MBHASHE MUNICIPALITY

LAND USE SCHEME

(In terms of the Spatial Planning and Land Use Management Act, Act No. 16 of 2013)

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LAND USE SCHEME REGULATIONS IN TERMS OF CHAPTER 5 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT NO. 16 OF 2013)

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1. INTRODUCTION OF THE MBHASHE LAND USE SCHEME

1.1. PREAMBLE

These are regulations in terms of Chapter 5 of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) and Chapter 3 of the Municipality's Spatial Planning and Land Use Management By-laws. These regulations determine use rights and provide for control over use rights and the utilisation of land within the area of jurisdiction of Mbhashe Local Municipality.

In terms of Section 25(1) of the Act, the purpose of a scheme is to give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote -

(a) economic growth;
(b) social inclusion;
(c) efficient land development; and
(d) minimal adverse impact on public health, the environment and natural resources.

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

(a) harmonious and compatible land use patterns;
(b) aesthetic considerations;
(c) sustainable development and densification;
(d) the accommodation of cultural customs and practices of traditional communities in land use management; and
(e) a healthy environment that is not harmful to a person's health.

The preparation of this scheme is also guided by legislative and policy frameworks of Provincial and National Government and it supports the principles thereof. Care is also taken to respond to prevailing land use trends in Mbhashe, incorporating both traditional-rural and modern-urban trends.

In the Municipal area, medium to longer term development is guided within a framework of strategic plans, ranging from the Spatial Development Frameworks, Strategic Environmental Assessments, Local Spatial Development Frameworks and Precinct Plans. In this regard, the White Paper on Spatial Planning and Land Use Management (July 2001) recognizes that the key to successful spatial planning, land use management and land developments is the establishment of an effective link between forward planning (spatial planning) and development control (interpreted broadly as land use management). In this, land use management is conceived as the means of controlling and regulating land development, as guided by the proposals of the applicable Spatial Development Framework and other strategic plans such as the Municipality's IDP.

It is important that decision-making on planning matters in connection with this Land Use Scheme be based on credible spatial planning frameworks, supported by appropriate policies, procedures and standards.

1.2. GENERAL

1.2.1 TITLE

These regulations shall be known as the Mbhashe Land Use Scheme in terms of Chapter 5 of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) and Chapter 3 of the Municipality's Spatial Planning and Land Use Management By-laws.

1.2.2 SCHEME AREA

The Land Use Scheme Regulations apply to all land within the area of jurisdiction of Mbhashe Local Municipality.

1.2.3 LAND USE SCHEME REGISTER

Notwithstanding the fact that the zoning of land units in the scheme area are indicated on a Land Use Scheme Map, the Municipality must keep a register in which details of the zoning and any other relevant information in respect of each land unit shall be recorded. If there should be any uncertainty on the identification of the zoning of a land unit according to the scheme maps, the evidence of the land use scheme register shall be deemed to be correct.

1.2.4 SCHEME OPEN FOR INSPECTION

The Municipality shall allow any person to inspect this Scheme and the Map(s) at the offices of the Municipality during office hours.

1.2.5 CONFLICT OF LAWS AND COMPLIANCE WITH OTHER REGULATIONS

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

(b) The provisions of any by-law or any other subordinate legislation, in so far as they relate to the determination of erection of structures within a specified distance of the boundaries or centre line of roads, shall have preference above the provisions of the Land Use Scheme except in so far as the Land Use Scheme:

i) Requires a road width greater than that determined by such other by-law or any other subordinate legislation; or

ii) Requires structures to be set back from the boundary or centre line of a road at a greater distance than that determined by such by-law or any other subordinate legislation.

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

(d) Nothing in these regulations shall be construed as permitting any person to do anything that is in conflict with the conditions registered against the Title Deed or Deed of Grant of the land.

(e) The fact that land may, in terms of this Land Use Scheme, be used for a specific purpose or that an approval has been granted under this Land Use Scheme, does not exempt anyone from obtaining such other authorizations, permits, licences or approvals as may be required in terms of other legislation or from compliance with any other of the Municipality's regulations or by-laws.

1.2.6 TRANSITION FROM FORMER LAND USE MANAGEMENT SYSTEMS / LAND USE SCHEMES

(a) Pending applications in terms of former land use schemes, submitted prior to the date of commencement of this Land Use Scheme, shall be assessed and finalised in terms of such former zoning or land use scheme regulations.

Approvals issued in terms of the above and approvals granted prior to the commencement date of this scheme that are still valid (have not lapsed) will be allocated with a corresponding zone in accordance with this Land Use Scheme, but will be allowed to take up their approved rights in terms of the land use restrictions or provisions of the applicable zone in the former land use scheme.

Where any approval in terms of a former land use scheme and its related provisions have been acted on, but now constitutes a contravention of any provision in the corresponding zone in this Land Use Scheme, it will not be considered to be an offence but rather as a ***lawful non-conforming use***.

(b) Where a building plan application was submitted and accepted:
   i) before commencement of this Land Use Scheme and is still being processed; or
   ii) after commencement of this Land Use Scheme, with the express purpose to act on a valid approval (and valid approved site development plan) in terms of a former land use scheme,

such a building plan will be assessed and finalised within the approval granted and the provisions of the applicable zone in the former land use scheme. When implemented, such buildings will not be considered to be

a contravention of this Land Use Scheme but rather as a ***lawful non-conforming use***.

In terms of the above scenario, an owner is entitled to decide to rather apply the provisions of this Land Use Scheme. In such event, all the provisions applicable to the corresponding zone in this Land Use Scheme shall apply.

(c) Where a building plan application is submitted after commencement of this Land Use Scheme, not with the express purpose to act on a valid approval (and valid approved site development plan) in terms of a former land use scheme, but rather as an extension to an existing development that has already been taken up, the land use restrictions and provisions of the applicable zone in this new Land Use Scheme shall apply.

(d) Where, prior to the introduction of this Land Use Scheme, land development authorisations were issued by way of allocating a Special Zone and such land development is now permitted in terms of an appropriate Zoning Category, or by way of a Consent Use within a Zoning Category, such Special Zone will be replaced by the dedicated Zoning Category or Special Consent. In such cases the development rights allocated will remain and the provisions of section 1.2.6(b) shall apply.

1.2.7 LAWFUL NON-CONFORMING USES

A lawful non-conforming use is considered a permitted use and shall not constitute an offence in terms of this Land Use Scheme, provided that:

(a) No structural alterations are made to a building, structure or part thereof which is considered to be a lawful non-conforming use, without Municipal approval.

(b) Any building or structure or part thereof may be routinely repaired or replaced when damaged by accident or natural disasters, subject thereto that such building, structure or part thereof remains within its original footprint and dimensions.

1.2.8 ABSENCE OF RELIABLE ZONING RECORDS

In situations where Municipal zoning records are outdated or not available, the zoning status and other land development rights of properties can be confirmed using the following:

- Copies of development authorisations (rezonings, departures, special consents) on Municipal files, or in possession of property owners, and proof that a property / properties were used for such authorised purpose within the validity period of such authorisation(s).
- Title Deeds of properties, where use-rights are specified as conditions of title.

- Copies of Council Minutes or Tribunal Minutes, where decisions on development authorisations were recorded and proof that approved rights were taken up within the specified validity period.
- Copies of approved and endorsed layout plans (where properties were created as part of a Township Establishment process), subdivisional plans or site development plans and proof that approved rights were taken up within the specified validity period.
- Documents to prove that a use was practiced or use-right existed on a property prior to the implementation of the Spatial Planning and Land Use Management Act (16 of 2013), that such use was legally permissible at the time (ie. was in line with conditions of title or other development management provisions that may have applied).

Where zoning status and other land development rights of properties can be confirmed by way of any of the above, the Municipality needs to allocate the most appropriate zoning in terms of these Land Use Scheme Regulations and any permanent departure or consent use that may be required in conjunction with such zoning.

If the zoning status or other land development rights on a property cannot be determined, the Municipality does not have any discretionary right to allocate a zoning or other land development rights without concrete proof and a land development application process (rezoning and/or departure and/or special consent) must be followed.

1.2.9 WRONGFULL ALLOCATION OF ZONING

In the event that a zoning has been wrongfully allocated on a zoning or land use scheme map or wrongly converted from zoning or land use scheme maps that preceded these scheme regulations, the owner of an affected property may submit an application to the Municipality to correct such error, subject to the following:

(a) The applicant must submit documentary proof of the error and/or proof of the lawful land use rights;

(b) No application fees will be charged for such application.

1.3. DEFINITIONS

In these Regulations, unless inconsistent with the context:-

"**Abattoir**" – means a place where animals are slaughtered for distribution to retail outlets.

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

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

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

- Infrastructure and buildings linked to supply of goods, services, advice to such area or the storage of produce from such area
- Cultural and Social Ceremonies
- Commonage

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

"Antenna" - means any system of wires, poles, rods, reflective surfaces or similar devices, used to transmit or receive electronic communication signals or electro-magnetic waves;

"Aquaculture" - means the cultivation and breeding for commercial purposes of water-flora –or fauna in artificially-built dams or holding tanks or in natural water bodies

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

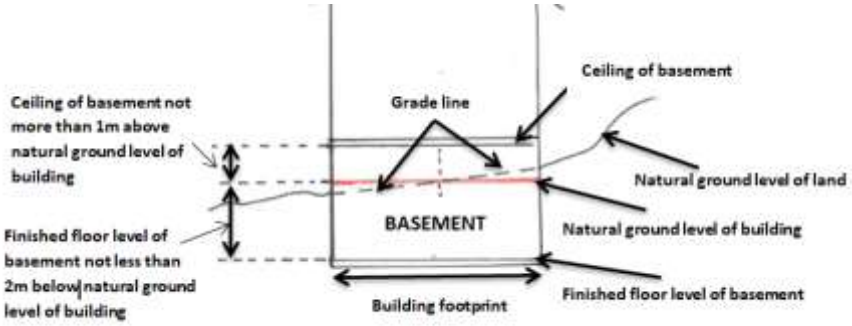
(a) The National Government, such as military training centres and installations, police stations, correctional facilities and associated utility services and accommodation that are directly related to the operation and maintenance of the primary function;

(b) The Provincial Government, such as road camps; and

(c) A Municipality, such as civic centres, municipal depots and fire stations (including associated accommodation that is required for staff to be on standby).

(d) Authority Usage does not automatically include noxious uses such as waste disposal sites or waste-water treatment works and provisions of this scheme will apply where such uses are proposed.

"**Basement**" - means that portion of a building, where such basement is not a habitable room, the finished floor level of which is a minimum 2m below, or the ceiling of which is not more than 1m above the natural ground level of the building.



"**Bed and Breakfast Establishment**" - means an owner managed commercial accommodation establishment of not more than 5 guest-rooms and which has as its primary source of business the supply of short-term accommodation and breakfast for resident guests. For the purpose of this scheme, differentiation is made between 1 – 2 room and 3 – 5 room establishments.

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

"Boarding Kennel" - means a place for the accommodation and care of pets and animals, operated on either a commercial or a welfare basis.

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

"Boundary" of a land unit – means cadastral boundary, or where a land unit has not been surveyed, a reference or description as approved by the Municipality.

"**Building**" - means any structure or erection irrespective of its nature or size, i.e. any structure to which the National Building Regulations apply.

"**Building Line**" - means the line delimiting the area measured from the boundary of a land unit, or from a setback where applicable, within which no building or other structure, except a boundary fence, may be erected; or in the case of a departure relaxation of the Building Line granted with the written approval of the affected abutting property owners and upon the discretion of the Municipality.

"**Business Premises**" - means a site or building or structure on or in which retail and wholesale business is done and includes uses such as shops, warehouses, offices, banks, bottle stores, restaurants or nurseries, but do not include institutions, service stations, industries, noxious trades that can reasonably be regarded as being out of character in the residential or business area of a town. Business Premises does not include retail activities associated with storage, sale and

transport of large volumes of materials such as building supply stores, that may result in unacceptable levels of heavy vehicle traffic and impact on local traffic as a result of off-loading and loading of goods.

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

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

"**Caravan Park"** - means any land used or intended to be used for the accommodation of caravans, including mobile homes.

"Car Wash" - means land and buildings used for the washing, polishing and cleaning of vehicles.

"**Cemetery**" - means a place, whether public or private, wherein human remains have been or are intended to be interred. A cemetery does not include a crematorium.

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

"**Commercial Premises**" - means a building or land-usage, whether it is a service industry, retail or wholesale enterprise, which can reasonably be regarded as being out of character in the residential or business area of the town. Commercial premises may include a building supply store or depot, warehouse and/or storage yard, recycling centre, provided it does not constitute a noxious use.

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

"**Communal Open Space**" or "Common Area" or "Common Property" -

- in the urban context means land or space that is intended for common ownership and for common use of the owners of town-house erven in a town-housing site and may include private roads that provide access to all or certain of the group erven; and

- in the rural context means land or space within a rural settlement's development edge that is intended for common use by the residents in a rural settlement

"**Conservation Usage**" - means the use or maintenance of land in its natural state with the object of preserving the bio-physical characteristics of the land, including flora and fauna living on the land.

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

"**Council**" - means the Local Municipal Council.

"**Coverage**" - means the total percentage 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 the first meter (as measured from the outside of

the exterior wall concerned) of an eave or other projection shall not be included in the calculation of the permissible coverage.

***Example**:*
A Coverage of 75% - applicable to a 1 000m² erf = (area of erf) x 75%
= 1 000m² x 75%
= 750m²
Total area of erf that can be covered by buildings (sum of footprint of all buildings on the erf) can be 750m²

"**Crèche**" - see Day Care Centre.

"Crematorium" – means a place for incinerating human remains in a furnace, and may include ancillary facilities such as an office linked to the management of the crematorium.

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

"**Day Care Centre**" - means a building or a site, excluding a boarding house or educational institution, which is maintained and utilised for the temporary caring and/or education of children on behalf of their parents and which building or site is registered as a place of care in terms of the Children's Act 38 of 2005 and provides a minimum indoor floor space of 1.5m² per child and outside playing space of 2m² per child. A day care centre may include a pre-school.

"**Departure**" means:

(a) An altered land use restriction imposed in terms of this Land Use Scheme; or

(b) A use right granted on a temporary basis in terms of this Land Use Scheme.

"**Developable Area**" in relation to a land unit - means the total area of a land unit, excluding areas taken up by a panhandle driveway, services and/or servitudes.

"**Dwelling House**" - means a building containing only one dwelling unit complying with the National Building Regulations. In the event of a second dwelling unit on an Agricultural property or Single Residential Erf, such dwelling house and second dwelling unit may be attached.

"**Dwelling Unit**" - means a self-contained inter-leading group of rooms with not more than one kitchen, used only for living accommodation and housing at an occupation ratio not exceeding two persons per habitable room, together with such outbuildings as are ordinarily used therewith. In line with the SABS 0400·1990 - Code of Practice for the Application of the National Building Regulations, the floor area of any dwelling unit shall not be less than that necessary to provide one habitable room and a separate room containing toilet facilities.

"**Enterprise**" - means any commercial undertaking.

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

"Erf" - means a portion of land depicted on a Surveyor General diagram or general plan approved in terms of the Land Survey Act, 1997 (Act No 8 of 1997) that is registered or capable of being registered in a deeds registry.

"Estate Housing" - means a harmoniously designed and built residential estate or holiday housing development with an informal clustered layout, where the housing

may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel.

"**Farm Stall**" - means a building or structure on agricultural land, where mainly products and produce from such land (and surrounding land or farms) are sold to the general public.

"**Feed Pen Farming**" - means the keeping and breeding of livestock in a confined space on an intensive basis and where the animals are fed with little or no opportunity to graze off the natural veld, to prepare them for slaughter or for production of milk, eggs or other products.

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

"**Floor Area Ratio**" or (FAR) - means the factor (expressed as a proportion of 1) that is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit; it is the maximum floor space as a proportion of the net erf area.

***Example**:*
A FAR of 1,5 - applicable to a 1 000m² erf = (area of erf) x 1,5
= 1 000m² x 1,5
= 1 500m²
Total floor area of buildings on the erf (sum of area of all storeys of all buildings on the erf) can be 1 500m²

"**Floor Space**", in relation to any building or structure, means the area covered by a roof, slab or projection, excluding a projection not exceeding 1m over an exterior wall or a similar support; provided that the area which is covered by a canopy or projection on the street side of a business building in the Business Zones I to V shall not be regarded as floor space. Floor space shall be measured from the outside surface of the exterior walls or similar supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "maximum floor space" shall be the sum of the floor space of all the storeys, including that of basements.

"**Funeral Parlour**" - means the business of an Undertaker and may include a chapel, office, workshop, garage and/or warehouse.

A Funeral Parlour does not include a mortuary.

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

"**Grade Line**" - means an imaginary surface that corresponds with straight lines connecting the highest and lowest natural ground levels immediately contiguous to a building or structure, and for the purpose of height control can be regarded as a horizontal plane encompassing the outer edges of a building or footprint of a structure, equivalent to the natural ground level of the middle point of the footprint of the building or structure – or in the event of a multi-level building or structure, the middle point of the footprint of each level of such building or structure.

"**Gross Leasable Area**" (GLA) - means the total floor area that is leasable, measured from the internal surface of the outer walls of the leasable area – including basements. The following areas shall be excluded when calculating GLA:

(a) any building area that is reserved solely for the parking of vehicles;

(b) any area required for a fire escape;

(c) any balconies, terraces, verandas, common entrances, common passages and common areas covered by a roof;

(d) any stairs, lift wells or other wells, in the case of multi-storey buildings.

