



PROVISION OF PROFESSIONAL SERVICES TO FORMULATE A WALL-TO-WALL LAND USE SCHEME(LUS) IN SUPPORT OF WALTER SISULU LOCAL MUNICIPALITY

Phase 3: Integrated Land Use Scheme Registration

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1. INTRODUCTION

This document presents a Walter Sisulu Local Municipality Land Use Scheme Regulations. It seeks to translate the SDF to a more detailed set of detailed zoning categories. In that, it serves as a linking element between the SDF and Scheme and bridges the gap between these two land use management tools and enable the comprehensive management of all erven (both private and public sector) within the Municipality; promote and implement the applicable planning and development legislation and principles as adopted by the relevant National, Provincial and Municipal spheres of government from time to time and lastly to promote and implement the Vision and Strategies of the Integrated Development Plan in the realization of quality environments.

1. PREAMBLE

The Walter Sisulu Local Municipality (WSLM) initiated a process towards the preparation of a land use scheme that will cover the WSLM municipal jurisdiction in terms of the Spatial Planning and Land Use Management Act (SPLUMA). Act no. 16 of 2013. It is to be noted that the WSLM scheme is to be read in conjunction with the Integrated Development Plan, Spatial Development Framework, Municipal Spatial Planning and Land Use Management By-laws and the Spatial Planning Planning and Land Use Management Act.

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

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

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

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

- Harmonious and compatible land use patterns;
- Aesthetic considerations;
- Sustainable development and densification;
- The accommodation of cultural customs and practices of traditional communities in land use management; and
- A healthy environment that is not harmful to a person's health.

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

2. TITLE

The regulations contained in this document shall be known as the **Walter Sisulu Local Municipality Land Use Scheme 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.

3. THE NEED FOR THE MUNICIPAL LAND USE SCHEME

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

4. WRONGFULLY ALLOCATION OF ZONING

Should any property be assigned a zoning which has been wrongly converted from previous zoning maps which preceded these regulations, the owner of an affected property is entitled to

submit an application to the municipality to rectify the identified discrepancy. The following process is to be followed:

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

5. SCHEME CONSIDERATIONS

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

- The National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003); and/or the National Environmental Management Biodiversity Act, 2004 (Act 10 of 2004); regulations under these Acts; and approved management plans implemented by the management authority in such areas (such as a National and Provincial Parks authority);
- Subdivision of Agricultural Land Act, 1970;
- Guidelines developed for land used for mining and mineral resources areas;
- National and Provincial water resource acts;
- Heritage conservation Acts.

6. CONFLICT OF LAWS AND LEGISLATIVE COMPLIANCE

- (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) Other by-laws and supporting legislation which relate to erection of structures within a specified distance of the boundaries or centre line will take preference above the scheme except where the scheme:
 - i. Requires a road width greater than that determined by such other by-laws;
 - ii. Requires structures set back from boundary or centre line or road at a greater distance than that determined by such other by laws;
- (c) Should the scheme regulation be in conflict with national or provincial legislation the provisions of the more onerous regulation shall prevail. This includes (but is not limited to) the provisions of the National Building. Regulations and Building Standards Act,

1977 (Act 103 of 1977) and Act 21 of 1940, in so far as they require buildings to be erected at a greater distance from the boundaries of an erf than is required in terms of these regulations, shall have preference above the provisions of the Land Use Management Scheme.

- (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) No person may use or commence with, carry on or cause the commencement with or carrying on of land development which is not permitted in the land use scheme or for which an approval is granted in terms of this By-Law;
- (f) When an applicant or owner exercises a land use right granted in terms of an approval he or she must comply with the conditions of the approval and the applicable provisions of the land use scheme;
- (g) In addition to the provisions of this Chapter, the provisions of Chapter 6 apply to any application submitted to the Municipality in terms of this Chapter;
- (h) Any reference to the Municipality in this Chapter includes a reference to the Municipal Planning Tribunal and the Authorised Official, as the case may be.

7. TRANSITIONAL PROVISIONS

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

- (a) Decisions on applications made in terms of laws repealed by section 59 of SPLUMA (DFA, LEFTEA, etc) may still be outstanding; or
- (b) Decisions on development applications made in terms of provincial laws (Land Use Planning Ordinance 15 of 1985 or the Town Planning and townships ordinance no. 15 of 1986);

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

- (a) The repeal of laws referred to in section 59 of the municipal planning by law or by a provincial legislature in relation to provincial or municipal planning does not affect the validity of anything done in terms of that legislation;
All applications, appeals or other matters pending before a tribunal established in terms of section 15 of the Development Facilitation Act, 1995 at the commencement of this

Act that have not been decided or otherwise disposed of, must be continued and disposed of in terms of this Act.

8. COMPONENTS OF THE LAND USE SCHEME

The 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 zonings have been allocated to the captured land use categories of the surveyed towns;

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

1. An applicant who wishes to develop on or change the land use purpose of communal land located in the area of a traditional council where such development will have a high impact on the community or such change requires approval in terms of a land use scheme applicable to such area, must apply to the Municipality in the manner provided for in the municipal planning by-law.
2. No application pertaining to land development on or change of the land use purpose of communal land may be submitted unless accompanied by power of attorney signed by the applicable traditional council.

2. DEFINITIONS

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

2.1 GENERAL DEFINITIONS

In this Scheme, unless the context otherwise indicates, any word shall, when used in this Scheme, have the same meaning as in these definitions.

Agricultural Building

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

Ancillary Use

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

Arcade

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

Associated Structures and Activities:

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

Authorised Official

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

Authority

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

Basement

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

Boarding House

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

Building

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

Building Line

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

Business purposes

The purposes normally or otherwise reasonably associated with the use of land for business activities, including shops, offices, showrooms, restaurants, or similar businesses other than places of instruction, public garages, builder's yards, scrap yards and industrial activities.

By-Law

Means the bylaws or regulations of the Municipality in force in the area of the Scheme.

Caravan

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

Clinic

Means a facility providing medical, psychiatric, or surgical service for sick or injured persons, including emergency treatment, diagnostic services and services to outpatients, employees or visitors and may include a day-ward.

Commercial Purposes

Means purposes normally or otherwise reasonably associated with the use of land for distribution centres, wholesale trade, storage warehouses, carriage and transport services, laboratories, or computer centres, including offices and other facilities that are subordinate

and complementary to such use.

Commercial Workshop

Means a light industrial workshop, wherein the primary purpose is the selling of goods and services by retail, and where the processes are operated specifically in conjunction with a shop or office to which the general public has access as customers, and it includes such uses as a watch repairer, shoe repairer, electronic equipment repairer and an electrician, but excludes a garage or petrol filling station.

Communal Farming

Means a portion of land that is used for agricultural purposes with the intention of selling the harvested goods to support life in rural areas. This use may also include a chicken coop.

Communal Land

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

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

Communications Tower

a structure on which an antenna or dish is installed for the transmission, broadcasting or receiving of radio, television, radar or microwaves, and similar types of devices.

Community

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

Community Hall

a facility that is used for cultural activities, social meeting, funeral proceedings, and gatherings in traditional communities.

Community purposes

Means purposes normally or otherwise reasonably associated with the use of land for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sport clubs or

recreational or other activities where the primary aim is not profit-seeking, excluding a place of amusement.

Conference Centre

a building including the land associated therewith, used for conferences, gatherings, indoor recreation, commercial exhibition hall, related catering facilities, and such other uses considered by the municipality to be ancillary thereto, or reasonably for the use of the building as a conference centre.

Conservation Area:

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

Consent

Means a land use right that may be obtained by way of consent from the municipality and is specified as such in the land use scheme; "consolidation" means the joining of two or more pieces of land into a single entity; "Constitution" means the Constitution of the Republic of South Africa, 1996

Consent Use

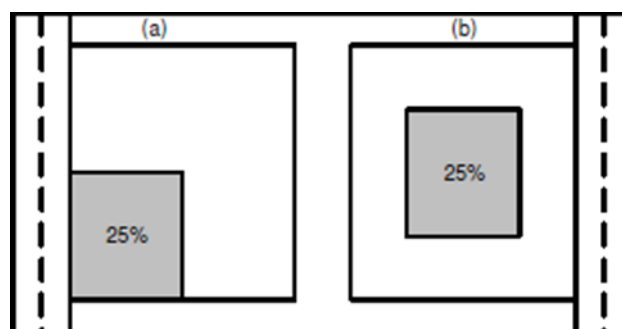
Means an additional use right permitted in terms of the Scheme as defined in a particular use zone with the Consent of Municipal Planning Approval Authority.

Council

Means the municipal council of the Municipality;

Coverage

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



Crematorium

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

Deeds registry"

Means a deeds registry as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937)

Departure

Means an application for a temporary deviation from, or permanent amendment of, land use scheme provisions applicable to land

Develop Land or Development

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

Diagram

Means a diagram as defined in the Land Survey Act, 1997 (Act No. 8 of 1997);

Duplex Flat

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

Dwelling House

Means a building constructed, used or adapted to be used, as a dwelling unit to accommodate one household and which includes not more than one kitchen, habitable rooms for the accommodation of bona fide domestic staff, outbuildings and accessories as are ordinarily used therewith. Only in the case of Agricultural land can a dwelling unit allow for more than one family and kitchen.

Dwelling Unit

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

Dwelling Unit Curtilage

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

Educational purposes

Means purposes normally or otherwise reasonably associated with the use of land primarily for instruction or teaching purposes, including crèches, schools, lecture halls, monasteries, public libraries, art galleries, museums, colleges, and universities.

Environmental Screening Report

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

Erection of a building

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

Erf

Means any piece of land registered in the Deeds Registry as an erf, lot, plot, stand or farm and includes a portion of an erf, lot plot, stand or farm; provided that where, as a provision of the Scheme, a proposed road or a change in zoning divides a registered piece of land into two or more portions, the term "Erf" shall apply to each of such portions as if they had been separately registered.

Erf Area

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

Existing Building

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

Existing Use

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

Flood Line

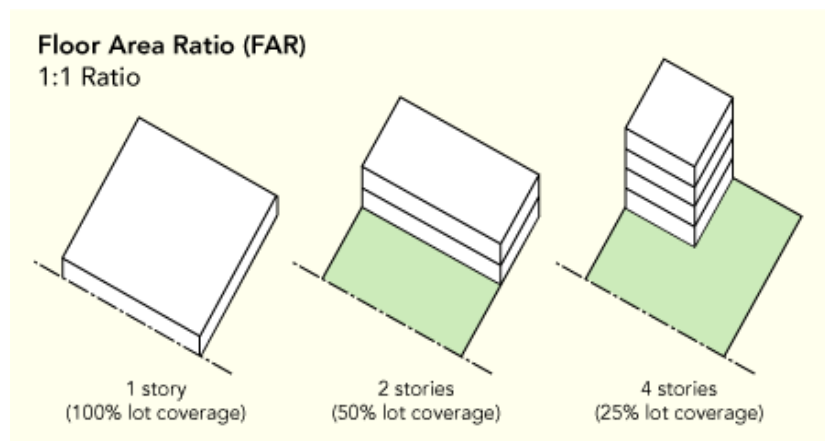
Means the lines indicating the maximum level likely to be reached by floodwaters on the land in question in a specified event.

Floor Area

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

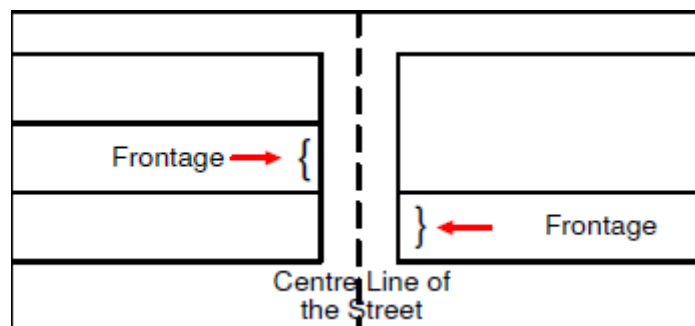
Floor Area Ratio

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



Frontage

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



Government purposes

Means purposes normally or otherwise reasonably associated with the use of land by the national government, a provincial government, or a municipality to give effect to its governance role.

Gross Office Area

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

Gross Shop Area

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

Ground Floor

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

Hardware

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

Height

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

Homeowners Association

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

Hotel

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

Household

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

Indigenous

refers to individuals who originate naturally in a place.

