



NGWATHE LOCAL MUNICIPALITY

Land Use Scheme (LUS)

Phase 1: Detailed Inception Report & Communication Plan

Phase 2: Data collection and Status Quo on Land Use Rights

Phase 3: Land Use Scheme Regulations / Linkage Plans

Phase 4: Draft Land Use Scheme including Scheme Maps, Clauses, Regulations & Land Use Survey Reports

Phase 5: Consultation & Amendments

Phase 6: Final Land Use Scheme (Regulations, Zoning Maps, Amendment Registers)

Phase 7: Adoption & Approval of LUS



THE DEVELOPMENT OF A LAND USE SCHEME (LUS) FOR NGWATHE LOCAL MUNICIPALITY (WALL-TO-WALL)

FOR A PERIOD OF TWELVE (12) MONTHS

In the Free State Province

BID NR: 5/2/2/1 - DALRRD - 0032 (2020/2021)

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CONTENTS

PART 1:

DEFINING THE SCHEME14

CHAPTER 1 SCHEME BRIEF..... 14

SECTION 1 GENERAL PROVISIONS 14

1.1 TITLE..... 14

1.2 ENACTMENT 14

1.3 APPLICABLE LEGISLATION 14

1.4 LAND USE RIGHTS..... 14

1.5 CONFLICT BETWEEN PROVISIONS OF THIS LAND-USE SCHEME, CONDITIONS OF TITLE AND LEGISLATION..... 14

1.6 AUTHORISED LOCAL MUNICIPALITY..... 14

1.7 AREA OF SCHEME 14

1.8 COMPONENTS OF THE SCHEME..... 15

1.9 APPLICATION OF THE SCHEME..... 15

SECTION 2 TRANSITIONAL ARRANGEMENTS 16

1.10 STATUS OF THE LAND USE SCHEME 16

1.11 RECTIFICATION OF ERRORS ON LAND USE SCHEME MAPS..... 16

1.12 TRANSITIONAL ARRANGEMENTS 17

1.13 LAND OWNER'S RESPONSIBILITY 17

1.14 THE MUNICIPALITY'S RESPONSIBILITY..... 18

SECTION 3 INTERPRETATION OF THE SCHEME 18

1.15 THE SCHEME SHALL COMPRISE;..... 18

CHAPTER 2 GENERAL TERMINOLOGY USED IN THE SCHEME..... 20

SECTION 1 SCHEME RELATED TERMINOLOGY 20

SECTION 2 LAND USE RELATED TERMINOLOGY..... 36

SECTION 3 LAND USE CLASSIFICATION 58

PART 2 LAND USE PROVISIONS60

CHAPTER 3 USE ZONES 60

SECTION 1 LAND USE ZONES..... 60

1.16 LAND USE ZONES..... 62

SECTION 2 MANAGEMENT ZONES..... 104

1.17 PURPOSE 104

1.18 ENVIRONMENTAL MANAGEMENT ZONES..... 104

1.19	500M BUFFER MANAGEMENT ZONE	113
1.20	HIGH POTENTIAL AGRICULTURAL LAND	113
	SECTION 3 OVERLAY ZONES	115
1.21	PURPOSE OF OVERLAY ZONES	115
1.22	REQUIREMENT PROCEDURES	116
	CHAPTER 4 REGULATIONS	117
	SECTION 1 DEVELOPMENT REGULATIONS	117
1.23	A ZONE MAY CONTAIN REGULATIONS WITH REGARDS TO:.....	117
1.24	HEIGHT	118
1.25	COVERAGE.....	118
1.26	BUILDING LINES.....	119
1.27	PARKING & LOADING REQUIREMENTS.....	119
1.28	EXEMPTIONS AND SPECIAL ZONES.....	121
1.29	CENTRAL BUSINESS DISTRICT (CBD) EXEMPTIONS.....	121
1.30	MINIMUM PROPERTY SIZE AND DENSITY REQUIREMENTS	130
	SECTION 2 GENERAL REGULATIONS FOR ALL LAND USES	132
1.31	WATER SUPPLY AND MANAGEMENT DIRECTIVES	132
1.32	TEMPORARY USE OF LAND	133
1.33	SPOILING OF LAND	133
1.34	TRANSFER OF EXISTING LAND USE RIGHTS	133
1.35	SPLAYING OF CORNERS.....	133
1.36	LINE OF NO ACCESS	133
1.37	BINDING FORCE OF CONDITIONS.....	134
1.38	RESTRICTION ON EXCAVATION	134
1.39	BUILDING RESTRICTION ALONG WITH ROAD RESERVES.....	134
1.40	SCREENING AND FENCING	134
1.41	MAINTENANCE OF DEVELOPMENT	134
1.42	CONFLICT BETWEEN SCHEME, TITLE CONDITIONS, AND OWNERSHIP CONDITIONS	134
	SECTION 3 REGULATIONS FOR SPECIFIC LAND USES.....	135
1.43	CONDITIONS APPLICABLE TO ALL LAND USE ZONES.....	135
1.44	CONDITIONS APPLICABLE TO BUSINESSES IN RESPECT OF WHICH A LICENSE IS REQUIRED.....	136
1.45	ABATTOIR	136
1.46	ADULT ENTERTAINMENT BUSINESS	136
1.47	BED & BREAKFAST	137

1.48	CAMPING SITE /CARAVAN PARK	137
1.49	CEMETERY (PRIVATE & PUBLIC)	138
1.50	CRÈCHE.....	138
1.51	CULTURAL HERITAGE SITE	138
1.52	DRY CLEANER	138
1.53	DWELLING UNIT	139
1.54	GAMING ESTABLISHMENT	139
1.55	GROUP HOUSING	139
1.56	GUESTHOUSE	139
1.57	HOME BUSINESS.....	140
1.58	INFORMAL TRADE.....	142
1.59	LAUNDERETTE	142
1.60	LEISURE RESIDENTIAL	142
1.61	LODGE.....	142
1.62	NATURE RESERVE	143
1.63	EARLY CHILDHOOD DEVELOPMENT CENTRES	143
1.64	PLACE OF WORSHIP.....	144
1.65	PRIVATE STREET / ROAD	144
1.66	RESORT.....	144
1.67	SCRAP-YARD	144
1.68	SECOND DWELLING UNIT	144
1.69	SERVICE STATION	145
1.70	TAVERN	145
1.71	TUCKSHOP.....	146
1.72	TRUCK STOP	146
1.73	TELECOMMUNICATION INFRASTRUCTURE	147
1.74	SHIPPING CONTAINERS, WOODEN AND TENTED STRUCTURES	150
1.75	DEVELOPMENT CHARGES	150
PART 3 LAND USE PROVISIONS		152
CHAPTER 5 DEVELOPMENT MANAGEMENT		152
SECTION 1 APPLICATION TYPES		152
1.76	PLANNING APPLICATIONS.....	152
1.77	APPLICATION FOR LAND DEVELOPMENT REQUIREMENTS	152
1.78	THE LAND USE SCHEME AND THE NGWATHE MUNICIPALITY: MUNICIPAL LAND USE PLANNING BY-LAW, 2018	152
1.79	LAND USE AND LAND DEVELOPMENT APPLICATIONS	152

1.80	PROCEDURES FOR SPECIAL CONSENT APPLICATIONS IN TERMS OF THE PROVISIONS OF THE SCHEME	153
1.81	PROCEDURES FOR ANY OTHER APPLICATIONS IN TERMS OF THE PROVISIONS OF THE SCHEME.....	153
1.82	TEMPORARY DEPARTURE APPLICATIONS.....	153
	SECTION 2 APPLICATION REQUIREMENTS	154
1.83	APPLICATION REQUIREMENTS.....	154
1.84	APPLICATION FEES.....	154
1.85	GROUND FOR REFUSING TO ACCEPT AN APPLICATION	154
	SECTION 3 NOTIFICATIONS.....	154
1.86	NOTIFICATIONS	154
1.87	NOTIFICATION REQUIREMENTS	154
	SECTION 4 OBJECTIONS.....	155
1.88	OBJECTIONS & APPEALS	155
	SECTION 5 DECISION MAKING AND APPEALS	155
1.89	FINDINGS AND APPEALS	155
	SECTION 6 ENFORCEMENT	156
1.90	ENFORCEMENT.....	156
1.91	COMPLAINTS ON SUSPECTED UNLAWFUL ACTIVITIES.....	156
1.92	POWER OF ENTRY FOR ENFORCEMENT PURPOSES	156
1.93	SERVING OF NOTICES	156
1.94	ADVERTISING SIGNS	156
1.95	PERMISSION GRANTED BEFORE APPROVAL OF THE SCHEME.....	157
1.96	ANNEXURE TO THE SCHEME	157
1.97	CONTRAVENTION TO THE SCHEME.....	157
6	MISCELLANEOUS.....	158
	SECTION 1 GENERAL.....	158
1.98	ZONING REGISTER	158
1.99	PROPERTY DESCRIPTION.....	158
1.100	USE OF ANNEXURES AND SCHEDULES.....	158
1.101	NAMING AND NUMBERING OF STREETS.....	158
1.102	BINDING FORCE OF CONDITIONS.....	159
	ANNEXURE A:	160
	LIST OF NOXIOUS INDUSTRIES	160
1.103	THE USE OF BUILDINGS OR LAND FOR ANY OF THE FOLLOWING PURPOSES:	160

1.104 THE USE OF BUILDINGS OR LAND FOR THE PRODUCTION OF OR THE EMPLOYMENT IN ANY PROCESS OF:.....	160
1.105 THE USE OF BUILDINGS OR LAND FOR THE PRODUCTION OF:.....	160
1.106 FOR THE PURPOSE OF:.....	160
ANNEXURE B: REFERENCE MANUAL	162
SECTION 1 PROCESS	162
1.107 DEVELOPMENT RIGHTS	163
1.108 TYPES OF DEVELOPMENT APPLICATIONS.....	165
1.109 PRESCRIBED DOCUMENTATION PER APPLICATION TYPE.....	168
SCHEDULE A: ZONING REGISTER	180

PREAMBLE

These Scheme Regulations were compiled to align with Section 156 of the Constitution and to comply with the requirements of Chapter 5 of the Spatial Planning and Land Use Management Act, Act 16 of 2013.

Section 156 of the Constitution is clear on the Powers and functions of Municipalities. In accordance with section 156 (1), A municipality has executive authority in respect of, and has the right to administer—

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

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

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

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

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

Chapter 5 of the Spatial Planning and Land Use Management Act, Act 16 of 2013, specifically makes provision for the following:

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

- social inclusion;
- efficient land development; and
- Minimal impact on public health, the environment, and natural resources.

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

USER ORIENTATION

PURPOSE OF THE SCHEME

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

- ✓ To regulate the development of land, with respect to the use of same;
- ✓ To regulate the location and use of buildings and structures for different land uses;
- ✓ To regulate the bulk and aesthetics of buildings and other structures to be erected hereafter or the alteration of existing properties and land parcels;
- ✓ To prescribe building lines;
- ✓ To protect and improve amenities;
- ✓ To promote health, safety, and the general welfare;
- ✓ To strive towards implementing the SPLUMA Principles as contained in the Spatial Planning and Land Use Management Act, act 16 of 2013, and the development objectives and strategies of the Municipality as contained in the Ngwathe IDP and Spatial Development Framework;
- ✓ To divide land into zones of such number, shape, and extent as may be deemed best suited to carry out these regulations;
- ✓ To lay down criteria whereby the need and desirability of land use can be measured, and the nature of development regulated and to provide for the granting and refusal of land use rights; and
- ✓ In accordance therewith, including, where necessary, the imposition of conditions relative to the granting of such rights.

OBJECTIVES OF THE SCHEME

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

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

RELATIONSHIP BETWEEN THE SDF, IDP, AND LUMS

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

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

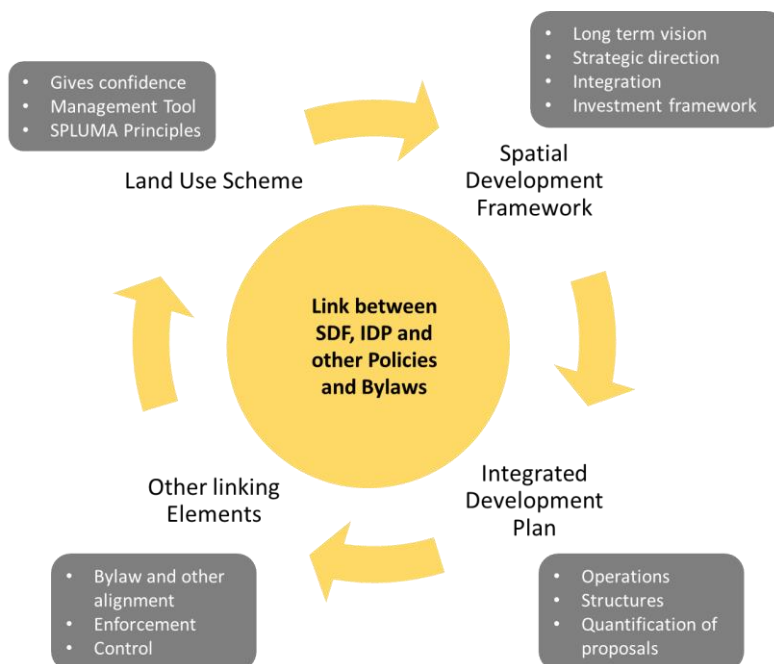


Figure 1: Relationship between SDF, IDP AND LUS

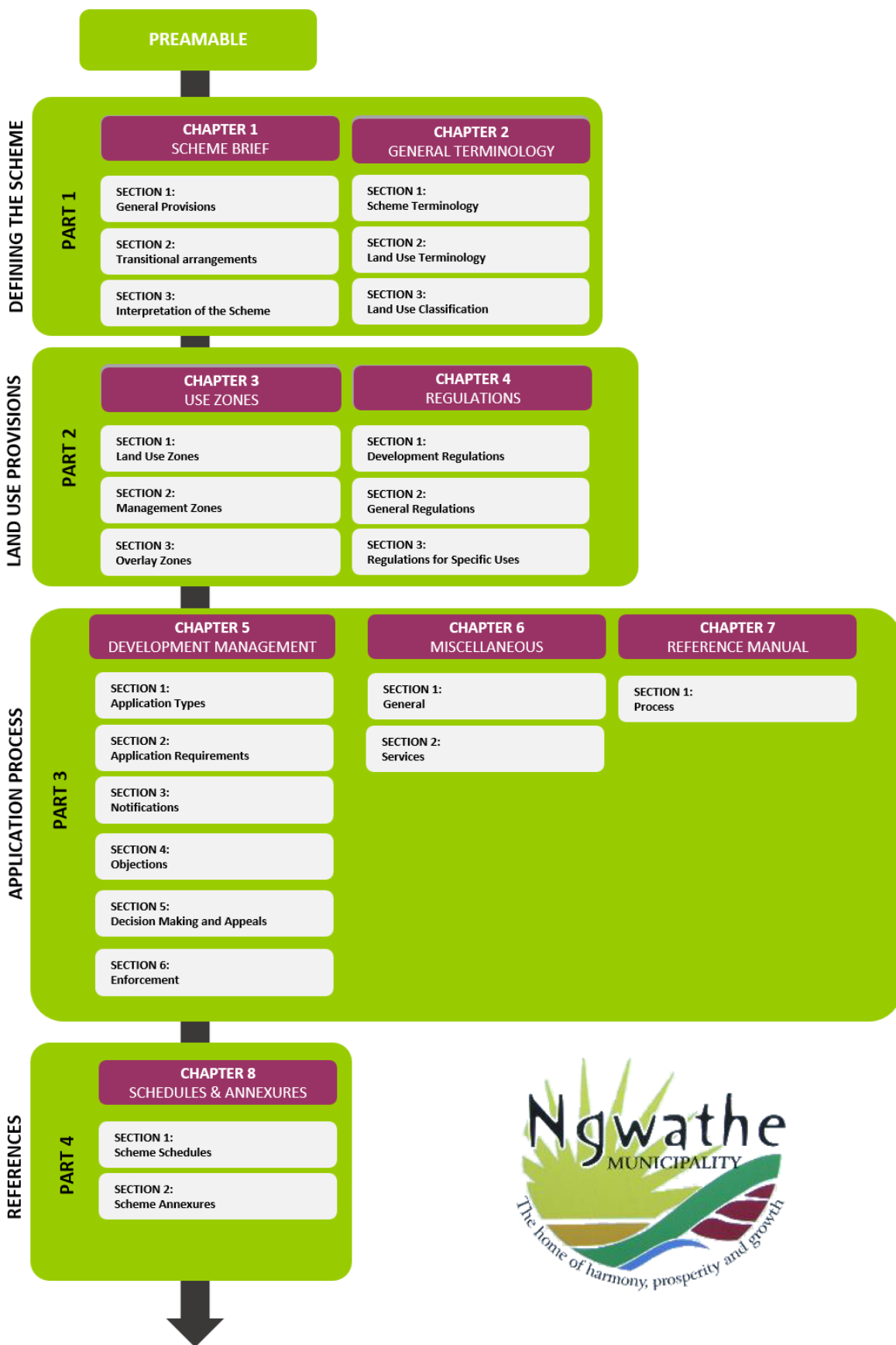
CONTENT OF THE SCHEME

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

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

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

COMPONENTS OF THE SCHEME



DEFINING THE SCHEME

CHAPTER 1 SCHEME BRIEF

SECTION 1 GENERAL PROVISIONS

1.1 TITLE

1.1.1 This scheme shall be known as the Ngwathe Land Use Scheme, 2021, promulgated by virtue of Notice No: dated in the Free State Provincial Gazette No. and shall hereafter be referred to as the “Scheme”.

1.2 ENACTMENT

1.2.1 The Scheme has been prepared and enacted in terms of Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);

1.2.2 The Scheme shall come into operation on, the “Effective date” and govern from the effective date onward.

1.2.3 The scheme reads with the Spatial Planning and Land Use Management By-Law.

1.3 APPLICABLE LEGISLATION

1.3.1 Due to the plethora of legislation impacting on land use management and the regular occurrence of legislative amendments, applicable Acts will not be listed here, otherwise, it will necessitate the amendment of this Scheme with every change in legislation.

1.4 LAND USE RIGHTS

1.4.1 Whether or not the land is registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the land may be used only in accordance with the land use rights held in terms of the Scheme. All conditions included in a Title Deed of a land parcel within the Local Municipality supersede the land use rights granted by the Ngwathe Land Use Scheme;

1.4.2 A Register of Land Use Rights, compiled in terms of SPLUMA (Section 25(2)(c)), shall be the definitive source of the land use and development rights of a property; and

1.4.3 It shall be the responsibility of the landowner to register land use rights obtained via legislation other than SPLUMA or Scheme on the Register of Land Use Rights.

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

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

1.6 AUTHORISED LOCAL MUNICIPALITY

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

1.7 AREA OF SCHEME

1.7.1 The Scheme incorporates the area of jurisdiction of the Ngwathe Local Municipality, as proclaimed.

1.8 COMPONENTS OF THE SCHEME

1.8.1 This Land Use Scheme consists of:

- 1.8.1.1 Regulations setting out the procedures and conditions relating to the use and development of land in any zone;
- 1.8.1.2 A map indicating the zoning of the municipal area into land use zones;
- 1.8.1.3 A register of all amendments to such land use scheme; and
- 1.8.1.4 A register of all land use rights of all properties.

1.9 APPLICATION OF THE SCHEME

- 1.9.1 This Scheme applies to all land within the municipal area of the Municipality, including land owned by the State.
- 1.9.2 This Scheme binds every owner and their successor-in-title and every user of land, including the State.

SECTION 2 TRANSITIONAL ARRANGEMENTS

1.10 STATUS OF THE LAND USE SCHEME

1.10.1 This Land Use Scheme is prepared in terms of the Spatial Planning and Land Use Management Act of 2013, as may be amended, and is in substitution of the following Schemes previously in operation in the Ngwathe Local Municipal area:

- ✓ Parys Land Use Management Scheme, 1965; and
- ✓ Heilbron Land Use Management Scheme, 1959.

1.10.2 The use of all land included in the area of this Land Use Scheme shall be controlled by the Land Use Scheme. No land or building may be used for any purposes other than that permitted in this Land Use Scheme, and its binding to all persons and the State.

1.10.3 Nothing in this Scheme overrides a restrictive condition contained in any title deed of any property located within the scheme.

1.11 RECTIFICATION OF ERRORS ON LAND USE SCHEME MAPS

1.11.1 If the zoning of a land unit is incorrectly indicated on the zoning map or wrongly converted from a zoning map of a former land use scheme, the owner of an affected land unit may submit an application to the Municipality to correct the error.

1.11.2 An owner contemplated in subsection 1.11.1 must apply to the Municipality in the form determined by the Municipality and must –

1.11.2.1 Submit written proof of the lawful land use rights; and

1.11.2.2 Indicate the suitable zoning which should be allocated.

1.11.3 The onus of proving that the zoning is incorrectly indicated on the land use scheme map is on the owner.

1.11.4 The owner is exempted from paying application fees and from liability for the costs of public participation.

1.11.5 If the Municipality approves the application, the Municipality must amend the zoning map.

1.11.6 The Municipality may refuse an application to correct the zoning map if the owner fails to submit written proof of the lawful use rights.

1.11.7 The Municipality may correct a zoning map if it finds an error on the map after –

1.11.7.1 Notifying the owner in writing of its intention to correct the wrong conversion or error;

1.11.7.2 Inviting the owner to make representations within a specified period in respect of the proposed correction of the errors on the zoning map; and

1.11.7.3 Considering any representations received from the owner.

- 1.11.8 If the Municipality corrects the zoning map, it may only amend the map to show the correct zoning of the property.

1.12 TRANSITIONAL ARRANGEMENTS

- 1.12.1 All existing, legal land use rights that were in effect on properties prior to the effective date are deemed to continue in full force and effect and are hereby incorporated into the Scheme.
- 1.12.2 Should a mistake or oversight be made in the recording of an existing land use right, such mistake or oversight shall be rectified, on producing proof of such existing land use right by the land owner.
- 1.12.3 Any application made and accepted in terms of a former zoning scheme or town planning scheme which is still in process at the commencement date shall be assessed and finalised in terms of such former zoning scheme or town planning scheme regulations, except where it has been withdrawn by the applicant in writing.
- 1.12.4 Where a rezoning application was approved before the commencement of this Land Use Scheme but has not yet been acted on, or where a rezoning was approved within the provisions of a former zoning scheme or town planning scheme, after the commencement of this Scheme, the affected land unit/s in such approval shall be deemed to be allocated with a corresponding zone in accordance with this Land Use Scheme, where such an approval is acted on.
- 1.12.5 Where a building plan application was formally submitted and accepted:
- 1.12.5.1 Before commencement of this Land Use Scheme and which is still being processed; or
 - 1.12.5.2 After commencement of this Land Use Scheme, with the express purpose to act on a valid approval granted for any application in terms of planning law or in terms of a former zoning scheme; such building plan will be assessed and finalised within the approval granted and the land use restrictions or provisions of the applicable zone in the former zoning scheme.
- 1.12.6 Where any approval in terms of the Ordinance or a former zoning scheme has been acted on and constitutes a contravention of any provision in a zone in this Land Use Scheme, for the purposes of this Land Use Scheme it will not be considered to be an offence but a lawful nonconforming use.
- 1.12.7 Development applications that, prior to this scheme, were submitted and approved, but not proclaimed, are deemed to be proclaimed.
- 1.12.8 On the date of the adoption of this Land Use Scheme, all existing town planning schemes operating within the jurisdiction of the municipality will cease to operate.

1.13 LAND OWNER'S RESPONSIBILITY

- 1.13.1 A landowner within the Municipal Area, and the duly authorised representative of such owner, may apply for any approval required in terms of the Act, Spatial Planning and Land Use Management By-law or this Scheme.
- 1.13.2 The fact that land may be used for a specific purpose according to its zoning, or in terms of Municipality's consent or approval, does not exempt anyone from obtaining the necessary permit, license, authorisation, or approval required in terms of any other legislation.

1.14 THE MUNICIPALITY'S RESPONSIBILITY

1.14.1 Public Document

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

1.14.2 Keeping of Register

- 1.14.2.1 The Municipality is responsible for keeping and maintaining a record of all departures and consent uses approved in terms of this Scheme. Additional records relating to the use of land in terms of this Scheme as required by the Municipality may also be included in the register. The register must be computerised, and an updated hard copy must be kept at the Municipal offices for inspection by the public.

1.14.3 Updating and Amendments

- 1.14.3.1 The Municipality is responsible for updating the electronic zoning map, the electronic database, the register, and this Scheme regularly, based on approvals granted from time to time. Amendments to the zoning map shall be shown on the official zoning map, which must be updated at least every 6 months. Hard copies of current zoning maps must be available at the Municipal offices for inspection by the public.

