house, Retirement village	Residential zone II	Group Housing	Dwelling House / Residential House Crèche Occupational Practice Retirement Resort / Village
Residential zone III	Town house	Dwelling house, Group house, Retirement village	Residential zone III	Flats Residential Building	Institution Group Housing Dwelling House / Residential House
Residential zone IV	Flats	Dwelling house, Group house, Town house, Public housing, Professional usage	Combined Residential zone IV & V in old scheme with Residential III		

OLD LUMS – ZONINGS			NEW LUMS – ZONINGS		
Zoning	Primary Use	Secondary Use	Zoning	Primary Use	Secondary Use
Residential zone V	Residential Building	Group house, Town house, Flats, Public housing, professional usage, Place of assembly			
New Zoning			Residential zone IV	Incremental housing	Crèche Tuck shop Occupational Practice Guest House
New Zoning			Residential zone V	Mix Density Residential Use	Group Housing Flats Residential Building Guest House
New Zoning			Residential zone VI	Leisure Residential Dwelling	Wedding and Conference facilities
Business zone I	Business premises	Town house, Flats, Residential building, Place of assembly, Place of entertainment, Place of instruction, Institution, Bottle store, Supermarket, Service trade	Business zone I	Auctioneer Business Building / Premises Place of Refreshment Vehicle Showroom	Bottle Store Care Takers Quarters Drive-in restaurant Institution Animal Clinic Animal Hospital Licensed hotel Place of Entertainment Service Industry Service Station Tavern Funeral Parlour Office Wedding and Conference facilities Warehouse
Business zone II	Shop	Town house, Flats, Residential building, Place of assembly, Offices, Supermarket	Business zone II	Shop Office Professional Offices	Dwelling House / Residential House Care Takers Quarters Flats Residential Building
Business zone III	Offices	Town house, Flats, Residential building, Place of assembly, Place of entertainment, Supermarket	Zoning Removed Accommodates under Business II		
Business zone IV	Warehouse	Place of assembly, Place of entertainment, Place of instruction, Transport usage, Supermarket	Zoning Removed		
New Zoning			Business zone III	Service Station	Carwash Public Garage
New Zoning			Business zone IV	Sport Betting Facility	Place of Entertainment
New Zoning			Business zone V	Casino	Service Station Place of Entertainment

OLD LUMS – ZONINGS			NEW LUMS – ZONINGS		
Zoning	Primary Use	Secondary Use	Zoning	Primary Use	Secondary Use
New Zoning			Business zone VI	Adult Entertainment	Place of Entertainment
Industrial zone I	Industry	Warehouse, Public garage, Transport usage, Scrapyard	Industrial zone I	Light Industrial Use Service Industry Service Station Warehouse	Public Garage
Industrial zone II	Noxious trade	Industry, Warehouse, Public garage, Scrapyard	Zoning Moved to Industrial Zone III		
Updated Zoning			Industrial zone II	Industrial Building Public Garage Service Industry Service Station Transport Use Warehouse Liquid Fuel Depot	Scrapyard Funeral Parlour Facility
New Zoning			Industrial zone III	Abattoir Offensive industry Public Garage Crematorium	Scrapyard Industrial Building Transport Use Warehouse
New Zoning			Industrial zone IV	Extractive Industry Mining Activity	None
Institutional zone I	Place of instruction	Place of assembly	Institutional zone I	Place of Instruction / Educational building	Place of Assembly Extramural Activities
Institutional zone II	Public place of worship	Place of assembly	Institutional zone II	Place of Worship	Place of Assembly Extramural Activities
Institutional zone III	Institution	Place of assembly	Institutional zone III	Institution	None
Resort zone I	Holiday accommodation	Hotel Place of entertainment	Resort zone I	Holiday Accommodation	Hotel Place of Entertainment Wedding and Conference facilities
Resort zone II	Holiday housing	Motel, Licensed hotel, Tourist facilities, Resort shop	Zoning Removed, Accommodated in Resort Zone I		
Open space zone I	Public open space	None	Open space zone I	Wilderness Area Mountain Catchment Area Nature Reserve Protected Environment Special Nature Reserve World Heritage Site Contractual Conservation Area Critical Biodiversity Area Freshwater Ecosystem Priority Area	Resort Holiday Accommodation Four by Four (4x4) trail Camping Sites Caravan Park

OLD LUMS – ZONINGS			NEW LUMS – ZONINGS		
Zoning	Primary Use	Secondary Use	Zoning	Primary Use	Secondary Use
				River or Riverbed	
Open space zone II	Private open space	Racecourse	Open space zone II	Public Open Space	None
Open space zone III	Conservation area	None	Open space zone III	Private Open Space	None
Transport zone I	Transport use	None	Transport zone I	Private Street/Road Public Road Public Street	None
Transport zone II	Public street	None	Transport zone II	Parking area Parking Bay Parking Facility Public Parking Area	None
Transport zone III	Public parking	None	Transport zone III	Airport Bus Terminus Landing Strip Truck Stop	None
Authority Zone	Authority use	None	Zoning Removed. Incorporated under Authority Zone I		
Authority zone I	Authority use	None	Authority zone I	Municipal Use	None
Authority zone II	Government use	None	Authority zone II	Government Use	None
Special zone	Special use	None	Special Zone	Special use	None
Unspecified zone	None	None	Undetermined	Undetermined	None
New Zoning			Utility zone I	Canal Dam Infrastructure Power Line Railway Purpose Reservoir Sewerage Plants and Refuse Area	None
New Zoning			Utility zone II	Tele-Communication Infrastructure	None
New Zoning			Utility zone III	Renewable Energy Structure	None