Industrial Purposes

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

Institutional purposes

Means purposes normally or otherwise reasonably associated with the use of land for charitable institutions, hospitals, nursing homes, old-age homes, clinics, and sanatoriums, either public or private.

Kennels

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

Kitchen

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

Maisonette (or Pair of Maisonettes)

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

Mall

Means an area of land open to the air and reserved exclusively for pedestrian traffic but may include fountains, benches and other similar features as well as kiosks for, inter alia, the sale of refreshments.

Medium Density Housing Site

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

Municipality

Means the Walter Sisulu Local Municipality or its successor in title as envisaged in section 155(1) of the Constitution, established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act, section 56 of the Act or section 182 of this By-Law

Municipal Planning Tribunal

Means the Municipal Planning Tribunal for the municipal area established in terms of section 33, the joint Municipal Planning Tribunal established in terms of section 45, or the District Municipal Planning Tribunal established in terms of section 49

Net Developable Area

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

Objector

Means a person who has lodged an objection with the Municipality to a draft municipal spatial development framework, draft land use scheme or a land development and land use application;

Occupant

Means any person occupying a building or land irrespective of whether such occupation is legal or not.

Outbuilding

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

Owner

Owner in relation to a building or land, means the person in whose name such land is registered in the Deeds office.

Overlay Zone

Means a mapped overlay superimposed on one or more established zoning areas which may be used to impose supplemental restrictions on uses in these areas or permit uses otherwise disallowed

Permission to Occupy (PTO)

Means a form of leasehold whereby one may occupy a land in custody of a Traditional Council, and develop the land as mutually agreed. This applies only land under communal ownership.

Premier

Means the Premier of the Province of Eastern Cape.

Primary Use

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

Private Open Area

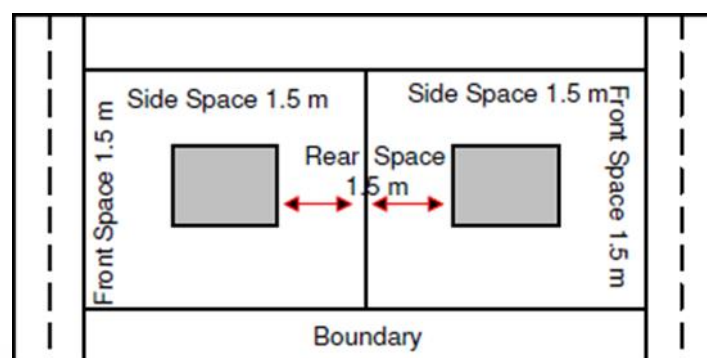
Means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and which is adjacent to and has direct access from a dwelling unit on a medium density housing site, such private open area being reserved for the exclusive use of the occupants of the associated dwelling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

Prohibited Uses

This category includes land uses which are considered to be incompatible with the surrounding land uses, and which the Municipality is precluded from considering. The proposed change in land / building use may only be considered with an application for a rezoning or scheme amendment in terms of the applicable legislation.

Rear Boundary

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



Recreational purposes

Means purposes normally or otherwise reasonably associated with the use of land primarily for recreation, including entertainment, leisure, sports, and amusement facilities.

Residential purposes

Means purposes normally or otherwise reasonably associated with the use of land primarily for human habitation, including a dwelling house, group housing, hotels, flats, boarding houses, residential clubs, hostels, residential hotels, and rooms to let.

Rezoning

Means the amendment of a Scheme map in terms of the Walter Sisulu Local Municipality SPLUMA By-laws, in order to effect a change of zoning and associated controls, restrictions and provisions in relation to a particular lot or erf.

Rural

Means land located outside of urban areas within rural settlements on land not used for bona fide agricultural activities

Scheme

Is the Walter Sisulu Local Municipality Town Planning Scheme, as amended from time to time.

Scheme Map

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

Semi-Detached House

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

Servitude

Means a registered right that grants the use of a portion of land for specified purposes.

Side Boundary

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

Special Consent

Is the consent of the Municipality.

Storey

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

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

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

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

(d) A storey shall not be higher than 4, 5 metres. If a storey is higher than this, each 4, 5 metres or part thereof shall count as a storey.

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

Street Line

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

Subdivision

Means the division of a piece of land into two or more portions;

Terrace House

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

Traditional Communities

Means communities recognised in terms of section 3 of the Eastern Cape Traditional Leadership and Governance Act, 2005 (Act No. 4 of 2005)

Transient

Means a continuous period of 2 weeks or less.

Usable Common Open Space

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

Utility Area

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

Watercourse

Means:

- a) a river or spring;
- b) a natural channel in which water flows regularly or intermittently
- c) a wetland, lake or dam into which water flows: and
- d) any collection of water which the Minister may, by notice in the gazette declare to be a watercourse,
- e) a reference to a watercourse includes, where relevant, its bed and banks. (Source: National Water Act (No. 36 of 1998), as amended)

Wetland

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

Zone

Means a defined category of land use, which is shown on the zoning map of a land use scheme.

2.2 BUILDING AND LAND USE DEFINITIONS

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

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

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

Adult Entertainment Shop: a building or part thereof used for the sale, hiring, display, or viewing of material of an adult nature.

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

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

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

Authority Usage: 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).

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

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

Bed and Breakfast Establishment: an owner managed commercial accommodation establishment of not more than 5 guestrooms, and which has as its primary source of business the supply of short-term accommodation and breakfast for resident guests.

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

Bottle Store: 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 generally approved by the Municipality must be used.

Building: any structure or erection irrespective of its nature or size, i.e. any structure that complies with the National Building Regulations.

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

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

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

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

Car Wash: land and buildings used for the washing, polishing and cleaning of vehicles.

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

Ceremonial Workshop: a premise used for religious ceremonies to be carried out.

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

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

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

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

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

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

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

Council: means a Local Municipal Council.

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

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

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

Dwelling House: a building containing only one dwelling unit complying with the National Building Regulations. In the event of a second dwelling unit on a Single Residential Erf, such dwelling house and second dwelling unit may be attached.

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

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

Ecologically Sensitive Areas: a designated area of land which needs special protection because of its landscape, wildlife or historical value.

Educational Building: land and buildings used for instruction purposes such as a university, school, college, technical institute, crèche, nursery school, monastery, convent or similar uses and may include a research laboratory, art gallery, museum, academy, lecture, music or assembly hall or a library within the same site and incidental to such uses. It may further include ancillary uses normally associated with the primary use as an educational building, such as accommodation for students and staff, a canteen/restaurant, tuck shop (limited to 20m²) and sport / recreation facilities, but expressly excludes a Restricted Building.

Fast Food: premises used for the selling or supplying of meals or refreshments for consumption on or off the premises.

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

Funeral Parlour: 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: 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.

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

Harvesting Medicinal Plants: means a building used to grow and cultivate medicinal plants for herbal remedies.

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

- (a) shall be restricted to one person who shall reside on the property;
- (b) shall occupy a minor portion of the Dwelling Unit, or shall, in the case of any structure erected for the purpose of the activity, be deemed to be associated with the Dwelling Unit and shall be not larger than 5% of the erf area but shall not, in any event, exceed 40m²
- (c) shall not involve any industrial or workshop activity;
- (d) shall not generate traffic sufficient to warrant the provision of additional parking;
- (e) shall not include the storage or display of any goods or items associated with the activity, nor the direct sale of goods or items from the site;
- (f) shall not involve the exhibition on the property of any notice or sign, nor the quoting of the residential address in any advertisement of the activity
- (g) shall, in the case of the keeping of livestock, be subject to the requirements of the Health Bylaws.

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

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

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

- (c) premises which are licensed to sell alcoholic beverages for consumption on the property but does not automatically include an off-sales facility.

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

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

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

Industry – Service means an enterprise which is:

- a) Primarily involved in the rendering of a service for the local community such as the repair of household appliances or the supply of household services; and
- b) Not likely to be a source of disturbance to surrounding properties.
- c) Not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions; and
- d) Includes a builder's yard / hardware store and allied trades, laundry, bakery, dairy depot, distribution centres, storage purposes (excluding Bulk Storage as defined in the Scheme), laboratories, grooming parlour, transport and cartage activities and a workshop or other area used for the repair, restoration, lubrication and/or service of motor or leisure vehicles and/or parts thereof and/or electrical and/or mechanical equipment and may include facilities such as service bays, grease pits and wash bays, but shall not include facilities for panel beating or spray painting.

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

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

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

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

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

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

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

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

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

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

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

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

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

Office Building: a premise used for the administration of any business whether public or private.

Office District Authority: a premise designated to elected officials for one specific area for political or administrative purposes.

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

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

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

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

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

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

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

Place of Instruction

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

(b) a convent, monastery, library, public art gallery, museum, gymnasium or day care centre, whether public or private, but does not include a building/complex used or intended to be used wholly or primarily as a certified reformatory or industrial school, or as a school for the mentally disabled.

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

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

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

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

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

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

Public Open Space: 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 or square.

Public Parking: 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: any road or street for public use or any land intended for such purposes.

Public Street means:

- (a) any street that has at any time been
 - i. dedicated to the public; or
 - ii. used without interruption by the public for a period of at least thirty years; or
 - iii. declared or rendered such by a competent authority; or
- (b) any land with or without buildings or structures thereon, which is shown as a street on:
 - i. any plan or subdivision of a diagram approved by a competent authority and acted upon; or
 - ii. any general plan registered or filed in the Deeds Registry or
 - iii. the office of the Surveyor-General.

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

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

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

Recreational Building: a clubhouse, gymnasium, squash court, pavilion, change room, stadium and any similar facility used in conjunction with a sport or recreational activity. A clubhouse may include dining facilities and lounges. It may include an open space or reserve which the public has a right to use and enjoy and includes any ancillary facilities but excludes a commercial gymnasium, which is defined under "Shop".

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

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

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

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

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

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

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

School: a premise used as an institutional for educating children.

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

- (a) the storing, depositing, or collecting of junk or scrap material or articles of which the value depend entirely or partially on the material out of which they are manufactured.
- (b) the dismantling of second-hand vehicles or machines to recover components or material, and

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

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

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

- (a) primarily involved in the rendering of a service for the local environs, such as the repair of household appliances and the supply of household services; and
- (b) which is not likely, in the event of fire, to cause excessive combustion or explosions, or give rise to poisonous fumes being released; and
- (c) but does not include an abattoir, a brickmaking site, sewerage works, a service station or public garage.

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

Shelter: 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: 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: 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 roof, separated from vehicular movement and parking (a Retail Mall) or accommodated in separate buildings integrated with the vehicular movement and parking. A shopping centre may include other business uses as permitted under "Business Premises".

Spaza shop/ Tuck Shop: means a shop that is operated from a dwelling house, provided that:

- (a) such activities are restricted to one room of the principal dwelling or a garage or outbuilding with such an area not exceeding 30m²;
- (b) the dwelling is to have a primarily residential function;
- (c) not more than two persons should be involved in the operating of such a shop
- (d) such a shop should not impact negatively on the surrounding neighbours; and
- (e) all signs of trade, including advertising, should be kept to a minimum as specified in item 3 in Annexure C.

Special Industrial Building: any buildings other than dwelling houses defines industrial buildings as factories and other premises used for manufacturing, altering, and repairing.

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

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

Supermarket: 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 B are complied with.

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

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

Tourist Facilities: 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: a dwelling unit, which forms part of a town-housing scheme.

Traditional Activities: premises used for traditional rituals/ceremonies to be carried out.

Traditional Homestead: 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 Tenements of Flats.

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

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

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

- a) the dispensing of motor fuel or other petroleum products, including associated office and storage areas;
- b) the temporary parking of trucks or similar heavy commercial vehicles;

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

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

University: a building used for high-level educational institution in which students' study for degrees and academic research. Is done.

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


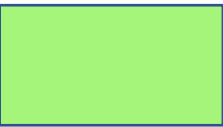

Veterinary Clinic: a place or building dedicated to the science and art of prevention, cure, or alleviation of disease and injury in animals and especially domestic animals.

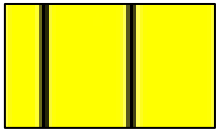
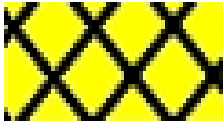




Warehouse: either a site/building/room where goods are stored, or a wholesale business.