SECTION 3 INTERPRETATION OF THE SCHEME

1.15 THE SCHEME SHALL COMPRISE;

- 1.15.1 The Scheme Clauses (Part 1 - 3), the Schedules, and Annexures (Part 4), are contained in this document.
- 1.15.2 The Scheme Map (hereinafter referred to as the "Map Book"), which depicts the zoning of all properties within the Scheme Area. The notation used for each zoning is indicated in the front of the Map Book and the meaning to be assigned to the notations on the zoning map is set out in Part 2, Chapter 3 of this Scheme.
- 1.15.3 The headings to the clauses of this Scheme are for reference purposes only.
- 1.15.4 Any reference in this Scheme to:
- i. "clause" shall, subject to any contrary indication, be construed as a reference to a clause hereof;
 - ii. "law" shall be construed as any law (including common law), or statute, constitution, decree, judgment, treaty, regulation, directive, by-law, order or any other legislative measure of the national, provincial, or local government, statutory or regulatory body or court;
 - iii. a "person" shall include any reference to any person, firm, company, corporation, government, state, or agency of a state or any association or partnership (regardless of having a separate legal personality or not), or two or more of the foregoing.

- 1.15.4.1 In this Scheme document, unless the context indicates otherwise, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.
- 1.15.4.2 The Schedules, Annexures, and Map Book to this Scheme form an integral part hereof, and words and expressions defined in this Scheme shall bear, unless the context otherwise requires, the same meaning in such Schedules, Annexures, and Map Book.
- 1.15.4.3 When any number of days is prescribed in this Scheme, same shall refer to calendar days and be reckoned exclusively of the first and inclusive of the last day unless the last day falls on a day other than a Business Day or on a public holiday, in which case the last day shall be the next succeeding Business Day.

CHAPTER 2 GENERAL TERMINOLOGY USED IN THE SCHEME

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

SECTION 1 SCHEME RELATED TERMINOLOGY

TERMINOLOGY	DEFINITION
A	
Act	Refers to the Spatial Planning and Land Use Management Act, 2013 (Act No 16 of 2013), = Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015, and any subsidiary legislation or other legal instruments issued in terms thereof, as may be amended.
Adopt	In relation to a spatial development framework, land use scheme, policy, or strategy, means the approval thereof by the competent authority.
Advertisement	Any visible representation of a word, name, letter, figure, object, mark, or symbol or of an abbreviation of a word or name, or of any combination of such elements with the object of transferring information.
Alter & Alteration	The making of structural changes to a building or structure, and in relation to a heritage resource also means making non-structural changes to the detail, fabric, finish, or appearance of a building or structure otherwise than by means of reasonable and necessary maintenance.
Ancillary & Subservient Use	A use, building, or activity that is subservient to, related to, and reasonably required for the conducting of the dominant use on the property. Notwithstanding anything contained in this Scheme, the classification or not by the Municipality of an ancillary use shall be decisive and final.
Annexures to the Scheme	The set of documents showing details of rights permitted and conditions imposed on certain properties marked with a number within a black circle on the scheme map, which rights and conditions shall prevail over any other clause or provision of the Scheme, provided that if rights and conditions are not stipulated in the annexures, the provisions of the Scheme Regulations shall apply.
Appeal	A legal proceeding by which a land use decision is brought before the Council for the review of the decision taken by the land development officer or the Municipal Planning Tribunal.
Appeal Authority	The executive authority of the Municipality, the Municipal Appeal Tribunal established in terms of the By-Law or any other body or institution outside of the municipality authorised by that Municipality to assume the obligations of an appeal authority for purposes of appeals lodged in terms of the Spatial Planning and Land Use Management Act, 2013.
Appellant	A person who notes an appeal to the Appeal authority in respect of any land development and land use application contemplated in terms of the Scheme and/or who notes an appeal to the relevant appeal authority in respect of a decision of the Municipal Planning Tribunal or Land Development Officer.

TERMINOLOGY	DEFINITION
Applicant	A person who makes a land development application contemplated in Section 16(2) of the Ngwathe Spatial Planning and Land Use Planning By-Law, 2018.
Application	An application made in terms of the provisions of the Ngwathe Spatial Planning and Land Use Management By-Law, 2018, and/or this Land Use Scheme or any amendment thereof.
Approval	The written approval of the Local Municipality on an application lodged as per the municipal by-law.
Authorised Employee	A municipal employee who is authorised by the Municipality to exercise a power or perform a duty in terms of this By-law or to inspect land and buildings in order to enforce compliance with this By-law, the Ngwathe Spatial Planning and Land Use Planning By-Law, 2018 and Deeds of Title.
Average Depth	Determined by the Municipality. The average depth of a property means An average perpendicular distance between the public street or road and the points at which the side boundaries meet with the rear boundary, or In the case of a corner property, the average of the perpendicular distance between each public street or road and the point at which the side boundaries meet, or In the case of a panhandle or very irregular property, the average depth as determined by the Municipality.
Average Width	The average width of a property means the average of the length of the street boundary and the rear boundary, In the case of a corner site, the average of the length of the shortest street boundary and the opposite side boundary, or in the case of a panhandle or a very irregular property, the average width as determined by the Municipality.
B	
Balcony	A floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings, or by main containing walls of rooms abutting such projecting floor, and includes a roof, if any, over such floor and pillars supporting such roof.
Basement	Any storey of a building that is partly or completely below the natural ground level of the land, provided that a basement shall be deemed to be a storey for the purpose of a height determination where any portion extends more than 1,0 meters above the lowest level of the ground immediately contiguous to the building.
Biodiversity	A measure of the number and relative abundance of biological species. The variability among living organisms from all sources including, inter alia, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species, and of ecosystems.
Boundary	In relation to land, means a cadastral line separating an erf from another erf or street.
Boundary Wall	Any wall, fence, or enclosing structure erected on or directly next to a cadastral property boundary, and any other structure, including security devices, such as spikes, barbed wire, razor wire, or electric fences, affixed to or on top of a boundary wall.
Building	Any construction or structure, which has been completed or is still under construction, or which is built underground, and which is intended to be used by humans or animals, or storing, processing, manufacturing, or selling of goods and materials, or for the treatment of refuse or waste materials and includes any wall higher than 2 meters, swimming pool, reservoir, water

TERMINOLOGY	DEFINITION
	tower, bridge, summerhouses, aerial or radio mast, and, depending on the context, also includes a portion of a building and the structural change of or any addition to a building.
Building Line	A line indicating the furthestmost boundary of a building restriction area from a street, proposed street, street widening, or any other boundary of a property other than a street boundary and which is at a stipulated distance from the boundary of a property.
Building Restriction Area	An area wherein no building, permanent structure, or swimming pool may be erected or constructed, nor may any trees be planted within 2 meters from such area.
Bulk	Denotes building density, which is the amount of floor area built on a site and is most commonly measured as the ratio of floor area to site area. It is indicative of the size of buildings and their relationships to each other and to open areas and property boundaries. Controlling measures for bulk include height, coverage, floor area ratio, and building lines.
By-Law	A by-law promulgated by a Local Municipality.
C	
Central Business District (CBD)	It is typically located centrally and is the oldest part of the town, attributed to transport routes converging in it and by a concentration of offices, businesses, retail, higher density residences, and government services. The CBD is delineated in the Ngwathe Spatial Development Framework (as may be amended).
Commencement Date	The date on which this Land Use Scheme comes into operation.
Common Boundary	In relation to a property means a boundary common with the adjoining property other than a street boundary.
Consent Use	The specific use of land, buildings, or structures or to the purpose for which land, buildings, or structures are to be erected, established, or intended to be used, and which requires consent according to the procedures for application, consultation, and decision-making provided for in the provisions in the Ngwathe Municipality: Municipal Land Use Planning By-Laws, 2018.
Conservation Purposes	Purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural, or historical characteristics of land against undesirable change or human activity.
Consolidation	In relation to land, means the merging of two or more adjacent land parcels into a single land parcel.
Constitution	The Constitution of the Republic of South Africa 1996, (Act 108 of 1996).
Contractual Conservation Area	Areas designated for conservation purposes in terms of an agreement with a conservation agency, or between landowners, a lease agreement, or servitude. This category includes conservancies and biodiversity stewardship sites.
Construction	Applies to building construction where the building has been: (a) amended, subdivided or converted or any other additions made to it; (b) the reconstruction or repair is done to a building in partial or total disrepair or to a building that was totally demolished.
Controlling Authority	The controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940) or the Commission

TERMINOLOGY	DEFINITION
	as defined in the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 70 of 1998) as the case may be.
Co-Operative	A business as defined in the Co-operatives Act, 2005 (Act 14 of 2005).
Council	A Local Municipality established in terms of Provincial Notice 307 of 2000 and includes any municipal standing committee or municipal official with delegated powers in terms of the area of jurisdiction of which these town planning conditions apply.
Coverage	The maximum area of an erf that may be covered by any non-permeable-roofed building and/or waterproof structure (and/or structures), and is indicated in the Scheme as a percentage of the total area of the premises on which the buildings and/or structures are erected or proposed to be erected.
Critical Biodiversity Area (CBA)	Areas required to meet biodiversity targets for ecosystems, species, and ecological processes, as identified in a systematic biodiversity plan.
Cul-De-Sac	A dead-end street with only one inlet/outlet.
D	
Dam	Is a structure built across a stream, a river, or an estuary to retain water. Dams are built to provide water for human consumption, for irrigating arid and semiarid lands, or for use in industrial processes.
Date of Approval	The date on which this Scheme was officially approved and promulgated in the Provincial Gazette.
Day	A calendar day, and when any number of days is prescribed for the execution of any act, it must be calculated by excluding the first day and including the last day, however, should the last day fall on a Saturday, Sunday, or Public Holiday, the number of days must be calculated by excluding the first day and also the Saturday, Sunday or public holiday.
Deciding Authority	The relevant Local, Provincial, and/or Governmental Authority who has the responsibility to consider any application and or action to be taken in terms of this Scheme.
Deeds Registry	A deeds registry as defined in section 102 of the Deeds Registry Act, 1937 (Act 47 of 1937).
Demolish and Demolition	The destruction, pulling down, dismantling, or removal of a building or structure, in whole or in part. With reference to a heritage resource, it includes the damaging, defacing, or intentional decay by the neglect of the heritage resource in whole or in part.
Density	The permitted number of residential units per hectare allowed on the total property or development area.
Department	When specified, that specific department or its successors in title. (Department).
Development	The development of land, changes in the use of land, or intensification of that use and includes any matter in relation to land for which a development application is required.
Development Rights	Any approval granted to a land development application.
Diagram	A diagram approved by the Surveyor General in terms of the Land Survey Act, 1997 (Act 8 of 1997).
District Municipality	A district municipality as defined in terms of Section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

TERMINOLOGY

DEFINITION

E

Environment	The external circumstances, conditions, and objects that affect, (i.e. positively or negatively), the existence and development of an individual, organisation, or group, including biophysical, social, economic, historical, and political aspects.
Environment Impact Assessment (EIA)	A process of examining the environmental effects of development in terms of the requirements of the National Environment Management Act, (Act No. 107 of 1998).
Erf	<p>A piece of land:</p> <ul style="list-style-type: none"> (a) Registered in the Deeds Office of the Surveyor-General or any other registration office as an erf, erf, or lot by means of a title deed or general plan; or (b) Indicated as an erf, erf, or lot on an approved subdivision plan, which is approved by any authoritative body and includes public open space, as defined in Section 2 of Ordinance No. 20 of 1974. (c) A farm portion or part thereof which is subject to a Planning Scheme.
Existing Building and Existing Construction	<p>Respectively, a building which was completed before the Date of Approval of the Scheme, or which was under construction on the Date of Approval of the Scheme, and also includes a building or construction:</p> <ul style="list-style-type: none"> (a) Erected, constructed, or completed in terms of a contract concluded before the Date of Approval of the Scheme, or (b) On which construction commenced before, but which was completed after the Date of Approval of the Scheme, or (c) That was erected, constructed, or completed in accordance with the terms of any permission granted by the Local Municipality before the Date of Approval of the Scheme.
Existing Conflicting Use	<p>In relation to any building, structure, or land, the continuous use of that building or land for any purpose of the same or like character for which it was being used before the material date, or in the instance of a newly erected building or structure, erected before such material date, and which has not been used before that date, the use for any purpose for which it was designed, including, in any instance, any use of a building, structure or land permitted by the Municipality pending the preparation and approval of this Scheme: Provided that</p> <ul style="list-style-type: none"> (a) The liability and onus for proof of the existence of a claimed existing use will be for the applicant or land owner with the final decision, concerning the validity of a claim for existing use, with the Municipality; and (b) The discontinuance of the existing use of a building, structure, or land at any time, after the approval of the Scheme, for a period exceeding 12 months, shall be deemed to interrupt and nullify any claim to such an existing use or the continuance thereof.
Existing Use	<p>In relation to any building or land, the continuous use of that building or land for any purposes of a same or like character to that for which it was being used before the Date of Approval of the Scheme, or in the case of a newly erected building, erected before such Date of Approval of the Scheme, and which has not been used before that date, the use for any purpose for which it was designed, including, in any case, any use of a building or land permitted by Local Municipality pending the preparation and approval of a Scheme. Provided that:</p>

TERMINOLOGY	DEFINITION
	<p>(a) A building used for the same purpose as that for which it was used at the date of the proclamation of the approval of the Scheme by the MEC will be regarded as an existing use. In the event that its use is altered approval may be refused by the Local Municipality as the proposed use would contravene the stipulations of the Scheme.</p>
F	
Family	<p>(a) A single person maintaining an independent household; or (b) Two or more persons directly related by blood or marriage maintaining a common household, with or without their parents or children; (c) No more than five (5) unrelated persons maintaining a common household.</p>
Farm	<p>A portion of land identified and described as such on a diagram in terms of the Land Survey Act, 1997, (Act No. 8 of 1997), and includes a portion of a farm similarly identified.</p>
Farmer Production Support Unit	<p>Centers of:</p> <p>(a) Agricultural input supply control, in terms of quality, quantity, and timeous deployment of inputs; (b) Extension support and training, using Universities, agricultural graduates, and Narysec working in a symbiotic relationship to “hold-hands” with farmers; (c) Mechanisation support (tractor driving, ploughing, spraying, harvesting et cetera); (d) Machinery and servicing workshop facilities; (e) Local logistics support, which could entail the delivery of farming inputs, transportation postharvest, transportation to local markets; (f) Primary produce collection; (g) Weighing of produce and stock; (h) Sorting of produce for local and other markets; (i) Packaging of produce for local markets; (j) Local storage; (k) Processing for local markets (small scale mills et cetera); (l) Auction facilities for local markets; (m) Provide market information on commodity prices (ICT); (n) Farmers wanting services and support from the FPSU will register with the FPSU of their choice; (o) Small business development and training center; (p) banking; and (q) Fuel (energy center).</p>
Fence	<p>An artificially constructed linear barrier of wood, masonry, wire, metal, or any other manufactured material or combination of materials erected for the enclosure of properties or areas or erected to act as a barrier.</p>
Flood Line	<p>The flood lines as defined in Section 144 of the National Water Act, 1998 (Act 36 of 1998), including any other flood lines that the Municipality may require.</p>
Floor	<p>The inner, lower surface of a room on or nearest to the mean natural ground level immediately surrounding the building, garage, or basement and includes a terrace to which occupants of a building have access</p>
Floor Area	<p>The total area of all floors/storeys of a building (including a basement storey), measured over the external walls of each floor/storey in the building, provided that in the calculation of the floor area the following areas shall not be included:</p>

TERMINOLOGY	DEFINITION
	<p>Any area, including the basement storey(s), which is reserved solely for covered parking by the tenants or occupants of the building, provided that only 50% of the parking may be reserved for occupants or tenants;</p> <p>Unroofed buildings, open roofs, and areas occupied by fire-escapes or staircases, whether inside or outside the building;</p> <p>Entrance halls, communal corridors, and staircases not enclosed by external walls - therefore excluding closed entrance halls and foyers;</p> <p>Mezzanine or intermediate floor;</p> <p>Areas used to accommodate lift motors, and other mechanical or electrical equipment necessary for the proper use of the building;</p> <p>Chimneys, ornamental features, outdoor or uncovered swimming pools, canopies, and parking bays covered by shade nets;</p> <p>Public toilets; Housing for servants on the roof of the building, provided that the floor area thus excluded shall not exceed 3% of the permissible floor area of such building;</p> <p>All balconies or verandas in a building provided that such veranda or balcony shall not be enclosed except by means of a parapet at most one (1) meter high;</p> <p>Areas reasonably used for the cleaning, maintenance, and care of the building or buildings, excluding dwelling units for supervisors, cleaners, and caretakers.</p>
G	
General Plan	<p>An approved plan registered as such in the office of the Surveyor-General indicating a township or extension of a township and includes small-scale diagrams.</p>
Gross Leasable Area (G.L.A.)	<p>The sum of the gross floor area covered by the building at the floor level of each storey. Provided that the area reasonably required for the following purposes be excluded from the calculations of the floor area:</p> <ul style="list-style-type: none"> (a) Open roof; (b) Parking for the occupants of the building; (c) Accommodation for the lift motor room and other mechanical or electrical equipment required for the proper functioning of the building; (d) A veranda or balcony in a building provided that such veranda or balcony is not enclosed otherwise than by a parapet 1,8 m high or by security fencing, bugler proofing or wire gauze screen, and is not used for access purposes; (e) A canopy erected on the street frontage of a shop, excluding the portions extending over Local Municipality property; (f) Areas reasonably used in connection with the cleaning, maintenance, and care of the building or buildings, excluding accommodation for caretakers, supervisors, cleaners, or maintenance staff; and (g) Steps, stairs, fire escapes, toilets, and entrances (excluding a reception area, foyer, entrance hall, or mall) that has no other functional purpose other than that of an entrance and are comprised of a separate space/room.
Ground Floor	<p>The storey on which there is an entrance or entrances to the building from the lowest natural ground level, excluding the basement storey.</p>
Guest	<p>A person who stays overnight for a short period away from his/her normal place of residence provided that the period does not exceed 90 consecutive days in a 12-month period, except with the consent of the Municipality.</p>

TERMINOLOGY	DEFINITION
Guidelines	Written non-regulatory information that directs or influences land use decisions.
H	
Harvesting of Natural Resources	<p>The gathering of fauna and/or flora within a nature reserve or conservancy area for sale or use by a person or agency other than a recognized environmental agency provided that such harvesting:</p> <ul style="list-style-type: none"> ✓ Is sustainable ✓ Does not deplete the resources below acceptable levels, and ✓ Is not to the detriment of the eco-system.
Height	<p>A vertical dimension of the building from the height of natural ground level to the highest point of the building, measured in meters or in the number of storeys; provided that:</p> <ol style="list-style-type: none"> (a) The height of restriction which refers to storeys does not apply to roofs, domes, chimneys, flues, masts, and antennae; and (b) Elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant, and equipment on top of a building, shall not be deemed to constitute a storey, unless enclosed within the roof or hidden behind parapet walls, not exceeding 2 m in height, in which case they shall be deemed to form part of the top storey.
Height of Natural Ground Level	In relation to an erf, means the highest point of the natural level of the ground immediately contiguous to the building as certified by a professional land surveyor.
Heritage Resource	Resources of cultural significance or other special value for the present community and future generations, and as such forming part of the National Estate and listed in the Heritage Register, and includes places, buildings, structures and equipment, places to which oral traditions are attached, historical settlements and townscapes, landscapes and natural features of cultural significance, geological sites of scientific or cultural significance, archaeological and paleontological sites, sites of significance relating to slavery, graves and burial grounds (ancestral and royal graves, graves of traditional leaders and victims of conflict, historical graves, and cemeteries).
High Potential Agricultural Land	Land used for Agricultural Purposes and defined by the Department of Agriculture (as High Potential or Unique and may include grazing land and other types of soil and vegetation combinations deemed by the Department of Agriculture) to be needed to ensure food security.
I	
Industrial Use	A building for use as a factory or workshop, and with predominant manufacturing, processing, and/or assembly function, but excluding industries and trades listed as noxious. A building for caretaker accommodation is permitted. [Definition of factory follows from the General Administrative Regulations in terms of Section 35 of the Machinery and Occupational Safety Act, 1983 (Act. 6 of 1983).
Integrated Development Plan (IDP)	A participatory planning process aimed at developing a strategic development plan to guide and inform all planning, budgeting, management, and decision making in a Municipality, in terms of the requirements of Chapter 5 of the Municipal Systems Act, 2000 (Act No. 32 of 2000).
Interested Party	Refers to any person or body who, in accordance with the provisions of this Land Use Scheme, and within any time period prescribed, has submitted, in

TERMINOLOGY	DEFINITION
	writing, any objection, comment or representation in respect of any matter in this Land Use Scheme providing for objections, comments or representations.
K	
Kitchen	A room or any portion of a room equipped with cooking facilities and used for the preparation of meals, including a kitchenette, but excluding outside entertainment areas. Cooking facilities include any stove, hotplate, oven, microwave oven, toaster oven, or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. A water kettle, coffee percolator, and bread toaster are not regarded as cooking facilities.
L	
Land	Any erf, erf, or other portion of land registered or capable of being registered in a deeds registry, and may include a servitude right or lease.
Land Development	The erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land, or any deviation from the land use or uses permitted in terms of an applicable land use scheme.
Landscaping	The planting or placement of plants and garden ornaments for the purpose of protecting, preserving, and promoting aesthetic appeal, scenic beauty, character, and value of property as well as promoting public health and safety through the reduction of noise pollution, storm water runoff, air pollution, visual pollution, and light glare.
Land Surveyor	A person registered as a professional land surveyor in terms of the Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984).
Land Use	The purpose for which land is or may be used lawfully in terms of a land use scheme, existing scheme or in terms of any other Authorisation, permit or consent issued by a competent authority, including any conditions related to such land use purposes;
Land Use Management	Establishing or implementing any statutory or non-statutory mechanism in terms of which the use of land is or may be restricted or in any other way regulated.
Land Use Right	The right to utilise or improve land in accordance with the zoning thereof or any approved departure, consent use, or condition of approval and where applicable, in accordance with a site development plan.
Land Use Scheme	A land use scheme adopted in terms of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the regulation of land use and shall include, where the context so requires, an existing land use scheme that was adopted prior to commencement of the Act and an amendment scheme.
Line of no Access	A line along a street or property boundary prohibiting any vehicular access or egress.
Listed Building	All buildings older than 60 years and places protected in terms of the Heritage Resource Act and listed in a register, including the following: <ul style="list-style-type: none"> (a) National monuments, including provisionally declared monuments; and (b) Any historical places (e.g. a building or part of a building, market, millstone, grave stone, landmark, or site of a human settlement).
Liquor Act	The National Liquor Act, 1989, (Act No. 27 of 1989).