"**Ground Floor**" - means the lowest floor of a building, which is not a basement.

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

"**Habitable Room**" - means any room for human habitation as per approved building plan, and excludes bathrooms, toilets, kitchens, verandas, garages, passages and basements. The internal floor area of a habitable room may not be less than 6m² in extent with no linear dimension of less than 2m².

"**Height**" in relation to a building - means the height specified in these regulations of the highest point of such building above the natural ground level and directly below such point.

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

"**Holiday Housing**" - means a harmoniously designed and built estate or holiday housing development with an informal clustered layout, where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel.

"**Home-based Care**" - means the use of a dwelling house, portion of a dwelling house or associated outbuildings by the occupant to provide care for a limited number of elderly, sick or disabled persons, or day care, after school care or instruction for a limited number of infants or children.

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

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

(a) a restaurant;

(b) conference and entertainment facilities that are secondary and directly linked to the dominant use of the property as a hotel; and

(c) premises which are licensed to sell alcoholic beverages for consumption on the property;

but does not automatically include an off-sales facility.

"**House Shop**" (spaza shop) - means a shop that is operated from a dwelling house, provided that:

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

(b) the dwelling needs to retain a primarily residential function;

(c) not more than two persons should be involved in the operating of such a shop;

(d) such a shop should not impact negatively on the surrounding neighbours; and

(e) all signs of trade, including advertising, should be kept to a minimum as specified in Annexure E.

"**Incremental Settlement**" - means the process of authorisation and subsequent progressive introduction of a layout plan, administration, management, engineering services or tenure rights to an area where any of the above-named elements are absent.

"**Industrial Café**" - means a building or structure which does not exceed 100m² in floor space, including storage facilities, and where food and refreshments are sold to employees only.

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

"**Informal Dwelling**" – see Shelter

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

(a) it does not interfere with pedestrian or vehicular movement, or with any municipal utility services; and

(b) there is no threat to public health or safety.

"**Institution**" - means a property used as a welfare or private care facility such as an old age, frail or handicapped care facility, or a social facility such as a counselling centre, children's home or reformatory; and includes ancillary administrative, health care and support services for these facilities; but does not include a hospital, clinic or conventional correctional facility (prison).

"**Intensive Agronomy**" - means the cultivation of crops and plants on an intensive scale and includes the indoor cultivation thereof.

"Land for Settlement" – means land that:-

(a) was lawfully used or could lawfully have been used immediately before the commencement of this scheme for residential settlement; or

(b) has been identified as land for settlement and confirmed as suitable for settlement by way of a feasibility study; and

(c) has been defined as “Land for Settlement” and included within a settlement or urban edge in a spatial development framework.

"**Land Unit**" - means a portion of land that may be depicted on a diagram or general plan approved in terms of the Land Survey Act, 1997 (Act No 8 of 1997) that is registered or capable of being registered in a deeds registry and may include an erf, farm, servitude right or long term lease, or

if not depicted on a diagram or general plan, depicted on a georeferenced plan or image at a level of accuracy that is acceptable to the Municipality. This may include:

a. a portion of land that has been demarcated in terms of the customary law applicable in the area in which it is situated, or that was in the past demarcated by the Department of Agriculture after consultation with the relevant traditional authority, or
b. an area of communal land to which a household holds a formal or informal right, provided that such right is recognized in terms of the customary law applicable in the area in which it is situated.

"**Land Use Restriction**" - means a restriction, in terms of a zoning, on the extent of the improvement of land.

"**Land Use Scheme**" - means the Land Use Scheme consisting of scheme regulations, scheme maps and a register.

“Land Use Scheme Map” – (also referred to as “Zoning Map") - means a map indicating in distinctive colours or symbols, the zonings of land units included in the area of the scheme.

“Lawful Non-conforming Use” - means an existing use and developments on a land unit, that was lawful before the commencement date of this Land Use Scheme, but which does not conform to the permissible uses, land use restrictions or other applicable stipulations of this Land Use Scheme;

“Lawful Use” (in terms of land use management) – means:

(a) an existing use and developments on land that conforms to the provisions of the land use scheme or zoning scheme applicable to such land immediately prior to the commencement date of this Land Use Scheme, or

(b) where no land use scheme or zoning applied prior to the date of commencement of this Land Use Scheme,

a. existing use and developments on land that was authorised by an organ of state responsible for land administration at the time, or

b. in the event of establishment of such use and developments during a period of land administration vacuum (mainly post 1996), where such use and developments on land was recognized in terms of the customary law applicable in the area, provided that such use and developments were not in contravention of any other legislation that applied at the time of establishment.

"**Linked**" in relation to the definitions of "town housing" - means to be connected by means of a common wall or garage.

"**Maximum Floor Space**" - means the greatest total floor space which is allowed for a building or buildings with all of its floors on a land unit; such floor space is calculated by multiplying the floor factor with the net area of a land unit or that portion of the land unit which is situated within the particular zone; provided that where a land unit has more than one zoning to which different floor factors apply, the maximum floor space for the whole land unit shall be the total of the maximum floor space for each portion of the land unit; further provided that for the purpose of determining the floor space of a building:

(a) any area including a basement, that is reserved solely for the parking of vehicles, shall be excluded;

(b) any area required for an external fire escape shall be excluded;

(c) subject to (d) below, any balconies, terraces, stairs, stair-wells, verandas, common entrances and common passages covered by a roof shall be included;

(d) any stairs, lift wells or other wells, in the case of multi-storey buildings, shall only be calculated once; and

(e) any arcade, with a minimum width of 2m and which at all times provides access through the building concerned, from public parking or public road, street or open space to other public parking or public road, street or open space and which at all times is open to the public by means of a servitude, as well as any other covered walkway, shall be excluded.

"**Mining**" - means an enterprise practicing the extraction of raw materials whether by means of surface or underground methods, and includes the removal of stone, sand, clay, kaolin, ores, minerals and precious stones, and the processing thereof, but not the manufacturing of any related products.

For authorisation procedures, refer to **Annexure N**.

"**Mobile Home**" - means an assembled structure with the necessary service connections, which can be transported without the removal of units or panels, and which may be designed so that it can be used as a permanent dwelling.

“**Mortuary**” - means a place where bodies are stored on a temporary basis.

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

"**Motor Vehicle Sales Premises**" - means land or a building used for the display and selling of motor vehicles. A motor vehicle sales premise may include an ancillary workshop for mechanical repairs or servicing of vehicles, but not for spray painting, panel beating or body work.

“**Natural Ground Level**” - means the level of the land surface at any point on a land unit:

(a) in its unmodified, natural state; or

(b) if the natural state has been modified, as established from a contour plan lodged with an official agency such as the Municipality or the office of the Surveyor General which, in Municipality’s opinion, depicts the natural ground level; or

(c) if the natural state has been altered by way of grading or excavation, with Municipality's approval, for the purpose of development; provided that:

i. any grading for the purpose of development shall connect evenly with the existing levels of abutting land units;

ii. where land is excavated, the excavated level is deemed to be the natural level of the ground;

iii. where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the Municipality shall determine a level for the purpose of administering this scheme; and

iv. where land is excavated and the excavated material is used to extend the building site (cut and fill), the Municipality shall determine a level for the purpose of administering this scheme.

"Nature-Based Recreational Activities" – means recreational activities that do not require any development of infrastructure and depend solely on the natural features of an area. These may include hiking and biking trails, fishing, kayaking, bird watching and similar activities.

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

"**Nodal Edge**" (in relation to an approved Spatial Development Framework or Local Spatial Development Framework) - means a demarcated line (and interrelated policy) that defines a nodal development area, outside or separate from an Urban or Settlement Edge, within which the Municipality will endeavour to support development of clustered authority, institutional, recreational, commercial and social facilities and services, with the express aim of servicing the surrounding rural hinterland.

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

(a) waste disposal site, waste-water treatment works;

(b) enterprises associated with chemical, explosive or nuclear–based manufacturing, warehousing, packaging or distribution; and

(c) the activities described in Annexure H hereto.

"**Nursery**" - means a property or part thereof that is utilised to grow plants for sale, transplanting or experimentation and includes the sale of plants and gardening products.

"Occasional Use" – means a temporary activity such as craft markets, farmers markets, circuses, religious gatherings, or other outdoor events, even though these are not in accordance with the zoning of the property concerned, subject to **Annexure G** of this scheme.

"**Occupant**" - means any person who physically inhabits a building, a structure or land unit.

"**Occupational Practice**" - means the practicing of a profession, occupation or trade (excluding any noxious activities) from a dwelling unit or outbuildings ordinarily used therewith, on a residential or agricultural property, by the tenant or owner of that property, subject to provisions of Annexure A4.

"**Occupation Ratio**" as determined by the *SABS 0400·1990 - Code off Practice for the Application of the National Building Regulations, means the* restriction *of occupation of:*

(a) 2 persons per guest room in hotels, guest houses or bed and breakfast accommodation facilities

(b) 2 persons per habitable room in boarding houses and dwelling units

(c) Minimum of 5m² per person in dormitory rooms in residential buildings.

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

"Off-sales" - means a facility that is part of a hotel and under the same management as the hotel, where mainly alcoholic beverages are sold in the retail trade.

"**Old Age Home**" – see Retirement Village

"**Outbuilding**" - means a structure either attached to or separate from the main unit and designed for the housing of domestic assistants, for the parking of motor vehicles, for domestic storage purposes and for such other uses that are reasonably associated with the use of the main structure.

"**Overlay zone**" means a mapped overlay superimposed on one or more established zoning areas which may be used to impose supplemental restrictions in terms of other legislation or bylaws on uses in these areas;

"**Owner**" - in relation to any building, structure or land - means and includes:

(a) the person or legal entity in whose name the title to such building, structure or land is registered; and

(b) if the building, structure or land is under lease, and the registration thereof is in law necessary for the validity of such lease, the lessee; or

(c) the registered owner of an exclusive right of leasehold, quitrent title, permission to occupy or deed of grant; or

(d) a household that holds an exclusive right to an area of communal land, which right is recognized in terms of the customary law applicable in the area where the land is situated and which right is held with the consent of, and adversely to, the registered owner of the land; or

(e) a group of households that as a grouping, exclusively hold joint and/or overlapping rights to an area of communal land, which right is recognized in terms of the customary law applicable in the area where the land is situated and which right is held with the consent of the registered owner of the land.

(f) If such person or holder (referred to in (a) to (c) above) has passed away, is insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's

estate is vested, whether as executor, guardian or in any other capacity whatsoever.

(g) When an owner as herein defined is absent from the area or his/her/their whereabouts are unknown, the expression "owner" includes an authorised agent of such owner.

"**Pan-handle Access**" - means an access way forming part of a land unit. In the event of it serving a single dwelling, the minimum width shall be 4m. In the event of it serving more than one land unit or more than one dwelling, the minimum width shall be 6m.

"**Parking Bay**" - means an area which is clearly outlined and demarcated for the parking of one motor vehicle, measuring not less than 5,0m by 2,5m or such other measurement as may be determined by guidelines for off-street parking facilities applicable to the Municipal area..

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

"**Parsonage**" - means a dwelling house for the accommodation of a spiritual leader who is a full-time employee of an organization that practices religion in a place of worship, and includes the accommodation of the spiritual leader's family, but does not include a monastery or convent.

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

"**Place of Entertainment**" - means a theatre, cinema, night club, amusement park, games centre, sports centre, gymnasium, billiard room or facility for any form of betting and / or gambling, including where electronic gambling devices are available. Place of Entertainment excludes an adult shop and adult entertainment premises.

"**Place of Instruction**" - means:

(a) A pre-primary, primary or secondary school, college, industrial school, academy, university, lecture hall or other centre of instruction, whether public or private, and includes a boarding house for learners or students attached to such place of instruction and staff accommodation appertaining thereto, and

(b) a convent, monastery, library, museum or day care centre, whether public or private, but does not include a building/complex used or intended to be used wholly or primarily as a certified reformatory.

"**Place of Worship**" - means a church, synagogue, mosque, temple, chapel or other place for practicing religion and includes any building in connection therewith.

"**Private Open Space**" - means any land which has been set aside in this scheme for use as a primarily private site for club buildings, sport, play, rest or recreational facilities or conservation and may include public land which is or will be leased on a long term basis, by a private entity.

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

"**Public Accessible Area**" means that part of a building that is accessible to the public (e.g. including, but not limited to foyers, public bars and restaurants in a residential building).

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

"**Public Funded Residential**" - means dwelling units which are erected with funds made available by a State department, district or local municipality, state agency or services authority.

"**Public Garage**" - means a building, including the site, for an undertaking that offers a complete range of services for motor vehicles, including sale of fuel, panel beating, spray-painting and a shop. A Public Garage includes a Service Station.

"**Public Notice**" (as described in the Spatial Planning and Land Use Management Bylaws of the Municipality) – means to:

(a) publish a notice in a newspaper 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;

(b) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for the duration of the notice period, on the land concerned;

(c) Serving notices on any person who, in the opinion of the municipal manager has an interest in the matter or whose rights may be affected.

"**Public Open Space**" - means land which falls under, or is intended to come under, the ownership of the Municipality, which is not leased or intended to be leased on a long term basis and which is utilised or will be utilised as an open space, park, garden, playground, sports ground, nature reserve or conservation purposes.

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

"**Public Road**" - means any road or street for public use or any land intended for such purposes.

"**Public Street**" - means:

(a) any street that has at any time been:
   i. dedicated to the public; or
   ii. used without interruption by the public for a period of thirty years or more; or
   iii. declared or rendered such by a competent authority; or

(b) any land with or without buildings or structures thereon, which is shown as a street on:
   i. any plan or subdivision of a diagram approved by a competent authority and acted upon; or
   ii. any general plan registered or filed in the Deeds Registry or
   iii. the office of the Surveyor-General.

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

"**Rear Boundary**" of a land unit - means every boundary thereof (other than the street boundary) which is parallel to, or is within 45 degrees of being parallel to, every street boundary of such a land unit, and which does not intersect a street boundary.

"**Register**", when used as a noun - means documents held by a Municipality in connection with all departures and rezonings, special consents and subdivisions concerned.

"Renewable Energy Apparatus" – means any apparatus which captures and converts wind, hydro, solar radiation, bio mass or other renewable source into energy.

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

"Renewable Energy Site" - means the land utilised for the Renewable Energy Structure/s, inclusive of associated structures, infrastructure, buildings, and setback lines applicable to such, regardless of cadastral boundaries.

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

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

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

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

"Resource" (in relation to a resort) - means a unique or special environmental or recreational attribute.

"**Restaurant**" - means a business establishment where meals and liquid beverages are prepared and/or served to paying customers for consumption on the property,

and may include licensed provision of alcoholic beverages for consumption on the premises.

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

"**Retirement Village**" - means a town housing scheme, flats or residential building that conforms to the following additional conditions:

(a) Each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person;

(b) a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Municipality. This may include old age and frail care facilities;

(c) development rules, other than those contained in this Scheme, may be determined by the Municipality; and

(d) as defined in Section 1 of the Housing Development Schemes for Retired Persons Act, 1988 (Act 65 of 1988).

"**Riding School**" - means a place or enterprise used for instruction and training in the riding of horses and includes stabling and hiring out horses for payment.

"Satellite Dish Antenna" - means apparatus fixed to a structure or mounted permanently on the ground, that is capable of receiving or transmitting communication signals from a satellite;

"**Scheme Regulations**" - means the Land Use Scheme Regulations in terms of Chapter 5 of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013).

"**Scrap Yard**" - means a building or land that is used for one or more of the following purposes:

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

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

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

"**Second Dwelling**" - means a dwelling that may be erected in addition to the primary dwelling unit.

"Settlement Edge" - (in relation to an approved Spatial Development Framework or Local Spatial Development Framework) - means a demarcated line (and interrelated policy) that in the rural context defines;

(a) the outer extent of residential and associated land uses (as described in Residential Zone I and II) that were lawfully established before the commencement of this scheme, or

(b) an area identified as "Land for Settlement".

"**Service Industry**" - means the utilisation of a building or premises for an enterprise that is –

(c) primarily involved in the rendering of a service to local customers that involves the making or repairing of items ; and

(d) which is not likely, in the event of fire, to cause excessive combustion or explosions, or give rise to poisonous fumes being released; and

(e) may include a builder's yard and allied trades such as carpenters, welders, engineering works, fitment centre for tyres, shock absorbers or exhausts, panel beating workshop and similar types of uses.

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

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

"**Setback**" - means the line delimiting the area measured from the centre line of the street, or from another line, structure or feature as specified, within which no building or other particular structure may be erected.

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

"**Shop**" - means a site or building or structure used for the purpose of carrying on a retail trade and includes a restaurant, launderette, a dry cleaner or a retail concern where goods which are sold in such concern are manufactured or repaired, provided that the floor area relating to such manufacture or repair, comprises not more than one third of the floor area of the shop.

Shop does not include an industry, noxious use or trade or industry, service station, bottle store or supermarket.

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

"**Side Boundary**" - means any boundary of a land unit that does not constitute the common boundary with a public street or public road and does not include a rear boundary.

"Spatial Development Framework" – means a forward looking plan that consists of development goals, strategies and guidelines, and indicates spatial implications, desired spatial outcomes and proposals for the areas to which it relates. Such Spatial Development Framework can be prepared on a National, Provincial, Regional, Municipal or Local Area scale.

"**Special Usage**" - means a use which is such, or a use of which the land use restrictions are such, that it is not catered for in these regulations; and which is set out in detail and of which the land use parameters are set out in detail by means of conditions of approval and a Site Development Plan.