SECTION 2 SCHEME ANNEXURES

131. RECORD OF OVERLAY ZONES

The plans in this schedule is a key to Overlay Zone maps and does not form part of the Scheme. The plans contained in each Overlay Zone shall solely be used for determination of inclusion into an Overlay Zone area.

132. ZONING REGISTER

133. APPLICATION FORM**!KHEIS LOCAL MUNICIPALITY****APPLICATION FORM**

Applications for land use amendments (give full details in the attached motivation report, if space provided is not enough)

SECTION 1**Details of Applicant**

Name: _____	Contact person: _____
Postal address: _____	Physical address: _____
_____	_____
_____ Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____
SACPLAN Reg No: _____	_____

SECTION 2**Details of Land Owner (If different from Applicant)**

Name: _____	Contact person: _____
Postal address: _____	Physical address: _____
_____	_____
_____ Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application.

SECTION 3

Details of Property (In accordance with Title Deed)

Erf/ Farm No and portion description: _____	Area (m ² or ha): _____
Physical address of erf/farm: _____	Existing zoning: _____
Location from nearest town: _____	Existing land use: _____
Town/suburb: _____	Area applicable to application: _____
Registration Division: _____	Title deed no: _____

SECTION 4

Type of Application being Submitted (Mark with an X and give detail)

Application for: (Please mark applicable block with a cross)	
The establishment of a township or the extension of the boundaries of a township.	
The rezoning from one zone to another	
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 a general plan or SG Diagram	
The closure of any public place or road and street reserves	
The secondary use as provided for in the regulations (not supported by SDF)	
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 secondary use as provided for in the regulations (supported by SDF)	
The subdivision of land	
The registration of a servitude	
The consolidation of land	
The extension of the validity period of an approval	
The application for the exemption of subdivision and consolidations as provided for in the regulations	
Any other application not provided for in the table above	

Please give 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 marshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	

What arrangements will be made regarding the following services for the development? (where applicable) Provide Detail	Water supply:	
	Electricity supply:	
	Sewerage and waste-water:	
	Storm-Water:	
	Road Network:	

SECTION 6

List of Attachments and 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 Report			
			Public participation report (minutes of meetings, copies of advertisement, etc.)			
			Power of Attorney (Board of Directors' / Trustees' resolution / consent)			

			Copy of Title Deed(s)			
			Mortgage holder's consent			
			Cadastral information – 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			
			Home Owners' 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 (EIA – EA) including Heritage Impact Assessment (approval from Dept Sport, Arts and Culture) and Archaeological Impact Assessment (AIA) (approval from relevant Department - SAHRA) & Record of Decision			
			Detail Engineering Services report (Bulk and internal)			
			Traffic impact study			
			Geo-technical report (including geology) report (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 in Title Deed conditions to be removed /amended			
			Adherence to planning legislation including the Planning Profession Act 36 of 2002			
			No Objection letter from Dept. Agriculture, Forestry & Fisheries			
			No Objection letter from the South African National Road Agency Ltd (SANRAL)			
			No Objection letter from Dept. Roads & Public Roads			
			Adherence to the SDF			
			Confirmation of availability of services			
			Or 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*

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/ Owner's Signature:	_____	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.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. 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			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority

		copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			
		Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.			Proof of Notice in site 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.
		Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.			Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
		Any Additional components			Proof of additional components

SECTION 9

Power of Attorney/Proxy

I/We, the undersigned

(FULL NAMES AND ID NO)

nominate, constitute and hereby appoint

(FULL NAMES AND ID NO, AS WELL AS NAME OF FIRM REPRESENTED)

with the power of substitution to be my lawful agent in my name, place and to handle all aspects in my stead, pertaining to the application(s) for

(FULL DETAILS OF THE APPLICATION LODGED)

with regards to

(DESCRIPTION OF PROPERTY)

and in general, to realise the proposed goals and whatever may be necessary, in a fashion as complete and efficient as I/we would have done if I/we were personally representing this matter. I/we ratify, allow and confirm herewith, and promise to ratify, allow and confirm whatever my/our agent does lawfully within this matter.

SIGNED at _____ on this _____ day of _____ 20____
(TOWN) (DAY) (MONTH) (YEAR)

In the presence of the undersigned witnesses

Owner:

Witnesses:

1. Name.....

1. Name.....

Signature.....

Signature.....

2. Name.....

2. Name.....

Signature.....

Signature.....

134. DRAFT ZONING CERTIFICATE