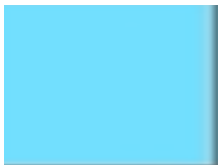

Wholesale: the sale and supply in any quantity of goods to a bona fide retailer for resale to the public.



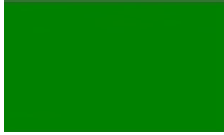
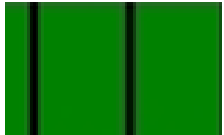

3. SCHEME SUMMARY OF PRIMARY AND CONSENT USES




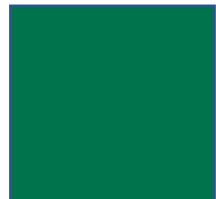
The table below illustrates the zoning categories supported by the visual representation to be used in future mapping. The primary uses, and consent uses also support this table and are to be read in conjunction with the scheme controls.




ZONE	COLOR NOTATION	PRIMARY USE	SPECIAL CONSENT
	VISUAL REPRESENTATION		
AGRICULTURAL ZONE I		<ul style="list-style-type: none"> - Dwelling-house, - Agriculture - 2nd dwelling unites - Stud farming 	<ul style="list-style-type: none"> - Attached Telecommunication Infrastructure - Freestanding Telecommunication Installation - Farm stall, agricultural industry - Nursery Garden - Renewable energy structure
AGRICULTURAL ZONE II		<ul style="list-style-type: none"> - Agricultural Building - Educational Building - Home Activity - Homestead - Informal Trading - Utility services - Dwelling House - Agriculture Industry - Scattered Residential farming Conservation Area 	<ul style="list-style-type: none"> - Attached Telecommunication Infrastructure - Freestanding Telecommunication Installation - Service Station - Renewable energy structure - Special Use
RESIDENTIAL ZONE I		<ul style="list-style-type: none"> - Shelter - Dwelling-House 	<ul style="list-style-type: none"> - Additional Dwelling Unit - Bed and Breakfast - Day care centre - Guest House - Place of Instruction - Place of worship - Recreational Building - Shop - Social halls - Spaza Shop/Touch Shop

RESIDENTIAL ZONE 2		<ul style="list-style-type: none"> - Additional Dwelling unit - Dwelling house 	<ul style="list-style-type: none"> - Day care centre - Guest house - Doctors Surgery - Place of worship - Recreational Centre - Residential buildings - Sporting activity - Tavern/shebeen
RESIDENTIAL ZONE 3		<ul style="list-style-type: none"> - Residential building - Guest house 	<ul style="list-style-type: none"> - Flats - Additional Dwelling Unit
RESIDENTIAL ZONE 4		<ul style="list-style-type: none"> - Dwelling House - Flats - Above 20 Units/Ha - Town House 	<ul style="list-style-type: none"> - Retirement Village - Residential Building - Day Care Centre
RESIDENTIAL ZONE 5		<ul style="list-style-type: none"> - Boarding House - Dwelling House - Flats - Guest-house - Hotel - Residential Rooms - Retirement Village 	<ul style="list-style-type: none"> - Children's Home - Utility Services - Telecommunication Infrastructure
Institutional 1		<ul style="list-style-type: none"> - Day Care Centre - Place Of Assembly - Place Of Instruction - School 	<ul style="list-style-type: none"> - Attached Telecommunication Infrastructure - Freestanding Telecommunication Installation - Place of worship - Educational Building - Shop
Institutional 2		<ul style="list-style-type: none"> - ATM - Clinic - Doctors Surgery - Hospital - Place of assembly - Place of worship 	<ul style="list-style-type: none"> - Attached Telecommunication Infrastructure - Freestanding Telecommunication Installation.

Resort		<ul style="list-style-type: none"> - Bed And Breakfast - Camping Site - Caravan Park - Caretaker's Cottage - Convenience Shop - Guest House - Place Of Assembly - Recreation Area - Recreational Building - Resort - Resort Accommodation - Tourist Facilities 	<ul style="list-style-type: none"> - Attached Telecommunication Infrastructure - Freestanding Telecommunication Installation. - Hotel - Utility Services
BUSINESS ZONE I		<ul style="list-style-type: none"> - Boarding - Dwelling House - Flats - Guest house - Hotel - House - Institution - Offices - Place of Worship - Professional Services - Residential Building - Restaurant - Shop - Town House - Utility Services 	<ul style="list-style-type: none"> - Adult Shop - Attached Telecommunication Infrastructure - Bottle Store - Business Premises - Day Care Centre - Freestanding - Funeral Parlour - Informal Trading - Nursery, Service - Parking Garage - Place Of Assembly - Place Of Entertainment - Place Of Instruction - Station - Supermarket - Telecommunication Installation
BUSINESS ZONE II		<ul style="list-style-type: none"> - Office Building - Office District Authority - Office Government - Office Local Authority - Office Public - Shops - Residential Rooms - Boarding House 	<ul style="list-style-type: none"> - Place of Assembly - Place of Worship - Institution - Place of Instruction - Day Care Centre - Utility Services - Attached Telecommunication Installation
BUSINESS ZONE III		<ul style="list-style-type: none"> - Service Station - Restaurant - Convenience Shop - Utility Services 	<ul style="list-style-type: none"> - Attached Telecommunication Infrastructure - Hotel - Guest House - Transport Facility

			<ul style="list-style-type: none"> - Flats - Townhouses - Freestanding Telecommunication Installation
BUSINESS ZONE IV		<ul style="list-style-type: none"> - Builders yard - Car wash facility - Warehouse - Recycling Depot 	<ul style="list-style-type: none"> - Shops - Utility Services - Telecommunication infrastructure
OPEN SPACE ZONE I		<ul style="list-style-type: none"> - Recreational 	<ul style="list-style-type: none"> - Attached Telecommunication Infrastructure - Freestanding Telecommunication Installation - Recreational Area - Recreational Building - Sport Activities - Tourist Facilities
OPEN SPACE ZONE 2		<ul style="list-style-type: none"> - Cemetery - Agriculture 	<ul style="list-style-type: none"> • Attached Telecommunication Infrastructure • Freestanding Telecommunication Installation • Shelter • Renewable Energy Structure • Nature Reserve • Harvesting Medicine Plants
PASSIVE OPEN SPACE		<ul style="list-style-type: none"> - Amenity Area - Conservation Area - Trails Educational Building (Limited to environmental education, conservation awareness, research facilities) - Park - Private Recreation Area 	<ul style="list-style-type: none"> - Arts and Crafts Workshop (Limited to activities associated with tourism recreation environment and conservation) - Flea Market - Restaurant - Shop (Limited to the sale of take away commodities)

		<ul style="list-style-type: none"> - Public Open Space - Garden Nursery 	<p>refreshments, curios and commodities associated with tourism, recreation, environment, and conservation)</p> <ul style="list-style-type: none"> - Tea Garden
TRANSPORT ZONE I		<ul style="list-style-type: none"> - Transport Usage - Utility Services 	<ul style="list-style-type: none"> - Parking Garage - Informal Trading - Service Station - Transport Facility - Service Station - Freestanding Telecommunication Installation - Attached Telecommunication Installation
TRANSPORT ZONE II		<ul style="list-style-type: none"> - Public Road - Public Street 	<ul style="list-style-type: none"> - Certain Associated Structures and Activities - Informal Trading - Attached Telecommunication Installation - Freestanding Telecommunication Installation
TRANSPORT ZONE III		<ul style="list-style-type: none"> - Public Parking - Utility Services 	<ul style="list-style-type: none"> - Parking Garage - Certain Associated Structures and Activities - Informal Trading, Attached Telecommunication Installation - Freestanding Telecommunication Installation
PROTECTED AREAS		<ul style="list-style-type: none"> - Amenity Area - Conservation Area - Conservation Purpose - Game Reserve - Heritage Conservancy - Heritage Purposes - Nature Reserve 	<ul style="list-style-type: none"> - Camping Ground - Conference Centre - Lodges - Caravan Park - Resort

		<ul style="list-style-type: none"> - Proclaimed Protected Area - World Heritage Site 	
INDUSTRIAL 1		<ul style="list-style-type: none"> - Industry - Industrial Café - Service Station - Commercial Workshop - Warehouse - Public Garage - Funeral Parlour - Mortuary - Scrap Yard - Parking Garage - Utility Services - Attached Telecommunication Installation, Freestanding - Telecommunication Installation - Urban Agriculture. 	<ul style="list-style-type: none"> - Abattoir - Aquaculture - Transport Facility - Place of Entertainment - renewable energy structure - Rooms to accommodate security guards - caretakers and the like
INDUSTRIAL 2		<ul style="list-style-type: none"> - Noxious Use - Trade or Industry - Industrial General - Industrial Services - Service Station - Scrap Yard - Utility Services - Attached Telecommunication Installation - Freestanding Telecommunication Installation - Urban Agriculture 	<ul style="list-style-type: none"> - Abattoir - Parking Garage - Rooms to accommodate Security Guards - renewable energy structure - Caretakers and the like
AUTHORITY ZONE		<ul style="list-style-type: none"> - Attached Telecommunication Installation - Authority Usage - Commonage - Freestanding Telecommunication Installation 	<ul style="list-style-type: none"> - Cemetery - Cultural and Social Ceremonies - Urban Agriculture

		<ul style="list-style-type: none"> - Renewable Energy Structure - Solar Wind - Utility Services 	
Special Zone		- As determined by the Municipality	- As determined by the Municipality

4. LAND USE ZONES CONTROLS

4.1 ZONES RELATED TO AGRICULTURE

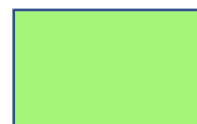
ZONE: AGRICULTURAL ZONE I						
<p>SCHEME INTENTION:</p> <p>This zone is reserved for small scale agricultural land and is intended for land and buildings where the primary activity is both intensive and extensive agricultural production of crops, livestock and other agricultural products. Ancillary land uses and facilities such as workshops for plant maintenance, processing of produce, and farmworker accommodation are generally permissible, subject to compliance with the provision of the scheme.</p> <p>MAP COLOUR REFERENCE:</p> <div style="text-align: right; width: 100px; height: 40px; background-color: #90EE90; margin-left: auto;"></div>						
PRIMARY USES			SPECIAL CONSENT			
<ul style="list-style-type: none"> - Dwelling-house, - Agriculture - 2nd dwelling units - stud farming 			<ul style="list-style-type: none"> - Attached Telecommunication Infrastructure - Freestanding Telecommunication - Abattoir - Installation - Farm stall, agricultural industry - Nursery - Renewable energy structure 			
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	At least 7m	As determined by the municipality	As determined by the Municipality	As determined by the municipality		
Side Building Line	At least 7m					
Rear Building Line	At least 7m					
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS						
<ul style="list-style-type: none"> • Refer to Parking Schedule 						

ZONE: AGRICULTURAL ZONE II

SCHEME INTENTION:

The objective of the zone is to promote and protect agriculture on large farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide the rural communities in more remote areas with the opportunity to increase the economic potential for their properties, provided these uses do not present a significant negative impact on the primary agricultural resource.