"**Storey**" - means a single level of a building, excluding a basement, which does not exceed a height of 3m (unless otherwise specified) measured from finished floor level to finished floor level or to the ceiling in the case of the top storey, or to a level equivalent to the height of the outside wall of a building if no horizontal ceiling is present; provided that

(a) a roof, or dome which forms part of a roof, shall not constitute a separate storey, unless the space within the roof is designed for, or used for human occupation, in which case it is deemed to be a storey; and

(b) any storey which is greater than the permitted height of a single storey but equal to or less than the permitted height of 2 storeys, shall for the purposes of height measurement be deemed to be two storeys, any additional height of a storey or portion thereof, shall be deemed to be an additional storey.

"**Street Boundary**" - means the boundary of a site or land unit which is also its boundary with a street; provided that where a portion of a site or land unit is reserved for street or street widening purposes in terms of the Land Use Scheme or any other law, the street boundary of the site or land unit shall be the boundary of such proposed new street or proposed street widening; and provided further that in the event of a panhandle land unit, the street boundary shall be the boundary facing the street or the boundary which affords access to the street.

"**Subdivide and Subdivision** " - has the meanings assigned to it in the Act.

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

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

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

(a) Antennas and satellite dish antennas;

(b) Any support structure;

(c) Equipment room;

(d) Radio equipment or optical communications equipment (laser or infra-red);

(e) All ancillary structures needed for the operation of telecommunication infrastructure.

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

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

"**Tenement**" - means a building containing rooms, or free standing rooms separately occupied as dwelling units.

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

"**Town House**" - means a dwelling unit that must have a ground floor, which forms part of a town-housing scheme.

"**Town Housing**"/"**Town Housing Scheme**" - means a walled group of separate and/or attached dwelling units which is planned, designed and built as a harmonious architectural entity and of which every dwelling unit has a ground floor; the dwelling units may either be cadastrally subdivided or not.

"Traditional Dwelling" - means a self-contained inter-leading group of rooms, or free standing rooms functioning in an integrated manner as a dwelling unit, grouped together on a land unit, with not more than one kitchen, used for living accommodation and housing of a family, together with such outbuildings as are ordinarily used therewith. The definition of Traditional Dwelling excludes free-standing rooms that function as Dwellings or Flats.

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

"**Transport Usage**" - means a public or private transport undertaking based on the provision of a transport service such as railways and airports, and includes facilities to service the needs of commuters and for the handling and storage of freight.

"Undertaker" – means a person whose business is preparing dead bodies for burial or cremation and making arrangements for funerals.

"Utility Service" - means a use or infrastructure provided by a public authority, private or public utility, which is required to provide engineering and associated services for the proper functioning of:

(a) The built environment and includes a dam, reservoir and purification works, electricity substation and transmission lines, stormwater retention facilities, and a waste-water pump station.

(b) Agricultural or other production schemes and includes dams, canals, pump stations, electricity substation and transmission lines.

No part of such use or infrastructure may constitute a noxious use. "Utility service" does not include road, transport use or telecommunication installations.

"**Urban Edge**" (in relation to an approved Spatial Development Framework or Local Spatial Development Framework) - means a demarcated line (and interrelated policy) that defines the zone within which the Municipality will endeavour to upgrade levels of infrastructure over a period of time and according to available resources, to support higher densities of residential, industrial, and commercial development.

"**Water Resource**" - means wetlands, rivers and water courses.

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

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

“Wind Turbine” - means an apparatus that converts energy from wind to electricity that may or may not be linked to an electricity provider’s grid or network and may comprise rotating parts (propeller), a generator, a mast, tower or any infrastructure in support thereof;

"**Zone**", when used as a noun - means land set apart by a Land Use Scheme for a particular zoning, irrespective of whether it comprises one or more land units or part of a land unit.

"**Zone**", when used as a verb in relation to land - means to set apart the land for a particular zoning.

"**Zoning**", when used as a noun - means a category of directions setting out the purpose for which land may be used and the land use restrictions applicable in respect of the said category of directions, as determined by relevant Land Use Scheme regulations.

“Zoning Certificate” – means a certificate issued by the Municipality, confirming land development rights, such as the existing zoning and related purpose for which the property may be used and development provisions such building lines, height, coverage and Floor Area Ratio.

"**Zoning Map**" – refer to “Land Use Scheme Map”.

2. ZONING AND LAND USE

2.1. COMPONENTS OF THE LAND USE SCHEME

This Land Use Scheme consists of three components, namely:

(a) Scheme regulations

(b) Land use scheme map(s), in so far as the scheme is mapped

(c) Scheme register, in so far as any departures, special consents and rezonings have been approved by the municipality.

2.2. ZONING OF LAND

The land units indicated on the land use scheme map, by way of colour and electronic notations as reflected in Columns 2 or 3 of **Table A**, are zoned for the respective purposes indicated in Column 1 of **Table A** and shall not be used for any other purpose whatsoever.

TABLE A

COLUMN 1 ZONING	COLUMN 2 COLOUR NOTATION	COLUMN 3 ELECTRONIC NOTATION				MONOCHROME NOTATION
		RGB CODES			VISUAL REPRESENTATION	
		R	G	B		
Agricultural Zone	Light green	194	254	194		
Residential Zone lA	Yellow with fine black cross hatching with A	255	255	0	A	A
Residential Zone lB	Yellow with fine black horizontal hatching with B	255	255	0	B	B
Residential Zone llA	Yellow with fine black vertical hatching with A	255	255	0	A	A
Residential Zone llB	Yellow with fine black vertical hatching with B	255	255	0	B	B
Residential Zone lllA	Yellow-brown	186	165	0	A	A
Residential Zone IIIB	Yellow	255	255	0	B	B
Residential Zone IIIC	Yellow with black diagonal broken hatching	255	255	0	C	C
Residential Zone IV	Orange	255	170	0		
Residential Zone V	Light Orange with black diagonal hatching	255	211	127		
Business Zone I	Dark blue	0	150	255		
Business Zone II	Light blue with black diagonal broken line hatching	190	232	255		
Business Zone lll	Light blue with black diagonal hatching	190	232	255		
Industrial Zone I	Purple	197	0	255		
Industrial Zone II	Red-purple with fine vertical black hatching	197	0	255		
Institutional Zone I	Grey	210	210	210		
Institutional Zone II	Grey with fine diagonal black hatching	210	210	210		
Institutional Zone III	Grey with black diagonal broken line hatching	204	204	204		

TABLE A (continued)

COLUMN 1 ZONING	COLUMN 2 COLOUR NOTATION	COLUMN 3 ELECTRONIC NOTATION				MONOCHROME NOTATION
		RGB CODES			VISUAL REPRESENTATION	
		R	G	B		
Resort Zone	Pink	255	190	232		
Open Space Zone I	Dark-green	1	129	0		
Open Space Zone II	Dark-green with black diagonal broken line hatching	1	129	0		
Open Space Zone III	Dark-green with black diagonal line hatching	1	129	0		
Transport Zone I	Dark-brown	137	90	68		
Transport Zone II	Light-brown	172	153	138		
Transport Zone III	Light-brown with black diagonal hatching	172	153	138		
Authority and Utility Zone	Red	255	0	0		
Special Zone	Light blue	190	232	255		
Scheme Map Boundary	Broken black outline	255	190	232		

2.3. USE OF LAND AND BUILDINGS IN SPECIFIED USE ZONES (Refer Table B)

Zoning Categories
Column 1 of **Table B** reflects the various **Zoning Categories** contained in this Scheme.

Primary Use Rights
Column 2 of **Table B** lists the **Primary Uses** for which land and buildings in each of the Zones may be used.

Consent Uses
Column 3 of **Table B** lists the uses for which land and buildings in each of the Zones may be used subject to the Municipality's consent. These are referred to as **Consent Uses**.

Only the uses that are reflected in Columns 2 or 3 of Table B shall be permitted in the zone concerned – either as a Primary Use or Special Consent Use.

Permitted buildings and uses may be subject to departures, which may make the right attached to a land unit greater or lesser than may appear from the notation on the land use scheme map. In such cases the relevant information relating to the land unit shall be recorded in the scheme register kept for this purpose.

2.4. ZONING IN ACCORDANCE WITH USE

Land falling under ownership of a public authority shall only be included in the Authority / Utility Zone if the current use thereof or intended future combinations of uses are such that no other zone in Table B is appropriate. If any other zone in Table B is appropriate, the land needs to be zoned for that purpose whether or not a public authority owns it.

TABLE B

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Agricultural Zone (Agricultural land)	Agriculture, Intensive Agronomy, Dwelling-House, Second Dwelling, Traditional Dwelling, Nursery, Conservation Usage, Commonage, Cultural and Social Ceremonies, Aquaculture, Boarding Kennels, Riding School, Nature-Based Recreational Activities.	Farm Stall, Agricultural Industry, Feed Pen Farming, Abattoir, Tourist Facilities, Day Care Centre, Additional Dwellings, 3-5 Room Bed & Breakfast, Guest House, Utility Services, Telecommunication Installation, Renewable Energy Structure.
Residential Zone lA (Rural Residential on un-surveyed or un-depicted land)	All existing lawful uses	
Residential Zone lB (Rural Residential on surveyed or depicted land and Public funded residential)	Dwelling House, Traditional Dwelling	Day Care Centre, Institution, Second Dwelling Unit, 3-5 Room Bed & Breakfast, Guest House, Utility Services, Cultural and Social Ceremonies
Residential Zone IIA (Incremental Settlement Zone)	Shelter, Dwelling House, Traditional Dwelling, Other uses (subject to certain conditions)	
Residential Zone IIB (Public funded residential)	Dwelling-house, Traditional Dwelling	Day Care Centre, Institution, Second Dwelling Unit, 3-5 Room Bed & Breakfast, Guest House, Utility Services, Cultural and Social Ceremonies
Residential Zone lll (Urban Single Residential)	Dwelling-House, Traditional Dwelling	Day Care Centre, Second Dwelling, 3-5 Room Bed & Breakfast, Guest House, Institution, Utility Services, Cultural and Social Ceremonies

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Residential Zone IV (Town Housing < 50 units/ha)	Town House - up to 50 units/ha, Dwelling House, Estate Housing, Holiday Housing, Private Open Space	Retirement Village, Day Care Centre, 3-5 Room Bed & Breakfast, Boarding House, Guest House, Utility Services, Telecommunication Installation
Residential Zone V (Higher density Town Housing and Flats > 50 units/ha)	Town House, Flats - Above 50 Units/Ha, Dwelling House, Private Open Space	Retirement Village, 3-5 Room Bed & Breakfast, Boarding House, Residential Rooms, Hotel, Guest House, Children's Home, Day Care Centre, Utility Services, Telecommunication Installation
Business Zone I (High Intensity Mixed Use of Business, Institutional and Residential Nature)	Business Premises, Supermarket, Bottle Store, Place of Entertainment, Parking Garage, Town Houses, Flats, Boarding House, Residential Rooms, Hotel and Off-Sales, 3-5 Room Bed & Breakfast, Guest House, Funeral Parlour, Place of Worship, Place of Assembly, Utility Service, Institution, Professional Services, Utility Services, Dwelling House, Clinic, Restaurant, Nursery, Warehouse, Shop, Offices, Bank, Car Wash, Motor Vehicle Sales Premises.	Commercial Premises, Service Industry, Place of Instruction, Service Station, Shopping Centre, Adult Shop and Adult Entertainment Premises, Day Care Centre, Mortuary, Telecommunication Installation.
Business Zone II (Medium to Low Intensity Mixed Use of Business, Institutional and Residential Nature)	Shop, Offices, Professional Services, Town House, Flats, Boarding House, Residential Rooms, Hotel, 3-5 Room Bed & Breakfast, Guest House, Institution, Utility Services, Dwelling House, Place of Worship, Restaurant.	Place of Assembly, Supermarket, Business Premises, Service Station, Car Wash, Warehouse, Bank, Nursery, Funeral Parlour, Mortuary, Parking Garage, Bottle Store, Off-Sales (Linked to Hotel), Day Care Centre, Clinic, Place of Instruction, Telecommunication Installation.
Business Zone III (High Intensity Mixed Use of Business, Commercial and Service Industrial Nature)	Commercial Premises, Shop, Service Industry, Warehouse, Car Wash, Parking Garage, Funeral Parlour, Mortuary, Motor Vehicle Sales Premises, Service Station, Public Garage, Adult Shop and Adult Entertainment Premises, Place of Entertainment, Place of Worship, Utility Services.	Transport Facility, Telecommunication Installation, Buildings and uses other than that referred to in Column 2.

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Industrial Zone I (Industry)	Industry, Service Industry, Commercial Premises Industrial Café, Service Station, Parking Garage, Warehouse, Public Garage, Funeral Parlour and Mortuary, Car Wash, Scrap Yard, Utility Services, Telecommunication Installation.	Abattoir, Crematorium, Aquaculture, Transport Facility, Rooms Used For Security Guards or Caretakers
Industrial Zone II (Noxious Use Trade or Industry)	Noxious Use, Trade or Industry, Industry, Scrap Yard, Crematorium, Utility Services, Telecommunication Installation	Abattoir, Rooms Used For Security Guards or Caretakers
Institutional Zone I (Education)	Place of Instruction, School, Place of Assembly, Day Care Centre, Utility Services	Place of Worship, Institution, Telecommunication Installation
Institutional Zone II (Worship)	Place of Worship, Parsonage, Place of Assembly, Day Care Centre, Utility Services	Place of Instruction, Institution, Telecommunication Installation
Institutional Zone III (Health and Social Care)	Institution, Hospital, Clinic, Place of Assembly, Day Care Centre, Utility Services	Place of Instruction, Place of Worship, Telecommunication Installation
Resort Zone (Holiday and recreation)	Resort, Resort Accommodation, Holiday Accommodation, Caravan Park, Camping Site, Recreation Complex, Caretaker's Cottage, Convenience Shop, Tourist Facilities, Private Open Space.	Hotel, Place of Assembly, Utility Services, Telecommunication Installation
Open Space Zone I (Public Open space)	Public Open Space, Conservation Usage, Utility Services	Certain Associated Structures and Activities, Informal Trading, Cultural and Social Ceremonies, Agriculture, Telecommunication Installation, Cemetery.
Open Space Zone II (Private Open Space)	Private Open Space, Conservation Usage, Nature Reserve.	Certain Associated Structures and Activities, Cultural and Social Ceremonies, Agriculture, Utility Services, Telecommunication Installation, Cemetery

COLUMN 1 ZONING	COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Open Space Zone III (Conservation)	Conservation Usage, Nature Reserve	Dwelling House, Additional Dwellings, Resort Accommodation, Camping Site, Caravan Park, Certain Associated Structures and Activities, Cultural and Social Ceremonies, Place of Assembly, Utility Services, Telecommunication Installation
Transport Zone I (Rail and Air Transport Services)	Transport Usage, Utility Services	Parking Garage, Certain Associated Structures and Activities, Informal Trading, Service Station, Transport Facility, Telecommunication Installation
Transport Zone II (Public Roads and Parking)	Public Road, Public Street, Public Parking, Parking Garage, Utility Services	Certain Associated Structures and Activities, Informal Trading, Telecommunication Installation
Transport Zone III (Bus & Taxi Transport Facilities)	Transport Facility, Taxi Rank, Bus Terminus, Truck Stop, Utility Services, Car Wash	Parking Garage, Certain Associated Structures and Activities, Informal Trading, Service Station, Telecommunication Installation
Authority and Utility Zone	Authority Usage, Utility Services, Telecommunication Installation, Commonage	Cemetery, Crematorium, Cultural and Social Ceremonies, noxious uses such as Waste Disposal Sites or Waste Water Treatment Works
Special Zone	Special Usage	Not Applicable

3. PLANNING CONTROL

3.1. AGRICULTURAL ZONE

Agricultural Zone (Agricultural land)	***Intent*** ***This Zone aims to secure agricultural land to sustain a valuable economic sector and to protect it from developments that will render the land less suitable for agriculture, or detract from its aesthetic and cultural value. Through appropriate agricultural land use management, the Agricultural Zone needs to promote conservation of sensitive areas and maintain rural characteristics which are valued by the community.*** ***Complementary activities to conventional agriculture can assist with the viability of the sector, and to this end, compatible uses are permitted as consent uses, provided the latter do not detract from agriculture as the main productive activity. Limited provision is made for non-agricultural uses to provide owners with opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource.***

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Agriculture, Intensive Agronomy, Dwelling-House, Second Dwelling (**Annexure B**), Traditional Dwelling, Nursery, Conservation Usage, Commonage, Cultural and Social Ceremonies, Aquaculture, Boarding Kennels, Riding School, Nature-Based Recreational Activities.	Farm Stall, Agricultural Industry, Feed Pen Farming, Abattoir, Tourist Facilities, Day Care Centre, Additional Dwellings (**Annexure B**) , 3-5 Room Bed & Breakfast (**Annexure A1**), Guest House (**Annexure A1**), Utility Services, Telecommunication Installation (**Annexure M**), Renewable Energy Structure (**Annexure O**)	10	10	10	-	-

Additional Provisions

Minimum Farm Size: • Within Urban Edge: 0,8 ha • Outside Urban Edge: 10 ha (Subject to Act 70 of 1970 approval). Provisions applicable to additional uses in a dwelling: • 1-2 Room B&B – **Annexure A1** • Home-based Care – **Annexure A2** • Letting of rooms / lodging – **Annexure A3** • Occupational Practice – **Annexure A4**	Farm Worker Accommodation: • Bona fide employees' accommodation or dwelling unit for employees shall not be regarded as a second or additional dwelling unit for the purposes of these regulations Only buildings and uses that are directly related to the permissible primary uses or authorised consent use activity on the relevant agricultural unit shall be erected or practised in this zone.