TERMINOLOGY	DEFINITION
Loading Bay	An area that is demarcated for the loading and off-loading of goods from commercial vehicles, and which has vehicular access to a public street to the satisfaction of the Municipality.
Local Municipality	The Ngwathe Local Municipality.
M	
Map	A map which forms part of the Scheme including any amendment thereto.
Material date	The date on which this Scheme was officially approved by promulgation in the Provincial Gazette.
MEC	The Member of the Executive Local Municipality of the Department of Cooperative Governance and Traditional Affairs of the Free State Province.
Mezzanine	An intermediate floor in a building, especially a low one between the ground floor and the first floor; and for the purposes of measuring height, a mezzanine shall be counted as a storey, but is not included in the calculation of floor area or the floor area ratio of a building.
Mining Activity	Any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and includes any place on which any product, by-product or waste of the mine is stacked, stored crushed or otherwise treated, and includes any other building which is necessary in order to carry out such activities (including dwelling houses and residential quarters for employees and associated recreational facilities), but does not include an extractive industry.
Minimum Site Area	The minimum extent of a property after subdivision applicable to subdivisions of such property as well as the remainder thereof.
Mountain Catchment Area	Areas declared as mountain catchment areas that provide for the conservation, use, management, and control of such land.
Municipal Council	A Municipal Council referred to in Section 157 of the Constitution.
Municipal Manager	The accounting officer of a Municipality as duly appointed in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
Municipal Planning Tribunal	The Municipal Planning Tribunal is referred to in chapter 6 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).
Municipality	The municipality of Ngwathe established in terms of the Local Government: Municipal Structure Act, 1998 (No 117 of 1998), and any employee of the Municipality acting in terms of delegated or sub-delegated authority of the Municipality.
Municipal Systems Act	The Municipal Systems Act, 2000 (Act No. 32 of 2000).
N	
National Building Regulations	The National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).
National Environmental Act	The National Environmental Management Act, 1998 (Act No. 107 of 1998).
National Park	Areas of national or international biodiversity importance; or containing a representative sample of South Africa's natural systems, scenic areas, or cultural heritage sites; or the ecological integrity of one or more ecosystems. National parks provide spiritual, scientific, educational, recreational, and

TERMINOLOGY	DEFINITION
	tourism-related opportunities which are mutually and environmentally compatible and can contribute to local and regional economic development, including any activities that form part of 'Resort and Tourism related areas.
Natural Level of the Ground	<p>(a) The level of the natural surface of an erf in its unmodified state; or</p> <p>(b) The level of the graded surface of an erf, where such grading was undertaken by a developer as part of a township establishment process, provided that any such grading shall connect evenly with the existing levels of abutting land and otherwise meets with the Municipality's approval; or</p> <p>(c) If in the Municipality's opinion the natural surface of an erf has been disturbed in circumstances other than those described in paragraph (b) or if it is not possible to determine a natural level of the ground due to irregularities or other disturbances of the erf or if land is excavated and the excavated material is used to extend the building site (i.e. cut and fill), The Municipality shall fix a level as the natural level of the ground for purposes of administering these regulations.</p>
Neighbour	The owner of the land which is contiguous to the property which forms the subject of the Land Development and Land Use application, even though it may be separated by a road or panhandle, except if indicated differently by the Municipality. See also surrounding owners.
Non-conforming Use	Existing land use that was lawful in terms of a previous land use scheme but that does not comply with the land use scheme in force.
Notice	Unless otherwise specifically provided in terms of this Scheme or any other law a written notice and to notify means to give a notice in writing and the provisions of the Interpretation Amendment Act, 1959, (Act No. 7 of 1959), shall apply.
O	
Objector	A person who has lodged an objection with the Municipality to the municipal Spatial Development Framework, Land Use Scheme, or an application.
Occasional Use	A departure in respect of a right to use land for a purpose granted on a temporary basis for a specific occasion or event.
Occupant/occupier	In relation to any building, structure, or land, means and includes the following; any person occupying such building, structure, or land or legally entitled to occupy it, or anybody entrusted with the control or supervision thereof; and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.
Ordinance	The Free State Town Planning Ordinance, Ordinance 9 of 1969
Outbuilding	<p>A building(s) which has its own entrance or door and no inter-leading door to the main building, which is attached or free-standing from the main building on the same property and which may exist of:</p> <p>(a) Garages, storerooms, studios, exercise rooms, hobby rooms, music room, washrooms, and home business;</p> <p>(b) A squash court only with the permission of Local Municipality; and</p> <p>(c) Domestic worker quarters.</p>
Overlay Zone	An area in a land use scheme that is demarcated for the purpose of conserving natural resources or promoting certain types of development and that is subject to conditions, requirements, or restrictions in addition to those of the land use scheme.

TERMINOLOGY	DEFINITION
Owner	In relation to any building, structure, or land: <ul style="list-style-type: none"> (a) The person in whose name the ownership to such building, structure, or land is registered in the Deeds Office; (b) The person who lawfully exercise ownership on behalf of the owner of such land, building, or construction; (c) If the premises are under lease, the registration of which is in law necessary for the validity of such lease, the lessee; (d) Any person receiving, or entitled to receive rent in respect of any premises on behalf of the owner of such premises; and (e) The authorised agent of any of the above persons.
Owner's association	An owners' association established in terms of Section 30 of the Ngwathe Spatial Planning and Land Use Management By-law, 2018 and includes for the purpose of Section 29(2)(a) of the aforementioned By-law, a body corporate created in terms of the Sectional Titles Act, 1986 (No 95 of 1986) or the Companies Act, 2008 (No 71 of 2008).
P	
Panhandle	A property subdivision, consisting of a narrow portion, which is known as the panhandle/entrance and which abuts on a street, and a broader buildable portion, provided that such portion complies with the minimum requirements set out for an erf in the applicable area. Such panhandle portion must have a minimum width of 4m and a common boundary with a public street. An additional dwelling house may be allowed on a panhandle portion with the consent of the Local Municipality, only if the portion is 1200m ² and larger in extent (excluding the panhandle).
Park	An open space in ownership of the Municipality, with free admission for the public, and indicated as such on the General Plan concerned.
Parking	Land intended to be used for the parking of motor vehicles and motorcycles.
Parking Bay	An area measuring not less than 5,0 metre by 2,5 metre which is clearly outlined and demarcated for the parking of one motor vehicle, and which is accessible to the satisfaction of the Municipality.
Patio	A paved roofless area adjoining and belonging to a building or an inner court open to the sky.
Pergola	Any unroofed horizontal or approximately horizontal grille or framework, such that the area in the horizontal projection of the solid portions thereof does not exceed 25% of the total area thereof.
Permitted Use	Refers to the specific use of land, buildings, or structures or the purpose for which land, buildings, or structures are to be erected, established, or used; and which is exempt from consent if it complies with the development standards in this Scheme and any other provision in this Scheme as well as all other legislation applicable to the proposed use of land, buildings or structures.
Planning Legislation	The Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).
Porch	A roof (not being the floor of a balcony) projecting from the outside of a building above a doorway, and forming a covered entrance to such building, and includes any paved area there under, and any low walls or railings enclosing such paved area and any pillars supporting such roof.
Power Line	A structure or structures used in electric power transmission and distribution to transmit electrical energy over long distances, whether above or

TERMINOLOGY	DEFINITION
	underneath the ground. Above the ground, it normally consists of one or more conductors (most often three or four) suspended by towers or utility poles. This may also include mini-stations, substations, offices related to maintenance, and vacant land as part of the servitude.
Pre-application Consultation	A consultation between an owner or an agent and the Municipality contemplated in Section 38 of the Ngwathe Municipality: Spatial Planning and Land Use Management By-Law, 2018, as may be amended.
Profession	Any occupation that requires membership to a professional institution, council, or controlling body, before practising the required profession but excluding any trade or commercial business activities.
Property	Any portion of land filed with the Surveyor General and registered in the Deeds Registry as a separate portion, entity, or unit and includes a farm, small holding, erf, section, lease area, or any subdivision thereof, as well as the building or structure erected thereon.
Protected Area	An area of land, water, or sea especially dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources and managed through legal or other effective Means and shall have the same meaning as assigned to it in terms of the National Environmental Management: Protected Areas Act, 57 of 2003.
Province	The Province of the Free State is referred to in Section 103 of the Constitution.
Public Authority	A State Department, Local Municipality, or other Organ of State.
R	
Railway Line	A permanent rail track for the transport of passengers and goods in trains and includes stations as boarding and alighting points for passengers and the loading and unloading of goods.
Rear Space	Any boundary opposite to a street boundary: Provided that, where a property has two or more street boundaries, the boundaries opposite to such street boundaries shall be deemed to be side boundaries.
Register	A record of all: <ul style="list-style-type: none"> (a) Departures; (b) Conditions of rezoning that affect the land use right of any erf, and (c) Consent uses and non-conforming uses; applicable to an erf as prescribed or required under this Scheme.
Regulation	Refers to the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015
Responsible authority	The Local Municipal Council of Ngwathe, through its authorised officials shall be the authority responsible for enforcing and carrying into effect the provisions of this Scheme.
Restrictive Condition	A servitude or condition registered against the title deed of immovable property restricting its utilisation, and any other statutory restriction on the planning, development, or utilisation of immovable property.
Rezoning	The amendments of a zoning scheme in terms of the by-law in order to effect a change of zoning in relation to particular land.
Rights	Land use rights obtained in terms of this Scheme.
River and Riverbed (Including 50m buffer)	All perennial and non-perennial rivers and wetlands.

TERMINOLOGY	DEFINITION
Rural	Land located outside the urban edge; areas located outside approved and established townships for which a General Plan(s) has been approved, including smallholdings.
S	
Scheme	The Ngwathe Local Municipality Land Use Scheme, 2021.
Scheme Map	A map indicating all zonings within the area of jurisdiction of the land use scheme.
Service	A service provided by the Municipality, any other organ of state, or a service provider, including services for the provision of water, sewerage, electricity, refuse removal, roads, storm water, and includes infrastructure, systems, and processes related to the service.
Service Quarters	Accommodation for a person or persons on an erf, that does not form part of the main residence, in order to work for the owner or the occupants of the property, that are permanently employed by the main occupants and working on site.
Service Standards	The minimum standard as prescribed by the guidelines for the Provision of Engineering Services and Amenities in Residential Developments (The Red Book).
Service Agreement	A written agreement which is concluded between a developer of land and the Municipality and in terms of which the respective responsibilities of the two parties for the planning, design, provision, Installation, financing, and maintenance of internal and external engineering services and the standard of such services, are determined.
Servitude	A registered right that grants the use of a portion of land for specified purposes.
Service Provider	A person lawfully appointed by the Local Municipality or other Organ of the State to carry out, manage or implement any service, work or function on behalf of or by the direction of the Municipality or organ of the state.
Site	In relation to a building, includes the area of any building, yard, a court of the garden and in relation to either land or a building; may include more than one erf or portion of land, if such erven or portions of land are abutting and have been notarially tied to the satisfaction of the Municipality.
Site Development Plan (SDP)	<p>A scaled and dimensioned plan that shows details of the proposed land development, including the site layout, building designs, servitudes, landscaping and should also include:</p> <ol style="list-style-type: none"> boundary lines, building lines, area extent and description of the property concerned as well as adjacent properties; existing and proposed roads/streets and ingresses/egresses; existing and proposed municipal services; scale of the plan and arrow to indicate due north; exact position of existing and proposed buildings; and where applicable, parking provision, coverage, floor area factor, density and height.

TERMINOLOGY	DEFINITION
Slope	The degree of deviation of a surface from the horizontal is expressed as a ratio and calculated for the purpose of this Scheme, as follows: Slope = vertical height as a ratio to horizontal distance.
Small Holding	Any land, which is set aside for housing and related urban scale agriculture where the number and magnitude of ancillary land use types are of the kind related to daily employment and service needs and where the minimum size of a smallholding will not be less than 4 ha.
Social Infrastructure	Community facilities, services, and networks that meet social needs and enhance community well-being, such as a clinic, community hall, sports field, etc.
Spatial Development Framework (SDF)	A plan that forms part of an integrated development plan, indicates the spatial implications thereof and lay down strategies, proposals, and guidelines for the future spatial development of the area to which it relates (including, without being limited to, development objectives, proposals for land reform, urban renewal, reconstruction, integration, environmental planning, transport planning, infrastructural planning, and urban design) so that the general well-being of the particular community and orderly planning of the area are promoted in the most effective manner.
SPLUMA	The Spatial Planning and Land Use Management Act 2013, (Act 16 of 2013) and any regulations enacted in terms thereof.
Steep Property	An erf with a slope of more than 1:4.
Storey	A single floor of a building, including a basement, which does not exceed a height of 4, 0m, measured from finished floor level to finished floor level or to the ceiling in the case of the top storey.
Street	Streets or roads that are part of an approved general plan, indicating a township or extension, and registered at the offices of the Surveyor-General.
Street Boundary	The boundary between a land and a public street or private road; provided that the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles, may be regarded as a common boundary for the purpose of determining building lines, a street centre line setback and site access requirements.
Stormwater	Water resulting from natural processes, the precipitation or accumulation thereof, and includes groundwater and spring water ordinarily conveyed by the storm water system, as well as sea water within estuaries, but excludes water in a drinking-water or waste-water reticulation system.
Structure	Without in any way limiting its ordinary meaning, includes any building, shelter, wall, fence, pillar, tower, pergola, steps, landing, terrace, sign, ornamental architectural feature, swimming pool, fuel pump or underground tank, any building ancillary to service infrastructure provision, and any portion of a structure.
Subdivide / Subdivision	In relation to land, means to subdivide the land, whether by means of: <ul style="list-style-type: none"> (a) Survey; (b) The allocation, with a view to the separate registration of properties, of undivided portions thereof in any manner, including the marketing and conclusion of contracts for the alienation, sale, or exchange of portions of the land; (c) The preparation thereof for subdivision.
Survey General	The Surveyor-General as defined in the Land Survey Act, 1997 (Act No. 8 of 1997).

TERMINOLOGY	DEFINITION
T	
Temporary Structure	Any building or structure that is so declared by the owner and that is being used or is to be used for a specific purpose for a specified limited period of time, but does not include a builder's yard
Terrace	An area to which occupants of a building have access, created on a flat roof over a portion of a storey, resulting from the setting back of part of the building above such a storey.
Title Deed	Any deed registered in a Deeds Registry recording the ownership of land or a real right in land.
Traditional Settlement	Land under administration of the Tribal or Local Municipality and which is for the management of traditional homesteads and includes limited cropping and grazing.
Traffic Impact Assessment	A study of demand for travel generated by a proposed development in relation to the existing and planned road system provided that such a study must be conducted by a competent, registered civil or traffic engineer.
Township	An area of land divided into erven, or with multiple or intensified land uses and may include public places and roads indicated as such on a general plan, officially Gazetted as such.
U	
Unstable Soil	Soil, which, in the Municipality's opinion, is subject to movement or unsafe as a result of soil or geotechnical conditions.
Undevelopable Land	Undevelopable land includes: <ul style="list-style-type: none"> (a) land situated within a 1:100 year Floodline area, (b) land where the gradient is steeper than 1:5 (20%), (c) environmentally sensitive areas, such as wetlands, or natural habitats, or areas forming an integral link between such areas of environmental sensitivity, unique landscape features, cultural heritage sites, and (d) any other land that, due to physical or other constraints cannot reasonably be developed.
Urban Area	An area/s with a distinct urban character, located inside the urban edge (as per the approved municipal SDF) consisting of approved and established townships for which a General Plan(s) has been approved and for which an erf register has been opened at the Deeds Registry.
Urban Edge	A demarcated line portrayed in the approved Municipal Spatial Development Framework that separates urban areas from rural areas to establish a defined limit, beyond which urban development, must not be permitted to protect land for natural resources, agriculture, conservation, and open space use.
Use Zone	A zone, as listed and described in this Scheme, applicable to a portion of land or premises (including any buildings, structures, or works thereon) with applicable restrictions, provisions, and guidelines that regulate the use and development of such a portion of land or premises.
V	
Verandah	A covered area (not being an area which is part of a yard or parking area) or projecting floor outside and immediately adjoining a building at or below the level of the ground floor thereof, and includes both such area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing such paved area or floor.

TERMINOLOGY**DEFINITION****W**

Wetland

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 support or would support vegetation typically adapted to life in saturated soil.

World Heritage Site

Is a cultural and/or natural site of 'Outstanding Universal Value', which is important across countries and generations and has been included on the World Heritage List and has been proclaimed as a World Heritage Site.

Z

Zoning

A portion of land set apart on the map for a particular zoning, irrespective of whether it comprises one or more land units. It also means the restrictions, provisions, and guidelines that regulate the use and development thereon as stipulated by the relevant zoning with regard to the erecting and use of buildings or the use of land.

Zoning Map

The series of maps forming part of this Scheme depicting the spatial distribution of use zones and related restrictions and guidelines.

Zoning Scheme

The scheme consisting of these regulations, the register, and the zoning map.

SECTION 2 LAND USE RELATED TERMINOLOGY**LAND USE****DEFINITION****A**

Abattoir

Land and buildings used to slaughter animals and poultry and may include the processing of animal products.

Additional Dwelling House

The erection or establishment of a second dwelling house (only on erven larger than 550 m²), where the maximum floor area of the second dwelling house does not exceed 80 m², subject thereto that the two dwellings jointly do not exceed the permitted coverage and floor area ratio for the premises. The two dwelling houses may not be alienated separately on a sectional title basis. The design and location of the additional dwelling house must be to the satisfaction of the Municipality. The Municipality may also require that the two dwellings be physically / structurally linked in order to attain an architectural unit.

Aerated Wastewater Treatment System (AWTS)

A plant used for, but not limited to, chemical treatment, sedimentation, flocculation, filtration, or purification of wastewater.

Agricultural Holding

Any land, which is set aside for housing and related urban scale agriculture where the number and magnitude of ancillary land use types are of the kind related to daily employment and service needs and where the minimum size of a smallholding will not be less than 4 ha.

Agricultural Purposes

Horticulture, the cultivation of crops (including cereals, fruit, and vegetable or flower crops) for human or animal consumption, horticultural irrigation, and dry land farming, and includes:

- (a) The keeping or breeding of (grazing) livestock, bees or poultry and other birds (excluding intensive livestock keeping establishments,

LAND USE	DEFINITION
	<p>such as a feedlot and chicken hatcheries, the retail sale of animal products and the sale of any agricultural product not cultivated on the land, for which consent must be obtained from the Municipality);</p> <p>(b) The cultivation of plants in a wholesale plant nursery;</p> <p>(c) Aquaculture;</p> <p>(d) Dwelling houses (including dwelling houses for farm workers) and any other buildings which are reasonably necessary to conduct such activities which may include an Farm Village;</p> <p>(e) Farm Stall, and</p> <p>(f) Game farming and breeding provided that the required permits are obtained from the relevant authority.</p>
Agricultural Housing	<p>A residential building or dwelling units located on a farm and used only for the temporary accommodation of farm labourers employed by the owner of the subject farm or where such labourers are required to work on any other farm portion in the vicinity, which is also owned and/or cultivated by the same farm owner. The definition includes farm labourers and/or dwellers who enjoy the security of tenure in terms of the Extension of Security of Tenure Act, 1997 (Act 62 of 1997).</p>
Agri-Industry	<p>The handling, treating, processing, packing, alienating, and transporting of primary agricultural related products or an enterprise or occupation based on or reasonably associated with agricultural activities and includes an agricultural warehouse, a fuel depot, agricultural related financial services, an auction facility, and servicing of equipment in a workshop, of plant and equipment used for farming purposes.</p>
Airport	<p>Means an area or place used for landing, transit, assembly, maintenance, and storage of aircraft for commercial, military, and recreational purposes and includes a landing strip, airline terminal, aircraft storage, and maintenance hangars, and associated buildings.</p>
Alcoholic Production Facility	<p>A production (in the form of a brewery and/or a distillery) and storage facility reserved for the brewing and distilling of alcoholic beverages for commercial purposes and distribution but does not include on-site consumption other than a tasting room.</p>
Animal Establishment	<p>A building or place used for breeding, boarding, training, keeping, or caring for animals, and includes a riding school, touch farm, and veterinary clinic, but excludes intensive livestock keeping establishment. May include an animal welfare society e.g. SPCA.</p>
Animal Refuge	<p>A Property used for the temporary boarding, treatment, care, breeding, rehabilitation, or training of domestic animals and pets, but does not include a veterinary clinic.</p>
Auctioneer Business	<p>A building or site used for the sale of movable or unmovable goods to the public by means of a public sale or a sale in execution and which includes the storage of goods that had been offered for sale during auctions but which have not been sold, but excludes a livestock sale yard.</p>
B	
Back-packer and Hostelling Accommodation	<p>An accommodation facility that provides communal facilities, including dormitories yet may offer a range of alternative non-permanent sleeping arrangements.</p>

LAND USE	DEFINITION
Bed and Breakfast Accommodation	Accommodation provided in a family (private) home with a maximum of 6 bedrooms of which 4 bedrooms may be let out, which mainly serves as an overnight visitors and tourist accommodation facility where the owner lives in the house or on the property. Breakfast is usually served. Bathroom facilities may or may not be en-suite and/or private. In general, the guest shares the public areas with the host family.
Biosphere	Means an area of terrestrial ecosystem, which is internationally recognized within the framework of UNESCO's Programme on Man and the Biosphere (MAB).
Block of Flats	A group of structurally linked dwelling units of which not all need to have a ground floor, with a linkage between the floors by means of stairs, escalators, or lifts, together with communal outbuildings as are reasonably used therewith.
Boarding House	<p>A dwelling house with a maximum of 10 bedrooms/suites of which bedrooms /suites may be let out on a permanent basis, provided that:</p> <ul style="list-style-type: none"> (a) No such premises be licensed in terms of the Liquor Act, 2010 (No 6 of 2010). (b) No overnight and tourist accommodation be provided on the premises. (c) A maximum of two bedrooms may form part of any outbuilding. (d) No self-sustaining (kitchen) facilities are provided as part of a bedroom/suite. (e) Parking must be provided according to Table 1. (f) Occupancy must be strictly according to the permissible occupancy rate determined in the National Building Regulations and Erfards Act, 1977 (No 103 of 1977) and any Regulations promulgated in terms of said Act; and (g) A boarding house may not be established on a residential erf smaller than 1 000 m².
Botanical Garden	A park intended for the display of rare indigenous or exotic plants or trees. A botanical garden includes environmental facilities, a place of refreshment, a nursery, and a conference centre.
Boutique Hotel	A building designed for hotel purposes developed on a property not smaller than 4 000m ² which consists of a maximum of a number of 30 (thirty) en-suite bedrooms. A Boutique Hotel must have a 5 (five) star grading in terms of the South African Tourism Grading Council and must also include the following ancillary uses; a boardroom (not exceeding seating for 45 (forty-five) persons and a SPA/ wellness facility not exceeding 2 (two) rooms. The SPA/wellness facility may not be used by the general public and only guests residing at the Boutique Hotel may make use of this facility.
Brick Works	An industry conducted with the purpose of manufacturing bricks or other products made of clay, which is removed from a quarry on the premises or that originates from another site and which are baked there.
Builders Yard	<p>Land and buildings used for the storage of materials:</p> <ul style="list-style-type: none"> (a) Required for or normally used in building operations; or (b) Derived from demolition or excavation operations; or (c) Required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes; or

LAND USE	DEFINITION
	<p>(d) Land or buildings used for the preparation for use of materials thus stored but does not include a builder's yard established for the purpose of temporarily storing of such materials in connection with and for the duration of construction or building works, in the vicinity of such builders yard and does not include the storage at a "Shop" or a "Warehouse".</p>
Bulk Retail Trade	<p>The wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principle goods being sold typically require large floor areas for a direct display to the purchaser or consumers. Bulk retail includes a storage yard and in-house repair or adjustment facilities for products purchased from the bulk retailer.</p>
Business Building	<p>A building used for the display, retail sale of commodities, professional/administrative/personal/general service provision and includes offices, financial enterprises, shops, tuck shops, convenience stores, department stores, specialist shops, showrooms, restaurants, eating house, café, coffee shops, any other purposes reasonably deemed as a business or commercial enterprise which includes neighbourhood centres, but does not include a building or place elsewhere defined in this Scheme, provided that:</p> <ul style="list-style-type: none"> (a) The workshop component does not exceed 10% of the floor area of the business and is limited to repair work to items sold in the retail portion of the business on the premises; (b) The storage component only be in respect of goods/merchandise/material that is sold by the business in the retail arena; (c) Power generated machinery is only driven by electricity and no liquid or solid fuels are used; and (d) The building does not include any residential buildings, scrap yard, builder's yard, or noxious industry.
Bus / Taxi Depot	<p>A building or place used for the servicing, repair, and garaging of buses and other vehicles used for the purpose of a bus/taxi transport undertaking.</p>
Bus / Taxi Rank	<p>A building or place used as a terminal for the assembly and dispersal of passengers travelling by bus/taxi.</p>
C	
Camp Site / Caravan Park	<p>An area used for the purpose of:</p> <ul style="list-style-type: none"> (a) Placing and parking of caravans, motor homes, moveable dwellings for temporary overnight accommodation of tourists and visitors, or long-term temporary accommodation not exceeding 3 months; or (b) The erection, assembly, or placement of cabins, chalets, or huts for temporary overnight accommodation of tourists and visitors; or (c) A camping ground; and must adhere to the requirements of the South African Bureau of Standards (Publication SABS 092/1971- Code of Practice for Caravan Parks) and the Free State Provincial Government, Department of Local Government and Housing, Directorate Spatial Planning's guidelines for the Development of Rural and Peri-Urban Areas, as may be amended.