MAP COLOUR REFERENCE:



PRIMARY USES

- Agricultural Building
- Educational Building
- Home Activity
- Homestead
- Informal Trading
- Utility services
- Dwelling House
- Agriculture Industry
- Scattered Residential farming
- Conservation Area

SPECIAL CONSENT

- Attached Telecommunication Infrastructure
- Freestanding Telecommunication Installation
- Service Station
- renewable energy structure
- Special Use
- Place of Worship

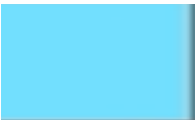
DEVELOPMENT PARAMETERS


SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	At least 7m	As determined by the municipality	As determined by the Municipality	As determined by the municipality		
Side Building Line	At least 7m					
Rear Building Line	At least 7m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

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

4.2 ZONES RELATED TO BUSINESS

ZONE: BUSINESS ZONE I						
<p>SCHEME INTENTION:</p> <p>The objective of the zone is to provide for intensive business and mixed-use development with relatively few restrictions in order to promote Urban Vitality and economic growth</p>						
<p>MAP COLOUR REFERENCE:</p> 						
PRIMARY USES			SPECIAL CONSENT			
<ul style="list-style-type: none"> - Boarding - Dwelling House - Flats - Guest house - Hotel - House - Institution - Offices - Place of Worship - Professional Services - Residential Building - Restaurant - Shop - Town House - Utility Services 			<ul style="list-style-type: none"> - Adult Shop - Attached Telecommunication Infrastructure - Bottle Store - Business Premises - Day Care Centre - Freestanding - Funeral Parlour - Informal Trading - Nursery, Service - Parking Garage - Place Of Assembly - Place Of Entertainment - Place Of Instruction - Station - Supermarket - Telecommunication Installation 			
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	2 m	As determined by the municipality	500	2	80%	Unrestricted
Side Building Line	1 m					
Rear Building Line	1 m					
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS						
<ul style="list-style-type: none"> • Refer to Parking Schedule • Residential Building (above ground floor) • Guest House (above ground floor) • Activities linked to the Peoples Economy as permitted by the municipality 						

ZONE: BUSINESS ZONE II						
SCHEME INTENTION: The objective of this zone is to facilitate activities with low intensity.						
MAP COLOUR REFERENCE:						
						
PRIMARY USES			SPECIAL CONSENT			
<ul style="list-style-type: none"> - Office Building - Office District Authority - Office Government - Office Local Authority - Office Public - Shops - Residential Rooms - Boarding House 			<ul style="list-style-type: none"> - Place of Assembly - Place of Worship - Institution - Place of Instruction - Day Care Centre - Utility Services - Attached Telecommunication Installation Warehouse 			
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	2 m	As determined by the municipality	500	1	50%	2.0
Side Building Line	2 m					
Rear Building Line	2 m					
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS						
<ul style="list-style-type: none"> • Refer to Parking Schedule • Activities linked to the Peoples Economy as permitted by the municipality 						

ZONE: BUSINESS ZONE III

SCHEME INTENTION:

The primary objective for this zone is to accommodate Service Station and complimentary services.

MAP COLOR REFERENCE




PRIMARY USES	SPECIAL CONSENT
<ul style="list-style-type: none"> - Service Station - Restaurant - Convenience Shop - Utility Services - ATM 	<ul style="list-style-type: none"> - Attached Telecommunication Infrastructure - Hotel - Guest House - Transport Facility - Flats - Townhouses - Freestanding Telecommunication Installation

DEVELOPMENT PARAMETERS


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


ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

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


ZONE: BUSINESS ZONE IV						
SCHEME INTENTION: The primary objective for this zone is to allow light services that are not noxious to the environment and people						
MAP COLOUR REFERENCE:						
						
PRIMARY USES			SPECIAL CONSENT			
<ul style="list-style-type: none"> - Builders yard - Car wash facility - Warehouse - Recycling Depot 			<ul style="list-style-type: none"> - Shops - Utility Services - Telecommunication infrastructure 			
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	2 m	As determined by the municipality	500 m ²	2	75%	2
Side Building Line	2 m					
Rear Building Line	2 m					
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS						
<ul style="list-style-type: none"> • Refer to Parking Schedule • Activities linked to the Peoples Economy as permitted by the municipality 						

4.3 ZONES RELATED TO INSTITUTIONAL

ZONE: INSTITUTION 1						
SOCIAL FACILITIES & AMENITIES						
SCHEME INTENTION:						
The objective of design is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses including facilities for health.						
MAP COLOUR REFERENCE:						
						
PRIMARY USES			SPECIAL CONSENT			
<ul style="list-style-type: none"> - Place of instruction - School - Place of assembly - Day care centre 			<ul style="list-style-type: none"> - Attached Telecommunication Infrastructure - Freestanding Telecommunication Installation - Place of worship - Educational Building - Shop 			
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	3m	As determined by the municipality	500 m ²	3	80%	2
Side Building Line	3m					
Rear Building Line	3m					
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS						
<ul style="list-style-type: none"> • Refer to Parking Schedule 						

ZONE: INSTITUTION II						
SCHEME INTENTION: The objective of this zone allows medical services and public facilities						
MAP COLOUR REFERENCE:						
						
PRIMARY USES			SPECIAL CONSENT			
<ul style="list-style-type: none"> - ATM - Clinic - Doctors Surgery - Hospital - Place of assembly - Place of worship 			<ul style="list-style-type: none"> - Attached Telecommunication Infrastructure - Freestanding Telecommunication Installation. 			
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	3m	As determined by the municipality	500 m ²	3	80%	2
Side Building Line	3m					
Rear Building Line	3m					
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS						
<ul style="list-style-type: none"> • Refer to Parking Schedule 						

4.4 ZONES RELATED TO INDUSTRIAL

ZONE: INDUSTRIAL ZONE I						
<p>SCHEME INTENTION: The objective of this zone is to allow light services that are not noxious to the environment and people</p> <p>MAP COLOUR REFERENCE:</p> <div style="text-align: right; margin-right: 50px;">  </div>						
PRIMARY USES			SPECIAL CONSENT			
<ul style="list-style-type: none"> - Industry - Industrial Café - Service Station - Commercial Workshop - Warehouse - Public Garage - Funeral Parlour - Mortuary - Scrap Yard - Parking Garage - Utility Services - Attached Telecommunication Installation, Freestanding - Telecommunication Installation - Urban Agriculture. 			<ul style="list-style-type: none"> - Abattoir - Aquaculture - Transport Facility - Place of Entertainment - renewable energy structure - Rooms to accommodate security guards - caretakers and the like. 			
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality	As determined by the Municipality	3	75%	1.5
Side Building Line	5 m					
Rear Building Line	5 m					
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS						
<ul style="list-style-type: none"> • Refer to Parking Schedule 						

ZONE: INDUSTRIAL ZONE II

SCHEME INTENTION:

The zone that permits industrial uses that includes activities that may produce significant vibration, noise, odour or high-volume automobile and truck traffic.

MAP COLOUR REFERENCE:



PRIMARY USES

- Abattoir
- Agricultural Industry
- General Industrial Building
- Light Industrial Building
- Office Building
- Public Office
- Recycling Depot
- Service Industry
- Warehouse
- Heavy Industrial Uses
- Noxious Use/Trade/Industry
- Telecommunications
- Renewable Energy

CONSENT USES

- Agricultural Land
- Dwelling House
- Funeral Parlour
- Parking Garage
- Special Industrial Building

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	3 m	As determined by the Municipality	1500	3	70%	1.5
Side Building Line	2 m					
Rear Building Line	2 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

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

4.5 ZONES RELATED TO OPEN SPACE

ZONE: OPEN SPACE ZONE I PROTECTED AREAS						
<p>SCHEME INTENTION:</p> <p>The objective of the zone is to provide for the conservation of natural resource areas that have been proclaimed as nature areas (statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. To provide for the conservation and sustainable use of land declared as a Protected Area under the National Environmental Management: Protected Area Act No 57 of 2003 (NEMPAA) and/or other relevant legislation.</p>						
<p>MAP COLOUR REFERENCE:</p>						
PRIMARY USES			SPECIAL CONSENT			
<ul style="list-style-type: none"> - Nature reserves - Marine protected areas - Conservation areas - Ecologically sensitive areas 						
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	10 m	As determined by the Municipality				
Side Building Line	10 m					
Rear Building Line	10 m					
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS						
<p>Within the Rural Area (as defined in the SANBI Guidelines for integrating Biodiversity into Land Use Scheme) Dwelling Units may be permitted within Private Nature Reserves or conservation areas, subject to the following:</p> <p>(a) Upon application for rezoning of land in the Rural Area to Open Space Zone I, such Nature Reserve or Conservation area shall first be formalised in terms of relevant legislation before the rezoning can be finalised.</p> <p>(b) The maximum permissible erf size will be 1000 m², maximum coverage will be 50% and maximum height will be 2 storeys.</p>						

- (c) In terms of Section 29, of the Land Use Planning Ordinance, upon subdivision of a property to accommodate dwelling units, it will be required that a Home Owners Association be established to take responsibility for all matters of common interest.
- (d) A detailed site development plan shall be submitted.
- (e) Separate ownership of dwelling units will be permitted.
- (f) The entire nature reserve shall be registered as Common Property

**ZONE: OPEN SPACE ZONE II
CONSERVATION AREAS**

SCHEME INTENTION:

To provide for the conservation and sustainable use of critical biodiversity areas, ecological support areas, and ecological infrastructure

MAP COLOUR REFERENCE:



PRIMARY USES

- Conservation Purposes Conservancy
- Open Space
- Biosphere Reserve buffer area
- Botanical Garden
- Environmental Facilities

SPECIAL CONSENT

- Caretaker Accommodation
- Telecommunication Mast/Station
- Tourist Accommodation
- Harvesting of Natural Resources

DEVELOPMENT PARAMETERS

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

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- The land-use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply for every site or use or type of building, as approved by the Municipality.
- Within the Rural Area (as defined in the SANBI Guidelines for integrating Biodiversity into Land Use Scheme) Dwelling Units may be permitted within Private Nature Reserves or conservation areas, subject to the following:
 - (a) Upon application for rezoning of land in the Rural Area to Open Space Zone I, such Nature Reserve or Conservation area shall first be formalised in terms of relevant legislation before the rezoning can be finalised.
 - (b) The maximum permissible erf size will be 1000 m², maximum coverage will be 50% and maximum height will be 2 storeys.

- (c) In terms of Section 29, of the Land Use Planning Ordinance, upon subdivision of a property to accommodate dwelling units, it will be required that a Home Owners Association be established to take responsibility for all matters of common interest.
- (d) A detailed site development plan shall be submitted.
- (e) Separate ownership of dwelling units will be permitted.
- (f) The entire nature reserve shall be registered as Common Property

ZONE: OPEN SPACE ZONE III

SCHEME INTENTION:

The objective of this zone is to provide active and passive recreational areas on the public land, in order to promote Recreation and enhance the aesthetic of an area.

MAP COLOUR REFERENCE:



PRIMARY USES

- Public Open Spaces
- Heritage Purposes
- Arts and Culture Markets
- Botanical Garden
- Environmental Facilities
- Nursery
- Animal Refuge
- Low-impact Agricultural
- Agricultural Building
- Recreational Purposes
- Tourist Facilities
- Arts and Culture Workshop

CONSENT USES

- Associated Structures and Activities

DEVELOPMENT PARAMETERS


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

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule

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

4.6 ZONES RELATED TO RESIDENTIAL

ZONE: RESIDENTIAL ZONE I						
SCHEME INTENTION:						
This zone promotes the development of primarily detached dwelling units but does permit multi-family dwellings; and a limited number of compatible ancillary uses, which have a non-disruptive impact on a neighbourhood amenity. In addition, this zone is intended for government subsidised human settlements under Breaking New Ground (BNG) programme and is subject to the availability of adequate bulk infrastructure						
MAP COLOUR REFERENCE:						
PRIMARY USES			SPECIAL CONSENT			
<ul style="list-style-type: none"> - Dwelling House - Home Activity - Subsistence Agriculture - Traditional Homestead 			<ul style="list-style-type: none"> - Cultural Ceremonies - Day Care Centre - Second Dwelling House - Tuck Shop/Spaza 			
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	75 du/ha	200 m ²	2	60%	1
Side Building Line	3 m					
Rear Building Line	3 m					
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS						
<ul style="list-style-type: none"> • Refer to Parking Schedule 						

ZONE: RESIDENTIAL ZONE II

SCHEME INTENTION:

This zone promotes the development of primarily detached dwelling units, and a limited number of compatible ancillary uses, which have a non-disruptive impact on a neighbourhood amenity, may be allowed.

MAP COLOUR REFERENCE:



PRIMARY USES

- Dwelling House
- Home Activity
- Subsistence Agriculture

SPECIAL CONSENT

- Day Care Centre
- Guest House
- Place of Public Assembly
- Private Recreation Area
- Recreational Building
- Tuck Shop / Spaza

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	One dwelling house for every 400m ² of net site area.	500 m ²	2	40%	1.5
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule

ZONE: RESIDENTIAL ZONE III

SCHEME INTENTION:

This zone permits the development of primarily detached dwelling units but does permit multi-family dwellings; and a number of compatible uses may be allowed, provided they do not have a disruptive impact on the neighborhood amenity..

MAP COLOUR REFERENCE:



PRIMARY USES

- Dwelling House
- Home Activity
- Subsistence Agriculture
- Traditional Homestead
- Residential Building

SPECIAL CONSENT

- Day Care Centre
- Guest House
- Place of Public Assembly
- Private Recreation Area
- Recreational Building

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	30 du/ha	1000 m ²	2	50%	2.0
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule

ZONE: RESIDENTIAL ZONE IV

SCHEME INTENTION:

This zone is intended to promote the development of multi-unit residential units for a wide range of residential accommodations at a high density; together with a mix of compatible ancillary uses to meet the needs of a broader community and to achieve densification of urban land..