Other Relevant Annexures

Annexure C - Occupation Ratios Applicable to Residential Use **Annexure M** - Policy for Telecommunication Installations **Annexure N** - Policy for Permitting Mining Activities	**Annexure O** - Policy for Renewable Energy Structures **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.2. RESIDENTIAL ZONE I – RURAL RESIDENTIAL

RESIDENTIAL ZONE 1A: Land designated for settlement in a rural context

Residential Zone IA (Rural Residential on un-surveyed or un-depicted land) **A**	***Intent*** **The Rural Residential zone is designed to provide for the use of land or buildings for low density residential development and ancillary use with a rural character. Development will generally be, but not be limited to, outside the Urban Edge and within a defined Settlement Edge. In recognition of cultural tradition and socio-economic circumstances the zone allows for incremental development and upgrading of settlement and housing development (where upgrading of settlement is encouraged).**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
All existing lawful uses	-	-	-	-	-	-

Additional Provisions

Building Lines: refer **Annexure J** - Additional Provisions Applicable to Building Lines)

- Development along provincial roads shall comply with the following building line standards set down in the Eastern Cape Roads Act (Act No.3 of 2003) and the Advertising on Roads and Ribbon Development Act (Act 21 of 1940) and may not be relaxed by the Municipality without the consent of the relevant roads authority:
  - Provincial Main and District roads - 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads - 30m measured from the centre line of the road.
  - Un-surveyed District Roads - 25m measured from the centre line of the road.

Agricultural Activities

- Structures for the housing of animals may be erected in this zone, provided it does not contravene any other bylaw of legislation and that it does not constitute commercial feed pen farming or boarding kennels

RESIDENTIAL ZONE 1B: Rural Residential on surveyed or depicted land

Residential Zone IB (Rural Residential on surveyed or depicted land) B	***Intent*** **The Rural Residential zone is designed to provide for the use of land or buildings for low density residential development and ancillary use with a rural character. Development will generally be, but not be limited to, outside the Urban Edge and within a defined Settlement Edge. In recognition of cultural tradition and socio-economic circumstances the zone allows for incremental development and upgrading of settlement and housing development (where upgrading of settlement is encouraged).**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Dwelling House, Traditional Dwelling	Day Care Centre, Institution, Second Dwelling (**Annexure B**), 3-5 Room Bed & Breakfast (**Annexure A1**), Guest House (**Annexure A1**), Utility Services, Cultural and Social Ceremonies	5	2	2	2	50% 1

Additional Provisions

Density Zone I
Minimum / Maximum Erf Size:
3 300m² / No restriction
Overall Maximum Density:
3 land units / ha

Density Zone II
Minimum / Maximum Erf Size:
Subject to Municipal Approval / 3 299m²
Overall Maximum Density:
5 land units / ha

Building Lines: refer **Annexure J** - Additional Provisions Applicable to Building Lines)

- Development along provincial roads shall comply with the following building line standards set down in the Eastern Cape Roads Act (Act No.3 of 2003) and the Advertising on Roads and Ribbon Development Act (Act 21 of 1940) and may not be relaxed by the Municipality without the consent of the relevant roads authority:
  - Provincial Main and District roads - 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads - 30m measured from the centre line of the road.
  - Un-surveyed District Roads - 25m measured from the centre line of the road.

Agricultural Activities

- Structures for the housing of animals may be erected in this zone, provided it does not contravene any other bylaw of legislation and that it does not constitute commercial feed pen farming or boarding kennels.

Management Of Common Property/ Common Interest

- It will be required that the traditional authority, or a local committee established under the traditional authority, take responsibility for all common property and matters of common interest within such rural settlement.

Zoning Of Common Property

- All land within a rural settlement, not allocated for a particular purpose in terms of a zoning of this scheme (such as Transport Zones, Institutional Zones, Open Space Zones, etc.) shall be zoned as Residential Zone IA and utilised as Common Property

Provisions applicable to additional uses in a dwelling:

- 1-2 Room B&B – **Annexure A1**
- Home-based Care – **Annexure A2**
- Letting of rooms – **Annexure A3**
- Occupational Practice – **Annexure A4**

Relevant Annexures

Occupation ratios of rooms – see **Annexure C**
Carports – see **Annexure D**
House shops – see **Annexure E**
Taverns – see **Annexure F**
Occasional uses – see **Annexure G**

Building height provisions – **Annexure K**
Site Development Plans – see **Annexure L**
Development near Water Resources – see **Annexure P**

3.3. RESIDENTIAL ZONE II - INCREMENTAL SETTLEMENT ZONE

RESIDENTIAL ZONE IIA: Land being designated for residential settlement in the urban context (Incremental settlement zone)

<table>
<tr><td>Residential Zone IIA
(Incremental Settlement Zone)

A</td><td colspan="6">Intent
The Incremental Settlement Zone is designed to provide for the formal designation and gradual development of areas that are identified in the SDF or other process for incremental development and that have been, by way of appropriate feasibility assessment processes, confirmed as land for settlement. The zone makes provision for the entire spectrum of development activities (but in no prescribed order of sequence), including demarcation, occupation, infrastructure development, construction and tenure registration.</td></tr>
<tr><td rowspan="2">PRIMARY USE</td><td rowspan="2">CONSENT USES</td><td colspan="3">Building Lines (m)</td><td rowspan="2">Height (Storey)</td><td rowspan="2">Coverage (%) F.A.R.</td></tr>
<tr><td>Street</td><td>Side</td><td>Rear</td></tr>
<tr><td>Shelter, Dwelling House, Traditional Dwelling, Other uses, subject to such uses not:
• being out of character with residential settlement;
• constituting a source of nuisance in terms of excessive noise or generation of dust, fumes, smoke, or waste material which could be detrimental to health of the residents; or
• requiring special waste removal processes.</td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="7">Additional Provisions</td></tr>
<tr><td colspan="2">Shelters:
• Where shelters are utilised as temporary dwellings until the development formalisation and upgrade process for the local area is complete, it shall be the sole responsibility of the owner of a shelter to ensure the structural safety, habitability, fire resistance or other standards that may be laid down by the Municipality and to comply if instructed by the Municipality to take action to remedy a public safety, health or fire risk.</td><td colspan="5"></td></tr>
</table>

RESIDENTIAL IIB: Public funded residential on an approved subdivision plan

Residential Zone IIB (Public funded residential) **B**	***Intent*** **The Incremental Settlement Zone is designed to provide for the formal designation and gradual development of areas that are identified in the SDF or other process for incremental development and that have been, by way of appropriate feasibility assessment processes, confirmed as land for settlement. The zone makes provision for the entire spectrum of development activities (but in no prescribed order of sequence), including demarcation, occupation, infrastructure development, construction and tenure registration.**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Dwelling-house, Traditional Dwelling	Day Care Centre, Institution, Second Dwelling (**Annexure B**), 3-5 Room Bed & Breakfast (**Annexure A1**), Guest House (**Annexure A1**), Utility Services, Cultural and Social Ceremonies	1	1	1	2	70% 1.4

Additional Provisions

Building Lines: refer **Annexure J** - Additional Provisions Applicable to Building Lines

- Development along provincial roads shall comply with the following building line standards set down in the Eastern Cape Roads Act (Act No.3 of 2003) and the Advertising on Roads and Ribbon Development Act (Act 21 of 1940) and may not be relaxed by the Municipality without the consent of the relevant roads authority:
  - Provincial Main and District roads - 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads - 30m measured from the centre line of the road.
  - Un-surveyed District Roads - 25m measured from the centre line of the road.

Minimum Erf Size:

- As determined by the Municipality

Parking: (also refer **Annexure I**)

- 1 bay/land unit.

Shelters

- Where shelters are utilised as temporary dwellings until the development formalisation and upgrade process is complete, it shall be the sole responsibility of the owner of a shelter to ensure the structural safety, habitability, fire resistance or other standards that may be laid down by the Municipality and to comply if instructed by the Municipality to take action to remedy a public safety, health or fire risk.

Access and roads

- All roads must be Public Roads

Provisions applicable to additional uses in a dwelling:

- 1-2 Room B&B – **Annexure A1**
- Home-based Care – **Annexure A2**
- Letting of rooms – **Annexure A3**
- Occupational Practice – **Annexure A4**

Other Relevant Annexures

Annexure C - Occupation Ratios Applicable to Residential Use
Annexure D - Policy for Permitting Carports
Annexure E - Policy for Informal Retail Operations House Shops (Spaza Shops)
Annexure F - Policy for Informal Alcohol Retail Operations (Taverns)
Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses
Annexure K - Additional Provisions Applicable to Building Height
Annexure L - Requirements for Site Development Plans
Annexure P - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

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3.4. RESIDENTIAL ZONE III: SINGLE RESIDENTIAL

Residential Zone IIIA (Single Residential) **A**	***Intent*** **The Single Residential Zone is designed to provide for the use of land or buildings for low, medium and higher density residential and ancillary development with an urban character. Development will be inside the Urban Edge with urban levels of infrastructure. The zone allows for controlled opportunities for home employment, additional dwellings and other low intensity uses.**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Dwelling-House, Traditional Dwelling	Day Care Centre, Second Dwelling (**Annexure B**), 3-5 Room Bed & Breakfast (**Annexure A1**), Guest House (**Annexure A1**), Institution, Utility Services,), Cultural and Social Ceremonies	3	2	1	2	70% 1.4

Additional Provisions

Minimum Erf Size: • As determined by the Municipality Parking: (also refer **Annexure I**) • 1 bay / dwelling unit Normal Erf Size Range • <499m²	Minimum Developable Area of an Erf: • The developable area of an erf may not be less than 75% of the minimum erf size Provisions applicable to additional uses in a dwelling: • 1-2 Room B&B – **Annexure A1** • Home-based Care – **Annexure A2** • Letting of rooms – **Annexure A3** • Occupational Practice – **Annexure A4**

Other Relevant Annexures

Annexure C - Occupation Ratios Applicable to Residential Use **Annexure D** - Policy for Permitting Carports **Annexure E** - Policy for Informal Retail Operations House Shops (Spaza Shops) **Annexure F** - Policy for Informal Alcohol Retail Operations (Taverns) **Annexure G** - Policy for Permitting Temporary Use Rights / Occasional Uses	**Annexure J** - Additional Provisions Applicable to Building Lines **Annexure K** - Additional Provisions Applicable to Building Height **Annexure L** - Requirements for Site Development Plans **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

Residential Zone IIIB (Single Residential) **B**	***Intent*** **The Single Residential Zone is designed to provide for the use of land or buildings for low, medium and higher density residential and ancillary development with an urban character. Development will be inside the Urban Edge with urban levels of infrastructure. The zone allows for controlled opportunities for home employment, additional dwellings and other low intensity uses.**						
PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Dwelling-House, Traditional Dwelling	Day Care Centre, Second Dwelling (**Annexure B**), 3-5 Room Bed & Breakfast (**Annexure A1**), Guest House (**Annexure A1**), Institution, Utility Services, Cultural and Social Ceremonies	4,5	2	2	2	50% 1

Additional Provisions

Minimum Erf Size: • 500m² Parking: (also refer **Annexure I**) • 2 bays / dwelling unit Normal Erf Size Range • 500 – 1 199m²	Minimum Developable Area of an Erf: • The developable area of an erf may not be less than 75% of the minimum erf size. Provisions applicable to additional uses in a dwelling: • 1-2 Room B&B – **Annexure A1** • Home-based Care – **Annexure A2** • Letting of rooms – **Annexure A3** • Occupational Practice – **Annexure A4**

Other Relevant Annexures

Annexure C - Occupation Ratios Applicable to Residential Use **Annexure D** - Policy for Permitting Carports **Annexure E** - Policy for Informal Retail Operations House Shops (Spaza Shops) **Annexure F** - Policy for Informal Alcohol Retail Operations (Taverns) **Annexure G** - Policy for Permitting Temporary Use Rights / Occasional Uses	**Annexure J** - Additional Provisions Applicable to Building Lines **Annexure K** - Additional Provisions Applicable to Building Height **Annexure L** - Requirements for Site Development Plans **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

Residential Zone IIIC (Single Residential) C	***Intent*** **The Single Residential Zone is designed to provide for the use of land or buildings for low, medium and higher density residential and ancillary development with an urban character. Development will be inside the Urban Edge with urban levels of infrastructure. The zone allows for controlled opportunities for home employment, additional dwellings and other low intensity uses.**						
PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Dwelling-House, Traditional Dwelling	Day Care Centre, Second Dwelling (**Annexure B**), 3-5 Room Bed & Breakfast (**Annexure A1**), Guest House (**Annexure A1**), Institution, Utility Services, Cultural and Social Ceremonies	4.5	2	2	2	50% 1

Additional Provisions

Minimum Erf Size: • 1200m² Parking: (also refer **Annexure I**) • 2 bays / dwelling unit Normal Erf Size Range • > 1 200m²	Minimum Developable Area of an Erf: • The developable area of an erf may not be less than 75% of the minimum erf size. Provisions applicable to additional uses in a dwelling: • 1-2 Room B&B – **Annexure A1** • Home-based Care – **Annexure A2** • Letting of rooms – **Annexure A3** • Occupational Practice – **Annexure A4**

Other Relevant Annexures

Annexure C - Occupation Ratios Applicable to Residential Use **Annexure D** - Policy for Permitting Carports **Annexure E** - Policy for Informal Retail Operations House Shops (Spaza Shops) **Annexure F** - Policy for Informal Alcohol Retail Operations (Taverns) **Annexure G** - Policy for Permitting Temporary Use Rights / Occasional Uses	**Annexure J** - Additional Provisions Applicable to Building Lines **Annexure K** - Additional Provisions Applicable to Building Height **Annexure L** - Requirements for Site Development Plans **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.5. RESIDENTIAL ZONE IV: TOWN HOUSES (LOW DENSITY) – UP TO 50 du/ha

Residential Zone IV (Town Housing up to 50 units/ha)	***Intent*** **This zone accommodates higher density residential development with a clustered layout and internal private infrastructure and roadways. It also includes controlled opportunities for home employment and other low-intensity uses.**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Town House - up to 50 units/ha, Dwelling House, Estate Housing, Holiday Housing, Private Open Space	Retirement Village, Day Care Centre, 3-5 Room Bed & Breakfast (**Annexure A1**), Boarding House, Guest House (**Annexure A1**), Utility Services, Telecommunication Installation (**Annexure M**)	4.5	3	3	2	70% 1.4

Additional Provisions

Minimum Erf Size of parent property (in the event of a rezoning to this zone):
- 600m²

Access and roads
- All internal roads must be Private Roads

Parking: (also refer **Annexure I**)
- 2 bays / town house, provided that bays may be provided at the units or in the form of communal parking for the complex, provided that parking areas should be clearly demarcated and signposted to the satisfaction of the Municipality.

Refuse collection area:
- A refuse collection area, screened by a wall from the view from outside the complex, shall be provided to the satisfaction of the Municipality.

Home Owners' Association:
- Upon subdivision and rezoning of a property to Residential Zone IV, a Section 21 Company or Home Owners Association must be established to take responsibility for all common property and matters of common interest. In the event of a Sectional Title Scheme being registered, a Body Corporate will be established to fulfil this function.

Provisions applicable to additional uses in a dwelling:
- 1-2 Room B&B – **Annexure A1**
- Home-based Care – **Annexure A2**
- Letting of rooms – **Annexure A3**
- Occupational Practice – **Annexure A4**

Other Relevant Annexures

Annexure C - Occupation Ratios Applicable to Residential Use
Annexure D - Policy for Permitting Carports
Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses
Annexure J - Additional Provisions Applicable to Building Lines
Annexure K - Additional Provisions Applicable to Building Height
Annexure L - Requirements for Site Development Plans
Annexure P - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

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3.6. RESIDENTIAL ZONE V: TOWN HOUSES AND FLATS (HIGH DENSITY) - ABOVE 50du/ha

Residential Zone V (Higher density Town Housing and Flats above 50 units/ha)	***Intent*** **This zone promotes higher-density residential development, including higher density town housing and blocks of flats. The dominant use is intended to be residential, but limited mixed-use development is possible.**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Town House, Flats - Above 50 Units/Ha, Dwelling House, Private Open Space	Retirement Village, 3-5 Room Bed & Breakfast (**Annexure A1**), Boarding House, Residential Rooms, Hotel, Guest House (**Annexure A1**), Children's Home, Day Care Centre, Utility Services, Telecommunication Installation (**Annexure M**)	4.5	3	3	*see additional provisions	*see additional provisions

Additional Provisions

Minimum Erf Size of parent property (in the event of a rezoning to this zone):
- 800m²

Access and roads
- All internal roads must be Private Roads

Parking: (also refer **Annexure I**)
- 2 bays / town house or dwelling house.
- 2 bays / flat with more than one habitable room.
- 1 bay / flat with one habitable room

Communal Open Space:
- At least 10% of the size of the Erf must be provided for as combined, communal and functional open space

Maximum Floor Area Ratio:
- Residential Areas - at most 2.1
- Other Areas – to be determined by Municipality

Refuse collection area:
- A refuse collection area, screened by a wall from the view from outside the complex, shall be provided to the satisfaction of the Municipality.

Home Owners' Association:
- Upon subdivision and rezoning of a property to Residential Zone V, a Section 21 Company or Home Owners Association must be established to take responsibility for all common property and matters of common interest. In the event of a Sectional Title Scheme being registered, a Body Corporate will be established to fulfil this function.