LAND USE	DEFINITION
	A camping site may include a caravan park, whether public or privately owned, but excludes a hotel or mobile home. May include one dwelling house or flat for the use of a caretaker or manager.
Caretaker Accommodation	A dwelling unit (not exceeding 75 m ²) for a person and his family who is responsible for the care and supervision of land and main buildings on the same property.
Canal	Permanently constructed waterways, e.g. irrigation canals normally governed by an Irrigation Board, storm water trenches associated therewith, as well as pump stations and relevant infrastructure.
Carwash	An establishment where motor vehicles, excluding construction, service, or large passenger vehicles such as buses, are washed polished, and cleaned by means of mechanical apparatus or by hand.
Cemetery (Private)	Any cemetery owned, established or maintained by, or the control and management of which is legally vested in a private person or entity on a privately-owned site used exclusively for the burial of the dead (excluding a crematorium) as well as a commemorative wall for the storage of human ashes in a manner and format determined by the Municipality.
Cemetery (Public)	Any cemetery owned, established or maintained by, or the control and management of which is legally vested in the Municipality on a site used exclusively for the burial of the dead and which includes buildings for the accompanying administrative and church observances (excluding crematorium) and a dwelling house for a caretaker, as well as a commemorative wall for the storage of human ashes in a manner and format determined by the Municipality.
Child Care Centre	A building or place that is used (whether or not for profit) for the purpose of educating, minding, or caring of children (whether or not any of the children are related to the owner or operator) on a temporary or permanent basis, subject thereto that the children are 18 years or younger. Residential care (such as a child care centre forming part of an orphanage) may only be provided for the children with the approval of the Municipality: Provided that any dwelling house where a maximum of 6 children are cared for, is not considered to be a child care centre.
Clinic	In relation to the definition of an institution, a place where patients receive medical treatment or medical-related advice and may include a wellness centre, health posts, mobile clinic, out-patients centre, or a medical centre, provided that live-in facilities for not more than 20 persons (including staff and patients) are provided
Club	A building or site which is equipped for the convenience and relaxation of club members and their guests, and to which admission may only be obtained by means of permission by the club management, and includes accommodation, sport, entertainment, dining, and reception facilities for the use of club members as well as of a liquor license with the prior approval of the Municipality.
Commemorative Wall	A structure for the storage of human ashes in a manner and format determined by the Municipality.
Commonage	Land used for small-scale, subsistence farming activities to cultivate fresh produce or to raise small numbers of livestock or poultry for own consumption or resale. A commonage has a social and economic

LAND USE	DEFINITION
	upliftment quality and will mostly, but not exclusively, represent communal agricultural land shared between various households or a community. A commonage is can also be regarded as a vacant piece of land, normally unsurveyed, that can be utilised for residential purposes and may where applicable include facilities for the informal trade of the products produced on the land.
Commune	Means a building designed as a dwelling-house which is used by not more than six persons other than a family for residential purposes and who share communal facilities, such as a kitchen, lounge, provided that the owner or manager shall reside on the same property in a separate caretaker's flat and those outbuildings shall not be used for commune accommodation and provided that a Home Enterprise shall not be exercised by any such occupant.
Community Facility	A building or place owned or controlled by a public authority or a body of persons, which may provide for the physical, social, cultural, or intellectual development or welfare of the local community.
Co-Operative	Means a business as defined in the Co-operatives Act, 2005 (No 14 of 2005).
Conference Facility	A place of assembly used for the conducting of conferences, seminars, gatherings, indoor recreation, exhibitions, and such other uses which are ancillary to or reasonably necessary for the use of the building as a conference center, including the supply of meals and alcoholic beverages to delegates only, provided that conference remains the primary use on or in the center. A conference facility may include administrative offices directly related and subservient to the main concern.
Conservancy	Means an informally or formally protected area that has been established voluntarily including a registered game farm but inter alia excluding facilities included in the definition of a place of refreshment, restaurant, and place of amusement, guest house, accommodation enterprise, resort or conference facility, and similar uses.
Conservation Area	Means areas designated for conservation purposes in terms of an agreement with a conservation agency, or between landowners, a lease agreement, or servitude. This category includes conservancies and biodiversity stewardship sites.
Craft Alcoholic Production Facility	A micro-production facility (in the form of a micro-brewery and/or a micro-distillery) for the brewing and distilling of alcoholic beverages for private and commercial purposes and includes on-site consumption.
Crèche	Means a building for the daily care of children, subject to the requirement that the use is secondary and the primary use on the erf remains residential. Where six children or fewer at any time are taken care of, such facility may be exempted partly from the requirements of a consent use.
Crematorium	Means a building for cremating human corpses, with an assembly area for family and friends of the deceased.
Critical Biodiversity Area	Areas required to meet biodiversity targets for ecosystems, species, and ecological processes, as identified in a systematic biodiversity plan.
Cultural Heritage Site	Land identified as a protected area in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) or any other act concerned with conserving heritage resources of cultural significance for the present

LAND USE	DEFINITION
	community and future generations and may include places to which oral traditions are attached or which are associated with living heritage, historical settlements, landscapes and natural features of cultural or historic significance, archaeological and paleontological sites, sites with meteoric or fossil debris, sites regarded as a source of understanding of the evolution of the earth, life on earth and the history of people, graves and burial grounds, sites relating to the history of South Africa and any building, object or art form regarded as of cultural or historic significance.
D	
Depot	Means a building or place used for the storage and distribution (but not retail sale) of plant, machinery, goods, or materials used or intended to be used by the owner or occupier of the building or place.
Distribution Centre	Means a building used for the distribution of goods produced elsewhere that is intended for the wholesale or retail market.
Dormitory	A building usually situated at educational facilities containing a number of private or semiprivate room for residents, usually along with common bathroom facilities and recreational areas.
Duet Housing	A single residential building consisting of 2 residences with a common exterior appearance of a single dwelling house together with outbuildings, which are normally erected with dwelling houses on an erf larger than 600 m ² .
Dwelling House	Means a separate, undivided building designed for use as a single person or single-family residence by an owner or tenant, together with such outbuildings as are reasonably used therewith.
Dwelling Unit	An undivided building designed for use as a single person or single-family residence by an owner or tenant.
E	
Early Childhood Development Centre	Any building or premises maintained or used, whether or not for gain, for the admission, protection, and temporary or partial care of 6 and more than six children away from their parents. Centres with 24 children and less are classified as small-scale facilities and those with 25 children and more constitute large-scale centres. Depending on registration, an ECD centre can admit babies, toddlers, and/or pre-school-aged children. The term ECD centre can refer to a crèche, a day care centre for young children, a playgroup, a preschool, after-school care, etc. ECD centres are sometimes referred to as ECD sites.
Environmental Facility	Facilities for the management, study, interpretation, education, and public appreciation of a cultural heritage feature, and/or predominantly natural area.
F	
Factory Shop	A retail operation ancillary to an industry or warehousing and packaging where only goods that are partially or entirely manufactured, processed or assembled in the industry or stored and packaged in the warehouse, are sold.
Fishmonger	A business conducted with a view to selling, raw, baked, or processed fish for use other than on the premises, with special permission of the

LAND USE	DEFINITION
	Municipality and then only if efficient equipment and sufficient storage facilities are provided to control smoke, fumes, odours, or any other nuisance to the satisfaction of the Municipality.
Frail Care	A nursing home or nursing accommodation for a person who requires 24-hour nursing care and includes palliative care.
Fuelling Facility	A private facility, not available to the public, for the storage and dispensing of fuel to vehicles.
Funeral Establishment	A building or place used for the conducting of funerals and for any reasonably associated activities which may include the provision of a mortuary, preparation areas, offices, caretaker's accommodation, or the like, but does not include a building used solely as an office or used as a crematorium or the manufacturing of coffins.
G	
Government Purposes	Land and buildings used by the provincial and national government to carry out its mandatory functions and includes uses such as library, telecommunications (excluding a public-private utility undertaking), clinic, hospital, correctional facilities, museums, pension pay-points, social and welfare facilities, reformatory, police station, rescue centre, emergency services and fire services, and the like.
Group Housing	<p>Means a group of detached dwelling houses of similar architectural style (each with a ground floor) that constitutes a complex of dwelling houses with open spaces and internal streets, provided that:</p> <ol style="list-style-type: none"> Should the dwelling houses and its demarcated sub-premises be sold as subdivisions of the original site with a separate deed of transfer for each subdivision, the internal streets and open spaces must be designed to the satisfaction of the Municipality; Should the dwelling houses and its demarcated sub-premises not be sold as subdivisions of the original site, it may only be sold by means of sectional title, in which case the internal streets and open spaces will be the liability of the Body Corporate of the Sectional Title Scheme concerned; No demarcated sub-premises for dwelling houses be less than 400 m²; and The total area of the premises may not be smaller than 1 800 m² including gardens, service yards, and access.
Guesthouse	<p>A permanently inhabited dwelling house and/or management-driven dwelling house with a maximum of 10 bedrooms/suites, of which a maximum of 8 bedrooms/suites may be let out, which mainly serves as an overnight visitors, conference facility, wedding facility and tourist accommodation facility and where meals are served in a central dining room by the residing family and/or manager to overnight guests only, provided that:</p> <ol style="list-style-type: none"> Accommodation may only be made available in the short term on an overnight basis, in which instance the maximum number of persons that may reside on an erf be not more than the number of rooms multiplied by the factor 2.5; A maximum of two bedrooms may form part of an outbuilding, and all other bedrooms must form part of the main building from where primary access to the rooms must be provided;

LAND USE	DEFINITION
	<p>(c) The building may only be licensed for on-site liquor consumption for residing guests in terms of the Free State Liquor Act, 2010 (No 6 of 2010), as may be amended;</p> <p>(d) No self-sustaining accommodation, with the exception of a kettle or coffee machine, small fridge, and a microwave oven, no separate facilities for the preparation of meals, besides a central kitchen, may be provided on the premises; and</p> <p>(e) No conference or public pub be permitted on the premises, except for a single lounge with a maximum floor area of 36 m² which may only be utilised by residing guests.</p> <p>A dwelling/house with three (3) or fewer rooms does not need permission to operate as a Guesthouse.</p>
H	
Hazardous Goods	<p>Means materials that are radioactive, explosive, flammable liquids and gases, corrosives, oxidising, or acutely (highly) toxic substances, that are harmful to people, other living organisms, property, or the environment.</p>
Heliport/Helipad	<p>Land and/or a facility specifically designed and used for the landing and take-off of rotary wing aircraft and any associated aircraft storage or repair facilities.</p>
Home Business	<p>Means the practise of an activity or occupation/profession on a residential erf by the owner or lessee of the complete property and excludes a lessee who only leases a portion of the property, conducted in a single dwelling house, or in the curtilage of a single dwelling house, provided that:</p> <ul style="list-style-type: none"> (a) Such home business may not be sub-leased; (b) The home business does not exceed 30 m²; (c) The remainder of the dwelling house still be used as a bona fide dwelling house; (d) Not more than 3 persons be employed in the home business; (e) No goods may be displayed in such a manner that it will be visible from outside the building or from the street; (f) The activities of the home business be restricted to such hours of the day, that it does not interfere with the normal tranquillity of the neighbourhood; (g) Any such business shall be subject to inspections by an authorised official from the Municipality; (h) The granting of approval/permission shall not be construed as permission for the keeping of stocks on a residential erf and where the keeping of stock is essential for the running of an undertaking, the quantity, and manner of storing of such stock shall be subject to the satisfaction of the Municipality; (i) Where repairs to equipment and/or machinery are undertaken on the site concerned, it shall be restricted to equipment and/or machinery used in the home business; (j) No consent may be granted for home businesses that require a business and/or liquor license, or for a home business entailing or partially concerned with scrap yards, builders or any other contractors yard, repair of motor vehicles (including general repairs, panel beating and spray painting); (k) No consent be granted for a home business that is indeed, or can be foreseen to cause a nuisance by means of congregating of

LAND USE	DEFINITION
	<p>visitors, clients, or customers, the creation of noise, vibration, smoke, odour, dust, fumes that cause defacement in the neighbourhood where it is proposed to be established;</p> <p>(l) Parking be provided and advertisements only be allowed according to the Municipality's policy;</p> <p>(m) The following activities are not included under this definition: shop, funeral establishment, tourist information bureau, building society agency, banking agencies, animal establishment, tow-in service, place of entertainment or institution, place of instruction for more than 15 people, panel beater, spray painter, courier service, travel agency, shooting range and/or shooting instructions, butchery, taxi business, fishmonger, vehicle-rental agency, manufacturing of concrete products, transport contractor, coal and wood merchant, noxious activity and/or any such activities which, in the opinion of the Municipality, do not conform to the definition of a home business or does not fit in the particular environment or is of such nature that it should preferably be located on a suitably zoned erf.</p>
Hospital	<p>A building or place (other than an institution) used for the purpose of providing health care services (such as preventative or convalescent care, emergency/casualty treatment, diagnosis, medical or surgical treatment, care for people with development disabilities, psychiatric care, or counselling and services provided by health care professionals), and includes:</p> <p>(a) Ancillary facilities for the accommodation of doctors, nurses, or other health care workers, ancillary shops or refreshment rooms, and ancillary accommodation for patients or their visitors;</p> <p>(b) Facilities situated in the building or at the place and used for educational and research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use; and</p> <p>(c) A clinic or primary health care facility.</p>
Hotel	<p>A building comprising of thirty (30) or more overnight rooms for tourists or commuters which have access via a central door/foyer and may include conference facilities, a dining room, restaurant, entertainment and recreational area, bar, and reception area (licensed as a hotel in terms of the Hotels Act, 1965 (No 70 of 1965), as amended, but excludes a motel.</p>
I	
Incinerator	<p>A building for cremating animal corpses, human and animal tissue, medical waste, and certain industrial waste as well as agricultural waste as approved by the assigned environmental authority.</p>
Inclusionary Housing	<p>A mixed housing development, comprising different affordable housing typologies with diverse densities that may be rental units or privately owned, accessible to public transport and related social amenities and may include RDP and GAP housing, semi-detached and or row housing, dwelling houses, and the like to the satisfaction of the Municipality.</p>
Industry	<p>A building, excluding a building for a service industry or noxious industry, which is designed for the purpose of establishing a factory or workshop for the manufacturing, processing, or assembly of articles, commodities, goods, foodstuff, or products and which includes:</p> <p>(a) Administrative office for such industry;</p>

LAND USE	DEFINITION
	<ul style="list-style-type: none"> (b) A dwelling accommodation for a caretaker (not exceeding 75m²), provided that the special consent of the Local Municipality has been obtained for this purpose; (c) A place of safekeeping or warehouse; (d) Facilities directly related to the maintenance of such goods; (e) Facilities for the retail sale of such goods, subject to the conditions set by the Municipality; and (f) Facilities for the use of the employees on the site such as restaurant and recreational buildings.
Informal Trade	Means the conducting of a business which, with the consent of the local municipality after consultation with the surrounding owners, is conveyed from place to place, whether by vehicle or otherwise, in a street or at any other place accessible to the public, at any open property or in, on or from any vehicle or moveable structure, subject to such requirements laid down by the local municipality.
Infrastructure Services	Land occupied or developed for engineering services (sewerage, water, electricity, telecommunications, and such) and structures required for the installation, maintenance, and proper functioning thereof.
Initiation School	A registered cultural institution or a place where cultural initiation into manhood/womanhood (that may also involve circumcision), including teachings of cultural practices and behaviours is carried out.
Institution	<p>A building or portion of a building used or intended to be used as a social or welfare institution or for the administration thereof, and includes a hospital, nursing home/old age home, frail care, sanatorium, correctional institution, clinic, reformatory, or place of detention, whether private or public, and includes shops, medical offices or any other buildings or use reasonably connected with such use, but does not include;</p> <ul style="list-style-type: none"> (a) Premises that are registered or licensed under the relevant Health Act, as may be amended, for the treatment and accommodation of retarded and mentally handicapped people; (b) A psychiatric hospital; (c) A jail or prison. <p>May include one dwelling house or flat for the use of a caretaker or manager.</p>
Intensive Livestock Keeping Establishment	A building or a place in which or on which cattle, sheep, goats, poultry, or other livestock are held for the purpose of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes feed lots, piggeries, poultry farms, and fish farms, but does not include an animal establishment or land used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land.
L	
Laboratory	A facility that provides controlled conditions in which scientific research, experiments, and measurements are performed. The level of hazardousness is determined by the presence of poisons, infectious agents, flammable or explosive substances, radio-active materials, moving machinery, extreme temperatures, and high voltages.

LAND USE	DEFINITION
Landing Strip	An area or place suitable for the landing and taking-off of aircraft, with or without associated buildings and facilities and must at all times meet the requirements of the South African Civil Aviation Authority (SACAA).
Leisure Residential Dwelling	Dwelling houses developed under sectional title or share block scheme mostly in (but not limited to) peri-urban and rural settings of environmental significance, nature conservation area or with vistas on or with access to settings of environmental significance, with or without access to leisure, recreational and sports facilities and features such as golf courses, hiking trails, river fronts and the like.
Lifestyle Estate	A rural residential development, usually located outside the urban node and includes a golf estate, equestrian centre, eco-estate/village, aero estates, and water or nature-related residential development.
Liquid Fuel Depot	A place used for the bulk storage of petrol, oil, diesel, or other inflammable liquid for wholesale distribution.
Livestock Sale Yard	A building or place used for the purpose of offering animals for sale and includes a public cattle market. No animals may be kept on premises of this nature for longer than 48 hours.
Lodge	An accommodation facility located in the urban environment or in natural surroundings comprising a maximum of 20 overnight rooms and may include back packers and hostelling accommodation, conference facilities, chapel, dining room, entertainment, and recreational area and reception area and bar accessible to the outside public, restaurant, self-catering rooms, wedding village, but exclude a hotel, guesthouse, and resort. The rates charged are usually inclusive of an experience offered at the lodge, viz game drives, battlefield tours, et cetera. In general, food and beverage services are provided for all meals.
M	
Maisonette	A group of linked residential units of which not all units need to have a ground level, with a maximum of two first floor residential units served by a common staircase. Maisonettes have a double storey (ground level plus one level) height restriction.
Market	A building or place used for the display and sale of primary products (food or goods), or products manufactured from primary or recycled materials.
Medical Centre	A building (including a dispensing pharmacy and primary care clinic) used by one or more professional medical practitioners, dentists, or para-medical practitioners, or by one or more health care professionals, who employ ancillary staff in connection with or in support of such a practice.
Medical Consulting Rooms	A building designed for the use as consulting rooms or offices for medical purposes that are used by a medical doctor, sangoma, herbalist, physiotherapist, homeopath, optometrist, or any other medical-related use that serves the purpose of consultation but excludes a clinic or any other medical use that provides overnight accommodation for patients. This use will only be valid on a residential erf where such person also resides on the erf. It excludes any noxious practices or uses which will interfere with the amenity of the surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever

LAND USE	DEFINITION
Military Base	A facility directly operated by the military or one of its branches that shelters military equipment and personnel, and facilities training and operations.
Mine and Mining Activities	<p>(a) Any excavation in the earth, including any portion under the sea or under other water or in any residue deposit, as well as any borehole, whether being worked or not, made for the purpose of searching for or winning a mineral;</p> <p>(b) Any other place where a mineral resource is being extracted, including the mining area and all buildings, structures, machinery, residue stockpiles, access roads or objects situated on such area and which are used or intended to be used in connection with such searching, winning or extraction or processing of such mineral resource;</p> <p>(c) Used as a verb, in the mining of any mineral, in or under the earth, water or any residue deposit, whether by underground or open working or otherwise and includes any operation or activity incidental thereto, in, on or under the relevant mining area; and</p> <p>(d) Including all ancillary uses that may include dwelling houses, tenements, or flats for residential purposes.</p>
Mining & Quarrying	The winning and extraction of extractive material, or an undertaking which depends for its operations on the winning and extraction of extractive material from the land on which it is carried on, and includes any washing, crushing, grinding, milling, or separating into different sizes of that extractive material on that land, but does not include earthworks or works for drainage and landfill or maintenance dredging.
Mobile Dwelling Unit	Means a prefabricated mobile unit of an interconnected set of rooms that do not include more than one kitchen and is designed for use by a single or extended family, and which is moveable such as caravans and park homes.
Mortuary	Means a building designed and equipped specifically for the cold storage of the dead and may include facilities required for the conducting of a post-mortem.
Motel	A building comprising semi-detached or detached room for overnight accommodation for travelling tourists or commuters with limited entertainment and recreational facilities excluding a hotel.
Motor Showroom	A building or place used for display and/or sale of motor vehicles, motor cycles, caravans, or boats, whether or not motor vehicle accessories, caravan accessories, or boat accessories are sold or displayed in it or not.
Motor Workshop	A building (other than a motor showroom) for repair, servicing, washing, cleaning, spray painting or panel beating of vehicles (panel beating and spray painting only permitted within an industrial area), as well as the sale of general merchandise, provided that the floor area of the retail area does not exceed 150 m ² .
Municipal Purposes	Land and buildings utilised by the local and district municipality to carry out their mandatory functions and includes uses such as municipal offices, power distribution installations, pump stations, water reticulation, cemetery public, extractive industries, sewage disposal works, waste management, and disposal facilities, transfer stations or for any building or land which renders essential services to the

LAND USE	DEFINITION
	community and also includes agricultural purpose, airport, caravan park, club, dwelling house (for staff rental only), extractive industry (government use only), livestock sale yard, nursery (government use only), public-private utility undertakings, public use, residential units (for staff rental only), rifle- and shooting range (government use only), utility installation, racetrack (municipal and government use only) and showground.
N	
Noxious Industry	<p>An industry or trade that owing to noise or effluents is dangerous or potentially harmful to the health and welfare of the general public and/or is used for any of the industries or activities as determined in Annexure A of this Scheme and which may not include a building for accommodating a caretaker: Provided that:</p> <p>(a) The Municipality may accede to the erection and use of buildings on land for any such industry or activity in the industrial zone, provided satisfactory reliable evidence or proof is submitted that the process applied in the execution of the activities as mentioned in the said Annexure A will eliminate the danger on adjacent sites as a result of:</p> <ul style="list-style-type: none"> ✓ Vapour or fumes or gasses; ✓ The discharge of sewerage or liquid waste and, if the disposal of such waste is done according to soil treatment methods, the nature, gradient, and area of the site in relation to dwellings, streams, or canals; and ✓ Solid waste <p>(b) The Municipality may require the owner to process and dispose of wastewater, fall-out, and solid waste at an acceptable standard and at an acceptable facility; and</p> <p>(c) The Municipality may require from the owner or occupant to provide regular evidence of compliance with local, provincial, and national policies and guidelines or any similar policy that may apply to a noxious industry.</p>
Nursery	An enterprise, which buys and sells plants, trees, seeds, and garden accessories, as well as cultivating and growing plants on the premises of the enterprise, and includes the selling of refreshments as part of a tea garden, a petting zoo, and playground as secondary to the main enterprise.
O	
Office	A building (or portion thereof) for professional/administrative/general services provision, including medical consulting rooms, but excluding a clinic, commercial pharmacy, clinic, or hospital, provided that only sales, repair, manufacturing, and storage of specialised goods specifically, directly and bona fide necessary for the provision of a professional service will be permitted (to the consent of the Municipality), and that no goods may be visibly displayed for the general public and that no retail sales, repairs, manufacturing, storing or distribution of any other goods, whether obtainable in the general and retail trade, or not, will be permitted.

LAND USE	DEFINITION
Open Air Auction Mart	An auction mart that is primarily conducted outdoor, provided that the Municipality may set conditions in respect of the parking of vehicles on the site of the business.
P	
Parking Facility	A building, site, or place (including a parking garage) used or developed for parking of vehicles for the general public or tenants, for free, or at a payment of a prescribed fee for a pre-determined period.
Petro-port	A facility with direct access from a freeway or major transport route which provides a range of rest, service and fuelling facilities for light motor vehicles, heavy motor vehicles and busses, including emergency vehicle breakdown services, a convenience shop which the size of which may be restricted by the Municipality, a take-away or sitting down facility and automatic bank teller machines, but does not include a Truck stop.
Place of Assembly	A building or place for public assembly, including a meeting, exhibition, and/or special events (MESE) venue fit for the purpose of hosting a meeting, exhibition and/or special event, public hall, music hall, concert hall, dance hall, open-air theatre, music bowl, race course, showground, or other building or place of a similar character which may be approved by the Municipality, whether used for the purposes of gain or not, but does not include a place of worship, institution or place of instruction.
Place of Detention	A building or site for government use of which the extent thereof is such that it cannot be classified or defined under other uses in these regulations and includes uses practiced by the State, such as military training centres and correctional facilities (prisons).
Place of Entertainment	<p>A building designed for the carrying on of business by:</p> <ul style="list-style-type: none"> (a) Providing Turkish baths, saunas, or other health baths; (b) Providing massage or infrared treatments; (c) (Making the services of an escort, whether male or female, available to any other person; (d) Keeping 3 or more mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for the purpose of the playing of any game or for the purpose of recreation or amusement, and the operation of which involves the payment of any valuable consideration, either by the insertion of a coin, token coin or disc therein or in an appliance attached thereto or in any other manner; (e) Keeping 3 or more snooker or billiard tables; (f) Keeping or conducting a bar, discotheque, night club, pub, sports bar, or tavern; (g) Keeping or conducting a cinema or theatre; and (h) Conducting adult premises referred to in Section 24 of the Films and Publications Act, 1996.
Place of Instruction	A building designed to be used as a pre-primary school, school, college, technical institution, academy, lecture hall, penal or reformatory establishment, or other education centre and includes an accompanying hostel relating to such place of instruction; and subject to the definition of an institution, a monastery attached to such place of instruction, public library, art gallery, museum, gymnasium, training, and recreational facilities, library and tuck shop (in conjunction with a place of instruction only).