MAP COLOUR REFERENCE:



PRIMARY USES	SPECIAL CONSENT
<ul style="list-style-type: none"> - Dwelling House - Home Activity - Private Open Space - Subsistence Agriculture - Town House - Traditional Homestead - Residential Building 	<ul style="list-style-type: none"> - Bed and Breakfast Establishment - Boarding House - Day Care Centre - Guest House - Recreational Building

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	50 du/ha	800 m ²	2	60%	2
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule

ZONE: RESIDENTIAL ZONE V

SCHEME INTENTION:

The objective of this Zone is to provide a temporary residence for transient guests in an appropriately skilled establishment where lodging and meals are provided, and which may include a small conferencing or training facility that also caters for business meetings.



MAP COLOUR REFERENCE:

PRIMARY USES

- Bed and Breakfast Establishment
- Dwelling House
- Guest House
- Hotel
- Residential Building
- Private Open Space
- Student Accommodation

SPECIAL CONSENT

- Place of Public Assembly
- Recreational Building

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality	500 m ²	2	50%	2.0
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

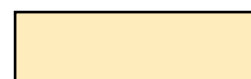
- Refer to Parking Schedule

ZONE: RESIDENTIAL ZONE VI
RURAL RESIDENTIAL

SCHEME INTENTION:

This zone is intended to preserve and use land and buildings for the development of rural settlements on communally owned land or land under the jurisdiction of Traditional Authorities/Councils or land in the name of a Community Trust. The bulk of community trust land is subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law. Prior to any change of land use or subdivision, approval must be granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law

MAP COLOUR REFERENCE:



PRIMARY USES	SPECIAL CONSENT
<ul style="list-style-type: none"> - Dwelling House - Agricultural Building - Agricultural Land - Creche - Group Housing - Home Activity - Home Business - Nursery Garden - Residential Building - Tuck Shop/Kiosk - Shop - Utilities and Services 	<ul style="list-style-type: none"> - Agricultural Industry - Arts and Crafts Centre - Bed and Breakfast - Establishment - Burial Ground - Car Wash Facilities - Commercial Workshop - Cottages - Day Care Facility - Events Venue - Farm Stall - Fresh produce market - Guest Lodge - Place of Worship - Tavern - Telecommunication infrastructure

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	5 m	As determined by the Municipality	As determined by the Municipality and Rural Committee	2	50%	2.0
Side Building Line	3 m					
Rear Building Line	3 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

- Refer to Parking Schedule
- For all consent uses, the written consent of the Traditional Council and neighbouring properties must be obtained. Building lines of roads under the responsibility of the Department of Transport must have a building line of 15m, or to the satisfaction of the Department of Transport

ZONE: RESORT ZONE I

SCHEME INTENTION:

The objective of this zone is to promote tourist and holiday facilities in areas with special environmental or recreational attributes, and to encourage general public access to these facilities. At the same time, care should be exercised to minimise potential negative impacts of development on fragile environment. The Guiding Principles should be that a resort must not detract from the amenity that attracted the holiday facilities in the first place, it should not cause a public Nuisance for other people living and working in the vicinity. This zone should only be used in exceptional cases and is normally applicable to tourist developments outside established built-up areas.

MAP COLOUR REFERENCE:



PRIMARY USES	SPECIAL CONSENT
<ul style="list-style-type: none"> - Resort - Resort accommodation - Holiday accommodation - Caravan Park - Camping site - Place of assembly - Recreation complex - Caretaker's cottage - Convenience shop - Tourist facilities 	<ul style="list-style-type: none"> - Hotel - Place of Assembly - Attached Telecommunication Infrastructure - Freestanding Telecommunication Installation

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	10 m	As determined by the Municipality	As determined by the Municipality	2	50%	As determined by the Municipality
Side Building Line	10 m					
Rear Building Line	10 m					

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

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

ZONE: SPECIAL ZONE

SCHEME INTENTION:

This zone makes provision for situations where economic and spatial factors justify the creation of a "special zone" on the land use scheme map for a site or sites without justifying the creation of a new zone in the scheme regulations. The focus of the special zone is intended to promote economic growth within the identified areas through investment promotion and controlled development.

MAP COLOUR REFERENCE:



PRIMARY USES	SPECIAL CONSENT
- Special Usage	

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS	DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO								
<table border="1"> <tr> <td>Street Building Line</td> <td rowspan="3">As determined by the Municipality</td> <td colspan="4" rowspan="3">As determined by the Municipality</td> </tr> <tr> <td>Side Building Line</td> </tr> <tr> <td>Rear Building Line</td> </tr> </table>	Street Building Line	As determined by the Municipality	As determined by the Municipality				Side Building Line	Rear Building Line					
Street Building Line	As determined by the Municipality						As determined by the Municipality						
Side Building Line													
Rear Building Line													

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

If 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, such a site shall be zoned as a Special Zone on the land use scheme map. Each Special Zone identified will need to conform a distinct set of guidelines as defined for that specific special zone. More than one special zone may be identified within the town based on the nature of land uses wanting to be promoted and the location of the zone.

4.7 ZONES RELATED TO TRANSPORT AND UTILITY

ZONE: TRANSPORT ZONE I						
<p>SCHEME INTENTION:</p> <p>The aim of this zone is used to address the uses allowed on the roads and other activities through consent use.</p> <p>MAP COLOUR REFERENCE:</p> <div style="text-align: right; width: 150px; height: 30px; background-color: #e67e22; border: 1px solid black; margin-left: auto;"></div>						
PRIMARY USES			SPECIAL CONSENT			
<ul style="list-style-type: none"> - Transport Usage - Utility Services - Transport Facility - Taxi Rank - Bus Terminus - Truck Stop - Utility Services, 			<ul style="list-style-type: none"> - Parking Garage - Certain Associated Structures and Activities - Informal Trading - Freestanding Telecommunication Installation - Service Station 			
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
Street Building Line	As determined by the Municipality	As determined by the Municipality				
Side Building Line						
Rear Building Line						
ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS						
<ul style="list-style-type: none"> • Refer to Parking Schedule • The land use restrictions (building lines, floor area ratio, coverage, building lines, parking, height) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Municipality. 						

ZONE: UTILITY ZONE I

SCHEME INTENTION:

The objective of this zone is to reserve land for use is normally undertaken by Central, provincial, and municipal government agencies as well as land for Utility services such as electrical substations, which do not fall into another zoning category. Some flexibility for the use of land and development parameters is provided.

MAP COLOUR REFERENCE:



PRIMARY USES	SPECIAL CONSENT
<ul style="list-style-type: none"> - Local Authority Office - District Authority Office - Government Office - Utility Services 	<ul style="list-style-type: none"> - Place of Instruction - Institution - Telecommunication Installation

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS	DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO				
<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Street Building Line</td> <td rowspan="3" style="text-align: center; vertical-align: middle;">As determined by the Municipality</td> </tr> <tr> <td>Side Building Line</td> </tr> <tr> <td>Rear Building Line</td> </tr> </table>	Street Building Line	As determined by the Municipality	Side Building Line	Rear Building Line					
Street Building Line	As determined by the Municipality								
Side Building Line									
Rear Building Line									

ADDITIONAL CONTROLS – DEVELOPMENT PARAMETERS

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

This document is also supported by a zoning register and the scheme maps developed for the Zoning Scheme in the supporting annexures document. The intention of this document is to provide the municipality with a concise list of property zoning information that is at the municipality's disposal to update amend and distribute as and when required. Ensuring that the registry is up to date at all times is vital in ensuring that development applications are monitored, and revenue is generated through monitoring and updating of the registry. The ability of the municipality to continually update the registry is imperative in maintaining up to date spatial repository.

The municipal planning by-law states that the Municipality must keep and maintain a land use scheme register in a hard copy and electronic format as approved by the Council and it must contain the following but is not limited to:

- a) Date of application;
- b) Name and contact details of the applicant;
- c) Type of application;
- d) Property description and registration division;
- e) Previous and approved zoning and existing land use;
- f) A copy of the approved site development plan referred to in section 53(2);
- g) Item number;
- h) Item date;
- i) Decision (approved/on appeal/not approved);
- j) Reasons for the decision; and
- k) Decision date.

5. GENERAL DEVELOPMENT PARAMETERS AND REGULATIONS

5.1. FRONT SETBACKS

- i. The setback lines in respect of all lots and dwelling unit curtilage shall be as reflected in Development Parameters Tables, except where otherwise stated.
- ii. All lots shall be subject to the setback lines as per development controls provided that the Municipality may relax the building line restriction subject to the continuity of the shopping frontage not being disrupted. Notwithstanding the provisions of a) above, and where the applicant submits written support of adjoining property owners, the Municipality may, at its discretion:

Relax the Front Setback to nil in the Mixed-Use Zones with consideration of: -

- (i) The continuity of the shopping frontage not being disrupted; and
- (ii) There being no disruption to the free flow of pedestrian movement.

Relax the Front Setback to such extent as may be requested where: -

- i. on account of the levels of the lot or adjoining land, or the propinquity of buildings already in front of the Front Setback, or any other special circumstances, compliance with the Front Setback would seriously hamper the development of the lot; or
- ii. if is demonstrated by the applicant that the architectural effect, as a consequence of the relaxation sought, will enhance the appearance of the street and contribute to public amenity;

Relax the Front Setback on corner lots in Residential only zones to 3 metres, provided that: -

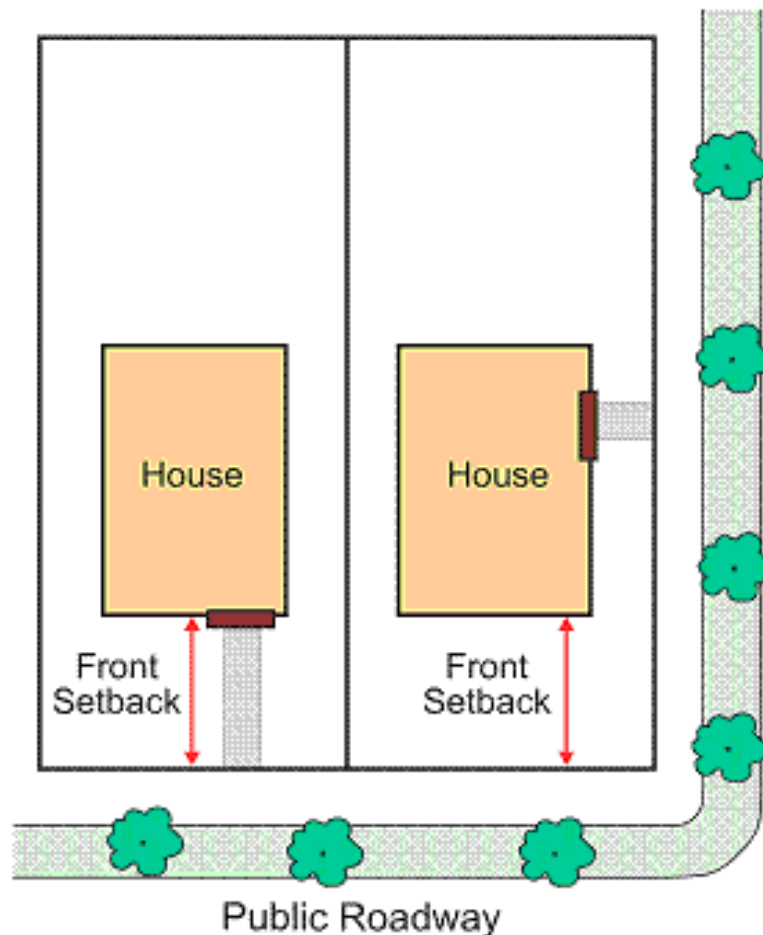
- i the relaxation is confined to one boundary only; and
- ii any buildings which are erected forwards of the prescribed Front setback of 7,5 metres, as a consequence of the relaxation, may not be closer than 3 metres to the side boundary of the adjoining lot; or

All walls in excess of 2m require the submission of a relaxation application.

- i. Where a Front Setback is prescribed no building other than boundary walls, fences, pergolas, or architectural and garden features, shall be erected between the building and the front boundary; provided that, where a new road or road widening is required,

the Front Setback shall be set back in order to take into consideration any new road or road widening.