Provisions applicable to additional uses in a dwelling:
- 1-2 Room B&B – **Annexure A1**
- Home-based Care – **Annexure A2**
- Letting of rooms – **Annexure A3**
- Occupational Practice – **Annexure A4**

Other Relevant Annexures

Annexure C - Occupation Ratios Applicable to Residential Use
Annexure D - Policy for Permitting Carports
Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses
Annexure J - Additional Provisions Applicable to Building Lines
Annexure K - Additional Provisions Applicable to Building Height
Annexure L - Requirements for Site Development Plans
Annexure P - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.7. BUSINESS ZONE I: GENERAL BUSINESS

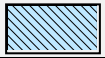
<table>
<tr><td>Business Zone I
(High Intensity Mixed Use of Business, Institutional and Residential Nature)</td><td colspan="6">Intent
The General Business Zone provides for general business activity and mixed-use development of medium to high intensity in business districts and along development corridors. It includes a wide range of land uses such as business, residential and community uses but excludes industrial use.</td></tr>
<tr><td rowspan="2">PRIMARY USE</td><td rowspan="2">CONSENT USES</td><td colspan="3">Building Lines (m)</td><td>Height (Storey)</td><td>Coverage (%) F.A.R.</td></tr>
<tr><td>Street</td><td>Side</td><td>Rear</td></tr>
<tr><td>Business Premises, Supermarket, Bottle Store, Place of Entertainment, Parking Garage, Town Houses, Flats, Boarding House, Residential Rooms, Hotel and Off-Sales, 3-5 Room Bed & Breakfast (Annexure A1), Guest House (Annexure A1), Funeral Parlour, Place of Worship, Place of Assembly, Utility Service, Institution, Professional Services, Utility Services, Dwelling House, Clinic, Restaurant, Nursery, Warehouse, Shop, Offices, Bank, Car Wash, Motor Vehicle Sales Premises.</td><td>Commercial Premises, Service Industry, Place of Instruction, Service Station, Shopping Centre, Adult Shop and Adult Entertainment Premises, Day Care Centre, Mortuary, Telecommunication Installation (Annexure M)</td><td>0</td><td>0</td><td>0</td><td>Unrestricted</td><td>100% Unrestricted</td></tr>
<tr><td colspan="7">Additional Provisions</td></tr>
<tr><td colspan="3">Street Building Line: refer Annexure J - Additional Provisions Applicable to Building Lines)
• 0m, subject to 10m from centre line of road reserve if the road reserve width is less than 20m wise
Side and Rear Building Line
• Buildings on the ground floor may be erected on the lateral or rear boundary of an erf, provided that no openings are provided in such wall;
• The Municipality may lay down side building lines in the interest of public health or in order to enforce any law or right; and
• In the event of the common boundary between this zone and a residential zone, the building line of the residential zone shall apply on both sides of the boundary, where it is more restrictive.
Parking: (also refer Annexure I)
• Ground floor - 6 bays/100m² G.L.A.
• Other storeys - parking based on the use – as set out in Annexure I.</td><td colspan="4">Loading: - refer Annexure I
Adult Shop or Adult Entertainment Premises:
• The street front and entrance shall be discreet and unobtrusive, and no pornographic, sexually explicit or erotic material shall be visible from outside the premises.
Mortuaries
• All loading and off-loading of coffins and/or bodies shall take place on-site and such areas shall be screened from view from outside the perimeter of the premises to the satisfaction of the Municipality.
Places of Entertainment that includes any form of Betting and / or Gambling
• All parts of a building or premises where gambling and/or betting activities are accommodated must be closed off and screened, with access to such parts of buildings or premises being restricted to persons under the age of 18 years.</td></tr>
<tr><td colspan="7">Other Relevant Annexures</td></tr>
<tr><td colspan="3">Annexure C - Occupation Ratios Applicable to Residential Use
Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses</td><td colspan="4">Annexure K - Additional Provisions Applicable to Building Height
Annexure L - Requirements for Site Development Plans</td></tr>
</table>

3.8. BUSINESS ZONE II – LOCAL BUSINESS

<table>
<tr><td>Business Zone II
(Medium to Low Intensity Mixed Use of Business, Institutional and Residential Nature)</td><td colspan="5">Intent
The Local Business Zone creates an intermediate zone, which can act as a buffer or interface between general business zones or other high-intensity non-residential uses, and residential areas. It is appropriate for local neighbourhood shops that serve local needs for convenience goods and personal services. It allows for a range of compatible land uses. Limitations are placed on the scale of such development so that it is capable of integration into the adjacent residential neighbourhood without adversely affecting the amenity of the neighbourhood.</td></tr>
<tr><td rowspan="2">PRIMARY USE</td><td rowspan="2">CONSENT USES</td><td colspan="3">Building Lines (m)</td><td rowspan="2">Height (Storey)</td><td rowspan="2">Coverage (%)
F.A.R.</td></tr>
<tr><td>Street</td><td>Side</td><td>Rear</td></tr>
<tr><td>Shop, Offices, Professional Services, Town House, Flats, Boarding House, Residential Rooms, Hotel, 3-5 Room Bed & Breakfast (Annexure A1), Guest House (Annexure A1), Institution, Utility Services, Dwelling House, Place of Worship, Restaurant</td><td>Place of Assembly, Supermarket, Business Premises, Service Station, Car Wash, Warehouse, Bank, Nursery, Funeral Parlour, Mortuary, Parking Garage, Bottle Store, Off-Sales (Linked to Hotel), Day Care Centre, Clinic, Place of Instruction, Telecommunication Installation (Annexure M)</td><td>0</td><td>0</td><td>0</td><td>3</td><td>100%
3</td></tr>
<tr><td colspan="6">Additional Provisions</td></tr>
<tr><td colspan="3">Side and Rear Building Line: (also refer Annexure J)
• Buildings on the ground floor may be erected on the lateral or rear boundary of an erf, provided that no openings are provided in such wall;
• The Municipality may lay down side building lines in the interest of public health or in order to enforce any law or right; and
• In the event of the common boundary between this zone and a residential zone, the building line of the residential zone shall apply on both sides of the boundary, where it is more restrictive.</td><td colspan="3">Mortuaries
• All loading and off-loading of coffins and/or bodies shall take place on-site and such areas shall be screened from view from outside the perimeter of the premises to the satisfaction of the Municipality.

Parking: (also refer Annexure I)
• Ground floor - 6 bays/100m² G.L.A.
• Other storeys - parking based on the use
Loading: - refer Annexure I</td></tr>
<tr><td colspan="6">Other Relevant Annexures</td></tr>
<tr><td colspan="3">Annexure C - Occupation Ratios Applicable to Residential Use
Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses</td><td colspan="3">Annexure K - Additional Provisions Applicable to Building Height
Annexure L - Requirements for Site Development Plans</td></tr>
</table>

3.9. BUSINESS ZONE III – COMMERCIAL

<table>
<tr><td>Business Zone III
(High Intensity Mixed Use of Business, Commercial and Service Industrial Nature)
  </td><td colspan="6">Intent
The Commercial Zone creates an interface between general business and industrial zones. Certain uses permitted in this zone could have a negative impact on the surrounding area and therefore require to be accommodated in a separate zone from general business.</td></tr>
<tr><td rowspan="2">PRIMARY USE</td><td rowspan="2">CONSENT USES</td><td colspan="3">Building Lines (m)</td><td rowspan="2">Height (Storey)</td><td rowspan="2">Coverage (%)
F.A.R.</td></tr>
<tr><td>Street</td><td>Side</td><td>Rear</td></tr>
<tr><td>Commercial Premises, Service Industry, Shop, Warehouse, Car Wash, Parking Garage, Funeral Parlour, Mortuary, Public Garage, Motor Vehicle Sales Premises, Service Station, Public Garage, Adult Shop and Adult Entertainment Premises, Place of Entertainment, Place of Worship, Utility Services.</td><td>Transport Facility, Telecommunication Installation (Annexure M), Buildings and uses other than that referred to as Primary Use.</td><td>0</td><td>0</td><td>0</td><td>3</td><td>100%
3</td></tr>
<tr><td colspan="7">Additional Provisions</td></tr>
<tr><td colspan="3">Side and Rear Building Line: (also refer Annexure J)
• Buildings on the ground floor may be erected on the lateral or rear boundary of an erf, provided that no openings are provided in such wall;
• The Municipality may lay down side building lines in the interest of public health or in order to enforce any law or right; and
• In the event of the common boundary between this zone and a residential zone, the building line of the residential zone shall apply on both sides of the boundary, where it is more restrictive.
Parking and Loading: - refer Annexure I
Adult Shop or Adult Entertainment Premises:
• The street front and entrance shall be discreet and unobtrusive, and no pornographic, sexually explicit or erotic material shall be visible from outside the premises.</td><td colspan="4">Mortuaries
• All loading and off-loading of coffins and/or bodies shall take place on-site and such areas shall be screened from view from outside the perimeter of the premises to the satisfaction of the Municipality.
Places of Entertainment that includes any form of Betting and / or Gambling
• All parts of a building or premises where gambling and/or betting activities are accommodated must be closed off and screened, with access to such parts of buildings or premises being restricted to persons under the age of 18 years.</td></tr>
<tr><td colspan="7">Other Relevant Annexures</td></tr>
<tr><td colspan="3">Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses</td><td colspan="4">Annexure K - Additional Provisions Applicable to Building Height
Annexure L - Requirements for Site Development Plans</td></tr>
</table>

3.10. INDUSTRIAL ZONE I – INDUSTRIAL

Industrial Zone I (Industry)	***Intent*** **The Industrial Zone accommodates all forms of industry, except noxious use, trade or Industry, in order to promote the manufacturing sector of the economy. Some allowance is made for non-industrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Industry, Service Industry, Industrial Café, Service Station, Parking Garage, Warehouse, Commercial Premises, Public Garage, Car Wash, Funeral Parlour and Mortuary, Scrap Yard, Utility Services, Telecommunication Installation (**Annexure M**).	Abattoir, Crematorium, Aquaculture, Transport Facility, Rooms Used For Security Guards or Caretakers	0	0	0	4	75% 3

Additional Provisions

Parking: - refer **Annexure I**
Loading: - refer **Annexure I**

Mortuaries
- All loading and off-loading of coffins and/or bodies shall take place on-site and such areas shall be screened from view from outside the perimeter of the premises to the satisfaction of the Municipality.

Industrial Café:
- Maximum of 100m² floor space including storage

Fencing
- The Municipality may require any land used in connection with a scrap yard, builder's yard, transport business or any other use that is visually intrusive by nature to be walled and screened to its satisfaction.

Caretaker's Premises
- A caretaker's cottage shall not exceed 90m²
- Occupation shall be on a temporary basis for a caretaker and security personnel.

Other Relevant Annexures

Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses
Annexure J - Additional Provisions Applicable to Building Lines
Annexure K - Additional Provisions Applicable to Building Height
Annexure L - Requirements for Site Development Plans
Annexure P - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.11. INDUSTRIAL ZONE II – NOXIOUS USE, TRADE OR INDUSTRY

Industrial Zone II (Noxious Use, Trade or Industry)	***Intent*** **This zone makes provision for uses, trades or industries which are considered noxious in terms of associated risks to health in neighbouring premises arising from vapours, fluids, waste matter, noise, disturbance and dust or other objectionable consequence of their operation, or which carry a high risk in the event of fire or accident. While other uses are permitted with approval, the Municipality should not compromise the capacity of the zone to accommodate noxious trade and risk activities.**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Noxious Use, Trade or Industry, Industry, Scrap Yard, Crematorium, Utility Services, Telecommunication Installation (**Annexure M**)	Abattoir, Rooms Used For Security Guards or Caretakers	10	10	10	4	75% 3

Additional Provisions

Parking: (also refer **Annexure I**) • 1 bay/100m² G.L.A. Loading: - refer **Annexure I** Fencing • The Municipality may require any land used in connection with a scrap yard, builder's yard, transport business or any other use that is visually intrusive by nature to be walled and screened to its satisfaction.	Caretaker's Premises • A caretaker's cottage shall not exceed 90m² • Occupation shall be on a temporary basis for a caretaker and security personnel. Industrial Café: • Maximum of 100m² floor space including storage

Other Relevant Annexures

Annexure H - Policy for Noxious Use/Trade/Industry **Annexure J** - Additional Provisions Applicable to Building Lines **Annexure K** - Additional Provisions Applicable to Building Height	**Annexure L** - Requirements for Site Development Plans **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.12. INSTITUTIONAL ZONE I – PLACE OF INSTRUCTION

Institutional Zone I (Education)	***Intent*** **This zone makes provision for social uses directed at community needs, with primarily an educational focus. Allowance is also made for the Municipality to approve other social needs orientated community facilities and services in this zone.**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Place of Instruction, School, Place of Assembly, Day Care Centre, Utility Services	Place of Worship, Institution, Telecommunication Installation (**Annexure M**)	10	10	10	3	50% 1

Additional Provisions	
Parking: Refer **Annexure I**	

Other Relevant Annexures	
Annexure C - Occupation Ratios Applicable to Residential Use **Annexure G** - Policy for Permitting Temporary Use Rights / Occasional Uses **Annexure J** - Additional Provisions Applicable to Building Lines **Annexure K** - Additional Provisions Applicable to Building Height	**Annexure L** - Requirements for Site Development Plans **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.13. INSTITUTIONAL ZONE II – PLACE OF WORSHIP

Institutional Zone II (Worship)	***Intent*** **This zone makes provision for social uses directed at community needs, with primarily a religious worship and community gathering focus. Allowance is also made for the Municipality to approve other social needs orientated community facilities and services in this zone.**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Place of Worship, Parsonage, Place of Assembly, Day Care Centre, Utility Services	Place of Instruction, Institution, Telecommunication Installation (**Annexure M**)	4.5	4.5	4.5	2	50% 1

Additional Provisions	
Parking: Refer **Annexure I**)	A parsonage shall be subject to the provisions pertaining to single residential (Single Residential Zones III A-C)

Other Relevant Annexures	
Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses **Annexure I** - Parking and Loading Requirements **Annexure J** - Additional Provisions Applicable to Building Lines **Annexure K** - Additional Provisions Applicable to Building Height	**Annexure L** - Requirements for Site Development Plans **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.14. INSTITUTIONAL ZONE III - INSTITUTION

Institutional Zone III (Health and Social Care)	***Intent*** **This zone makes provision for social uses directed at community needs, with primarily a health and social care focus. Allowance is also made for the Municipality to approve other social needs orientated community facilities and services in this zone**					
PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Institution, Hospital, Clinic, Place of Assembly, Day Care Centre, Utility Services	Place of Instruction, Place of Worship, Telecommunication Installation (**Annexure M**)	4.5	4.5	4.5	3	50% 1,5

Additional Provisions	
Parking: Refer **Annexure I**)	

Other Relevant Annexures	
Annexure C - Occupation Ratios Applicable to Residential Use **Annexure G** - Policy for Permitting Temporary Use Rights / Occasional Uses **Annexure J** - Additional Provisions Applicable to Building Lines **Annexure K** - Additional Provisions Applicable to Building Height	**Annexure L** - Requirements for Site Development Plans **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.15. RESORT ZONE – RESORT AND HOLIDAY ACCOMMODATION / TOURISM FACILITIES

Resort Zone (Holiday and recreation)	***Intent*** **This zone makes provision for resource based holiday or recreational development that allows for a range of accommodation options and amenities for tourists or visitors.**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Resort, Resort Accommodation, Holiday Accommodation, Caravan Park, Camping Site, Recreation Complex, Caretaker's Cottage, Convenience Shop, Tourist Facilities, Private Open Space.	Hotel, Place of Assembly, Utility Services, Telecommunication Installation (**Annexure M**)	10	10	10	2	*see additional provisions

Additional Provisions

Parking: Refer **Annexure I** Coverage and Floor Area Ratio: • To be determined by the Municipality based on character and compatibility of surrounding use	Additional Development parameters • Upon rezoning of land to the Resort Zone, conditions shall be laid down with regard to density, layout, building design, and on-site parking requirements and need to be reflected in terms of an approved site development plan.