LAND USE	DEFINITION
Place of Refreshment	Land and buildings or a part of a building used for the preparation, sale, and consumption of refreshment on the property such as a restaurant, cafe, coffee shop, tearoom, tea house.
Place of Worship	A building designed for the use of a church, chapel, synagogue, Sunday school, or any other place for public worship and may include a church office, commemorative wall, a residential unit (both for the exclusive use as a rectory), a hall (provided that the hall may not be let for the purpose of public use), a kitchen, toilet facilities and a wall of remembrance for the safe-keeping of human ashes.
Private Conservation Area	Any land which has been set aside in this scheme for use as a private site for recreation facilities or as an ornamental garden or pleasure-garden, provided that the land is under the long-term management of a private person or authority, for the primary use of conservation and includes areas unofficially designated and managed for conservation purposes by the relevant land owner.
Private Open Space	Any land reserved for use as premises for sport, games exhibitions, rest and recreation, or as an ornamental or pleasure garden, to which entry can only be obtained upon payment of entrance fees or by permission granted by the owner.
Private Parking Area	A lot where vehicles can park and are owned by a private institution or person.
Private Street/Road	Any street which is not a “ <i>public street/road</i> ” or does not fall under public authority control.
Public Open Space	An open space in ownership of the Municipality, with unrestricted access for the general public, and may be indicated as such on a registered General Plan as a park.
Public Parking Area	Land or a building or part thereof that is accessible to the general public for parking purposes.
Public Road	<p>Any road, thoroughfare or “<i>right of way</i>” servitude in favor of the general public, declared as such by a competent authority or recognized as a public road under any law, to which the public has a right of access, and includes in addition to the roadway:</p> <ul style="list-style-type: none"> (a) The space between the roadway and the road reserve boundaries on either side of the roadway. (b) Any other work or object on that land forming part of is connected with, or belonging to such road, servitude or thoroughfare, and. (c) Any bridge, subway, or drift traversed by such road, servitude, or thoroughfare.
Public / Private Resort	A premises developed for holiday accommodation or recreation and includes back packers and hostelling accommodation, residential units (including chalets), hotel, motel, caravan park, camping ground, playground, golf course, water sports facilities, boat shed, boat landing facilities, marina, recreation establishments, and recreation facilities, provided with water, spa, sewage, and electrical connection points, as well as associated ablutions, communal kitchens, shop, associated business buildings (including a club used in conjunction with any such activities), and offices and dwellings for staff and all other uses normally related to resort developments. Utilisation of associated conference facilities, restaurants, and bars by the general public is subject to the consent of the Municipality.

LAND USE	DEFINITION
R	
Railway Purpose	The use of land or buildings for the transport, loading, and off-loading of passengers and goods by rail, including storage of goods, stations, container depots, marshalling yards, terminal facilities, equipment servicing facilities, as well as other associated buildings.
Recycling center	Means the use of an area of land, with or without buildings, upon which used materials are separated and processed for shipment and eventual reuse in new products.
Refuse Area	An area on a site that is allocated to gather waste and refuse to be disposed of.
Regional Service Station	<p>A building or place with underground installations, located in rural areas adjacent to a higher order road or highway but without impeding on the integrity of the road or highway, with related signage and used for the fuelling of vehicles involving the sale by retail of petrol, diesel, oil, and other petroleum products, serviceable by means of all engineering services and specific measures to capture any hydrocarbon or other pollutants, operating 24/7, whether or not the building or place is also used for any 1 or more of the following:</p> <ul style="list-style-type: none"> (a) The sale by retail of spare parts and accessories for motor vehicles and installation of accessories; (b) Washing and greasing of motor vehicles; (c) Truck stop (where the gross floor area of the workshop and the retail department must be included in the service station buildings); (d) The sale of food, beverages, and general merchandise to the travelling public, including (but not limited to) a convenience shop, food court, restaurants, restrooms, ATMs, vending machines; (e) Play and recreational areas (excluding areas used for formal sporting activities); and (f) Caravan park and motel.
Renewable energy Structure	<p>A plant that utilises renewable energy (generated by wind turbines, solar voltaic, concentrated solar, solar thermal apparatus, micro-hydro and bio-gas or grouping thereof), which captures and converts wind or solar radiation, water or gas into energy for commercial gain irrespective of whether it feeds onto an electricity grid or not, and includes any appurtenant structure or any test facility or structure which may lead to the generation of energy on a commercial basis, conditional to:</p> <ul style="list-style-type: none"> (a) The installation of apparatus on roofs to generate solar energy for any on-site consumption is permitted in any zone in this Scheme, provided that the Municipality may regulate the visual appearance of such apparatus in accordance with the provisions of the Scheme; (b) Installation of wind power generation apparatus on roofs for on-site use only is permitted with the permission of the neighbours; (c) Excess electricity generated by such apparatus may be fed into the electricity network, subject to relevant legislation, provided that energy generation apparatus continues to serve the land uses on the property, it does not adversely affect the continued primary permitted use of the property

LAND USE	DEFINITION
	<p>and does not have an adverse impact on the surrounding land uses or character of the area;</p> <p>(d) The Municipality may limit the scale of such solar and wind energy apparatus on any land unit to ensure that it primarily serves the energy needs of the land unit concerned and does not have an adverse impact on the character of the area or neighbouring properties;</p> <p>(e) The Municipality may grant permission for the erection of free-standing solar and wind apparatus which are not attached to the roofs of buildings to generate solar energy for any on-site use, subject to the same conditions as above; and</p> <p>(f) This section does not enable renewable energy generation which sole purpose is to feed into the national grid. The appropriate application shall be required depending on the property's zoning.</p>
Reservoir	A natural or artificial place where water is collected and stored for use, especially water for supplying a community, irrigating land, furnishing power, etc
Residential Building	A single building that provides for human habitation, together with the outbuildings that are ordinarily used therewith, with no restriction to the number of rooms available for letting when located in urban areas, and includes a backpacker and hostelling accommodation, larger boarding houses, a block of rooms, hotel and motel, and which may include a lounge or dining room for residing guests only and may be licensed for liquor consumption by residing guests only, but does not include a dwelling house, town and group housing, maisonettes, flats, institution, place of worship, place of instruction, and may not have conference or restaurant facilities directed and accessible to the general public.
Retirement Resort	A group of free-standing and/or attached residential units which provides housing to aged and retired persons and includes facilities such as a place of worship, recreational establishments and -facilities, medical care facilities, dining hall, aid centre, library, lounge, tuck shop, and the like, which is secondary and related to the housing on the same site and which is provided exclusively for the benefit of the inhabitants.
Rifle / Shooting Range	Means a premise approved by the Municipality and police services or military authority for practicing firearm proficiency, together with the necessary safety area, with associated buildings, clubhouse, etc.
Roadside Stall	A building or place not exceeding 50 m ² in floor area, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.
Road Transport Terminal	A building or place used principally for bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing, and repair of those vehicles, and also includes a weighbridge.
Rural Tourist Facility	<p>(a) Educational or recreational facilities for tourists that may include ancillary accommodation and are based on the rural, scenic, or natural attributes of the locality; or</p> <p>(b) Tourist accommodation associated with the dwelling and farm buildings on a property principally used for primary production.</p>

LAND USE	DEFINITION
Rural Workers Dwelling	A dwelling that is not the primary residence on a property on which there is a single dwelling and that is only occupied by persons engaged in rural occupations.
S	
Scrapyard	<p>A building or land, which is used for one or more of the following purposes;</p> <ul style="list-style-type: none"> (a) The storing, stacking, depositing, or collecting of junk or scrap material or articles of which the value depends entirely or partially on the material out of which they are manufactured whether or not intended for the purpose of disposal or recycling of such waste; (b) The dismantling or demolition of second-hand vehicles that have been written off or machines to recover components or material; and (c) The storing or sale of second hand pipes, poles, steel sections, wire, lumber, tyres, bricks, containers, or other articles which are suitable to be left in the open without any serious damage being incurred.
Self-Storage Facility	A facility comprising rentable units, secured by the tenant's own lock and key, offering storage units in different sizes and may include storage for a single vehicle (caravan, trailer, vintage car, etc.) but excludes storage of any hazardous goods, repairing and manufacturing of any goods or products and any business activity.
Service Industry	<p>A small-scale industrial activity, related to the needs of the local community and retail trade and, will not interfere with the amenity of the surrounding properties or be a nuisance by virtue of noise, appearance, smell or activities or for any other reason whatsoever, but excludes a service station, gardening service, and nursery. Typical examples of a service industry include, but are not limited to:</p> <ul style="list-style-type: none"> (a) Catering services; (b) Hairdressers; (c) Cool chambers for fruit and vegetables; (d) Dressmakers and tailors; (e) Electricians; (f) Engravers; (g) Joineries; (h) Key-makers; (i) Laundries; (j) Arts and crafts workshops; (k) Photographic studios (for development and printing); (l) Plumbers; (m) Registration number plates; (n) Sign writers; (o) Tyres, exhaust systems, towbars, and vehicle spare parts and accessories upholsterers; (p) Auto electricians; (q) Repair workshops for air conditioners, blinds, roll-up doors, boats, caravans, trailers, computers, cash registers, typewriters, electrical fittings and fixtures, lawnmowers, radios, televisions, video recorders, shoes and leather articles, tents, canvases, tarpaulins, motorcycles, and bicycles, and (r) Jewellers.

LAND USE	DEFINITION
Service Station	<p>A building or place with underground installations, used for the fuelling of motor vehicles involving the sale by retail of petrol, diesel, oil, and other petroleum products, whether or not the building or place is also used for any 1 or more of the following:</p> <ul style="list-style-type: none"> (a) The sale by retail of spare parts and accessories for motor vehicles; (b) Washing and greasing of motor vehicles; (c) Installation of accessories; (d) Repairing and servicing of motor vehicles involving the use of hand tools Other than repairing and servicing that involves panel beating or spray painting); and (e) The sale of general merchandise to the travelling public (convenience shop), which may include a restaurant. <p>Provided that the gross floor area of the workshop does not exceed 100 m² and the retail department (motor-related products and general merchandise) does not exceed 150 m² in total.</p>
Sewer Purification Plant	<p>Land or buildings and infrastructure used for the communal processing, purification, and/or disposal of sewer and sometimes referred to as a waste water treatment works.</p>
Showground	<p>Land and buildings designed and used for exhibitions of inter alia agricultural, residential, and industrial products, livestock, vehicles, lifestyle products, etc. as well as the staging of events. It may include the retail sale of displayed items, places of entertainment, and the selling of food and refreshments during such periods of the exhibition. It also may include the occasional use of the premises for assembly of people and/or for public religious purposes and/or sports gatherings.</p>
Social Hall	<p>A building designed or used for social assemblies, gatherings, meetings, functions, recreation purposes, an auditorium, and a performance art theatre, and it includes inter alia a cultural centre and a non-residential club but not a place of amusement. Should liquor be sold or consumed at such premises it must be legalised by means of a liquor license issued, in terms of Section 23 of the Liquor Act, 2003 (Act No. 59 of 2003), as may be amended. It excludes any noxious practices or uses which will interfere with the amenity of the surrounding properties or is of nuisance value by virtue of noise, appearance, smell, or activities or for any other reason whatsoever. A social hall may be used for public or private events.</p>
Spa / Hydro and Wellness Centre	<p>A purpose-built building for human relaxation and body regeneration by making use of facilities such as pools, baths, sauna's, where treatment is provided by professional practitioners.</p>
Sport and Recreational Facility	<p>A building or place used for indoor or enclosed recreation, including a table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, skate board park, sports club, or any other building or enclosed place of a similar character used for entertainment that may be approved by the Municipality, for gain or not, but does not include a place of assembly and entertainment.</p>
Statutory Protected Areas	<p>Areas designated in terms of legislation for biodiversity conservation, defined categories of outdoor recreation and non-consumptive resource use. Conservation purposes are purposes normally or reasonably associated with, the use of land for the protection of the natural and/or built environment, including the protection of the</p>

LAND USE	DEFINITION
	<p>physical, ecological, cultural and historical characteristics of land against undesirable change. This will include:</p> <ul style="list-style-type: none"> • Wilderness Area • Special Nature Reserve • National Park • Nature Reserve • Protected Environment • Forrest Wilderness Area / Forest Nature Reserves • World Heritage Site <p>Mountain Catchment Area</p>
Storage Yard	A yard in which materials, equipment, and vehicles are stored, kept, and maintained and may be covered, enclosed, or screened.
Student Dwelling	A dwelling or part thereof used for the accommodation of a restricted number of bona fide students of a recognised primary, secondary or tertiary institute. No detached rooms will be permitted on the premises.
T	
Tavern	A building in which the on-site consumption of liquor has been legalised by means of a liquor license issued, in terms of section 23 of the Liquor Act, 1989 (Act 27 of 1989), as may be amended, and includes a restaurant, café, or pub designed and used for the preparation and or retail trade of meals, refreshments and liquor and may in addition also mean the retail sale of cold drink and smoking requisites, but excluding a hotel, residential use and drive-in restaurant. It may include a place of amusement. It may not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance, smell, or activities or for any other reason whatsoever. If required parking to the satisfaction of the local authority shall be provided on the site.
Tea Garden	A public garden where tea and light refreshments are served.
Telecommunication Infrastructure	<p>Telecommunication (including cellular telecommunication) infrastructure includes any one or more of the following services and or structures accommodated on a property, inside a building, or fixed to a building:</p> <ol style="list-style-type: none"> (a) Cell phone base station, (b) The antenna support structure, including any solid lattice structure, mast pole, monopole, guyed tower, lattice tower, freestanding tower, or any other structure designed and primarily used to support an antenna; (c) Antenna structure, including any system of wires, poles, rods, or similar devices, used for the transmission or reception of electromagnetic waves, attached to a building or a mast, and includes cabling between the equipment room and the antenna; (d) Base station, antenna support structure, and all associated infrastructure such as antenna, microwave dish, equipment room, and access road; (e) Equipment room including a structure to house telecommunication equipment, or a container, or a room or rooms within a building with another permanent use; (f) Microwave dish, including any device incorporating a reflective surface that is solid, open mesh, or bars configured that is the

LAND USE	DEFINITION
	shape of a shallow dish, cone, horn, or other, and is used to transmit and/or receive electromagnetic waves.
Tourist Facility	Facilities created in a rural area for the recreation and entertainment of tourists and may include auxiliary management facilities.
Townhouse	Means attached or detached residential units, of similar architectural style, where no horizontal division, but a vertical division exists between the dwelling units which each has a ground floor with a floor on top or only a ground floor and where each unit has its own private garden and service yard, separate from any common open areas created by the grouping (which is controlled by a body corporate of owners) that constitute the complex.
Training Facility	A place where people undergo skills training for work.
Truck Stop	A building or land used primarily as a stop-over facility for commercial vehicles, with facilities for the maintenance or repair of commercial vehicles, dispensing of fuel or other petroleum products, restaurant, ablution facilities, and convenience shop for travellers: Provided that the floor area of the workshop does not exceed 100 m ² and retail department (motor-related products and general merchandise) does not exceed 150 m ² in total.
Tuck shop	A shop on a residential property, owned and managed by at least one full-time resident of the property, only for the selling of daily convenience goods and prepared and pre-wrapped food, excluding alcoholic beverages, table games, or electronic games. A tuck shop is not a general business or retail function on a residential erf and the residential component remains the main use of the erf, provided that no person is allowed to sleep in the tuck shop overnight. The area used for a tuck shop shall not exceed 40% of the area of the property, not exceeding 60m ² (storage area included), and is further subject to the policy of the Municipality, as amended from time to time. A spaza shop is regarded as a tuck shop and is included in this definition.
4X4 Trail	A series of roads, tracks, and routes, designed for use by off-road vehicles as a recreation or adventure facility, and includes buildings normally required for the administration and maintenance thereof, but does not include tourist accommodation or tourist facilities.
U	
Urban Agriculture	Land used for the cultivation of crops and raising of small numbers of livestock, on relatively small areas within urban areas, for own consumption or sale in neighbouring markets. Urban agriculture includes commonages.
V	
Veterinary Clinic	A building or part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian, including temporary boarding facilities for treated animals and related retail, but excludes an animal refuge. May include a state vet
Veterinary Hospital	Means a building or place used for the purpose of providing health care services (such as preventative or convalescent care, emergency/casualty treatment, diagnosis, medical or surgical treatment) to animals.

LAND USE	DEFINITION
W	
Warehouse	A building or place used for the storage of goods, merchandise, or materials pending their sale and distribution to persons engaged in the retail trade, with limited retail only permitted with the approval of the Municipality.
Waste Management Facility	Any building, land, or works used for the storage, treatment, reprocessing, sorting, or disposal of waste and, without limiting the generality of the foregoing, includes: <ul style="list-style-type: none"> (a) Waste management and disposal centres, including landfill sites and waste transfer stations; (b) Recycling facilities, including material recovery facilities and waste processing facilities; and (c) Parking or storage areas for equipment and plant associated with the Municipality's waste management program.
Wholesale Trade	The sale in large quantities to the trade, but excluding any form of retail trade.
Workshop	Land used or a building designed or used for the purposes of bulk retail or services regarding goods that are wholly or partially manufactured, processed, mounted, or repaired on the property, and may also include ancillary offices which are subsidiary to the main use, but excludes any noxious activities.
Z	
Zoological Garden	A park where wild or farm animals, reptiles, fish, or birds are kept and exhibited for public education and amusement or ancillary rehabilitation and may include other associated ancillary facilities.

SECTION 3 LAND USE CLASSIFICATION

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

LAND USE PURPOSE	SPLUMA DEFINITION
Agricultural	Means purposes normally or otherwise reasonably associated with the use of land for agricultural activities, including the use of land for structures, buildings, and dwelling units reasonably necessary for or related to the use of the land for agricultural activities.
Business	Means purposes normally or otherwise reasonably associated with the use of land for business activities, including shops, offices, showrooms, restaurants, or similar businesses other than places of instruction, public garages, builder's yards, scrap yards, and industrial activities.
Commercial	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, plant nurseries, including offices and other facilities that are subordinate and complementary to such use.
Community	Means purposes normally or otherwise reasonably associated with the use of land for cultural activities, social meetings, gatherings, non-residential clubs,

	gymnasiums, sports clubs, or recreational or other activities where the primary aim is not profit-seeking, excluding a place of amusement.
Conservation	Means purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural, or historical characteristics of land against undesirable change or human activity.
Educational	Means purposes normally or otherwise reasonably associated with the use of land primarily for instruction or teaching purposes, including crèches, schools, lecture halls, monasteries, public libraries, art galleries, museums, colleges, and universities.
Government	Means purposes normally or otherwise reasonably associated with the use of land by the national government, a provincial government, or a municipality to give effect to its governance role.
Industrial	Means purposes normally or otherwise reasonably associated with the use of land for the manufacture, altering, repairing, assembling, or processing of a product, or the dismantling or breaking up of a product, or the processing of raw materials, including a noxious activity. Note that this category excludes extractive activities (these would fall under mining).
Institutional	Means purposes normally or otherwise reasonably associated with the use of land for charitable institutions, hospitals, nursing homes, old-age homes, clinics, and sanatoriums, either public or private.
Mining	Means purposes normally or otherwise reasonably associated with the use of land for mining.
Public	Means purposes normally or otherwise reasonably associated with the use of land as open spaces, public parks, public gardens, recreation sites, sports fields, or public squares or for religious gatherings.
Recreational	Means purposes normally or otherwise reasonably associated with the use of land primarily for recreation, including entertainment, leisure, sports, and amusement facilities.
Residential	Means purposes normally or otherwise reasonably associated with the use of land primarily for human habitation, including a dwelling house, group housing, hotels, flats, boarding houses, residential clubs, hostels, residential hotels, and rooms to let.
Transport	Means purposes normally or otherwise reasonably associated with the use of land primarily as a point for the pick-up or off-load of people or goods, including taxi ranks, bus bays, bus stations, bus terminuses, railway stations, and ancillary uses, including roads and streets.

PART 2 LAND USE PROVISIONS

CHAPTER 3 USE ZONES

SECTION 1 LAND USE ZONES

Land Use Zones are divided into **land use zoning categories** which specify the purposes for which buildings and land in each of the categories may be erected and/or used.

Within a specific Land Use Zone, “Permitted Land Uses” are allowed without any approval of the MPT of the Municipality.

Within a specific Land Use Zone, “Consent Land Uses” are allowed with the approval of the Authorised Employee, which is a **Registered Professional Town and Regional Planner**. If the Authorised Employee is not a Registered Professional Town and Regional Planner, the MPT must approve these applications.

All other buildings or land uses not included as permitted land uses or consent land uses may not be erected and/or used in the relevant land use zone.

Where, in any **Zoning Category**, it is intended to erect a building or use land for purposes of combining more than one land use on a property, the development parameters of the land use with the highest impact shall apply to the property (all buildings included), provided that the development parameters applicable to each individual land use are not exceeded.

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

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

SPATIAL PLANNING CATEGORIES

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

1.16 LAND USE ZONES

- 1.16.1 A Land Use Zone does not indicate the existing land use rights on a property.
- 1.16.2 A Land Use Zone is a demarcated portion of land or area in terms of which regulations pertaining to the potential use and development of that land are imposed. These regulations are derived from the Municipal Spatial Development Framework and have as a goal the implementation of the municipal development objectives through the application of land use control.
- 1.16.3 Even though the Land Use Zones may create an expectation with regards to the development of the land, the need and desirability of any development still have to be proven by way of application and every application will be considered on the individual merits thereof.
- 1.16.4 All developments must comply with the regulations contained in the applicable zone and all applications for land use rights shall be considered against the regulations.
- 1.16.5 The colour notation shown in the table, also containing the colour codes, shall be used on all plans and documents prepared in terms of the Scheme.
- 1.16.6 The municipal area is divided into the following Use Zones:

NGWATHE LAND USE SCHEME REGULATION ALIGNMENT WITH THE FREE STATE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (FS PSDF) SPATIAL PLANNING CATEGORIES (SPC's)			
COLUMN 1 SPATIAL PLANNING CATEGORIES	SCHEME REGULATIONS		
		COLUMN 2 Zoning	COLUMN 5 Colour Notation on Map
A: CORE AREAS			
SPC A areas constitute sites of high conservation importance including terrestrial land, aquatic systems (rivers, wetlands, and estuaries). Due to their highly irreplaceable status, such areas should be protected from change or restored to their former level of ecological functioning. Such SPC A areas are a natural resource (capital) of international, national, and provincial significance within which the natural environment is able to provide a range of ecosystem services essential for the sustainable life of humans.			
A.a	Statutory Conservation Areas	Conservation	R: 90 G: 120 B: 50
B: BUFFER AREAS			
Buffer areas are primarily in private ownership. Therefore, a key challenge to any land-use strategy or plan is to address the conflicts that often occur between biodiversity conservation and consumptive agricultural practices. In order to start addressing this phenomenon, it is imperative to understand and appreciate the often-divergent perspectives of landowners and other stakeholders and to respect the landowners' rights to use land in accordance with defined legal directives.			
B.c	Urban Green Areas	Public Open Space	Open Space I R: 120 G: 230 B: 120
		Private Open Space	Open Space II R: 220 G: 230 B: 180

C: AGRICULTURAL AREAS			
The protection and appropriate use of high potential agricultural land is of critical importance for sustainable economic growth and food security. High potential agricultural land close to settlements is often subjected to non-agricultural development pressure, while negative social impacts associated with such settlements often have a significant detrimental impact on the production potential of such land. It is therefore imperative that the highest priority is given to the protection of high potential agricultural land and that measures be instituted to create and maintain circumstances conducive to sustainable agriculture.			
C.a	Agricultural Areas	Agricultural	R: 190 G: 190 B: 150
	Farmsteads & Outbuildings		
C.b	Agricultural Smallholding	Smallholding	R: 150 G: 140 B: 80
D: URBAN RELATED AREAS			
Residential Areas			
D.a	Dwelling House, Additional Dwelling House	Residential I	R: 255 G: 255 B: 220
D.b	Guesthouse, Dwelling House	Residential II	R: 255 G: 255 B: 160
D.c	Town Houses, Group Housing, Block of Flats, etc.	General Residential	R: 255 G: 255 B: 50
Resorts & Tourism Related Areas			
D.o	Leisure Residential	Leisure Residential	R: 160 G: 210 B: 200
D.q	Resorts	Resort	R: 60 G: 110 B: 110
D.q	Agri Tourism / Tourism	Tourism	R: 30 G: 90 B: 100
Institutional Areas			
D.f	Educational Purposes	Education	R: 200 G: 190 B: 220
	Place of Instruction		
D.f	Place of Worship	Religious Purposes	R: 150 G: 130 B: 190
	Institution	Institution	R: 200 G: 120 B: 190
	Sport & Recreational Facilities		

D.n	Cemeteries	Cemetery Use	R: 80 G: 90 B: 120
Authority Areas			
D.g	Municipal Uses	Municipal Purposes	R: 240 G: 220 B: 220
D.g	Government Uses	Government Purposes	R: 230 G: 190 B: 180
D.g	Municipal Townlands	Municipal Townlands	R: 210 G: 130 B: 110
D.r	Special Use	Land and/or building used for purposes not specifically defined in terms of any erf and use zone or sub-zone, and for which special conditions are to be formulated	R: 150 G: 50 B: 50
Business Areas			
D.j	Business Premise	Business I	R: 255 G: 100 B: 100
	Commercial & Shops		
	Mixed Use Developments		
D.i	Offices		
D.j	Service Station	Business II	R: 220 G: 0 B: 0
E INDUSTRIAL AREAS			
E.a	Agricultural industry	General Industrial	R: 170 G: 230 B: 255
	Light industry		
	Service Trade Industry		
E.b	General Industry		
E.c	Noxious Industry	Noxious Industry	R: 0 G: 180 B: 255
E.d	Extractive industry	Extractive Industry	R: 0 G: 120 B: 170
F SURFACE INFRASTRUCTURE & BUILDINGS			
F.a	Surface Infrastructure	Surface Infrastructure	R: 220 G: 220 B: 220
F.b	Roads & Streets	Roads & Streets	R: 190 G: 190 B: 190
F.c	Parking		
F.d	Transport	Transportation Services	R: 110 G: 110 B: 110

CONSERVATION		R = 90 G = 120 B = 50	
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, biodiversity, habitat, or cultural values. ✓ To provide facilities that assist in public education and the integration of the built and the natural environments with minimal degradation of the natural environment or natural processes. ✓ To create a holistic framework where culturally significant and historical sites are accorded equal status and value along with new developments. ✓ To ensure the sustainable provision of ecosystem services to the community. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Botanical Garden Conservancy Conservation Area Cultural Heritage Site Statutory Protected Areas Zoological Garden		As determined by the relevant Environmental Authority and the Municipality.	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. There must be compliance with National and Provincial environmental legislation in the development of nature reserves, land for conservation purposes, cultural heritage sites, protected areas, and listed activities. 2. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructures. 3. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 4. Any use for a heliport or helipad is subject to compliance with the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), as may be amended. 5. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			

OPEN SPACE I		R = 120 G = 230 B = 120	
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To provide adequate numbers of appropriately situated sites that are easily accessible for recreational purposes and activities for local and wider communities. ✓ To ensure that such parks address the special needs of the physically challenged, elderly, women, and children. ✓ To ensure that such facilities are located and maintained to attract visitors and tourists. ✓ To set aside areas of land for the provision of parks, botanical gardens, and other open spaces as well as corridor linkages between open areas for passive recreational purposes. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
		4 X 4 Trail Botanical Garden Cemetery Commemorative wall Informal Trade Infrastructure Services Nursery Tea Garden Telecommunication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. The Municipality may consider utilising over-provided public open spaces for residential infill or other uses. Such development will require the amendment of the Scheme to a suitable zone. 2. Urban agricultural uses may be considered on larger open space systems, subject to environmental legislation. 3. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructures. 4. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 5. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 6. The Municipality may consider utilizing over-provided public open spaces for residential infill or other uses. Such development will require the amendment of the Scheme to a suitable zone. 			