- ii. In addition, cognisance shall be taken of Front Setbacks imposed in terms of the Eastern Cape Roads Act (No. 3 of 2003 as amended) and the Municipality may not relax any building line below the restriction without first obtaining the consent of the Eastern Cape Department of Transport.



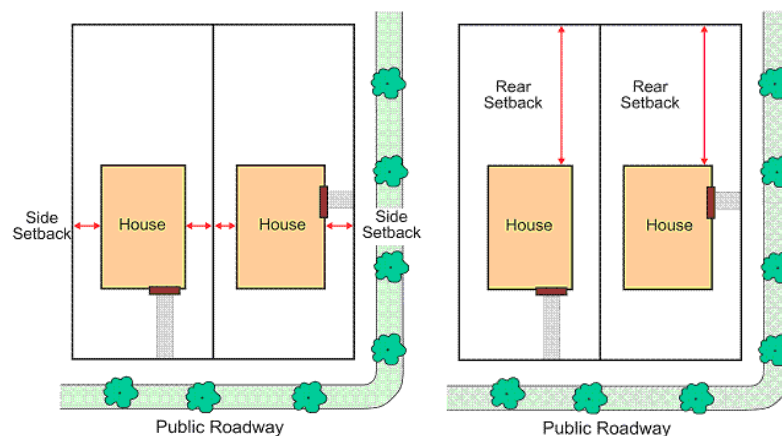
5.2. SIDE AND REAR SETBACKS

- i. The side and rear spaces in respect of all lots, except where otherwise stated, shall be as reflected in the Development Control Tables in Section Two.
- ii. Properties zoned Medium Density housing, multi-unit, and caravan park sites, the side and rear spaces prescribed in Sub-clause b) above shall not apply to the individual lots or curtilages other than in respect of the side and rear boundaries of the sites.

- (a) authorize the erection of single-story outbuildings in Residential zones, where the applicant demonstrates that the owners of the property or properties contiguous to the common boundary or boundaries, have consented in writing to the relaxation.

(b) Relax the side setback to zero where:

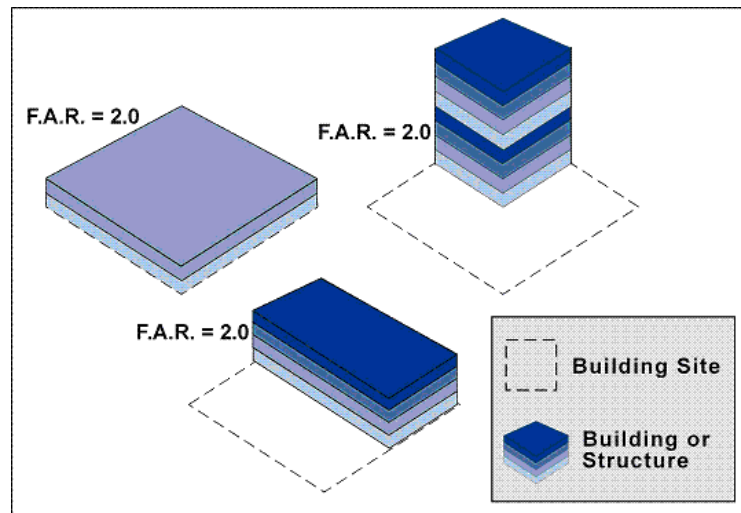
1. the common boundary or boundaries in the development of semi-detached or row houses in the Residential Only Detached zones; provided that the party wall servitudes are registered against the respective properties in the Eastern Cape Deeds Registry; or
2. Commercial or industrial buildings, except where space is necessary to provide parking and loading areas; or
3. Where buildings adjoin lots zoned for residential purposes; v) any zone if, on account of the siting of existing buildings, or the shape, size, and levels of the lot or dwelling unit curtilage, the enforcement of the side and rear setbacks requirements would, in the opinion of the Municipality, render the development of the property unreasonably difficult;
4. Provided that, before granting any relaxation sought, and where it is of the opinion that the relaxation may be detrimental to the amenity of adjoining properties, or that of the neighbourhood in which the lot is situated, the Municipality may call upon the applicant to apply to it for its Consent to do so.



5.3. FLOOR AREA RATIO, COVERAGE, AND HEIGHT

- i. In any zone, the density of building development and the erection of buildings shall not exceed the maximum **Floor Area Ratio (FAR)**, Coverage and Height figures for the zone as specified in the Development Parameters Tables.
- ii. In calculating the permissible floor area, as defined in area definitions of the General Definitions, "**Erf Area, Floor Area, Floor Area Ratio**"; the following floor areas are to be excluded:

- Any area used exclusively for the parking of motor vehicles, except as provided for in the Design and Layout Requirements
 - Garages, carports, swimming pools, squash courts, and tennis courts that are for private use only;
 - Covered public arcades and malls in commercial zones which are not used for retail purposes or for the display, sale, or storage of goods;
 - The un-walled access ways and driveways covered by canopies of garages and service stations; and
 - Patios, verandas, and decks enclosed on two sides only.
- iii. In calculating the permissible coverage as defined in the definitions only roofed or covered areas shall be included; (See the Definitions Coverage, Erf / Erven).



5.4. LOT AREA

- i. In any zone, except in cases where any of the lots was in existence prior to the date of adoption, no lot shall be less in area than the minimum prescribed in the development Control Tables in respect of the particular zone concerned.
- ii. Notwithstanding the provisions of the Clause above, the Municipality may require the minimum lot to be increased where it is of the opinion that the method to be used for the disposal of sewerage and wastewater warrants such an increase. In determining the extent of the increase, the Municipality shall be advised by a professional engineer in accordance with the capabilities of the method of disposal to be used in relation to the particular lot, medium-density housing site, or curtilage.
- iii. Where, on the date of adoption, two dwelling houses existed lawfully on a single lot which is less in extent than double the minimum prescribed in Development Control Tables for

the zone in which the dwelling occurs, the Municipality may grant authority for the subdivision of the property into two separate portions, provided that:

- The area of either of the subdivided portions shall not be less in extent than 12, 5% below the minimum area prescribed for the zone.
 - Each portion conforms to all of the other provisions of the Scheme; and
 - Arrangements for the disposal of sewerage and wastewater can be made to the satisfaction of the Municipality.
- iv. Provided further that, in giving any authority, the Municipality shall take into account the amenity of the locality and of the adjoining properties and it may call upon the applicant to apply to it first for its consent.
- v. Where an existing lot in any zone has been reduced in area by the expropriation or alienation of land for road widening and/or construction or public purposes as reserved in the Scheme, the Municipality may grant its authority for the construction of buildings thereon as contemplated in the zone, provided that :
- The remaining extent of the lot is not less in extent than 12, 5% below the minimum area prescribed for the zone; and
 - Arrangements for the disposal of sewerage and wastewater can be made to the satisfaction of the Municipality.

5.5. RESTRICTIONS ON THE NUMBER OF DWELLINGS ON A LOT IN RESIDENTIAL ZONES

In the residential zones, not more than one dwelling house shall be erected on any lot or lot, provided that

- (a) if a lot is greater in extent than double the minimum prescribed in the development parameters (controls) for the zone in which it occurs, additional dwelling houses may be erected thereon, the number of which shall be determined by dividing the area of the lot by the prescribed minimum for the zone, any fraction thereof which shall be discounted; provided further that:
- (i) the applicant shall first submit a drawing to the Municipality for its approval showing that the property on which the additional dwelling (or dwellings) is to be constructed is capable of being subdivided to create a lot for each dwelling that will conform to the provisions of the Scheme;
 - (ii) the applicant furnishes the Municipality with an undertaking to construct and maintain all internal services, roads, and stormwater drainage as the Municipality

- shall specify, which shall be to the Municipality's satisfaction until it is able to take over responsibility thereof upon the formal subdivision of the property; and
- (iii) the applicant furnishes the Municipality with a further undertaking that any land required under the scheme for road construction, road widening, or public purposes shall be transferred to the Municipality, and that all servitudes as may be required are registered in favour of the Municipality, or the authority, at dates to be determined by the Municipality and/or authority; and
- (b) A number of dwelling houses or units on individual lots may be grouped on a particular lot in the Residential zones, provided that:
- (iv) The minimum area of a lot shall not be less than twice the minima specified for relevant zones in Development Control Tables; and
 - (v) the consent of the Municipality is applied for and obtained in respect of the siting of the buildings, the width, and standard of all internal roads, access ways, services, and landscaping of the property,
- (c) The number of which shall be determined as set out in (a) above.

5.6. ADDITIONAL DWELLING UNITS IN RESIDENTIAL ONLY DETACHED ZONES

The Local Municipality may permit the erection of an additional self-contained residential unit on any residential site of 650sqm or more.

- (a) For the purposes of this clause only, such self-contained residential unit shall comprise not more than one bedroom, a combined lounge and dining room, a kitchen, a bathroom, and a toilet. The total floor area shall not exceed 90m
- (b) be architecturally compatible with the main dwelling house, attached directly to it or by means of a screen wall which will place the unit at a distance no greater than 5m from the main dwelling house, unless the applicant can demonstrate that exceptional circumstances exist which prevent such attachment;
- (c) be served by the same access to the public street or road which serves the main dwelling house, unless the applicant can demonstrate that exceptional circumstances exist to prevent such shared access; and

- (d) Be provided with adequate sewerage and wastewater disposal to the satisfaction of the Municipality provided further that the Municipality may waive the need for a consent application where the applicant demonstrates that the owners of adjoining properties have consented in writing, that they would have no objection to the erection of the proposed additional dwelling.

5.7. THE SHAPE OF LOTS IN RESIDENTIAL ONLY DETACHED ZONES

Except in special circumstances, the depth of the lot in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion, provided that where a lot is an irregular shape, it shall be capable of containing within its boundaries a rectangle not exceeding the ratio of 3 to 1, having an area of 75% of the minimum prescribed area for the zone in which it is situated.

5.8. PARKING, LOADING, AND UNLOADING ACCOMMODATION

(This must be read together with Section 6 of this Scheme)

1. A person intending to erect, alter or extend a building, or develop or use any lot, medium density housing site, or curtilage, must provide parking accommodation within the boundaries of the lot, site, or curtilage and shall submit proposals to the extent specified in the Parking Standards and Requirements and in accordance with the requirements set out hereunder and to the satisfaction of Municipality
2. In addition to the requirements of Sub-clause 1 above, and other than in respect of single dwellings within the Residential zones, adequate areas for the loading and unloading of vehicles shall be provided, and the location, access, demarcation, and surfacing shall be to the satisfaction of the Municipality; provided further that on any lot, Medium Density Housing site or curtilage where commercial vehicles are accommodated shall, in addition, provide sufficient parking accommodation and turning space for such vehicles to the satisfaction of the Municipality.

5.9. EXISTING LAND USE RIGHTS

1. Any existing building or existing use that is not in conformity with this Scheme, but for which legal authority was obtained from the Municipality prior to the adoption date of the Walter Sisulu Local Municipality wall to wall Scheme, and which continued to be used for the purpose for which it was designed and/or was completed legally and is so used after

the said adoption date, may continue to be so used, subject to compliance with any conditions which may have been imposed by the Municipality.

2. Any alteration or addition or change which materially alters the use of land or the character of an existing building shall automatically remove the use of land or building from the category of "existing land use" or "existing building" in terms of this Scheme.

5.10. NON-CONFORMING LAND USES

1. Any alteration or addition or change of use, which in the opinion of the Municipality alters the character of an existing building or use of land, shall automatically remove such building or land from the category of building or existing use.
2. Where the non-conforming existing use of any building or land is discontinued for a continuous period of 18 months or longer, such an existing use shall be deemed to have lapsed and shall not be recommenced.

5.11. THE SITING OF BUILDINGS AND ACCESS POINTS AND PROTECTION OF INDIGENOUS FLORA, FAUNA HABITATS, AND NATURAL SYSTEMS

1. The siting of any buildings intended to be erected, or the development or use of any land, shall be subject to the approval of the Municipality.
2. Before commencing with any activity, persons intending to erect buildings or use land shall apply to the Municipality for approval of the siting, use, or development and for the identification of this indigenous flora, fauna, habitats, and natural systems which must be conserved and protected.
3. In terms of the provisions of this Scheme, the Municipality in considering any application submitted under Chapter 4 of the Spatial Planning and Land Use Management By-Laws (As amended) shall ensure that adequate provisions are made in regard:
 - (a) the siting of buildings and access ways for the conservation of indigenous flora and fauna
 - (b) the protection of habitats and natural systems;

- (c) the replacement of trees and vegetation; by means of conditions qualifying the approval of such applications.