Other Relevant Annexures

Annexure C - Occupation Ratios Applicable to Residential Use **Annexure G** - Policy for Permitting Temporary Use Rights / Occasional Uses **Annexure J** - Additional Provisions Applicable to Building Lines **Annexure K** - Additional Provisions Applicable to Building Height	**Annexure L** - Requirements for Site Development Plans **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.16. OPEN SPACE ZONE I – PUBLIC OPEN SPACES

Open Space Zone I (Public Open space)	***Intent*** **This zone makes provision for active and passive recreational areas on public land, which is not leased or intended to be leased on a long term basis and accommodates open spaces to conserve heritage areas and landscape features such as ridges, watercourses, wetlands. It also accommodates public accessible facilities such as parks, gardens, playgrounds and sports grounds.**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Public Open Space, Conservation Usage, Utility Services	Certain Associated Structures and Activities, Informal Trading, Cultural and Social Ceremonies, Agriculture, Telecommunication Installation (**Annexure M**), Cemetery	10	10	10	*see additional provisions	*see additional provisions

Additional Provisions	
Parking: Refer **Annexure I**	No structure shall be erected except that which is compatible with the definition of "public open space" and the primary or consent uses that may be approved and are subject to the approval of the Municipality

Other Relevant Annexures	
Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses **Annexure J** - Additional Provisions Applicable to Building Lines **Annexure K** - Additional Provisions Applicable to Building Height	**Annexure L** - Requirements for Site Development Plans **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.17. OPEN SPACE ZONE II – PRIVATE OPEN SPACE

Open Space Zone II (Private Open Space)	***Intent*** **This zone makes provision for private sites, or public land which is or will be leased on a long term basis, for club buildings, sport, play, rest or recreational facilities. It also makes provision for privately owned land set aside for protection of landscape and heritage areas including woodlands, ridges, watercourses or wetlands.**						
PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**	
		Street	**Side**	**Rear**			
Private Open Space, Conservation Usage, Nature Reserve	Certain Associated Structures and Activities, Cultural and Social Ceremonies, Agriculture, Utility Services, Telecommunication Installation (**Annexure M**), Cemetery	10	10	10	*see additional provisions	*see additional provisions	
Additional Provisions							
Parking: Refer **Annexure I** Coverage and Floor Area Ratio: • To be determined by the Municipality based on character and compatibility of surrounding use	No structure shall be erected except that which is compatible with the definition of "private open space" and the primary or consent uses that may be approved and are subject to the approval of the Municipality						
Other Relevant Annexures							
Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses **Annexure J** - Additional Provisions Applicable to Building Lines **Annexure K** - Additional Provisions Applicable to Building Height	**Annexure L** - Requirements for Site Development Plans **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)						

3.18. OPEN SPACE ZONE III - CONSERVATION

Open Space Zone III (Conservation)	***Intent*** **This zone makes provision for areas to be set aside as conservation areas, such as a National Park, Provincial Park or other nature park in public ownership, or privately owned land that has been declared as conservation areas in terms of relevant legislation. Although this zone allows for certain associated compatible uses and activities, the primary intent within this zone is for maintenance of land in its natural state with the object of preserving the bio-physical characteristics of the land, including flora and fauna living on the land.**

PRIMARY USE	CONSENT USES	Building Lines (m)			Height (Storey)	Coverage (%) F.A.R.
		Street	Side	Rear		
Conservation Usage, Nature Reserve	Dwelling House, Additional Dwellings, Resort Accommodation, Camping Site, Caravan Park, Certain Associated Structures and Activities, Cultural and Social Ceremonies, Place of Assembly, Utility Services, Telecommunication Installation (**Annexure M**)	10	10	10	*see additional provisions	*see additional provisions

Additional Provisions

Parking: Refer **Annexure I**

Dwelling Units may be permitted within Private Nature Reserves or conservation areas by way of Special Consent, subject to the following:

- Prior to final approval of an application for rezoning of land to Open Space Zone III, such Nature Reserve or Conservation area shall first be formally proclaimed in terms of relevant legislation.
- The maximum permissible erf size will be 1000 m², maximum coverage will be 50% and maximum height will be 2 storeys.
- Where subdivisions occur for dwelling units, it will be required that a Section 21 Company or Home Owners Association be established to take responsibility for all common property and matters of common interest.
- A detailed site development plan shall be submitted.
- Separate ownership of dwelling units will be permitted.
- The entire nature reserve shall be registered as Common Property.

1-2 Room B&B – **Annexure A1** where a dwelling is permitted as a Special Consent

Additional Development provisions

- The reserve or conservation management plan shall lay down conditions with regard to density, layout, building design, and on-site parking requirements.

Other Relevant Annexures

Annexure C - Occupation Ratios Applicable to Residential Use
Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses
Annexure I - Parking and Loading Requirements
Annexure J - Additional Provisions Applicable to Building Lines
Annexure K - Additional Provisions Applicable to Building Height
Annexure L - Requirements for Site Development Plans
Annexure P - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.19. TRANSPORT ZONE I: RAILWAY LINES, AIRPORT

Transport Zone I (Rail and Air Transport Services)	***Intent*** **This zone makes provision for transportation systems, over and above public roads, streets, or parking and accommodates transport undertakings serving the public such as railway lines, railway stations and airports and other depots associated with such undertakings, such as cargo handling facilities. Provision is made to approve other uses that can service the needs of commuters and support a transport undertaking.**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Transport Usage, Utility Services	Parking Garage, Certain Associated Structures and Activities, Informal Trading, Service Station, Transport Facility, Telecommunication Installation (**Annexure M**)	0	0	0	*see additional provisions	75% 1.5

Additional Provisions

Parking and Loading: Refer **Annexure I** Height, Coverage and Floor Area Ratio: • To be determined by the Municipality based on character and compatibility of surrounding use Caretaker's Premises • A caretaker's cottage shall not exceed 90m² • Occupation shall be on a temporary basis for a caretaker and security personnel.	Side and Rear Building Line: (refer **Annexure J**) • The Municipality may lay down side building lines in the interest of public health or in order to enforce any law or right; and • In the event of the common boundary between this zone and a residential zone, the building line of the residential zone shall apply on both sides of the boundary, where it is more restrictive.

Other Relevant Annexures

Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses **Annexure K** - Additional Provisions Applicable to Building Height	**Annexure L** - Requirements for Site Development Plans **Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.20. TRANSPORT ZONE II: PUBLIC ROAD AND PARKING

Transport Zone II (Public Roads and Parking)	***Intent*** **This zone makes provision for existing and future public parking, streets and roads**

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Public Road, Public Street, Public Parking, Parking Garage, Utility Services	Certain Associated Structures and Activities, Informal Trading, Telecommunication Installation (**Annexure M**)	-	-	-	-	-

Additional Provisions

Informal Trading • Trading and hawking may only take place with the consent of the Municipality, subject to relevant By-laws and the consent from the applicable roads authority (where not under control of the Municipality).	Structures • No structure shall be erected or use practised except that which is compatible with the definition of permitted uses in this zone and approved by the Municipality.

Other Relevant Annexures

Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses	**Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.21. TRANSPORT ZONE III: TAXI RANK, BUS DEPOT, TRANSPORT FACILITY

<table>
<tr><td>Transport Zone III
(Bus & Taxi Transport Facilities)
 </td><td colspan="5">Intent
This zone makes provision for areas with associated facilities that serve as a taxi rank, bus terminus or truck stop.</td></tr>
<tr><td rowspan="2">PRIMARY USE</td><td rowspan="2">CONSENT USES</td><td colspan="3">Building Lines (m)</td><td rowspan="2">Height (Storey)</td><td rowspan="2">Coverage (%)
F.A.R.</td></tr>
<tr><td>Street</td><td>Side</td><td>Rear</td></tr>
<tr><td>Transport Facility, Taxi Rank, Bus Terminus, Truck Stop, Utility Services, Car Wash</td><td>Parking Garage, Certain Associated Structures and Activities, Informal Trading, Service Station, Telecommunication Installation (Annexure M)</td><td colspan="4">*see additional provisions</td></tr>
<tr><td colspan="6">Additional Provisions</td></tr>
<tr><td colspan="2">Parking and Loading: Refer Annexure I</td><td colspan="4">Building Lines, Height, Coverage and Floor Area Ratio:
• To be determined by the Municipality based on character and compatibility of surrounding use and type of building or structure proposed.</td></tr>
<tr><td colspan="6">Other Relevant Annexures</td></tr>
<tr><td colspan="2">Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses
Annexure L - Requirements for Site Development Plans</td><td colspan="4">Annexure P - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)</td></tr>
</table>

3.22. AUTHORITY AND UTILITY ZONE: AUTHORITY AND UTILITY FUNCTIONS

Authority and Utility Zone	***Intent*** ***This zone makes provision for utility services and uses practiced by a public authority, or on an agency basis on behalf of a public authority, of which the characteristics (including combination of uses) and locality factors are such that it cannot be classified or defined under other uses in the scheme. This may include uses practiced by -*** ***(a) The National Government, such as military training centres and installations or correctional facilities;*** ***(b) The Provincial Government, such as road camps; and*** ***(c) A Municipality, such as civic centres, municipal depots and fire stations.*** ***Land falling under ownership of a public authority shall only be included in this Zone if the use thereof or combination of uses forming part thereof is such that no other zone in Table B is appropriate. If a zone in Table B is appropriate, the land needs to be zoned for that purpose, whether or not a public authority owns it.***

PRIMARY USE	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
		Street	**Side**	**Rear**		
Authority Usage, Utility Services, Telecommunication Installation (**Annexure M**), Commonage	Cemetery, Crematorium, Cultural and Social Ceremonies, noxious uses such as Waste Disposal Sites or Waste-Water Treatment Works					

Additional Provisions	
Parking and Loading: Refer **Annexure I**	Building Lines, Height, Coverage and Floor Area Ratio: • To be determined by the Municipality based on character and compatibility of surrounding use and type of building or structure proposed.

Other Relevant Annexures	
Annexure G - Policy for Permitting Temporary Use Rights / Occasional Uses **Annexure H** - Policy for Noxious Use/Trade/Industry **Annexure L** - Requirements for Site Development Plans	**Annexure P** - Policy for Land Development in Close Proximity to Water Resources (Drainage Courses & Wetlands)

3.23. SPECIAL ZONE

Special Zone	***Intent*** ***This zone makes provision for situations where special factors justify the creation of a new zone on the land use scheme map for a site or sites without justifying the creation of a new zone in the scheme regulations.***							
PRIMARY USE	**ADDITIONAL USE RIGHTS – subject to conditions**	**CONSENT USES**	**Building Lines (m)**			**Height (Storey)**	**Coverage (%) F.A.R.**
			Street	**Side**	**Rear**		
Special Usage	To be determined by Municipality	As specified in allocation of a Special Zone	-	-	-	-	-
Additional Provisions							
To be determined by Municipality	-						

4. GENERAL

4.1. LAND USE AND DEVELOPMENT MANAGEMENT

Procedures for all aspects relating to managing land use, making applications and processing of such applications are described in the Municipality's SPLUMA Bylaws.

4.2. PROVISIONS APPLICABLE TO CONSENT USE

Where the application is made for a consent use in any particular zone, it shall be subject to the following conditions:

(a) Any consent use in a relevant zone, which is a primary use in any other zone, shall be subject to the same conditions applicable to the primary use in the other zone, unless the conditions in the relevant zone are more restrictive;

(b) Any consent use in a relevant zone which is not a primary use in another zone shall be subject to the same conditions as the primary use in the relevant zone; and

(c) The Municipality may, in both of the above-mentioned cases, impose other conditions with regard to any specific property.

4.3. PROVISIONS APPLICABLE TO COMBINED-USE BUILDINGS

Where more than one primary and/or consent use is approved in the same building, the maximum requirements with regard to parking, floor factor, height and coverage, as prescribed for any primary use of the relevant zone, shall be applicable, and the following conditions shall apply with regard to all other land use restrictions:

(a) Where a use which is permitted in a combined-use building is a primary use in another zone, the relevant use shall be subject to the same conditions, except those with regard to floor factor, height and coverage, applicable to the primary use in the other zone; and

(b) Where a use that is permitted in a combined-use building is not a primary use in any other zone, the relevant use shall be subject to the conditions applicable to the primary use in the relevant zone.

4.4. MUNICIPALITY'S DUTIES

The Municipality shall allow any person at any reasonable time to examine any scheme regulations, land use scheme map or register, as contemplated in this scheme and the Act, and which is kept in the office of the Municipality; provided that any information in connection with the Land Use Scheme which is given to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the Municipality.

4.5. AESTHETICS AND LANDSCAPING

Where landscaping or any aesthetic requirement is deemed necessary by the Municipality, such requirement shall be carried out to the satisfaction of the Municipality at the cost of the owner.

ANNEXURE A

ADDITIONAL PROVISIONS APPLICABLE TO DWELLINGS

ANNEXURE A-1

POLICY FOR BED AND BREAKFAST ESTABLISHMENTS AND GUEST HOUSES

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

Definitions

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

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

Categories

There are 4 categories of Bed & Breakfast/Guest House establishments:

- 1 & 2 guest-rooms
  - No special regulations apply.
- 3 & 5 guest-rooms
  - Permissible by way of a Special Consent in Agriculture and Residential Zones.
  - Permissible as primary right in Business Zones I & II.
- 6 -16 guest-rooms
  - Permissible by way of a Special Consent in Agriculture and Residential Zones.
  - Permissible as primary right in Business Zones I & II.
- More than 16 guest-rooms
  - Permissible as primary right in Business Zones I & II.

Important provisions

- Guest-rooms may not include kitchen facilities (should not be operating as self-catering units).
- Guest-rooms may form part of the dwelling unit or may be provided as free-standing rooms.
- 2 persons shall be allowed per guest-room (refer **Annexure C**).
- Normal application procedures need to be followed for Special Consent or Rezoning approval.
- Health regulations must be complied with where applicable.

- The householder or a manager must be resident on the premises.
- These provisions are for Town Planning purposes only and their coming into effect will not constitute a repeal of other relevant regulations or policies.
- Parking provision
    - Parking bay for the owner/manager
    - 2 Additional parking bays shall be provided for every 3 guest-rooms.
    - The required number of parking bays must be provided for on the property.
- Signage shall be in accordance to the Municipality's approved signage policy, or if not in place, one sign with a maximum size of 1 m², stating the name and details relating to the establishment.

ANNEXURE A-2

POLICY FOR PROVIDING HOME-BASED CARE IN A RESIDENTIAL DWELLING

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

- The person providing the home-based care (excluding employees), whether or not such person is a tenant or owner of the dwelling unit, must reside on the property.
- The primary utilisation remains that of a dwelling unit.
- In Residential Zone I, III and IV, prior permission from the Home Owner's Association (or Body Corporate) is required.
- No more than 6 persons shall be accommodated at the home-based care facility for elderly, sick or disabled persons at any time.
- No more than 6 children shall be enrolled at the home-based child care facility at any time (Child Care Facility Guideline 2011);
- Services shall be primarily:
    - Child day care or education, or
    - Basic care for disabled, elderly or sick and not medical health care;
- Services for home based child care shall not operate outside the hours of 07:00 to 18:00 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays;
- Indoor and outdoor play space shall be provided at a minimum of 1.5m² and 2m² per child, or in accordance with any health requirement or a policy plan as might be approved by the Municipality from time to time. The outdoor play space shall be securely fenced;
- No advertising sign shall be displayed, other than a single un-illuminated sign or notice in accordance with signage policy of the Municipality, not projecting over a public street, and such sign shall not exceed 1 m² in area;
- At least one off-street parking bay shall be provided, plus one additional parking bay which is suitable for the use of parents to drop off or collect their children, unless the Municipality's approval is obtained to waive this requirement. The Municipality may at any stage require additional on-site parking where parking is deemed to be insufficient;
- If any person with a direct interest is of the opinion that any condition referred to in this policy or in the definition of "home-based care" has been or is being contravened, such person may lodge a written complaint with the Municipality requesting action; and
- The Municipality shall consider a complaint mentioned in (k) above, and if in the opinion of the Municipality a contravention of any condition referred to in this policy or in the definition of "home-based care" has occurred, the Municipality shall act in terms of its approved bylaws or as otherwise provided for by law.

ANNEXURE A-3

POLICY FOR LODGING OF 4 OR FEWER PEOPLE IN A DWELLING HOUSE

No part of any dwelling house or unit, or any additional free-standing building which may be erected for use in conjunction with such dwellings may be used as a separate tenement.

The owner of a dwelling house or unit may provide lodging for four or fewer persons in such dwelling house or unit provided that:

- The owner must reside on the property.
- No person shall use, cause or permit the use of any room which does not constitute a habitable room.
- The consent of the Home Owners' Association or Body Corporate (in the event of a Sectional Title Scheme) being obtained.
- Adequate off-street parking shall be provided for lodgers and tenants.

ANNEXURE A-4

POLICY FOR PRACTICING OF AN OCCUPATION IN A RESIDENTIAL DWELLING

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

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

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

ANNEXURE B

POLICY FOR THE ERECTION OF A SECOND DWELLING UNIT AND ADDITIONAL DWELLING UNITS

The erection of a second dwelling unit in Residential Zones IIB and IIIA–C and further additional dwellings (3rd, 4th and 5th) in Agricultural Zone by way of a **special consent approval** shall be subject to the following conditions:

Density for additional dwellings in Agricultural Zone

- The first (primary) and second dwellings are a primary right, with the option to apply for Special Consent for one additional unit per 10ha of land (over and above the first 10ha) up to a maximum of five additional dwelling units per land unit (made up of a primary, 2nd, 3rd, 4th and 5th dwelling);

Size of Second Dwelling Unit in Residential Zones IIB and IIIA–C

- Maximum size will be determined by the permissible coverage and floor area ratio on the erf/land unit.

Coverage

- Maximum coverage in terms of the density zone.

Building Lines

- As applicable to the Zoning and the primary dwelling.

Height

- 2 Storeys
- No point of a building shall exceed a vertical distance above the grade line of:
    - 6m – in the case of flat roofed buildings, or
    - 8m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line;

  Provided that:

    - Chimneys and flues are exempt from this height restriction.
    - Antennas, satellite dish antennas (of less than 1.5m diameter), external geysers or renewable energy apparatus attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m.

Parking

- At least one on-site parking bay to be provided for the second dwelling unit.

Vehicular Access:

- Only one vehicular access per street frontage is to be permitted.

Outbuildings:

- Outbuildings normally incidental to a main dwelling will be permitted with a second dwelling unit on condition that the permissible coverage is complied with.

Municipal Services:

- The construction of a second dwelling shall be subject to municipal services departments certifying that capacity is available on the services network in the specific area.
- The second dwelling unit is required to make use of the existing Municipal service connections serving the primary unit on the site.

Ownership

- Separate ownership for the main and second dwelling shall not be permitted, except if an application for subdivision is approved.

ANNEXURE C

OCCUPATION RATIOS APPLICABLE TO RESIDENTIAL USE

Occupation ratios applicable to all forms of residential use are regulated in terms of the standards prescribed in the SABS 0400·1990 - Code off Practice for the Application of the National Building Regulations.