OPEN SPACE II		R = 220 G = 230 B = 180	
OBJECTIVES:			
✓ To provide adequate numbers of appropriately situated sites of a private nature that are easily accessible for recreational purposes and activities for certain communities.			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Botanical Garden Camping Site / Caravan Park Club Commemorative wall Cultural Heritage Site Open Air Auction Mart Private Open Space Rural Tourist Facility Social Hall Sport and recreation ground/facility Tourist Facility Urban Agriculture		4 X 4 trial Cemetery Conference Facility Craft Alcoholic Production Facility Informal Trade Infrastructure Services Nursery Place of Refreshment Public / Private Resort Tea Garden Telecommunication infrastructure Zoological Garden	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	50%	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
5m	3m	3m	As approved by the Municipality
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. There must be compliance with National and Provincial environmental legislation in the development of nature reserves, land for conservation purposes, cultural heritage sites, protected areas, and listed activities. 2. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructures. 3. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 4. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			

AGRICULTURAL		R = 190 G = 190 B = 150	
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To utilize agricultural land on a sustainable basis. ✓ To ensure that land deemed to have high agricultural potential is optimally used. ✓ To provide mechanisms for the identification and protection of productive agricultural land. ✓ To ensure that agricultural practices are consistent with environmental considerations and pollution controls. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
4X4 Trial Additional Dwelling House Agricultural Housing Agricultural purposes Agri-industry Bed and breakfast accommodation Commonage Dwelling house Landing Strip Livestock Sale Yard Nursery Roadside Stall Rural Workers Dwelling (Maximum of 8 Dwellings)		As determined by the relevant Agricultural Authority and the Municipality	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
Street/road building line in accordance with the requirements of the respective road authority.	10m	10m	As approved by the Municipality
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. All land within this zone is subject to regulation in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), as may be amended, unless such land is excluded from the act. 2. There must be compliance with National and Provincial environmental legislation. 3. A water-use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998), as may be amended. 4. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructures. 5. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 6. Any use for a heliport or helipad is subject to compliance with the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), as may be amended. 7. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			

SMALL HOLDINGS			R = 150 G = 140 B = 80
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To create the opportunity for people to avail themselves of a semi-rural style of living and yet be proximate to the full range of physical and social services which are available in the adjacent urban areas. ✓ To allow only a limited number of ancillaries uses so as to protect the primary low density residential or agricultural land use. ✓ To ensure that urban agricultural activities are undertaken in a sustainable manner and in accordance with the relevant environmental principles. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Additional Dwelling House Agricultural Holding Agricultural purposes Agri-Industry Bed and Breakfast Accommodation Dwelling House Workshop		Animal Establishment Camping Site / Caravan Park Child Day-Care Centre Crèche Guesthouse Home Business Infrastructure Services Nursery Place of Worship Self-Storage Facility Sport & Recreation Facilities Tea Garden Telecommunication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
1 Dwelling Unit per Hectare	50%	2 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
5m	5m	5m	As approved by the Municipality
CONSENT USE REGULATIONS:			
Animal Establishment	Maximum Coverage: Maximum Height: Building Lines:	50% 2 Storeys As approved by Municipality	
Camping Site / Caravan Park	Maximum Coverage: Maximum Height: Building Lines:	30 Stands per Hectare As approved by Municipality As approved by Municipality	
Guesthouse	Maximum Coverage: Maximum Height: Building Lines:	Maximum 10 rooms 2 Storeys As approved by Municipality	
Home Business	Maximum Coverage: Maximum Height: Building Lines:	150m ² 2 Storeys As approved by Municipality	
Nursery	Maximum Coverage: Maximum Height: Building Lines:	50% 2 Storeys As approved by Municipality	

Self-Storage Facility	Maximum Coverage: Maximum Height: Building Lines:	50% 1 Storey As approved by Municipality
Telecommunication Infrastructure	Maximum Coverage: Maximum Height: Building Lines:	As approved by Municipality As approved by Municipality As approved by Municipality
OTHER REGULATIONS:		
<ol style="list-style-type: none"> 1. There must be compliance with National and Provincial environmental legislation. 2. A water-use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998), as may be amended. 3. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructures. 4. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 5. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 		

RESIDENTIAL I			R = 255 G = 255 B = 220
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To provide adequate land for residential purposes at a high density. ✓ To create integrated, safe, and sustainable residential environments for all communities. ✓ To widen the scope for the introduction of non- residential uses within a residential area where there is due protection of a neighbourhood amenity by limiting such uses to local non-disruptive intermediate scale activities. ✓ To ensure that the higher densities proposed in this zone also take cognizance of the need for additional public spaces and places for recreational activities. 			
Erven Smaller than 600m²			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Additional Dwelling House Dwelling House		Child Day-Care Centre Crèche Home Business Place of Worship Tavern Tele-Communication Infrastructure Tuck Shop / Spaza Shop	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
Erven smaller than 600m ²	60%	2 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
2m	1m	1m	As approved by the Municipality
CONSENT USE REGULATIONS:			
Child Day-Care Centre Crèche	Maximum Coverage: Maximum Height: Building Lines:	60% 2 Storeys As approved by Municipality	
Place of Worship Tavern Tuck Shop / Spaza Shop	Maximum Coverage: Maximum Height: Building Lines:	25% or 50m ² 1 Storey As approved by Municipality	
Erven Larger than 600m²			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Dwelling House		Additional Dwelling House Bed and Breakfast Accommodation Child Day-Care Centre Crèche Guesthouse Home Business Place of Worship Tavern Tele-Communication Infrastructure Tuck Shop / Spaza Shop	
BULK REGULATION:			

MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
Erven larger than 600m ²	50%	2 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
5m	2m	2m	As approved by the Municipality
CONSENT USE REGULATIONS:			
Child Day-Care Centre Crèche	Maximum Coverage: Maximum Height: Building Lines:	50% 2 Storeys As approved by Municipality	
Place of Worship Tavern Tuck Shop / Spaza Shop	Maximum Coverage: Maximum Height: Building Lines:	25% or 50m ² 1 Storey As approved by Municipality	
OTHER REGULATIONS:			
<ol style="list-style-type: none"> For properties larger than 600m², garages may be erected 3m from the street. A liquor license is required for tavern uses in terms of the Liquor Act, 1989 (Act No. 27 of 1989), as may be amended, and other ruling prescripts. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			

RESIDENTIAL II			R = 255 G = 255 B = 160
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To provide adequate land for residential purposes at a low density. ✓ To create integrated, safe, and sustainable residential environments for all communities. ✓ To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Bed and Breakfast Accommodation Dwelling House Guesthouse Maisonette Student Dwelling Urban Agriculture		Additional Dwelling House Child Day-Care Centre Conference Facility Crèche Duet Housing Home Business Place of Worship Tele-Communication Infrastructure Town House Tuck Shop / Spaza Shop	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by Municipality	50%	2 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
5m	2m	2m	As approved by the Municipality
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. No subdivisions are allowed for residential purposes, except if consolidation takes place, in which case the minimum erf size shall be 500m². 2. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 3. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			

GENERAL RESIDENTIAL			R = 255 G = 255 B = 50
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To provide adequate land for residential purposes and a range of housing types at a medium to high density. ✓ To create integrated, safe, and sustainable residential environments for all communities. ✓ To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Additional Dwelling House Back-packer and Hostelling Accommodation Bed and Breakfast Accommodation Block of Flats Commune Conference Facility Dormitory Duet Housing Dwelling House Group Housing Guesthouse Maisonette Mobile Dwelling Unit Residential Building Retirement Resort Townhouse Urban Agriculture		Boutique Hotel Crèche Home Business Hotel Institution Lodge Motel Place of Assembly Place of Worship Tele-Communication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by Municipality	50%	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
5m	3m	3m	As approved by the Municipality
REGULATIONS FOR NON-RESIDENTIAL USES:			
Place of Worship	Maximum Density: Maximum Coverage: Maximum Height: Other:	One (1) Additional building per stand 60% 2 Storeys As Approved by the Municipality	
Guesthouse	Maximum Density: Maximum Coverage: Maximum Height: Other:	One (1) building per stand 60% 2 Storeys No additional dwelling will be permitted on erven where a guesthouse is established.	
Townhouse	Maximum Density: Maximum Coverage: Minimum Erf Size: Maximum Height: Other:	40 Units per Hectare 60% 2 000m ² 2 Storeys As Approved by the Municipality	

Maisonettes	Maximum Density: Maximum Coverage: Minimum Erf Size: Maximum Height: Other:	60 Units per Hectare 60% 2 000m ² 2 Storeys As Approved by the Municipality
Residential Building	Maximum Density: Maximum Coverage: Minimum Erf Size: Maximum Height: Other:	40 Units per Hectare 60% - Outbuildings included. 2 000m ² As approved by the Municipality FAR may be increased by Municipality if located in CBD
Retirement Resort	Maximum Density: Maximum Coverage: Minimum Erf Size: Maximum Height: Other:	30 Units per Hectare 60% 2 000m ² 2 Storeys As Approved by the Municipality
Group Housing	Maximum Density: Maximum Coverage: Minimum Erf Size: Maximum Height: Other:	Minimum of 350m ² per group house erf 60% 2 000m ² 2 Storeys As Approved by the Municipality
Lodge	Maximum Density: Maximum Coverage: Minimum Erf Size: Maximum Height: Other:	One (1) Additional building per stand 60% 2 000m ² 2 Storeys As Approved by the Municipality
Home Business	Maximum Density: Maximum Coverage: Maximum Height: Other:	One (1) Home Industry per stand 50% 2 Storeys Maximum permitted floor area of 50m ² or 25% of the floor area of the Dwelling House

OTHER REGULATIONS:

1. Due regard should be given to the traffic implications of developments, especially access to the street network and the impact of security gate control arrangements.
2. The Municipality may relax the provisions of Building Lines in the scrutinisation of the site development plan to the extent that it deems fit if its opinion such consent shall not harm the amenity of the neighbourhood and is deemed to result in a more desirable development of the property.
3. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended.
4. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts.

LEISURE RESIDENTIAL			R = 160 G = 210 B = 200
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To create the opportunity for people to avail themselves of a semi-rural style of living and yet be proximate to the full range of physical and social services which are available in the adjacent urban areas. ✓ To provide adequate land for residential purposes at a low density. ✓ To protect the residential use and amenity by limiting the compatible uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Leisure Residential Dwelling (only sectional title and share block scheme) Lifestyle Estate Urban Agriculture		Tele-Communication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
See regulations under Density Below	50%	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
5m	3m	3m	As approved by the Municipality
REGULATIONS FOR LEISURE RESIDENTIAL DWELLINGS:			
Density	<p>Maximum number of leisure residential dwellings per farm size: If the farm on which development is intended falls within the following size ranges, the sectional title or share block development have a maximum number of dwellings as listed below:</p> <ul style="list-style-type: none"> ✓ < 20 ha: 2 dwellings ✓ 21 –100 ha: 5 dwellings ✓ 101 –300 ha: 10 dwellings ✓ 301 –500 ha: 12 dwellings ✓ >501 ha: 15 dwellings <p>Riparian land has, in addition, a maximum density of 1 dwelling per 10 metre waterfront. The more restrictive density prevails.</p>		
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. Area to be used for sectional title or share block development to be subdivided in terms of Act 70 of 1970. The approval for subdivision will be subject to the implementation of the intended sectional title or share block development within 18 months. 2. Size of area to be used for sectional title or share block development: 3. Sectional title and share block scheme leisure residential developments: maximum 2 hectares per dwelling. 4. Riparian land must have a minimum waterfront of 100 metres per property (and 100 metres for the remainder). 			
Additional requirements:			
<ul style="list-style-type: none"> ✓ The proposed development must be located on a subdivision. ✓ The sectional title/share block development portion must function as a single entity. 			

- ✓ Only one application for sectional title or share block development of a specific farm is allowed – the further development of the remainder of the farm for the purpose of the sectional title or share block leisure residential dwellings or resort or residential building or other leisure residential development is not permitted.
- ✓ Outbuildings must be linked to the main dwellings.
- ✓ The same architectural style and building materials must be maintained for all dwellings.
- ✓ Internal boundary fences are not allowed.
- ✓ Reciprocal traversing rights (for game viewing) must be registered for all units and the Remainder.
- ✓ Site plan indicating the 1:50 and 1:100-year flood line as determined by a professional engineer or if the land is not subject to such flood lines, an indication by a professional engineer to such effect.
- ✓ Geotechnical report (1 test hole per 2 ha. If the area to be used for sectional title or share block development is smaller than 10 ha. in size, 5 test holes also apply).
- ✓ Services report compiled by a professional engineer.
- ✓ The Provincial Department of Agriculture must comment positively on the application prior to the assessment of the application by the Local Municipality.

RESORT			R = 60 G = 110 B = 110
OBJECTIVES:			
✓ To provide opportunities for the development of the tourism sector, inclusive of tourism facilities, recreation, and accommodation.			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Back-packer and Hostelling Accommodation Bed and Breakfast Accommodation Camp Site / Caravan Park Dwelling House Hotel Lodge Nursery Public / Private Resort Rural Tourist Facility Social Hall Spa / Hydro and Wellness Centre		Additional Dwelling Unit Airport Cemetery Clinic Commemorative Wall Craft Alcoholic Production Facility Early Childhood Development Centre Heliport/Helipad Place of Assembly Place of Instruction Place of Entertainment Place of Worship Renewable energy structure Sport & Recreation Facility Tele-Communication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
See regulations under Density Below	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
Street/road building line in accordance with the requirements of the respective road authority.	10m	10m	As approved by the Municipality
REGULATIONS FOR CARAVAN & CAMP SITES:			
Density	<ul style="list-style-type: none"> ✓ Chalets/houses (excluding hotels): maximum of 16 units per hectare. Higher densities can be considered with specific motivation. ✓ A maximum of 30 caravan stands per usable hectare for the area identified as a caravan park. 		
Caravan Stand	✓ A minimum of 15 caravan park stands must be provided. The minimum usable area of a caravan stand should be 120 m ² .		
Camp Site	✓ A minimum of 15 camp sites must be provided.		
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. There must be compliance with National and Provincial environmental legislation in the development of nature reserves, land for conservation purposes, cultural heritage sites, protected areas, and listed activities. 2. Any use for a heliport or helipad is subject to compliance with the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), as may be amended. 3. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 			

4. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended.
5. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts.
6. Adherence to the requirements of the South African Bureau of Standards (Publication SABS 092/1971-Code of Practice for Caravan Parks).

Additional requirements:

- ✓ Only one application for resort utilization of a specific farm is allowed – the further development of the remainder of the farm for the purpose of resort or leisure residential dwellings (sectional title and/or share block development) or residential building or other leisure residential development is not permitted.
- ✓ The distance between the edge of any caravan stand and any dwelling or other permanent building must be a minimum of 10 metre.
- ✓ Ablution facilities: no facilities may be located more than 100 metres from any caravan stand.
- ✓ Adherence to the requirements of the South African Bureau of Standards (Publication SABS 092/1971-Code of Practice for Caravan parks).
- ✓ A dwelling unit in a resort may only be used for purposes of temporary overnight accommodation.
- ✓ Occupancy of a dwelling unit or camping stand by any one occupant or caravan shall be limited to an aggregate of three (3) months in every twelve months.
- ✓ Non-residential facilities must be complementary and secondary to the resort and be restricted to the users of the resort, e.g. kiosk, restaurant. Utilization of the associated conference facilities, restaurants, and pubs of a residential building by the outside public is subject to the consent of the Local Municipality.
- ✓ The same architectural style and building materials must be maintained for all buildings.
- ✓ Site plan indicating the 1:50 and 1:100 year flood line as determined by a professional engineer or if the land is not subject to such flood lines, an indication by a professional engineer to such effect.
- ✓ Services report compiled by a professional engineer.
- ✓ Geotechnical report (1 test hole for every 2 hectares).
- ✓ An environmental scoping report to be submitted with the application.
- ✓ The same architectural style and building material must be used for all buildings.
- ✓ Security of title (maximum of 40% of the development): The alienation of "private" units is permitted at a ratio of a maximum of 40% of all holiday units. Thus, a maximum of 40% of the units may be alienated by means of sectional title-, share block-, time share- and fractional title schemes where a Home Owners' Association will govern the development.
- ✓ The remaining minimum of 60% forms part of the public resort where tourist accommodation is only allowed for a short-term or temporary period. This portion may not be alienated to an individual. The intention is that this portion must jointly be developed, maintained, and governed by the same Home Owners' Association that governs the 40% private portion.
- ✓ The public (minimum of 60%) and private (maximum of 40%) ratio of the resort must be maintained at all development stages. Not more than 40% of the units may be alienated at any given time.
- ✓ The number of units for alienation is limited to the extent that it will not promote or permit secondary development (e.g. service stations, shopping centres, retail activities, social services such as schools, etc.) on or around the site such that a new, unplanned development node is created.
- ✓ No units may be alienated before the motivated man-played sports and recreation facilities are operational and/or the natural resources are accessible to the public.
- ✓ The development may not entail any form of township development.
- ✓ The development may not result in or contribute to be obtrusive visually.

The Provincial Department of Agriculture must comment positively on the application prior to the assessment of the application by the Local Municipality.

An approval for subdivision of the area to be used for resort development from the farm in terms of Act 70 of 1970 will be subject to the implementation of the intended resort development within 18 months.

TOURISM		R = 30 G = 90 B = 100	
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To provide opportunities for the development of the tourism sector, inclusive of tourism facilities, recreation and accommodation. ✓ To ensure that the underlying agricultural potential and use of the land is protected. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Agricultural purposes Agri-industry Back-packer and Hostelling Accommodation Bed and Breakfast Accommodation Camp Site / Caravan Park Caretaker accommodation Conference facility Dwelling house Guesthouse Leisure residential dwelling Lodge Nursery Place of refreshment Public / Private Resort Social hall Spa- hydro wellness centre		Additional dwelling unit Cemetery Clinic Commemorative Wall Craft alcoholic production facility Early childhood development centre Home business Hotel Place of instruction Place of entertainment Place of worship Renewable energy structure Sport & Recreation Facility Tele-Communication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.29 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
Street/road building line in accordance with the requirements of the respective road authority.	10m	10m	As approved by the Municipality
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. There must be compliance with National and Provincial environmental legislation in the development of nature reserves, land for conservation purposes, cultural heritage sites, protected areas and listed activities. 2. Any use for a heliport or helipad is subject to compliance with the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), as may be amended. 3. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 4. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 			

EDUCATION			R = 200 G = 190 B = 220
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To provide opportunities for the development of educational facilities. ✓ To ensure that these facilities are accessible to the surrounding community. ✓ To ensure that such facilities are designed to address the special needs of children and the physically challenged. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Child Day-care Facility Crèche Dormitory Dwelling House Early Childhood Development Centre Environmental Facility Place of Instruction Social Hall Sport & Recreation Facility Training Facility		Infrastructure Services Tele-Communication Infrastructure Place of Worship	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
-	60%	3 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
10m	10m	10m	As approved by the Municipality
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. The Municipality may consider utilising vacant, underutilized, or over-provided community facility land for residential infill. Such development shall require an amendment of the Scheme to a suitable zone. 2. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 3. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 4. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			
Additional requirements:			
<ul style="list-style-type: none"> ✓ Sufficient services must be available for the approval of an application. ✓ The calculation of coverage includes all buildings, outbuildings, and carports. ✓ If there are any restrictive conditions registered against the Title Deed, said conditions must be removed. ✓ All new erven zoned "Educational Purposes" in new townships establishments must have the comments and approval of Department Education and must comply with their specifications. ✓ No person may operate a childcare service (day care centre/crèche) on any premises unless he or she is in possession of a health certificate to the effect that the premises and the general health facilities comply with the applicable by-laws. Such health certificate must state: – <ul style="list-style-type: none"> ○ The number of children permitted to be cared for on the premises; ○ The minimum and the maximum ages of the children permitted to be cared for on 			

- The premises; and
- The hours during which the childcare service may operate.

INSTITUTION			R = 200 G = 120 B = 190
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To provide an adequate number of accessible social and civic facilities to meet the needs of communities in the fields of health, education, social and cultural services, which includes public and private service providers and administrative or government functions including education, health, pension offices, museums, libraries and community halls. ✓ To ensure that such facilities are designed to address the special needs of the physically challenged, elderly, women, and children. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Child Day-care Facility Clinic Community Facility Crèche Dormitory Dwelling House Early Childhood Development Centre Environmental Facility Frail Care Hospital Initiation School Institution Medicle Centre Medical Consulting Rooms Place of Assembly Retirement Resort Social Hall Sport & Recreation Facility Training Facility Veterinary Clinic Veterinary Hospital Zoological Garden		Commemorative Wall Conference Facility Nursery Place of Entertainment Place of Worship Tele-Communication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
-	60%	3 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
10m	5m	5m	5m
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. The Municipality may consider utilising vacant, underutilized, or over-provided community facility land for residential infill. Such development shall require an amendment of the Scheme to a suitable zone. 2. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 3. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 4. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			

Additional requirements:

- ✓ Sufficient services must be available for the approval of an application.
- ✓ The calculation of coverage includes all buildings, outbuildings, and carports.
- ✓ If there are any restrictive conditions registered against the Title Deed, said conditions must be removed.
- ✓ All new erven zoned “Educational Purposes” in new townships establishments must have the comments and approval of Department Education and must comply with their specifications.
- ✓ No person may operate a childcare service (day care centre/crèche) on any premises unless he or she is in possession of a health certificate to the effect that the premises and the general health facilities comply with the applicable by-laws. Such health certificate must state: –
 - The number of children permitted to be cared for on the premises;
 - The minimum and the maximum ages of the children permitted to be cared for on
 - The premises; and
 - The hours during which the childcare service may operate.