5.12. SITE DEVELOPMENT PLANS

1. In addition to the zonings that specifically require a site development plan, the Walter Sisulu Local Municipality may require a site development plan in respect of the following development types:

- (i) shopping centres and shopping complexes;
- (ii) business and office park developments;
- (iii) industrial park developments;
- (iv) developments in conservation areas;
- (v) developments that will be sectionalised;
- (vi) incremental residential developments; and
- (vii) any other uses that the municipality deems it necessary to have a site development plan submitted;
- (viii) minor/major developments where there are concerns relating to urban form, heritage, traffic, utility services, or spatial planning in general.
- (ix) Developments that require comments/approval from other sector departments such as the department of transport, department of education etc.

The Walter Sisulu Municipality may require some or all of the following information for a site development plan:

- (i) existing bio-physical characteristics of the property
- (ii) existing and proposed cadastral boundaries;
- (iii) the layout of the property, indicating the use of different portions thereof;
- (iv) the massing, position, use and extent of buildings;
- (v) sketch plans and elevations of proposed structures, including information about external finishes;
- (vi) cross-sections of the site and buildings on site;
- (vii) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
- (viii) the position and extent of private, public and communal space;
- (ix) typical details of fencing or walls around the perimeter of the land unit and within the property;
- (x) electricity supply and external lighting proposals;

- (xi) provisions for the supply of water, management of stormwater, and disposal of sewage and refuse;
 - (xii) external signage details;
 - (xiii) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
 - (xiv) the phasing of a development;
 - (xv) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
 - (xvi) statistical information about the extent of the proposed development, floor space allocations and parking supply;
 - (xvii) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
 - (xviii) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
 - (xix) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
 - (xx) any other details as may reasonably be required by the municipality.
2. The municipality may require that the area covered by a site development plan shall extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact. The municipality may determine the extent of such area.
 3. When required in terms of this land use management scheme, a site development plan shall be submitted to the municipality for its approval before any development on a land unit may commence.
 4. A site development plan shall be refused/deferred/disapproved if it is not consistent with the development rules of zoning, overlay zoning, condition of approval, or any other external commenting/approving authority.
 5. The municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban

form, landscaping, environmental management, engineering services or similar concerns.

6. The following provisions shall apply with regard to site development plans:
- i. Development of the property shall be in accordance with an approved site development plan;
 - ii. If the municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which shall be determined by the municipality depending on the magnitude of the development;
 - iii. If the municipality considers it necessary, a stormwater impact assessment and/or stormwater management plan may be required in conjunction with a site development plan, the extent of which shall be determined by the municipality depending on the magnitude of the development;
 - iv. In circumstances where a site development plan is required in terms of this development management scheme, no application for building plan approval in terms of the National Building Act shall be granted by the municipality, unless a site development plan has first been approved;
 - v. An approved site development plan shall be considered as setting additional development rules applicable to the base zoning, and any application for amendment shall comply with the municipality's requirements for such amendments.
 - vi. In the submission of a Site Development Plan, a developer or owner may be required by the Municipality to provide information related to the use of green technology in the development of the site or building of the development.
 - vii. The Municipality may request the inclusion of information related to on-site water storage and recycling measures in the Site Development Plan
 - viii. The municipality may impose any condition of approval for any Site Development Plan related to any services infrastructure upgrades required for any development related to internal business units' comments or any other condition imposed by an external party
 - ix. The municipality reserves the right to refer any specialist studies submitted with any site development plan by the applicant or agent for review.

5.13. TELECOMMUNICATION BASE TOWERS

1. An application for the sub-division of land for a Telecommunication Base Tower that falls outside the designated boundary of the scheme adoption boundary is subject to the **Sub-division of Agricultural Land Act (No 70 of 1970)** and requires approval from the national Department of Agriculture, Forestry and Fisheries.
2. All applications for change of land use are subject to the relevant requirements of the **National Environmental Management Act (Act No. 107 of 1998)** which requires an Environmental Impact Assessment and Environmental Authorisation (EA) from the Department of Economic Development, Tourism and Environmental Affairs (EDTEA).
3. Any application for the establishment of a Telecommunication Base Tower will need to provide documentation and a detailed plan indicating that the facility is compliant with the requirements of **section 24 of the National Constitution Act (No. 108 of 1996)**, the Cellular Telecommunications Infrastructure regulated by the Electronic Communications Act (No 36 of 2005), the National Building Regulations and any other relevant legislation, bylaws and municipal policy.
4. Telecommunications Base Towers can be erected under any land use zone through a Special Consent application. Each application will be assessed and processed individually based on the individual aspects and characteristics of the property and zone.
5. All applications for the establishment of Telecommunication Base Tower or mast shall submit to the Local Municipality a detailed report which includes the following items: -
 - (a) The proximity to other development.
 - (b) The possibility of using other appropriate structures rather than applying for a new site;
 - (c) The current state and usage of the site;
 - (d) The aesthetic compatibility with surrounding land uses;
 - (e) The proximity of the Telecommunication Base Tower to other communication installations;

- (f) The proximity of the site to sensitive environment areas, wilderness areas, nature reserves, ecotourism destinations, Special Case Areas, and Nature Conservation or Biodiversity Reserves.
- Any application for the erection of a cellular mast on the roof of a multi-story building will show measures taken to reduce the visual impact of the mast.
 - The applicant shall provide a description of what measures are to be taken to improve the aesthetic impact of the Telecommunication Base Tower or mast.
 - The application will address what security measures are to be put in place to prevent unauthorised access to the Telecommunication Base Tower, including fencing, access points, and warning notices on site and along access roads.

Please also refer to Annexure for detail on telecommunication mast requirements.

5.14. ADVERTISEMENTS

- i. No advertisements shall be displayed, or signs or hoardings erected, without the written authority of the Municipality, provided that where it is of the opinion that a proposed advertisement or board is likely to have a negative impact upon the amenities of the neighbourhood concerned, it may call upon the applicant to lodge a Consent application. Applications shall be accompanied by such drawings of the proposed advertisement, signs or boards and other information, which the Municipality may from time to time require.
- ii. This Clause shall not apply to casual advertisements for fundraising, entertainment, property sales, and auctions to be held on premises or meetings, provided that they are not, in the opinion of the Municipality, to be unduly ostentatious, in which event it may require that they be forthwith removed.
- iii. Prior to the approval of any site development plan, the norms and standards of any affected Municipal, provincial and National entity must be complied with and written consent in terms of its policy/legislation must be submitted along with the development application for consideration. Any conditions imposed by any of the mentioned entities will be enforceable.

5.15. FLOOD LINES

1. No habitable portion of a building intended for residential purposes may be erected below the 1 in 100 years flood line, defined in terms of the relevant provisions of the **National**

Water Act, 1998 (No.36 of 1998), as amended, without the prior approval of the Municipality, to whom shall be produced a certificate, signed by a Professional Engineer, confirming that such proposed buildings are vertically clear of such flood level.

5.16. SUB-DIVISION AND CONSOLIDATION OF LAND

1. Nothing in this Scheme shall prohibit or restrict the subdivision of any lot in any use zone, provided that the effect of any subdivision shall not be contrary to the provisions of this Scheme.
2. Prior to the lodgement of any diagram in respect of the subdivision/consolidation of any lot with the Office of the Surveyor-General, Eastern Cape in terms of the relevant provisions of the Land Survey Act, 1927 (Act No. 9 of 1927, as amended), a plan illustrating said subdivision/consolidation shall first be submitted to Council for its approval.

5.17. DELEGATION OF DECISION MAKING

The delegation of decision making is ultimately up to the Local municipality. Through the establishment of a SPLUMA compliant Municipal Planning Tribunal the municipality has the authority to make decisions on development applications. Supporting the establishment of a tribunal is the need for the adoption of duly authorised official. The authorised official is responsible for assisting the municipality with management of development applications lodged and to determine the categories of applications contemplated in the town planning scheme. The local municipality is also responsible to determine and categorise application to be dealt with by the authorised official and applications to be dealt with by the planning tribunal.

5.18. DEVELOPMENT INCENTIVES

SPLUMA requires that a Land Use Scheme include land use and development incentives to provide the effective implementation of the Land Use Scheme. SPLUMA require municipalities to include land use and development incentive to promote the effective implementation and enforcement of the Land Use Scheme. The following incentivisation ideas come to therefore:

Time taken to approve a development application

The WSLM is to consider the possibility of fast-tracking development applications in suitable areas. This is stipulated as a requirement for new SPLUMA compliant SDF's. The SDF is to identify the designation of areas in which shortened land use development procedures may be

applicable and Land Use schemes may be so amended. Practically this could mean that these areas are identified in the SDF and then included in the scheme as an overlay.

Land Value Capturing

A key feature of the city is that it is located at a physical point in space, meaning that a city requires land. The value of land in a city or town is considered a good indication of the productive capacity or investment potential of the city. The land is a particularly unique factor of production. Unlike other factors of production such as capital and human resource, land (and the fixed structures constructed on it, or the mineral resources contained in it) is immovable and fixed in a particular location. Depending on the business cycle and ownership arrangements, land can further be viewed as either a capital investment good (for owners of land) or as a consumption good with utility-bearing properties. Economic actors will tend to view land as a capital investment good in times of rapid growth and property price increases, and as a consumption is good when prices are either stable or declining.

Based on this it is imperative that WSLM encourages higher order land use, land value capture and optimum land use. The highest and best use considers only the uses that are legally permissible (meeting zoning, health, and public restrictions), physically possible (has adequate size, soil conditions, and accessibility), and economically feasible (income anticipated). The use that meets these criteria and produces the greatest net earnings (best returns) is the highest and best use.

Tax incentives and rates arrangements

As in most countries, one of the main issues in terms of sustainability is the presence of urban sprawl resulting in extensive urban decay. In order to address these concerns governments internationally and nationally have utilised tax measures to support efforts aimed at regenerating these urban areas by attracting developers with a capital allowance to areas where interest would otherwise be lacking with interests. It is advised the WSLM consider such measures to facilitate revenue generation.

Innovative Development Incentives

The following are considered to be the most useful and important incentives for the repair of large commercial sites such as regional shopping centres and malls, which will be possible only if the underutilised parking lots are urbanised to support higher density, missed use

development. Structured parking will be needed, and the investment for it can be considerable, making government financial support essential.

Tax Increment Financing (TIF)

This is an instrument used to underwrite redevelopment projects. Applied to a district, TIF is typically used to pay for on-site and off-site infrastructure improvements. Bonds are issued based on the projected future increase of the local taxes within a certain redevelopment area.

Business Improvement District (BID)

Also called a BIA (Business Improvement Area). This is an overlay area that can be funded through a special assessment collected from commercial property owners within the district area. The funds will pay for infrastructure improvements in the process of sprawl and repair. They generally require legislative authorization.

Reduce lot Sizes, Setbacks and Parking requirements

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

Zone for Mixed Use Development

The local government may put in place residential/mixed-use zoning designation to specifically encourage infill practices such as allowing housing development above stores. This is a strategy that WSLM can use to ensure affordable housing, the jurisdiction can amend the zoning regulation to establish an overlay zone for the residential/mixed use district that permits the development for affordable housing "by-right" on the areas covered in the overly.

Upgrading infrastructure and amenities

A key strategy for encouraging infill development, particularly housing, is a focused public investment strategy to improve antiquated infrastructure and add public amenities such as parks, libraries, and street scape.

Lowering of impact fees

Offering lower impact fees for infill projects can more accurately reflect the true costs for providing services through existing infrastructure. The more calibrated approach makes infill parcels more attractive and builds greater equity in metropolitan growth patterns.

Permitting by right

Fast track permitting, applied within targeted infill development areas, allows developers or infill parcels to get their applications processed ahead of non-infill applications. Affordable housing projects with slim profit margins can benefit substantially from speedy development review and approval.

Increase density allowances

Higher densities permit more intensive development of a parcel and allow the developer the opportunity to spread development costs over more units. Local governments can also provide “density bonuses” to developers of infill sites that designate a certain percentage of housing units as affordable. In this way, localities can both encourage efficient use of the land and promote the inclusion of affordable housing units within a project.