In terms of SABS 0400·1990 occupation is restricted to:

- Maximum 2 persons per guest room in hotels, guest houses or bed and breakfast accommodation facilities
- Maximum 2 persons per habitable room in boarding houses and dwelling units
- A minimum of 5m² per person in dormitory rooms in residential buildings

ANNEXURE D

POLICY FOR PERMITTING CARPORTS

The Municipality may permit the erection of a carport, which will exceed a street or side building line subject to the following conditions:

- The width of the carport, measured parallel to the street boundary, shall not be more than 6m.
- The carport shall be supported by metal, wooden, brick or cement poles or pillars. These poles or pillars may have a maximum external dimension of 350mm and a maximum of four poles or pillars may be provided per side of the carport.
- No walls, except boundary walls, shall be constructed in such a way as to enclose the carport.
- The height of the carport, measured from the floor to the top of the roof, may not exceed 3m.
- No gates which open onto the pavement shall be permitted.
- Provision shall be made for the collection and run-off of rainwater from the carport.
- Written confirmation, from the affected adjoining owner, or owners of both adjoining land units if a street building line will be exceeded, to the effect that they have no objection to the proposed carport, shall be obtained.

ANNEXURE E

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

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

The following actions are required:

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

Detailed provisions

- Only one room of a dwelling, garage or outbuilding with an area not exceeding 30 m² may be converted for retail use.
- The dwelling must retain a primarily residential function.
- The house shop should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to facilitate off-loading of goods and to ensure adequate refuse removal.
- Not more than two people should be involved in operating a house shop.
- Advertising signs are restricted to one sign not exceeding 1m² in size
- Should any foodstuffs be prepared for sale from the house shop, the premises need to comply with applicable health regulations of the municipality.
- A complete record of all house shops must be kept by the Municipality in this regard.
- Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Municipality could result in the closure of the house shop and the withdrawal of the departure rights.

ANNEXURE F

POLICY FOR INFORMAL ALCOHOL RETAIL OPERATIONS (TAVERNS)

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

The following actions are required:

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

Detailed provisions

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

ANNEXURE G

POLICY FOR PERMITTING TEMPORARY USE RIGHTS / OCCASIONAL USES

The Municipality may permit:

- the establishment of a temporary construction camp where it is not practical to accommodate construction workers in an urban area due to the distance of the construction site from urban areas;
- the occasional use of property for temporary activities such as craft markets, circuses, religious gatherings, or other outdoor events, even though these are not in accordance with the zoning of the property concerned;

provided that, in the Municipality's opinion, the temporary or occasional use activity will not have a significant negative effect on surrounding areas, or on the natural and cultural environment.

Permission shall be subject to such conditions as the Municipality may impose, including (but not limited to) the following -

- that the applicant provides adequate parking, sanitation, waste management and other services to the Municipality's satisfaction;
- that such temporary activities do not extend for a continuous period as the municipality may specify;
- that the will ensure the rehabilitation of the land to its original state; and
- that such approval may be withdrawn by written notice to the applicant, should any condition of the permission not be complied with or should a public nuisance be created or environmental damage caused.

ANNEXURE H

POLICY FOR NOXIOUS USE/TRADE OR INDUSTRY

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

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

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

ANNEXURE I

PARKING AND LOADING REQUIREMENTS

All parking and all loading and off-loading requirements described herein must be provided on the land unit to which it applies.

Requirements for vehicular access/exit ways to a land unit:

(a) Shall be restricted to one access/exit way per site per street frontage. In specific cases, a separate ingress and egress can be considered.
(b) Shall be restricted to a maximum total width of 6m where such access/exit crosses the road reserve boundary.
(c) Shall not be closer than 10m to street corner, or where the corner is splayed, not closer than 5m measured from the point where the splay reaches the road reserve boundary. If the corner is situated at a high volume street intersection or a street intersection with traffic signals, the vehicular access/exit way shall not be closer than 20m to such corner.
(d) Shall be indicated on a site development plan.
(e) Panhandles providing access to erven containing a single dwelling unit shall have a minimum width of 4m. Double panhandles or panhandles providing access to erven containing more than one dwelling unit, shall have a minimum width of 6m. An access to two or more additional dwelling units on an erf, or an access to two or more townhouse units on a townhouse erf, shall have a minimum width of 6m.
(f) Width of panhandles providing access to erven containing non-residential uses will be determined by the Municipality.
(g) Loading bays shall have vehicular access of to a street of not less than 5m wide, and if carried through a building, not less than 3m in height.

CBD Parking

A defined CBD area, or part thereof, may be exempt from the parking requirements for Business Zone I, except where new buildings are erected or existing buildings are substantially modified. Such new buildings and modified buildings will be subject to the following on-site parking provision requirements:

(a) New buildings are subject to the full on-site parking provisions.
(b) In the case of substantially modified buildings, all new work will be subject to the full on-site parking provisions.

Demarcation of a Loading Area

(a) The loading or off-loading of goods and persons onto or from vehicles, where such activity is associated with one or more of the buildings or land-use types described in this Scheme, shall not be permitted to take place within a road reserve or upon any street except within such portions of a street which have been specifically demarcated for such purposes by the Municipality, or with the permission of the Municipality.

(b) The Municipality may, for the purpose of preventing the obstruction of traffic on any street, require an owner to submit for its approval, proposals for ensuring suitable and sufficient space on the site for any loading or unloading of vehicles which the utilisation of the building is likely to entail.
(c) Where, in the opinion of Municipality, the activities of a loading area could be detrimental to surrounding land-uses in terms of visual appearance, noise or of any other offensive nature, the Municipality may stipulate additional requirements.

Alternative Parking Requirements

(a) As an alternative to the parking requirement this Annexure, where the Municipality is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on the site, the owner may acquire the prescribed area of land for the parking facilities concerned elsewhere in a position approved by the Municipality, provided that:
    i. The owner registers a notarial deed against such land to the effect that the Municipality and the public shall have free access thereto for the purpose of parking;
    ii. The owner shall be bound to level this land and surface and maintain it to the satisfaction of the Municipality; and
    iii. All acquisition, construction, servitude registration and maintenance cost shall be borne by the owner.
(b) As an alternative to (a), the owner may, with the consent of the Municipality, pay a cash sum to the Municipality, equal to the assessed cost of constructing the shortfall in parking bays – estimated as follows:
    i. Estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided for the parking, multiplied by a factor of 1.075, in which event the Municipality shall be responsible for acquiring the necessary land for such parking purposes when and where the Municipality desires.
(c) The Municipality may consider relaxing the parking requirements if public transport facilities are incorporated into a development to the satisfaction of the Municipality.

Occupation Certificate

A building completion certificate, in accordance with the National Building Regulations, shall not be issued unless the parking and loading areas meet the requirements of this Scheme and has been constructed according to a relevant building plan and to the satisfaction of Municipality.

PARKING AND LOADING REQUIREMENTS	
USE	**REQUIREMENT**
A : RESIDENTIAL	
1. Single Residential: Residential Zone II A Residential Zone II B & C	 1 parking bay/dwelling unit 2 bay/dwelling unit
2. General Residential: Flats, Town Houses, etc.	1,0 bays/unit – 1 bedroom units 1,0 bays/unit – 2 bedroom units 1,5 bays/unit – 3 or more bedroom units plus an additional 0,5 bays per unit irrespective of number of bedrooms for visitor parking**
3. Hotels	1 parking bay/ habitable room and 10 parking bays per 100m² Public Accessible Area
4. Boarding Houses, etc.	0,6 parking bays/habitable room
5. Old Age, Frail or Handicapped Care Facilities, Orphanages, etc.	0,3 parking bays/ habitable room
6. Bed & Breakfast 1 - 2 guest-rooms…… 3 - 5 guest-rooms……	 2 parking bays for the owners and guests 2 parking bays for the owners/residents + 2 parking bays for guests
7. Guest House 6 - 16 guest-rooms	 2 parking bays for the owners/residents + 2 parking bays per 3 guest-rooms
B : OFFICES AND BUSINESS	
1. General Offices	2,5 parking bays/100m² GLA (no space to be deducted for kitchens, passages, etc.)
2. Professional Services such as Medical and Veterinary Consulting Rooms, Hairdressers, etc.	6 parking bays/100m² GLA
3. Business **Shops, Shopping Centres**, **Retail Malls, Banks, etc.**	6 parking bays/100m² GLA, for Business Zone l and ll. The use of property may not affect this requirement. 1 loading bay for every 500m² GLA up to 1000m², thereafter 1 extra bay for every additional 1000m² leasable floor area.
C : MEDICAL	
1. Consulting Rooms	6 parking bays/100m² GLA
2. Hospitals and clinics	1 parking bay/bed

D : INDUSTRIAL AND COMMERCIAL	
1. Manufacturing	1 parking bay /100m² GLA 1 loading bay for every 2500m² gross floor area up to 10 000m², thereafter 1 extra bay for every additional 10 000m² gross floor area
2. Warehousing	1 parking bay /100m² GLA 1 loading bay for every 2500m² gross floor area up to 10 000m², thereafter 1 extra bay for every additional 10 000m² gross floor area
3. Dairies, Bakeries and Laundries	1 parking bay /100m² GLA 1 loading bay for every 2500m² gross floor area up to 10 000m², thereafter 1 extra bay for every additional 10 000m² gross floor area
4. Storage Yards	1 parking bay /100m² GLA
5. Car Wash	3 parking bays /Wash-bay
E : PUBLIC GARAGES	
1. Petrol Filling Station	6 parking bays per 100m² sales area (spares, restaurant or convenience shop)
F : PLACES OF PUBLIC WORSHIP	
1. Place of Public Worship, Church	0,15 parking bays/seat
G : EDUCATIONAL	
1. Day Care Centres	1 space/class-room or office + Sufficient on and off loading area
2. Primary School	1 space/class room or office + Sufficient on and off loading area
3. Secondary School	1 space/class room or office + Sufficient on and off loading area
4. Colleges	0.25 spaces per student
5. Community Centres	2 spaces/100m² GLA
6. Halls	0,25 spaces/seat or 20 spaces/100m² GLA
7. Cinemas and Theatres **- within shopping centre** **- on dedicated premises**	 0,1 spaces/seat 0,2 spaces/seat

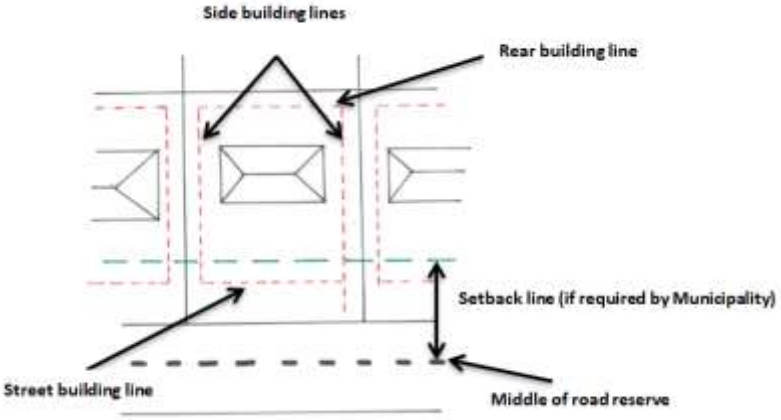
8. Sport Stadiums	0,25 spaces/seat
9. Swimming Pools	0,25 spaces/seat
10. Libraries and Museums	2 spaces/100m²
11. Other Public Facilities	2 spaces/100m² or at the discretion of the Municipality

ANNEXURE J

ADDITIONAL PROVISIONS APPLICABLE TO BUILDING LINES

To regulate deviations from, or development within or near building lines, following shall apply:

(a) The Municipality may specify additional minimum building lines or setbacks on properties bordering certain roads and streets, based on the status of such roads or streets being National or Provincial Roads or where a street needs to be widened.



(b) Where the application is made for a consent use in any particular zone, the following will apply with regards to building lines:

(i) Any consent use in a relevant zone, which is a primary use in any other zone, shall be subject to the same building lines as applicable to the primary use in the other zone, unless the conditions in the relevant zone are more restrictive;

(ii) Any consent use in a relevant zone which is not a primary use in another zone shall be subject to the same conditions as the primary use in the relevant zone; and

(c) Deviations from building lines can only be approved by the Municipality by way of a Departure, provided that:

(i) The owner(s) of the effected adjoining property / properties need to consent to the proposed relaxation;

(ii) Where such building line is situated on a provincial or national road, the relevant roads authority needs to consent to such relaxation; and

(iii) No doors or windows being permitted in any wall situated within 1 meter of a boundary.

(d) An eaves projection may exceed the prescribed street, side or rear building line by maximum 1m.

(e) The Municipality may permit the erection of screen or yard walls, pergolas or similar unroofed ornamental structures within the building lines of a land unit subject to such structures being erected in such manner and of such dimensions as in the opinion of the Municipality would not be likely to impact negatively on the amenities of neighbouring properties. The height of such structures shall not exceed 1,8m unless accompanied by a building plan.

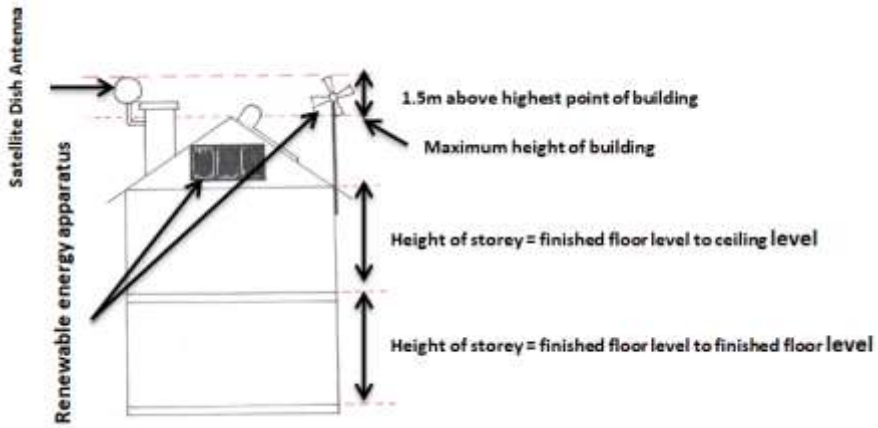
(f) A swimming pool may not be erected nearer to the boundary of a land unit than the maximum depth of the pool, or 2m, whichever is the more restrictive.

ANNEXURE K

ADDITIONAL PROVISIONS APPLICABLE TO BUILDING HEIGHT

The Municipality shall apply the following parameters when determining the maximum permissible height of a building:

- The maximum height specified for a storey is measured as follows:
  - from finished floor level to finished floor level - in the case of a multi storey building;
  - from finished floor level to the ceiling - in the case of a single storey building or top storey in a multi storey building; or
  - to a level equivalent to the height of the outside wall of a building if no horizontal ceiling is present.
- A roof, or dome which forms part of a roof, shall not constitute a separate storey, unless the space within the roof is designed for, or used for human occupation, in which case it is deemed to be a storey.
- Any storey which is greater than the permitted height of a single storey but equal to or less than the permitted height of 2 storeys, shall for the purposes of height measurement be deemed to be two storeys.
- Antennas, satellite dish antennas (of less than 1.5m diameter), external geysers or renewable energy apparatus such as solar geysers and solar panels attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m.
- The maximum height of a building is determined by the following:
  - Permitted number of storeys.
  - Permitted height per storey for the type of building.
  - Permitted height of the roof structure.



The permissible maximum height for a storey and roof structure of building types are as follows:

BUILDING TYPE	MAXIMUM HEIGT (m)	
	STOREY	ROOF
Residential	3.2	2
Institutional	4.2	3
Industrial	4.2	3
Commercial / Business	4.2	3

No point of a building shall exceed a maximum vertical height above the "*natural ground level*", provided that:

- Chimneys and flues are exempt from this height restriction.
- Antennae and satellite dish antennae of less than 1.5m diameter, external geysers or renewable energy apparatus attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m.

Method for determining the maximum height of a building

Relevant definitions:

"*Natural Ground Level of Land*" - means the level of the land surface at any point on a land unit:

(a) in its unmodified, natural state; or

(b) if the natural state has been modified, as established from a contour plan lodged with an official agency such as the Municipality or the office of the Surveyor General which, in Municipality's opinion, depicts the natural ground level; or

(c) if the natural state has been altered by way of grading or excavation, with Municipality's approval, for the purpose of development; provided that:

i. any grading for the purpose of development shall connect evenly with the existing levels of abutting land units;

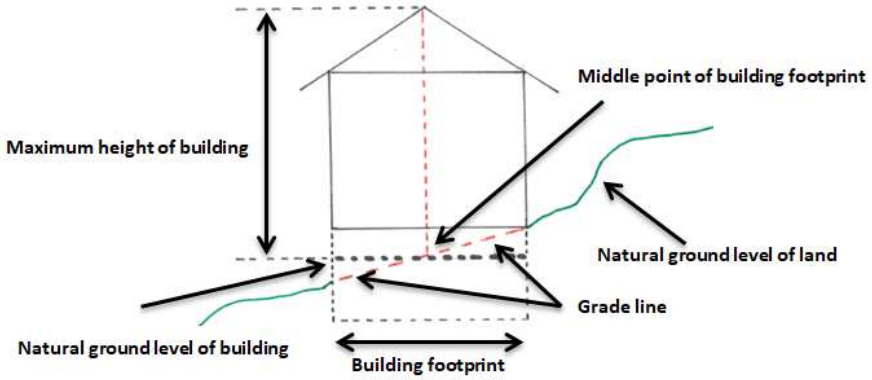
ii. where land is excavated, the excavated level is deemed to be the natural level of the ground;

iii. where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the Municipality shall determine a level for the purpose of administering this scheme; and

iv. where land is excavated and the excavated material is used to extend the building site (cut and fill), the Municipality shall determine a level for the purpose of administering this scheme

"*Grade Line*" - means an imaginary surface that corresponds with straight lines connecting the highest and lowest natural ground levels immediately contiguous to the footprint of a building or structure.