RELIGIOUS PURPOSES			R = 150 G = 130 B = 190
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To provide an adequate number of accessible social and civic facilities to meet the needs of communities in the fields of health, education, social and cultural services, which includes public and private service providers and administrative or government functions including religious buildings. ✓ To ensure that such facilities are designed to address the special needs of the physically challenged, elderly, women, and children. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Caretaker Accommodation Commemorative Wall Dwelling House Place of Worship		Child Care Centre Creche Tele-Communication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
-	60%	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
10m	5m	5m	5m
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. The Municipality may consider utilising vacant, underutilized, or over-provided community facility land for residential infill. Such development shall require an amendment of the Scheme to a suitable zone. 2. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 3. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 4. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			
Additional requirements:			
<ul style="list-style-type: none"> ✓ Sufficient services must be available for the approval of an application. ✓ The calculation of coverage includes all buildings, outbuildings, and carports. ✓ If there are any restrictive conditions registered against the Title Deed, said conditions must be removed. ✓ All new erven zoned "Educational Purposes" in new townships establishments must have the comments and approval of Department Education and must comply with their specifications. ✓ No person may operate a childcare service (day care centre/crèche) on any premises unless he or she is in possession of a health certificate to the effect that the premises and the general health facilities comply with the applicable by-laws. Such health certificate must state: – <ul style="list-style-type: none"> ○ The number of children permitted to be cared for on the premises; ○ The minimum and the maximum ages of the children permitted to be cared for on ○ The premises; and ○ The hours during which the childcare service may operate. 			

CEMETERIES			R = 80 G = 90 B = 120
OBJECTIVES:			
✓ To Provide for government or authority uses, such as prisons and military bases.			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Cemetery Commemorative Wall Crematorium Institution		Infrastructure Services Tele-Communication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
-	60%	3 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
10m	5m	5m	5m
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 2. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 3. Any use for a heliport or helipad is subject to compliance with the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), as may be amended. 4. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			

MUNICIPAL PURPOSES			R = 240 G = 220 B = 220
OBJECTIVES:			
✓ To provide appropriate locations for municipal functions.			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Aerated Wastewater Treatment System (AWTS) Animal Establishment Botanical Garden Builder's yard Clinic Camp Site / Caravan Park Commemorative wall Commonage Conference facility Conservation Area Hospital Market Municipal Purpose Place of Instruction Reservoir Retirement Resort Sewer Purification Plant Showground Social hall Sport & Recreation Facility Storage Yard Waste Management Facility Workshop Zoological Garden		Cemetery Heliport/Helipad Informal Trade Infrastructure Services Initiation School Institution Parking Facility Renewable Energy Structure Public / Private Resort Rural Tourist Facility Tele-Communication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
-	70%	3 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
5m	3m	3m	3m
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. Compliance with National and Provincial environmental legislation. 2. A water-use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998), as may be amended. 3. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 4. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 5. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			

GOVERNMENT PURPOSES			R = 230 G = 190 B = 180
OBJECTIVES:			
✓ Provides for utility services such as electrical substations and water reservoirs, which may be supplied by, government or parastatal; and makes provision for government uses.			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Aerated Wastewater Treatment System (AWTS) Airport Animal Establishment Animal Refuge Botanical Garden Bus / Taxi Rank Canal Cemetery Clinic Commemorative wall Conference facility Conservation Area Government Purpose Heliport/Helipad Hospital Infrastructure Services Institution Laboratory Military Base Place of Detention Place of Instruction Residential Building Retirement Resort Rifle or Shooting Range Sport & Recreation Facility Storage Yard Waste Management Facility Workshop Zoological Garden		Agri-Industry Crematorium Incinerator Informal Trade Initiation School Mortuary Renewable Energy Structure Public / Private Resort Rural Tourist Facility Tele-Communication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
-	70%	3 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
5m	3m	3m	3m
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. Compliance with National and Provincial environmental legislation. 2. A water-use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998), as may be amended. 3. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 			

4. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended.
5. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts.
6. Any use for a heliport or helipad is subject to compliance with the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), as may be amended.

MUNICIPAL TOWNLANDS		R = 210 G = 130 B = 110	
OBJECTIVES:			
✓ To provide appropriate locations for municipal functions.			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Aerated Wastewater Treatment System (AWTS) Agricultural Purposes Clinic Commonage Public Open Space Public road Showground Social hall Sport & Recreation Facility		Cemetery Informal Trade Infrastructure Services Initiation School Renewable Energy Structure Public / Private Resort Rural Tourist Facility Tele-Communication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
5m	3m	3m	3m
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. Compliance with National and Provincial environmental legislation. 2. A water-use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998), as may be amended. 3. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 4. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 5. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			

SPECIAL USE		R = 150 G = 50 B = 50	
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To accommodate land uses with special characteristics not catered for under any other use zone. ✓ The special zone shall only be applied in extraordinary circumstances. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Any land use (or combination of uses) not permitted under the available zonings		None	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
OTHER REGULATIONS:			

BUSINESS I			R = 255 G = 100 B = 100
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To encourage the development of a typical central business district or large retail developments to accommodate a full range of compatible land uses. ✓ To encourage, where appropriate, the use of detailed urban design criteria to achieve specific urban environments and mix of uses. ✓ To ensure that the spatial development and sustained functioning of the central business district are supported by the appropriate levels of transportation and pedestrian access ways. ✓ While mixed use development is encouraged, care must be taken not to compromise business operations. ✓ To create independent mixed-use corridors along major spine roads. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Auctioneer Business Back-packer and Hostelling Accommodation Block of Flats Boutique Hotel Bulk Retail Trade Business Building Conference Facility Dwelling House Fishmonger Hospital Hotel Laboratory Lodge Medical Centre Medical Consulting Rooms Motel Motor Showroom Nursery Office Place of Assembly Place of Entertainment Place of Instruction Place of Refreshment Place of Worship Residential Building Spa / Hydro and Wellness Centre Service Industry Service Station Veterinary Clinic Veterinary Hospital Wholesale Trade		Bed and Breakfast Accommodation Bus / Taxi Rank Car Wash Child Day-Care Centre Clinic Craft Alcoholic Production Facility Early childhood development centre Funeral Establishment Guesthouse Informal Trading Mortuary Motor Workshop Open Air Auction Mart Parking Facility Sport & Recreation Facility Tele-Communication Infrastructure Warehouse Workshop	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality 100% within CBD 60% outside of CBD	CBD – No Restriction	4 Storeys outside CBD	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			

BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
3m	2m	2m	As approved by the Municipality
OTHER REGULATIONS:			
<ul style="list-style-type: none"> ✓ A communication facility must be with special consent of the Local Authority. ✓ The Liquor Act, 2003, (Act No. 59 of 2003), as may be amended, (administered by the Department of Trade and Industry or controlling authority) requires a liquor license for land uses where liquor is sold. ✓ Business Act, 1991, (Act No. 71 of 1991), as may be amended, requires business licenses for the following types of business: <ul style="list-style-type: none"> ✓ Food provision ✓ Turkish baths, saunas, and health baths; massage or infra-red treatments; male and female escorts; three or more slot machines and electronic games; three or more snooker or billiard tables; nightclubs and discotheques, where live or loud music is played; cinemas and theatres; and adult premises. ✓ The National Gambling Act, 2004, (Act No. 7 of 2004), as may be amended, may also require a gambling license depending on the nature of gambling activities. ✓ Where residential uses are applied, the ground floor of a building must be used for business purposes. ✓ Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. ✓ Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. ✓ All uses that are listed activities in terms of the National Environmental Management Act, 1998 (as may be amended) require an environmental authorisation. ✓ Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. <p>Additional Provisions:</p> <ul style="list-style-type: none"> ✓ For any developments, additions, or alterations, the Municipality may require a site development plan, on which the proposed parking configuration and any other information required must be indicated. ✓ The winter minimum solar incline in relation to adjacent properties needs to be calculated for any building in this use zone that will exceed 2 storeys, and it must be demonstrated that adjacent properties retain reasonable and liveable conditions, to the sole discretion of the Municipality, before any building or building work may be approved. ✓ Where the accepted use is flats, any floor on which flats occur must be reserved for that purpose only. ✓ No caravan may be used for residing purposes on properties in this use zone without the consent of the Municipality. ✓ No vehicle with a mass exceeding 3 000 kg or a bus may be parked anywhere but on the erf of the institution or business to which it is related. ✓ Residing on business premises is prohibited, except if it is on a separate level (floor) than the one used for business purposes. ✓ The sidewalk in front of a premises may in no way be obstructed or used for any other purpose than for pedestrian traffic, except with the special permission of the Municipality. ✓ Business, office and residential buildings - where the latter has business on ground level - may build to the street boundary (a zero street building line) in the central business district and other, select locations, with consent by the municipality. 			

BUSINESS II			R = 220 G = 0 B = 0
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To accommodate transportation service functions and land uses such as filling stations, petro-ports and truck stops, bus and taxi ranks, and other depots. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Car Wash Fuelling Facility Petro-port Place of Refreshment Regional Service Station Service Station		Auctioneer Business Bus / Taxi Rank Motel Motor Showroom Motor Workshop Service Industry Tele-Communication Infrastructure Truck Stop Tuck Stop Workshop	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	75%	3 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
5m	3m	3m	As approved by the Municipality
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 2. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 3. Any application may be subject to compliance with the requirements of the Petroleum Resources Development Act, 2002, as may be amended. 4. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			
Additional Provisions:			
<ul style="list-style-type: none"> ✓ For any developments, additions, or alterations, the Municipality may require a site development plan, on which the proposed parking configuration and any other information required must be indicated. ✓ No caravan may be used for residing purposes on properties in this use zone without the consent of the Municipality. ✓ Residing on Business Zone III premises is prohibited. ✓ The sidewalk in front of a premises may in no way be obstructed or used for any other purpose than for pedestrian traffic, except with the special permission of the Municipality. 			

GENERAL INDUSTRIAL			R = 170 G = 230 B = 255
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To provide appropriate locations for a range of industrial, warehousing, and related activities in specific areas. ✓ To ensure that the location of industrial development is such that it minimises their impacts on surrounding areas. ✓ To provide a proper balance for employment and sectoral growth and sustainable development. ✓ To ensure that there is sufficient on-site space to accommodate the proposed uses, traffic, and any potential impact resulting from these developments. ✓ To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located near them. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Auctioneers Business Agri-Industry Alcoholic Production Facility Builders Yard Bulk Retail Trade Car Wash Commemorative Wall Co-Operative Craft Alcoholic Production Facility Depot Distribution Centre Factory Shop Fueling Facility Funeral Establishment Industry Laboratory Motor Showroom Motor Workshop Mortuary Nursery Office Place of Refreshment Recycling center Self-Storage Facility Service Industry Storage Yard Warehouse Wholesale Trade Workshop		Abattoir Bus / Taxi Depot Crematorium Incinerator Liquid Fuel Depot Parking Facility Renewable Energy Structure Road Transport Terminal Scrapyard Tele-Communication Infrastructure Truck Stop Veterinary Hospital Waste Management Facility (Excluding Landfill Site)	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	70%	3 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
8m	5m	5m	As approved by the Municipality

OTHER REGULATIONS:

1. Compliance with National and Provincial environmental legislation.
2. Notwithstanding the fact that an activity constitutes a primary use right in terms of this zone, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and Municipality has given approval thereto.
3. Building lines may be relaxed to 2m, subject to approval by the Local Authority and the provision of a fire wall.
4. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure.
5. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended.
6. An atmospheric emission license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), as may be amended, may be required for some uses.
7. All uses that are listed activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as may be amended, requires an environmental authorisation including compliance with the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as may be amended, for processing and storage of waste.
8. Any use for a heliport or helipad is subject to compliance with the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), as may be amended.
9. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts.

NOXIOUS INDUSTRY			R = 0 G = 180 B = 255
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To accommodate noxious industries and industries which, by their nature, have high levels of air, water, and noise pollution and heavy traffic associated with them. ✓ To direct the appropriate development of high-impact industrial uses to specific locations, which are able to accommodate their requirements and minimise their impacts on surrounding uses. ✓ To ensure that the location of these industries is near to emergency services able to redress potential hazards and the pollution of air, land, or water courses due to accident or other actions. ✓ To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located near them. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Uses classified under Annexure A Abattoir Agri Industry Animal Establishment Auctioneer Business Brickworks Builders Yard Crematorium Incinerator Industry Liquid Fuel Depot Motor Workshop (Noxious related) Noxious Industry Recycling center Scrap Yard Self-Storage Facility Truck Stop Veterinary Hospital Waste Management Facility Warehouse Workshop		Funeral Establishment Renewable Energy Structure Tele-Communication Infrastructure	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	60%	3 Storeys	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
8m	5m	5m	As approved by the Municipality
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. Compliance with National and Provincial environmental legislation. 2. A water-use licence/authorisation may be required in terms of the National Water Act, 1998, (Act No. 36 of 1998), as may be amended. 3. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 4. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 			

5. Compliance with the Meat Safety Act, 2000 (Act No. 40 of 2000), as may be amended, for abattoir uses.
6. An atmospheric emission license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), as may be amended, may be required for some uses.
7. All uses that are listed activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as may be amended, requires an environmental authorisation including compliance with the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as may be amended, for processing and storage of waste.
8. Any use for a heliport or helipad is subject to compliance with the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), as may be amended.
9. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts.

EXTRACTIVE INDUSTRY			R = 0 G = 120 B = 170
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To provide appropriately located land to allow the extraction of minerals and raw materials and associated business operations. ✓ To ensure that the extraction is carried out in a manner that takes cognizance of its impact on the site and surrounding properties and seeks to minimise the long-term effects of the activity. ✓ To ensure that the relevant environmental considerations are adhered to regarding the actual extraction process, its impact on the environment, and to the rehabilitation of a site or sites once the activity has ceased. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Brickworks Mining & Quarrying Laboratory Mine and Mining Activities Private Street/Road Renewable Energy Structure Warehouse		Clinic Conference Facility Dormitory Early Childhood Development Centre Fuelling Facility Heliport/Helipad Hospital Landing Strip Office Place of Instruction Reservoir Residential Building Sewer Purification Plant Sport and Recreational Facility Storage Yard Tele-Communication Infrastructure Training Facility Waste Management Facility Workshop	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
10m	5m	5m	As approved by the Municipality
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. All land within this zone is subject to regulation in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), as may be amended, unless such land is excluded from the act. 2. A mining right, mining permit, exploration right, or production right may be required in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No 28 of 2002), as may be amended. 3. There must be compliance with National and Provincial environmental legislation. 4. A water-use licence/authorisation may be required in terms of the National Water Act, 1998 (Act No. 36 of 1998), as may be amended. 5. An atmospheric emission license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), as may be amended, may be required for some uses. 			

6. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure.
7. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended.
8. Any use for a heliport or helipad is subject to compliance with the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), as may be amended.
9. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts.

SURFACE INFRASTRUCTURE		R = 220 G = 220 B = 220	
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To ensure that the land required for the necessary services infrastructure is set aside for development. ✓ To create the opportunities to utilise this land on a temporary basis until it is required. ✓ To ensure that land used for service provision is appropriately located away from residential or other land uses where they detract from levels of amenity or safety. ✓ To protect residential areas, health, and educational facilities from any potential negative impacts or health hazards related to the installation of main line services e.g. gas or petro-chemical pipelines and radio masts. ✓ To ensure that any disruption to natural areas and water courses by the laying of service pipelines or cables is minimised by adhering to environmental management principles. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Aerated Wastewater Treatment System (AWTS) Canal Infrastructure Services Power Line Railway Purpose Recycling Centre Refuse Area Renewable Energy Structure Reservoir Sewerage Purification Plant Tele-Communication Infrastructure		None	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
OTHER REGULATIONS:			
<ol style="list-style-type: none"> 1. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 2. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 3. Any use for a heliport or helipad is subject to compliance with the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), as may be amended. 4. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 			

ROADS AND STREETS		R = 190 G = 190 B = 190	
OBJECTIVES:			
<ul style="list-style-type: none"> ✓ To make provision for freeways, toll roads, major arterial roads, and minor roads to accommodate vehicular traffic. ✓ To make provision for the activities and buildings associated with road construction and maintenance, e.g. toll booths, construction camps, and road depot sites. ✓ To ensure that road depots and road fill sites are operated and maintained with due cognizance to the environmental impacts they may have on surrounding areas. ✓ To make provision for private access roads to developments, that are not open to the public and maintained by the developer. 			
ZONING USES:			
Permitted / Primary Uses:		Consent Uses:	
Private Street/Road Public Road Parking Facility Private Parking Area		None	
BULK REGULATION:			
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
PARKING AND LOADING REQUIREMENTS:			
Refer to Section 1.27 of the Scheme Table 1.			
BUILDING LINES:			
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality
OTHER REGULATIONS:			

TRANSPORTATION SERVICES		R = 110	G = 110	B = 110
OBJECTIVES:				
<ul style="list-style-type: none"> ✓ To accommodate transportation service functions and land uses such as airports, railway stations, petro-ports and truck stops, bus and taxi ranks, and other depots. ✓ To ensure that transportation service developments serve the national, provincial, and local economy and provide the correct levels of service to both tourists and the broader community. ✓ To locate these strategic developments such that they provide the catalyst for local economic development. ✓ To ensure that the location and development of these sites are undertaken in accordance with EIA requirements and ongoing environmental management monitoring procedures. 				
ZONING USES:				
Permitted / Primary Uses:		Consent Uses:		
Airport Bus / Taxi Depot Bus / Taxi Rank Heliport/Helipad Infrastructure Services Landing Strip Parking Facility Petro-port Private Parking Area Railway Purpose Road Transport Terminal Truck Stop		Conference Facility Renewable Energy Structure Tele-Communication Infrastructure		
BULK REGULATION:				
MAXIMUM DENSITY	MAXIMUM COVERAGE	MAXIMUM HEIGHT	OTHER	
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	
PARKING AND LOADING REQUIREMENTS:				
Refer to Section 1.27 of the Scheme Table 1.				
BUILDING LINES:				
STREET BOUNDARY	REAR BOUNDARY	SIDE BOUNDARY	OTHER BOUNDARY	
As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	As approved by the Municipality	
OTHER REGULATIONS:				
<ol style="list-style-type: none"> 1. Compliance with the Electronic Communication Act, 2005 (Act No. 36 of 2005), as may be amended, is required for all telecommunication infrastructure. 2. Any application may be subject to compliance with the requirements of the National Heritage Resources Act, 1999 (Act No 25 of 1999), as may be amended. 3. Any use for a heliport or helipad is subject to compliance with the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), as may be amended. 4. Any application may be subject to compliance with another Act deemed relevant but not listed above, or any Act that replaces any of the above-mentioned Acts. 				

SECTION 2 MANAGEMENT ZONES

1.17 PURPOSE

- 1.17.1 A management zone is used to indicate, regulate and/or manage development issues of concern or importance within the Municipal area such as environmental considerations, development incentives or disincentives, engineering services matters, and any other issue regarded as necessary by the Municipality.
- 1.17.2 A management zone may contain any form of regulation regarded as necessary by the Municipality in its endeavour to ensure sustainable and safe development.
- 1.17.3 Such regulations contained in a management zone shall apply in addition to any other development regulation contained in the Scheme.
- 1.17.4 Additional zones may be constituted if and when needed by amending the scheme.

1.18 ENVIRONMENTAL MANAGEMENT ZONES

The Municipality hereby establishes the management zones and regulations contained in this section.

The Free State Provincial Government completed the Biodiversity Conservation Plan. The plan is based on a detailed assessment of the conservation value of all land within the province. Certain categories were developed which indicate different levels of conservation value. These categories were applied to all land in relation to a prescriptive quota system, which resulted in a map showing the conservation value of all land within the Municipality.

The Department of Agriculture and Land Administration assesses all applications in terms of environmental legislation against the biodiversity conservation plan. It is hoped that the plan will function as a basis for co-operative development and that all future developments will comply with regulations contained therein. The Ngwathe Local Municipality will use the Plan as a guide to assess applications for development.

The plan contains three land use-specific regulation components; firstly, the Biodiversity categories, secondly the Land uses suited to each category, and thirdly a description of the land uses as used within the plan. These three components are reflected below in table format and accompany the map included in chapter 5 hereof.

Any proposed land use development within the CBA 1 and CBA2 zone is subject to comments from the Free State Economic, Small Business Development, Tourism and Environmental Affairs.

1.18.1 BIO-DIVERSITY CATEGORIES

CBA Map Category	Description	Landscape-level purpose	Desired state \ management objective
Protected Areas	<ul style="list-style-type: none"> • Areas that are formally protected in terms of the following acts: <ul style="list-style-type: none"> – Protected Areas Act – Marine Living Resources Act – Section 8[1] of National Forests Act 84 of 1998 – World Heritage Convention Act 49 of 1999¹ • Excluding the following: <ul style="list-style-type: none"> – Mountain catchment areas 	Formal long-term protection for important biodiversity and landscape features. Together with CBAs, ensures that a viable representative sample of all ecosystem types and species can persist.	As per Protected Area Management Plan
CBA1 & CBA2	Areas that must remain in good ecological condition to meet biodiversity targets	Together with protected areas, ensures that a viable representative sample of all ecosystem types and species can persist.	Maintain in natural or near-natural ecological condition
ESA 1	Areas that must remain in at least fair ecological condition to meet biodiversity targets, support ecological functioning, or deliver ecosystem services.	Ensures the long-term ecological functioning of the landscape as a whole.	Maintain in at least semi-natural ecological condition
ESA 2	Areas in which further deterioration in ecological condition must be avoided to meet biodiversity targets, support ecological functioning, or deliver ecosystem services		Maintain current land use with no intensification
Other Natural Areas	Natural or semi-natural areas that are not required to meet biodiversity targets, support ecological functioning, or deliver ecosystem services (provided that protected areas, CBAs, and ESAs remain intact)	Allows for range of other land uses, including intensive land uses.	Best determined through multi-sectoral planning processes.
No Natural Remaining	Areas in which no natural habitat remain	Areas already severely or irreversibly modified by intensive land uses.	

1.18.2 Integrating Environmental considerations

The base zones define the basic land use rights of landowners/land rights holders and outline basic land development rules and parameters including the land uses that are permitted as a primary right in terms of the base zone (that is, with no further authorisation required), as well as land uses that may be carried out as special consent uses (that is, consent to carry out the land use must be applied for and be approved by the relevant Municipality). Land uses that are not permitted in terms of a base zoning are not always listed but, where they are not, are prohibited by virtue of their exclusion as either primary or consent uses.

¹ Applies to the core area only. The equivalent CBA map category for the buffer area is CBA.

If biodiversity considerations are to be integrated into Land Use Schemes, it is important that appropriate base zones are defined and integrated in all Schemes, and that the accompanying development rules are aligned with the environmental management objectives for each base zone.

To cater for the variability in responses needed to achieve wise land use management objectives across the various categories of open spaces, the South African National Biodiversity Institute (2019) recommends at least three Open Space Zones (OSZs) to accommodate the seven CBA map categories (**Error! Reference source not found.**) (SANBI, 2019).

Zoning	Primary Objective of the Zoning	Level of Constraint
Open Space 1 (OS1) Statutory Protected Areas	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.	Very High: <ul style="list-style-type: none"> Only land uses permitted in terms of a PA zonation map (or equivalent) in a PA management plan or land uses approved by the provincial department responsible for environmental affairs and/or conservation agency.
Open Space 2 (OS2) Conservation Areas	To provide for the conservation and sustainable use of critical biodiversity areas (CBA1 & CBA2), ecological support areas (ESA1 & ESA2) and ecological infrastructure (e.g. wetlands).	High: <ul style="list-style-type: none"> Land uses with a potentially significant impact on biodiversity are not permitted. Consent use for potentially compatible land uses but subject to further screening of environmental attributes as identified in any Environmental Overlay. Compatible land uses promoted through zoning table.
Open Space 3 (OS3) General Open Space	To provide for the managed use of largely undeveloped open space areas for the purposes of (a) sport and recreation ; (b) parks and landscaped gardens ; (c) preserving cultural and historical values .	Medium: <ul style="list-style-type: none"> Land uses likely to significantly transform open space are not permitted. Consent use for potentially compatible land uses but subject to further screening of environmental attributes as identified in any Environmental Overlay. Compatible land uses that maintain open spaces and are aligned with objectives are permitted.