6. PARKING REQUIREMENTS

USE	STANDARD	ADDITIONAL REQUIREMENTS
AGRICULTURE		
Abattoir	1 car space for every 140 m ² or a major portion of the floor area	On-site loading and unloading access is to be provided to the satisfaction of the Municipality.
Agricultural Industry	Up to 25 persons employed: 1 car space for every 5 persons Thereafter, for the next 25 persons employed: 1 car space for every 10 persons.	On-site loading and unloading access is to be provided to the satisfaction of the Municipality.
Farm Stall	1 car space per Stall.	On-site loading and unloading access is to be provided to the satisfaction of the Municipality.
CIVIC AND SOCIAL / ADMINISTRATIVE		
Cemetery/Crematorium	2 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading access is to be provided to the satisfaction of the Municipality.
Clinic	3 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading access is to be provided to the satisfaction of the Municipality.
Community Hall / Multi-purpose centre	4 parking bays per 100m ² G of the Gross Floor Area	On-site loading and unloading access is to be provided to the satisfaction of the Municipality.
Convention Centre	4 parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading access is to be provided to the satisfaction of the Municipality.
Institutional and Educational Building		
College/Technikon	1 Parking Bay per 4 students	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Primary / Secondary School	1 Parking bay per classroom/ office.	
Nursery School/crèche		

	Onsite drop off and pick up zone to the satisfaction of the Local Authority.	
Old Age Home	1.5 car space for every 2 units 2 car spaces per 100m ² (administrative) Parking bay dimension to be 2m x 4m	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality
Government Municipal Building	For every public office, there shall be provided 6 bays/100m ² and an additional 15 bays for visitors.	On-site loading and unloading access is to be provided to the satisfaction of the municipality.
Hospital	2 parking bays per bed and adequate on-site parking for staff together.	On-site loading and unloading access is to be provided to the satisfaction of the Municipality.
Institution	1 car space per 50 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality.
Place of Instruction	4 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Place of Worship	1 Parking bay per 6 seats	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
ENVIRONMENTAL AND RECREATION		
Camping ground	2 parking bays per unit and a trailer bay facility.	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality.
Caravan Park	2 parking bays per unit and a trailer bay facility.	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality.
Game Reserve	Adequate parking to be provided to the satisfaction of the Municipality.	On-site loading and unloading accommodation to be provided to

		the satisfaction of the municipality.
Nature Reserve	Adequate parking to be provided to the satisfaction of the Municipality.	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality.
Private Recreational Use	1 parking bay per 4 seats.	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality.
Recreational building	2 parking bays per unit and a trailer bay facility.	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality.
COMMERCIAL		
Betting depot	35 parking bays per establishment.	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
4 Parking bays per 100m ² G.L.A	4 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Carwash	Minimum of 6 parking bays.	n/a
Commercial Workshop	4 car spaces per 100m ² of the Gross Floor Area.	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Conference Centre	4 car space per 100 m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Convenience Shop	1 car space per 25 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Flea Market	1 parking bay per stall	n/a
Funeral parlour:	2 parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be

		provided to the satisfaction of the municipality.
Gambling premises	1 car space per 25 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Garden nursery	1 car space per 50 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Home business	1 car space per 25 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Kennel/Cattery	1 car space per 50 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Laundrette	1 car space per 50 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Motor Car Showroom	4 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality.
Motor repair workshop	4 Parking bays per 100 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality.
Offices (Business Services, Professional, General, and medical)	1 car space per 100 m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Pet Shop	1 car space per 50 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.

Place of amusement	4 Parking bays per 100m ² of the Gross Floor Area.	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality.
Restaurant	6 car spaces per 100 m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality
Restaurant, Fast-food	6 car spaces per 100 m ² of the Gross Floor Area	On-site loading and unloading with suitable access to be provided to the satisfaction of the Municipality.
Service Station	1 car space per 50m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Shop	4 car spaces per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Spaza shop/tavern	1 car space per 25 m ² of the Gross floor area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Showrooms	4 Parking bays per 100m ² of the Gross Floor Area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the Municipality.
Tea garden	1 car space per 25 m ² of Gross floor area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
Tuck-shop	1 car space per 25 m ² of the Gross floor area	On-site loading and unloading area with suitable access to be provided to the satisfaction of the municipality.
INDUSTRIAL		
Extractive Industry	1 per 140m ² or a major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.

Industry, High Impact Manufacturing	1 car space for every 140 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Industry, Large Scale Manufacturing	1 car space for every 140 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Industry, Large Scale Manufacturing	1 car space for every 140 m ² or major portion of the floor area.	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Industrial building	Up to 25 persons employed: 1 car space for every 3 persons Thereafter, for the next 25 persons employed: 1 car space for every 5 persons. Thereafter, for any further number of persons employed: 1 car space for every 10 persons In addition, one car space for every commercial vehicle used in the industry.	On-site loading and off-loading accommodation to be provided to the satisfaction of the municipality "Persons employed" shall include management, office staff and factory employees. There shall at all times be a minimum of 2 car spaces and in no case shall the number of car spaces provided exceed the ratio of one car space per 150m ² gross industrial floor area. The number of car spaces to be provided may be reduced at the discretion of council in the case of unskilled labour and who rely on public transport
Light Industrial Building	1 car space for every 100 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Non-Polluting Light Manufacturing	1 car space for every 140 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Noxious industry	1 car space for every 140 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality

Salvage Yard	1 car space for every 140 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Service industrial Building	2 car space for every 100 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the municipality.
Service Workshop	2 car space for every 100 m ² or major portion of the floor area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Warehouse	1 car space for every 140 m ² or major portion of the floor area.	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Vehicle Repair Shop	1 car space for every 140 m ² or major portion of the floor area.	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Wholesaling Shop	4 per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Workshops and service outlets	1 per 100m ² of the Gross Floor Area	On-site loading and unloading access to be provided to the satisfaction of the Municipality

RESIDENTIAL

Backpackers / Hostelling Establishment	1 car space for every 2 bedrooms 1 bus bay for every 25 rooms 2 mini-bus bays per 10 rooms 2 bays for the owner/manager/occupier 15 bays minimum for the general public	On-site loading and unloading accommodation to be provided to the satisfaction of the municipality
Bed and Breakfast Facility	1 car space per lettable room	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Student Accommodation/ Boarding House	1 car space for every bedroom 2 bays for the owner/manager/occupier Plus a minimum of 5 additional conveniently located car spaces	On-site loading and unloading access to be provided to the satisfaction of the Municipality.

Crèche	1 Parking bays per 6 children 2 Parking bays for office Onsite drop off and pick up zone to the satisfaction of the Local Authority.	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Day Care Centre	1 Parking bays per 6 children 2 Parking bays for office Onsite drop off and pick up zone to the satisfaction of the Local Authority.	On-site loading and unloading access to be provided to the satisfaction of the Municipality.
Dwelling House	1 garage or covered space per dwelling unit 1 garage or covered space per additional self-contained unit.	Site loading and unloading accommodation to be provided to the satisfaction of the municipality Visitor's parking to be conveniently Located to entrance to building
Extended Residential Building	1 garage or covered space per dwelling unit 1 garage or covered space per additional self-contained unit	Site loading and unloading accommodation to be provided to the satisfaction of the municipality Visitor's parking to be conveniently Located to entrance to building
Group Housing	1 parking bays or space per dwelling unit 1 parking bay or car space per 2 dwelling units for visitors	On-site loading and unloading accommodation to be provided to the satisfaction of the Municipality Visitor's parking to be conveniently located to dwelling units and not within private open areas
Guest House	1 car space for every bedroom 2 bays for the owner/manager/occupier 1 bay for every 2 conference seats	Site loading and unloading accommodation to be provided to the satisfaction of the municipality
Lodge	1 car space for every bedroom 1 Bay for every 25% of restaurant space 2 bays for the owner/manager/occupier 15 bays minimum for the public 1 bay for every 25 m ² of Conference	On-site loading and unloading accommodation to be provided to the satisfaction of the Municipality

Medium Density Housing	1 parking bay or space per dwelling unit 1 parking bay or car space per 2 dwelling units for visitors	On-site loading and unloading accommodation to be provided to the satisfaction of the Municipality Visitor's parking to be conveniently located to dwelling units and not within private open areas
Residential Building	1 parking bay or space per dwelling unit 1 parking bay or car space per 2 dwelling units for visitors	On-site loading and unloading accommodation to be provided to the satisfaction of the Municipality Visitor's parking to be conveniently located to dwelling units and not within private open areas
Retirement Village	1.5 car space for every 2 units 2 car spaces per 100m2 (administrative)	On-site loading and unloading accommodation to be provided to the satisfaction of the Municipality
Self-Catering Apartments and Villas	2 Parking bays per unit and a Trailer bay facility	On-site loading and unloading accommodation to be provided to the Satisfaction of the Municipality.

ANNEXURES



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CONSULTING C.C.



PROVISION OF PROFESSIONAL SERVICES TO FORMULATE A WALL-TO-WALL LAND USE SCHEME(LUS) IN SUPPORT OF
WALTER SISULU LOCAL MUNICIPALITY

ANNEXURE 1: COMMUNAL LAND TENURE BILL, 2017



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PROVISION OF PROFESSIONAL SERVICES TO FORMULATE A WALL-TO-WALL LAND USE SCHEME(LUS) IN SUPPORT OF
WALTER SISULU LOCAL MUNICIPALITY

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



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PROVISION OF PROFESSIONAL SERVICES TO FORMULATE A WALL-TO-WALL LAND USE SCHEME(LUS) IN SUPPORT OF
WALTER SISULU LOCAL MUNICIPALITY

ANNEXURE 3: NOXIOUS USE/TRADE/INDUSTRY

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

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

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

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

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

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

The following actions are required:

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

Detailed provisions:

- Only one room of a dwelling or garage or outbuilding with an area not exceeding 50m² is to be converted for tavern use;
- The house needs to retain a primarily residential function;
- The tavern should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, facilitate off-loading of goods, and 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 with health regulations.
- Any contravention of the guidelines mentioned above, or any written complaints verified by officials of the Municipality could result in the closure of the tavern and the withdrawal of the departure rights.

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

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

Size of Second Dwelling Unit	<ul style="list-style-type: none"> Maximum size will be determined by the permissible coverage and floor area ratio on the erf/land unit
Coverage	<ul style="list-style-type: none"> Maximum coverage in terms of the density zone.
Building Lines	<ul style="list-style-type: none"> As applicable to the prime dwelling unit.
Height	<ul style="list-style-type: none"> 2 Storeys No point of a building shall exceed a vertical distance above the grade line of: <ul style="list-style-type: none"> 6m – in the case of flat-roofed buildings, 8m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line; Provided that: <ul style="list-style-type: none"> Chimneys and flues are exempt from this height restriction. Antennae, satellite dish antennae (of less than 1.5m diameter), external geysers or renewable energy apparatus attached to any surface of a building may not exceed the vertical height of the part of the building to which it is attached by more than 1.5m. If attached to a chimney or flue, it may not exceed the vertical height of the highest part of the building's roof by more than 1.5m
Parking	<ul style="list-style-type: none"> At least one on-site parking bay for second dwelling
Vehicular Access	<ul style="list-style-type: none"> Only one vehicular access per street frontage is to be permitted.

Outbuildings:	<ul style="list-style-type: none"> • Outbuildings normally incidental to a main dwelling will be permitted with a second dwelling unit on the condition that the permissible coverage is complied with.
Municipal Services	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Separate ownership for the main and second dwelling shall not be permitted, except if a subdivision is approved, provided that with subdivisions both dwellings shall have direct access to the public roadway and both dwellings shall have direct connections to Municipal infrastructure

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

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

Definitions

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

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

Important provisions

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

Parking Provision

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

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

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

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

The following actions are required:

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

Detailed provisions

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

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

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

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

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

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

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

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

ANNEXURE 10: POLICY FOR TELECOMMUNICATIONS INSTALLATIONS

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

Land Use Authorisation

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

Building Control

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

Conditions Applicable to decommissioning of Telecommunication Installations

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

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

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

ANNEXURE 11: POLICY FOR RENEWABLE ENERGY APPARATUS AND STRUCTURES

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

Relevant definitions

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

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

Land Use Authorisation

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

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