For the purpose of height control, *Natural Ground Level* of a building is regarded as a horizontal plane encompassing the building footprint, equivalent to the point where the *Grade Line* intersects with the middle point of the footprint of the building or structure – or in the event of a multi-level building or structure, the middle point of the footprint of each level of such building or structure.



The maximum height of a building is measured at the highest point of such building above the *natural ground level* of the building.

ANNEXURE L

REQUIRMENTS FOR SITE DEVELOPMENT PLANS

A site development plan, compiled to a scale of 1:500 or such other scale as may be approved by the Municipality, shall be submitted for approval to the Municipality.

No building shall be erected on the site until such site development plan and building plans in accordance with the site development plan have been approved by the Municipality.

The entire development of the erf or land unit shall be in accordance with the approved site development plan, provided that:

(a) The plan may be amended by way of an application for an amendment of the approved site development plan;

(b) The Municipality may exempt the owner from submission of all or certain provisions contained within this regulation; and

(c) The site development plan shall indicate at least the following;

i) The location and height of all buildings and structures;

ii) Vehicular and pedestrian entrances to and exists from the site and all buildings (refer to **Annexure F** for requirements for vehicular access/exit ways to land units).

iii) Proposed subdivision lines, if the erf is to be subdivided;

iv) Building lines and all existing and proposed servitudes;

v) Protected Environmental Features, Wetlands, Streams, Springs and where applicable, the 1:100 year flood lines of any river or stream;

vi) Known heritage features and/or buildings;

vii) Parking, loading and unloading areas;

viii) On-Site vehicular and pedestrian circulation;

ix) Elevation of all buildings and structures – if required by the Municipality.

x) The phasing of the development, if it is envisaged that the total development will not take place simultaneously;

xi) A land use schedule which specifies the zoning of the property, applicable development controls and controls used for the development;

xii) A contour map indicating 1 meter contour intervals; and

xiii) Any other requirement deemed necessary by the Municipality.

xiv) For Townhouse, Business and Office developments, the position of centralised refuse collection points.

(d) An Occupation Certificate as contemplated in terms of the National Building Regulations shall not be issued if the development of a property does not comply with the approved Site Development Plan.

ANNEXURE M

POLICY FOR TELECOMMUNICATION INSTALLATIONS

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

Land Use Authorisation

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

Building Control

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

Conditions applicable to decommissioning of Telecommunication Installations

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

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

ANNEXURE N

POLICY FOR PERMITTING MINING ACTIVITIES

Permission for mining activities in terms of these scheme regulations shall be obtained by way of a departure application.

Conditions of departures granted, including validity period of the Departure, shall be in accordance with stipulations of the required permit and/or license to be granted by the Department of Mineral and Energy Affairs.

ANNEXURE O

POLICY FOR RENEWABLE ENERGY APARATUS AND STRUCTURES

To accommodate the establishment of Renewable Energy Structures, the following conditions shall apply:

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

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

Land Use Authorisation

- No permission is required to install or attach a Renewable Energy Apparatus to any surface of a building, provided that it may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m. If such apparatus exceeds the vertical height provisions, it should be treated in the same manner as Renewable Energy Structures.
- Permission for erecting Renewable Energy Structures in terms of these scheme regulations shall be obtained by way of Special Consent approval in Agricultural Zone.
- Conditions of approval, including the validity period, shall be to the discretion of the Municipality. Where the Renewable Energy Structure forms part of a commercial electricity generation enterprise that requires a license from the National Electricity Regulator of South Africa (NERSA) or similar body, the period of validity will be for the duration of the of the validity of the license from the Regulator.

- Renewable Energy Structures shall be subject to the relevant requirements of other relevant legislation, including the National Environmental Management Act and Civil Aviation Act and Regulations.

Building Control

- Height
  A maximum height of 200m above the grade line for any pylon, pole or mast and mechanisms mounted thereon, measured from the middle point of the footprint of each pylon, pole or mast to the highest point of such pylon, pole or mast with mechanism (including any blades or other protrusions).

  For “Associated buildings”, no point of a building shall exceed a vertical distance above the grade line of:
  - 6m in the case of flat roofed buildings, or
  - 8m in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line;
  - Provided that chimneys, flues and antennas are exempt from this height restriction.

- Setback
  A distance equal to 1,5 times the overall height of renewable energy structures and apparatus attached thereto (including blade tip or other protrusions), or associated buildings, measured from:
  - the nearest public or private building, structure or space designed for human occupation (live, work or recreation);
  - the cadastral boundary of the land unit (unless the renewable energy site straddles such cadastral boundary);
  - any public road or private or public right of way; and
  - any external electrical infrastructure (not associated with the renewable energy site).

Additional Conditions

- Site Development Plan (SDP)
  As part of the application or stipulated as a condition of approval, a SDP must be submitted for approval by the Municipality.
  The SDP must reflect the boundaries of the renewable energy site and exact location, specifications and positioning of the renewable energy structure, including associated structures, infrastructure and buildings.
- Visual and environmental impact
  Visual and environmental impacts must be taken into account for the positioning of the structure, height determination and in general, to the satisfaction of the Municipality.

Conditions applicable to decommissioning of Renewable Energy Structures

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

- When a Renewable Energy Structure is scheduled to be decommissioned or operations have been discontinued or abandoned, the owner of the Renewable Energy Structure must notify the Municipality by registered mail and submit timeframes for removal of the structure/s and associated infrastructure within 60 days after the operation ceased.

- Any Renewable Energy Structure and associated infrastructure, including buildings, power lines, cables, security barriers, and roads which has been decommissioned, which has reached the end of its productive life or has been abandoned, must be removed.
- The owner of the Renewable Energy Structure is responsible for the removal of the structure in all its parts, and rehabilitation of the land to the satisfaction of the Municipality, within a timeframe agreed upon by the Municipality.
- If the owner fails to remove the structure or parts thereof in accordance with the timeframe agreed upon by the Municipality, the Municipality may enter the property and remove the structure or parts thereof. All removal costs in such a case may be recovered from the owner.

ANNEXURE P

GUIDELINES FOR MANAGING LAND DEVELOPMENT IN CLOSE PROXIMITY TO WATER RESOURCES (DRAINAGE COURCES & WETLANDS)

To limit the impact of land development activities in the catchment or in close proximity to drainage courses or wetlands, the Municipality will apply the provisions described herein.

Statutory Requirements

To ensure that Mbhashe Municipality optimises the use of all available legal mechanisms to protect water resources (wetlands and watercourses), Municipal Land Use Management needs to be aligned with such mechanisms. Although the intention of alignment is not to duplicate legal processes, it is important to ensure that, where relevant, conditions are included in land development authorisations to ensure that development activities will comply with the provisions and principles of applicable legislation.

These include:

- **National Environmental Management Act, No. 107 of 1998 ('NEMA')**
  To comply with NEMA, where development will include listed activities that may impact water resources (watercourses and wetlands), published in listing notices of the EIA Regulations (2017) under Section 24(5) and 44 the NEMA.

  These mainly relate to listed development activities that will occur:
  - outside urban areas, existing roads or road reserves or railway reserves
  - within a watercourse;
  - in front of a development setback; or
  - if no development setback exists, within 32m of a watercourse, measured from the edge of a watercourse

- **Conservation of Agricultural Resources Act, 1983 ('CARA')**
  On **all agricultural properties** (or communal land functioning as agricultural land) it is necessary to complying with CARA, where development will include any of the regulated activities published under Section 29 of CARA (that may negatively affect watercourses). Activities include:
  - cultivation of virgin soil
  - utilisation of vegetation in a manner that causes or may cause the deterioration of or damage to the natural agricultural resources:
    - in a wetland (terminology in CARA refer to vlei, marsh or water sponge)
    - within the flood area of a water course
    - within 10m horizontally outside such flood area

- draining or cultivation of any wetland (referred to in CARA as vlei, marsh or water sponge) or a portion thereof; or
- cultivation of any land within the flood area of a water course or within 10m horizontally outside the flood area of a water course.
- diverting any run-off water from a water course to any other water course.
- effecting an obstruction that will disturb the natural flow pattern of run-off water or permit the creation of such an obstruction unless the provision for the collection, passing through and flowing away of run-off water through, around or along that obstruction is sufficient to ensure that it will not be a cause for excessive soil loss due to erosion through the action of water or the deterioration of the natural agricultural resources.

- **National Water Act No 36 of 1998**

  Section 144 of the Act stipulates that "*no person may establish a township unless the layout plan shows, in a form acceptable to the local authority concerned, lines indicating the maximum level likely to be reached by floodwaters on average once in every 100 years*".

(a) To effectively cover the above, it is important to ensure that Land development applications include the following information on plans forming part of such application:

- **Position of the Urban Edge (if the subject land area is affected by the Urban Edge)**
- **Development setback lines (if such lines are available and if the land area subject to the application is affected by a setback line)**
- **Position of watercourses and watercourse edges / wetland and wetland edge (if the land area subject to the application is affected by watercourses and/or wetlands)**
- **1:100 year floodline (if the land area subject to the application is affected by a floodline)**

(b) Conditions are imposed as part of a development approval to ensure protection of water resources and compliance with statutory restrictions.

Best practice requirements

Unless provided for in other legislation, Municipal Bylaws or regulations, the following will apply:

- **Storm-water management / run-off flow control requirements**
  Where land development will result in development of more hardened surfaces (roof coverage and/or paved surfaces), the Municipality needs to consider stipulating appropriate conditions in the approval to ensure that the resulting impact of increased run-off flow rates can be mitigated. It is important not to be too prescriptive, but to rather allow the applicant scope to consider one or more design solutions to achieve the desired results

  Examples of measures that can be considered as alternatives include the following:
  - Planted roofs
  - Infiltration trenches
  - Detention ponds
  - Rainwater harvesting
  - Bio-retention areas
  - Retention Ponds
  - Permeable paving
  - Sand filters
  - Constructed wetlands

- **Ground-water contamination prevention measures**
  Where conventional waterborne sewerage infrastructure capacity is not available, the following minimum requirements need to be applied in considering land development authorisations:
  - Minimum residential erf size where “soakaways” or “unlined” VIP toilets can be allowed is 1800m², subject to:
    - Confirmation of soil suitability
    - Setback requirements if erven are situated in close proximity to watercourses or wetlands.

  Careful consideration to be given to geotechnical and soil conditions, prior to the authorisation of development of cemeteries, waste sites and waste water treatment works.
  - Minimum setback distance from watercourses or wetlands of 200m.
  - Relaxation of the setback will be subject to confirmation of soil suitability.

APPENDIX

IMPLEMENTATION PROPOSALS & PROCEDURES

General Provisions

This Scheme forms part of the Mbhashe Spatial Planning and Land Use Management System, with the Mbhashe Municipality being the authority responsible for implementing the provisions of this Land Use Scheme.

Implementation procedures of the Mbhashe Land Use Scheme are guided by what is contained in the relevant sections of the Municipal SPLUMA By-laws, the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) and any additional provisions specified in applicable Provincial Legislation.

Unless otherwise determined by a new national and/or provincial legal framework, for areas situated within the administrative jurisdiction of a Traditional Authority, the normal process of obtaining permission to use land from the Traditional Authority Structure will apply and no building may be erected or land used without the written authority of the relevant Traditional Authority and the Mbhashe Municipality.

In considering an application for any building, structure, development, use or sub-division, the Municipality shall take into consideration the character of the area and relevant spatial development proposal of the Municipality's Spatial Development Framework or relevant Local Spatial Development Framework. The Municipality may upon approving an application stipulate conditions it considers necessary to mitigate any anticipated risks or negative impacts on the surrounding land areas. Such conditions, issued along with an approved land development application, shall have the same status as conditions of the Land Use Scheme. In the event of an application being turned down, the Municipality shall give reasons for its decision.

Pre-Scheme Uses

For all areas of the Municipality that did not form part of a scheme prior to the introduction of the Mbhashe Wall-to-Wall Scheme, the lawfulness of the use of land at the time of introduction of the scheme must be confirmed as well as such uses that land could have been used for at the time.

The above provision does not exempt the owner of a building or property from the provisions of any other legislation that may be applicable to the use or activity being practised.

Where such existing lawful use of any building or land is interrupted or discontinued for a continuous period of 15 months or longer, the development parameters that applied to such use shall be deemed to have lapsed. The provisions of this Land Use Scheme shall from then on apply to such or land. Refer to Section 180 of the Municipality's SPLUMA bylaws for other Transitional provisions.

Procedures for incremental integration of rural settlements and "informal settlements" into the Mbhashe Land Use Scheme

The introduction of a Wall-to-Wall Scheme in areas not previously administered in terms of Scheme Regulations requires the Municipality to apply an incremental approach. The following provides guidelines for what should be included within such process.

The following actions are required:

- Identify all rural settlements located within the area of jurisdiction of a Traditional Authority.
- For all rural settlements (whether cadastrally surveyed or not), undertake a study to confirm the suitability of the underlying and surrounding area for settlement. This study should aim to identify any conditions that pose a risk to the health and safety of residents residing in the settlement area.
- Based on the information collected during the development suitability study, undertake a local spatial planning process (with appropriate participation of the local community and traditional authority structures) and identify an outer boundary for the area that have been confirmed as suitable for settlement and that can, in terms of this scheme, be regarded as "Land for Settlement".
- Areas that can be demarcated as "Land for Settlement" include:
    - Areas occupied by existing settlements
    - Open areas where settlement infill development or settlement expansion is envisaged in the near future. This could be vacant land within or immediately adjacent to existing settlements or green-field areas identified for future settlement development.

Un-surveyed Settlement areas

- If an area demarcated as "Land for Settlement" is not internally subdivided and defined by way of cadastrally surveyed erven, the outer demarcated settlement edge should be surveyed or depicted on a geo-referenced plan and all land within such surveyed or depicted edge should be allocated a Residential Zone 1A Zoning. This zoning will be applied to the entire area within the defined settlement edge and no differentiation will be made between land parcels that are separately occupied or developed. If any new land use is intended, other than what is permissible as a primary right in terms of Residential Zone 1B zoning, application should be made for Subdivision and Special Consent or Rezoning to the appropriate zoning to permit such use. Once approved, the land parcel must be surveyed or depicted on a geo-referenced plan and registered in the scheme registers with the allocated erf or land unit number and zoning.
- At the point that internal land parcels in a Residential Zone 1A area are separately defined by way of a cadastral survey or depicted on a geo-referenced plan, residential erven will be allocated a Residential Zone 1B Zoning (along with the appropriate density category allocated as set out in Section 3.2 of the scheme). All other surveyed or depicted erven that are not permissible as primary or consent

uses within the Residential Zone 1B Zoning must be allocated the appropriate zoning in line with its present or allocated use in terms of an approved layout plan.

- Un-surveyed (or un-depicted) land parcels within a settlement edge, will retain a Residential Zone 1A Zoning, until such time as uses are defined for such land parcels in terms of an approved layout plan for the settlement (and such land parcels being surveyed or depicted).

Surveyed Settlement areas

- If an area demarcated as "Land for Settlement" is internally defined by way of cadastrally surveyed erven (or plan drawn on geo-reference areal imagery or maps to the satisfaction of the municipality), each land unit must be allocated the appropriate corresponding zoning as contained in this scheme, with residential erven to be allocated Residential Zone 1B Zoning (along with the appropriate density category allocated as set out in Section 3.2 of this scheme).
- Surveyed or depicted land parcels within a defined settlement edge that are vacant and for which no use is allocated, will be given a Residential Zone 1B Zoning, until such time as a use is defined for such land parcel in terms of an approved layout plan for the settlement.
- If any new land use is intended for existing land units or vacant land within a defined Settlement Edge, application should be made for Subdivision, Special Consent or Rezoning (as the specific situation may require) to the appropriate zoning to permit such use. Once approved, the land parcel must be surveyed or depicted (if it includes a subdivision) and captured in the scheme registers with the allocated erf or land unit number and zoning. If the application only entailed a special consent or rezoning, the scheme register and map needs to be updated accordingly.

Procedures for identifying, confirming and integration of new "Land for Settlement" areas

The introduction of the concept and use of "Land for Settlement" in the Municipality will require an incremental approach. The following provides guidelines for what should be included within such process.

The following actions are required:

- Identify existing informal settlement areas or vacant areas that are considered for potential future "Public Funded Residential" development.
- Undertake a study to confirm the suitability of the underlying and surrounding area for settlement.
- Based on the information collected during the development suitability study, clearly define the extent of the area that can be demarcated as "Land for Settlement".
- If not within an existing defined Urban Edge, Nodal Edge or Settlement Edge in terms of the applicable SDF or LSDF, the Urban, Nodal or Settlement edge must be defined and incorporated within the applicable SDF or LSDF.
- Undertake the required land development application procedures.

- For rural areas where no municipal approved layout plan is available, this will entail application for subdivision of the outer extent of the area and rezoning to Residential Zone IA. If a municipal approved layout plan is available, the subdivision and rezoning will be in line with the approved plan.
- For urban areas where no municipal approved layout plan is available, this will entail application for subdivision of the outer extent of the area and rezoning to Residential Zone IIA. If a municipal approved layout plan is available, the subdivision and rezoning will be in line with the approved plan.