1.18.3 BIODIVERSITY AND PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK ALIGNMENT

FREE STATE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK CATEGORY	BIODIVERSITY PLAN CATEGORY	COMPATIBLE LAND USES
A.a, B.b	CBA irreplaceable	✓ Conservation and associated activities (e.g. eco-tourism operations), and required support infrastructure.
B.a, B.c	CBA optimal	<ul style="list-style-type: none"> ✓ Existing agricultural practises including arable agriculture; ✓ Eco-tourism, agro-tourism, game farming, extensive livestock production is most suited; ✓ Conservation and associated activities; ✓ Extensive game farming and eco-tourism operations with strict control on environmental impacts and carrying capacities, where there is an overall gain; ✓ Extensive Livestock Production; ✓ High impact and other development options are not necessarily excluded, but if allowed, must not compromise ecological integrity; ✓ Urban Open Space Systems; and ✓ Required support infrastructure for the above activities.
B.c	ESA 1	<ul style="list-style-type: none"> ✓ Conservation and associated activities. ✓ Extensive game farming and eco-tourism operations. ✓ Extensive Livestock Production. ✓ Urban Open Space Systems. ✓ Low density rural residential, smallholdings or resorts or other developments where development design and overall development densities allow maintenance of ecological functioning.
B.c	ESA 2	✓ Existing activities (e.g. arable agriculture) should be maintained, but where possible a transition to less intensive land uses or ecological restoration should be promoted/favoured.
C.a	Other natural areas	n/a
C.b, Da – Dr, Ea – Ee, Fa – Fl	Transformed	n/a

1.18.4 BIODIVERSITY COMPATIBILITY

General description of CBA Map categories and associated land management objectives as adapted from Desmet et al. (2013).

CBA MAP CATEGORY	LAND CONDITION	LAND MANAGEMENT OBJECTIVE	LAND MANAGEMENT RECOMMENDATIONS	COMPATIBLE LAND-USE	INCOMPATIBLE LAND-USE
Protected Areas	Land included in protected areas can be in any state, i.e. natural or modified.	Maintain in a natural state with limited or no biodiversity loss. Rehabilitate degraded areas to a natural or near-natural state and manage for no further degradation. Development subject to Protected Area objectives and zoning in a NEMPAA compliant and approved management plan.	Maintain or obtain formal conservation protection.	Conservation and associated activities (e.g. eco-tourism operations), and required support infrastructure.	All other land-uses.
CBA Irreplaceable	Portions of land that are in a natural or near-natural state and that are required to achieve feature targets.	Maintain these features in an intact and undisturbed state. Where disturbed, maintain or improve their ecological integrity by means of stabilisation, rehabilitation, or restoration.	Achieve no net loss of ecosystem integrity. Ways in which to achieve no net loss of ecosystem can include affording formal protection to such areas or having them included in appropriate land use planning categories.	Eco-tourism, game farming, extensive livestock production is most suited. High impact and other development options are not necessarily excluded, but if allowed, must not compromise ecological integrity.	Urban land-uses including Residential (including golf estates, rural residential, resorts), Business, Mining & Industrial; Infrastructure (roads, power lines, pipelines). Intensive Animal Production (all types including dairy farming associated with confinement, imported foodstuffs, and improved/irrigated pastures). Arable Agriculture (forestry, dry land & irrigated cropping). Small holdings

CBA MAP CATEGORY	LAND CONDITION	LAND MANAGEMENT OBJECTIVE	LAND MANAGEMENT RECOMMENDATIONS	COMPATIBLE LAND-USE	INCOMPATIBLE LAND-USE
CBA Optimal	Portions of land that are in a natural or near-natural state and that contain features for which targets have been set.	Maintain ecosystems and species largely intact and undisturbed.	Future development should not result in further loss of ecosystem integrity, or if so, should not detract from their primary reasons for inclusion.	Activities and land use that is compatible with CBA Optimal areas. Current practices, so long as these are managed in a way to ensure populations of threatened species are maintained and the ecological processes which support them are not impacted on. Any activities compatible with CBA1.	Urban land-uses including Residential (including golf estates, rural residential, resorts), Business, Mining & Industrial; Infrastructure (roads, power lines, pipelines). More intensive agricultural production than what is currently undertaken on site.

CBA MAP CATEGORY	LAND CONDITION	LAND MANAGEMENT OBJECTIVE	LAND MANAGEMENT RECOMMENDATIONS	COMPATIBLE LAND-USE	INCOMPATIBLE LAND-USE
Ecological Support Areas 1	ESA1 areas are mostly natural, although some degradation may be present.	Maintain ecosystem functionality and connectivity allowing for limited loss of biodiversity pattern	Implement appropriate zoning and land management guidelines to avoid impacting ecological processes. Avoid intensification of land use. Avoid fragmentation of natural landscape	Conservation and associated activities. Extensive game farming and eco-tourism operations. Extensive Livestock Production. Urban Open Space Systems. Low density rural residential, smallholdings or resorts or other developments where development design and overall development densities allow maintenance of ecological functioning.	Urban land-uses including Residential (including golf estates), Business, Mining & Industrial; Infrastructure (roads, power lines, pipelines). Intensive Animal Production (all types including dairy farming associated with confinement, imported foodstuffs, and improved/irrigated pastures). Arable Agriculture (forestry, dry land & irrigated cropping). Note: Certain elements of these activities could be allowed subject to detailed impact assessment to ensure that developments were designed to maintain overall ecological functioning of ESAs.
Ecological Support Areas 2	ESA2 areas have been subjected to some degree of degradation, although areas compatible with the reasons for their inclusion must remain.	Avoid additional/new impacts on ecological processes.	Maintain current land use. Avoid intensification of land use, which may result in additional impact on ecological processes.	Existing activities (e.g. arable agriculture) should be maintained, but where possible a transition to less intensive land uses or ecological restoration should be favoured.	Any land use or activity that results in additional impacts on ecological functioning mostly associated with the intensification of land use in these areas (e.g. Change of floodplain from arable agriculture to an urban land use or from recreational fields and parks to urban).

CBA MAP CATEGORY	LAND CONDITION	LAND MANAGEMENT OBJECTIVE	LAND MANAGEMENT RECOMMENDATIONS	COMPATIBLE LAND-USE	INCOMPATIBLE LAND-USE
Other Natural Areas	Natural	<ul style="list-style-type: none"> ✓ No management objectives, land management recommendations, or land-use guidelines are prescribed. ✓ These areas are nevertheless subject to all applicable town and regional planning guidelines and policy. Where possible existing Not Natural areas should be favoured for development before "Other natural areas" as before "Other natural areas" may later be required either due to the identification of previously unknown important biodiversity features on these sites, or alternatively where the loss of CBA has resulted in the need to identify alternative sites. 			
No natural habitat remaining	Degraded or transformed				

1.18.5 SPATIAL PLANNING CATEGORIES SUITED TO THE BIODIVERSITY CATEGORIES

NO	LAND USE	PROTECTED	CBA 1	CBA 2	ESA 1	ESA 2	ONA	NNR
A.a.1	Wilderness Areas	Y	Y	Y	Y	Y	Y	Y
A.a.2	Special Nature Reserves	Y	Y	Y	Y	Y	Y	Y
A.a.3	National Parks	Y	Y	Y	Y	Y	Y	Y
A.a.4	Nature Reserves	Y	Y	Y	Y	Y	Y	Y
A.a.5	Protected Environments	Y	Y	Y	Y	Y	Y	Y
A.a.6	Forest Wilderness Areas	Y	Y	Y	Y	Y	Y	Y
A.a.7	Marine Protected Areas	na	na	na	na	na	na	na
A.a.8	World Heritage Sites	Y	Y	Y	Y	Y	Y	Y
A.a.9	Mountain Catchment Areas	Y	Y	Y	Y	Y	Y	Y
B.a.1	Contractual Conservation Areas	Y	Y	Y	Y	Y	Y	Y
B.a.2	Private Conservation Areas	Y	Y	Y	Y	Y	Y	Y
B.b.1	Freshwater Ecosystems priority areas	Y	Y	Y	Y	Y	Y	Y
B.b.2	Rivers or Riverbeds	Y	Y	Y	Y	Y	Y	Y
B.b.3	Other natural areas	Y	Y	Y	Y	Y	Y	Y
B.c.1	Public Park	N	N	N	N	N	Y	N
B.c.2	Landscaped Areas	N	N	N	N	N	Y	N
C.a.1	Bona-fide Game Farms	N	Y	Y	Y	Y	Y	Y
C.a.2	Extensive Stock farms	N	R	R	R	R	Y	Y
C.b.1	Cultivated Areas	N	N	N	R	R	Y	Y
C.b.2	Plantations and Woodlots	N	N	N	R	R	Y	Y
D.a	Main Town	N	N	N	R	R	Y	Y
D.b	Local town	N	N	N	R	R	Y	Y
D.c	Rural Settlements	N	N	N	R	R	Y	Y
D.d	Tribal Authority Settlements	N	N	N	R	R	Y	Y

NO	LAND USE	PROTECTED	CBA 1	CBA 2	ESA 1	ESA 2	ONA	NNR
D.e	Communal settlements	N	N	N	R	R	Y	Y
D.f.1	Place of Instruction	N	N	N	R	R	Y	Y
D.f.2	Place of Worship	N	N	N	R	R	Y	Y
D.f.3	Institution	N	N	N	R	R	Y	Y
D.g.1	Government Uses	N	N	N	R	R	Y	Y
D.g.2	Municipal Uses	N	N	N	R	R	Y	Y
D.h	Residential Areas	N	N	N	R	R	Y	Y
D.i	Business Areas	N	N	N	R	R	Y	Y
D.j	Service – Related Business	N	N	N	R	R	Y	Y
D.k	Special Business	N	N	N	R	R	Y	Y
D.l	SMME Incubators	N	N	N	R	R	Y	Y
D.m	Mixed-Use Development Areas	N	N	N	R	R	Y	Y
D.n	Cemeteries	N	N	N	R	R	Y	Y
D.o	Sports Field and Infrastructure	N	N	N	R	R	Y	Y
D.p	Airport and Infrastructure	N	N	N	R	R	Y	Y
D.q	Resorts and tourism Related Areas	N	N	N	R	R	Y	Y
D.r	Farmsteads and Outbuildings	N	N	N	R	R	Y	Y
E.a	Agricultural Industry	N	N	N	R	R	Y	Y
E.b	Industrial Development Zone	N	N	N	R	R	Y	Y
E.c	Light Industry	N	N	N	R	R	Y	Y
E.d	Heavy Industry	N	N	N	R	R	Y	Y
E.e	Mining & Quarrying	N	N	N	R	R	Y	Y
F.a	National roads	N	R	R	R	R	Y	Y
F.b	Main roads	N	R	R	R	R	Y	Y
F.c	Minor Roads	N	R	R	R	R	Y	Y
F.d	Public Streets	N	R	R	R	R	Y	Y
F.e	Heavy vehicle overnight facilities	N	R	R	R	R	Y	Y
F.f	Railway lines	N	R	R	R	R	Y	Y
F.g	Power lines	N	R	R	R	R	Y	Y
F.h	Tele-communication infrastructure	N	R	R	R	R	Y	Y
F.i	Renewable energy structures	N	R	R	R	R	Y	Y
F.j	Dams and Reservoirs	N	R	R	R	R	Y	Y
F.k	Canals	N	R	R	R	R	Y	Y
F.l	Sewage Plants and Refuse areas	N	R	R	R	R	Y	Y
F.m	Science and Technology structures	N	R	R	R	R	Y	Y
Guidelines apply only to untransformed land with natural vegetation cover								
Y	Yes - permitted and actively encouraged activity							
R	Restricted - to compulsory, site-specific conditions and controls when avoidable, not usually permitted							
N	No - not permitted, actively discouraged activity							
PROTECTED	<i>Natural protected areas</i>	CBA 1	<i>CBA Irreplaceable</i>	CBA 2	<i>CBA Optimal</i>			

NO	LAND USE	PROTECTED	CBA 1	CBA 2	ESA 1	ESA 2	ONA	NNR
ESA 1	<i>Ecological Support Areas 1</i>	ESA 2	<i>Ecological Support Areas 2</i>		ONA		<i>Other Natural Areas</i>	
NNR	<i>No natural habitat remaining</i>							

If and when applicable an Environmental Management Framework can be compiled and included in the scheme clauses as a management instrument.

1.19 500M BUFFER MANAGEMENT ZONE

The purpose of this zone is to protect all community facilities or institutions from land uses that will lead to pollution or cause a nuisance.

1.19.1 All taverns, mortuaries, noxious uses, bottle stores, and waste disposal sites should be discouraged within the 500-meter buffer around places of worship, schools, Universities, community facilities, and clinics.

1.19.2 The following use conditions must be adhered to by properties within this zone:

- ✓ The National Liquor Act: National liquor policy (Gazette 40321, Notice R1208) licensing requirements entail that liquor premises should be located at least five hundred meters (500m) away from schools, places of worship, recreation facilities, rehabilitation or treatment centres, residential areas, and public institutions.
- ✓ Any new applications for liquor licencing must comply with the National Liquor Policy, 2016, or other relevant policies or agreements by government entities.
- ✓ Premises already licensed within the 500m radius and premises within high density locations will be accepted if they comply with the Norms and Standards issued occasionally, providing for amongst others, the issue of trading hours, noise, nuisance, and pollution. In this regard, licencing authorities with their discretion may impose tighter trading conditions that trading hours of the outlets should not coincide with lessons during school hours.
- ✓ Licencing authorities may, to their discretion, impose tighter trading conditions for trading hours of the outlets to not coincide with lessons during school hours.
- ✓ Non-compliance in existing liquor premises to the use conditions as set out in this Scheme may result in a hefty penalty, suspension, and/ or revocation of the registration or licence. However, there should be aggressive communication (corporate leniency for a period of a year) by all tiers of government on this issue.

1.20 HIGH POTENTIAL AGRICULTURAL LAND

The purpose of this zone is to protect high potential agricultural land, as identified by the Department of Agriculture, Forestry, and Fisheries.

1.20.1 The following development controls apply:

1.20.1.1 All subdivisions of agricultural land are subject to approval from the national department concerned with Agriculture in terms of the Subdivision of Agricultural Land Act, Act 70 of 1970, which may be amended.

1.20.1.2 The national department concerned with Agriculture has excluded the land contained within the urban edge from the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), Thus, the consent of the department in terms of Act 70 of 1970 is not required for applications on the specified land.

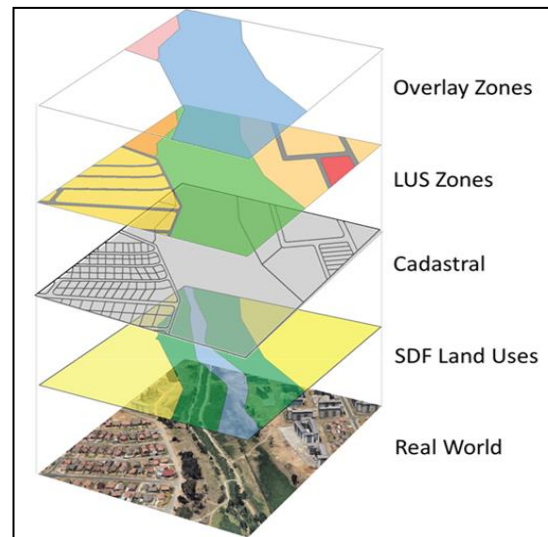
1.20.1.3 Any proposed land use development within this zone is subject to comments from the national department concerned with Agriculture.

1.20.1.4 Applicable processes should be followed subject to any formal township establishment applications.

SECTION 3 OVERLAY ZONES

1.21 PURPOSE OF OVERLAY ZONES

1.21.1 Overlay zones provide a mechanism for land use management whereby the Municipality may give effect to specific guidelines contained in a spatial development framework or policy plan. These guidelines could promote development, require a limitation to or set additional land use types, stipulate more or less restrictive development rules, or identify specific development rules. It provides a mechanism for elevating specific policy guidelines, as approved by the Municipality, to land use regulations.



- 1.21.2 An overlay zone will apply in addition to the base zone of a property. An overlay zone may only be introduced if it complies with the requirements set out in this scheme and may not be introduced for the purposes of promoting, causing, or facilitating social exclusion and separation.
- 1.21.3 Overlay zones contain additional information assisting decision-making bodies (MPT) with the interpretation, administration and use of this Scheme.
- 1.21.4 Overlay zones are being administered, maintained and updated by means of a Council Decision/Resolution and any additions, alterations or changes to these Scheme Maps shall not constitute an amendment of the Scheme according to the stipulations as set out in Section 16 of the Municipal Land Use Planning By-Law.
- 1.21.5 It outlines special provisions for e.g. heritage, environmental, agricultural consideration, etc.
- 1.21.6 Overlay zones should guide authorities to where development can be allowed or not. Information is captured on these Maps and will guide the Municipality where to allow certain developments. In most cases certain legislation will guide development and the decision of the Municipality.
- 1.21.7 The provisions of an overlay zone may alter the development parameters relating to a particular area or land unit, or may set new development parameters which are more restrictive or more permissive than the provisions applicable to any of the base zones, and if such provisions of an overlay zone are different to, or in conflict with the provisions of a base zone, the more restrictive provisions shall apply, unless stated otherwise in the overlay zone concerned.
- 1.21.8 The provisions of more than one overlay zone may apply to a land unit or area concerned.

1.22 REQUIREMENT PROCEDURES

- 1.22.1 The Municipality may prepare any overlay zone as provided for in this Land Use Scheme.
- 1.22.2 Preparation of an overlay zone shall take into consideration the following requirements where applicable:
- 1.22.2.1 The principles contained in planning law;
 - 1.22.2.2 The Municipality's planning vision and principles as set out in its Spatial Development Framework and Integrated Development Plan;
 - 1.22.2.3 Desired spatial form, including but not limited to the development of public and private land, infrastructure investment, utilisation of space, spatial reconstruction, location and nature of development, urban edge, scenic routes, areas of strategic intervention, mitigation of development impacts;
 - 1.22.2.4 The principles as set out in an approved spatial development framework or a policy plan;
 - 1.22.2.5 Environmental and heritage protection and conservation; and
 - 1.22.2.6 The principles of co-operative governance and the duties and objectives of local government as set out in the Municipal Systems Act and the National Constitution.
- 1.22.3 An overlay zone must not detract from the Municipality's ability to serve the needs of the municipal area as a whole.
- 1.22.4 The Municipality may adopt, replace, amend, or recommend overlay zones that provide for development directives by way of a Council resolution. Amendments of Overlay zones shall not be regarded as an amendment of the Scheme.

CHAPTER 4 REGULATIONS

SECTION 1 DEVELOPMENT REGULATIONS

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

1.23 A ZONE MAY CONTAIN REGULATIONS WITH REGARDS TO:

1.23.1 Land Uses, including:

- 1.23.1.1 Determining “Primary Land Uses”, meaning land uses that are considered to be compatible and desirable in the zone;
- 1.23.1.2 Determining “Secondary Land Uses” meaning land uses that are considered to be compatible and desirable in the zone
- 1.23.1.3 Determining “Special Consent Land Uses”, meaning land uses that may be compatible and desirable within the zone subject to certain conditions, and
- 1.23.1.4 Determining “Prohibited Land Uses”, meaning land uses that are prohibited in that zone,
- 1.23.1.5 The determining agency being the Municipality.

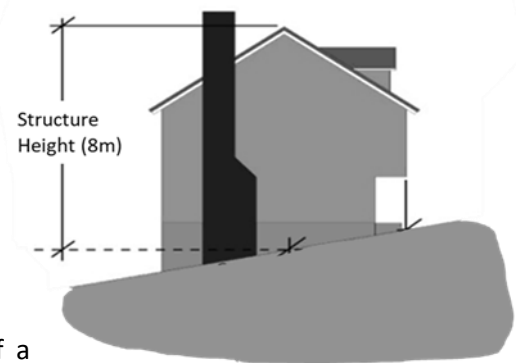
1.23.2 Development Controls & Extent of Development, including:

- 1.23.2.1 The erf or land parcel area and dimensions,
- 1.23.2.2 The density and intensity of development,
- 1.23.2.3 The type, extent, and scale of buildings and structures that may be erected, including the maximum Coverage and height (storeys) of buildings and structures and other building restrictions.
- 1.23.2.4 No provision is made for the use of Floor Area Ratios, land use control is managed through the use of Coverage, Densities, Height, Building Lines, Parking, and Loading Requirements, these requirements shall be determined as set out in the Zoning Schedules.
- 1.23.2.5 Aesthetic considerations, including the architectural design, colour and texture of improvements, construction materials, street furniture, signs, landscaping, and other urban design aspects.

- 1.23.2.6 Site Development, the layout and orientation of buildings and structures, public areas, building lines, and other servitudes, and minimum on-site and/or off-site parking requirements.
- 1.23.2.7 General matters, which include any other aspect identified by the Municipality as being relevant to the achievement of the desirable future development of the locality.
- 1.23.2.8 Except where expressly provided, no regulations contained in a zone shall be deemed to apply to any existing public street and any public street may be designed, constructed, widened, altered, redesigned, and maintained in such manner as may be determined by the Municipality.

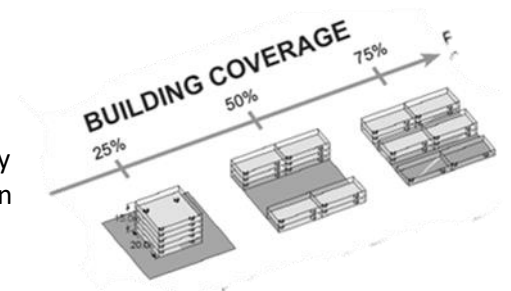
1.24 HEIGHT

- 1.24.1 Minimum height restrictions shall be determined as set out in the Zoning Schedules (Section 1.17);
- 1.24.2 The Municipality may permit the maximum number of storeys to be exceeded if it is satisfied that the greater height is necessary or desirable as a result of the topography and location of the site;
- 1.24.3 Any chimney, ornamental tower, tower-like projection, or similar architectural feature or lift servicing room or room wherein mechanical or electrical equipment is installed, shall not be taken into account when calculating the height;
- 1.24.4 Where 75% or more of a floor is used for the parking of vehicles, it shall not be counted as a storey;
- 1.24.5 For the purposes of this clause basements shall not be included in height; and
- 1.24.6 For the purpose of this clause, the maximum height of a storey shall not exceed four (4) m.



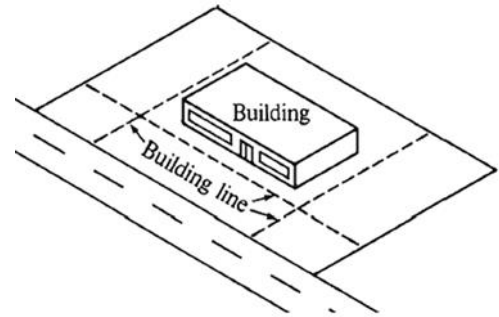
1.25 COVERAGE

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



1.26 BUILDING LINES

- 1.26.1 Building Line restrictions shall be determined as set out in the Zoning Schedules (Section 1.17);
- 1.26.2 No buildings or structure, other than boundary walls, fences, or temporary buildings or structures which are required in connection with building operations be executed on the property, shall be erected within any building restriction area;
- 1.26.3 Any building line along a proposed new road or widening shall be measured from that boundary of such proposed road or widening which is the common boundary of the road or widening and the remaining part of the property to which the building line applies;
- 1.26.4 A building or portion of a building may only be erected on the side and rear boundaries of a property if no windows, doors, or ventilation openings are let into any wall on such boundary; and
- 1.26.5 The Municipality may on written application by the owner:
- 1.26.5.1 permit the erection of a building in the building restriction area in the case of corner erven or if, due to the gradient of the property or of the adjoining land, or the proximity of buildings which have already been erected in front of the building line, complies with the building line requirements will hamper the development of the property to an unreasonable extent;
 - 1.26.5.2 permit the erection of a swimming pool or a tennis court within the building restriction area; and
 - 1.26.5.3 Relax the building line on any boundary other than a street boundary of any erf upon consolidation of such erf with an adjoining erf.



1.27 PARKING & LOADING REQUIREMENTS

- 1.27.1 Effective and paved on-site parking and loading bays together with the necessary manoeuvring area shall be provided for development as set out in Table 1: On-site Parking and Loading Requirements.
- 1.27.2 The floor area per parking bay shall be calculated on a minimum of 12.5m² (2.5m wide x 5m long), excluding manoeuvring and road areas, and shall be applicable to all new buildings (except a single dwelling unit) and/or extensions to existing buildings (except a single dwelling unit).
- 1.27.3 The floor area per loading bay shall be calculated at 50m² and shall be applicable to new buildings and/or additions.
- 1.27.4 The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the Municipality unless the Municipality has provided loading facilities in the street reserve
- 1.27.5 In situations where on-street parking is proposed, an assessment of such parking must be made during Traffic Impact Assessments. During Site Traffic Assessments, both on-street and on-site parking must be assessed.
- 1.27.6 Visitor's parking bays may not be reserved temporarily or permanently whether it is for payment or not.

- 1.27.7 Parking for mobility-impaired persons must be provided according to the requirements of the National Building Regulations or other statutory requirements. Such parking must be located where it will maximize the convenience of the users.
- 1.27.8 The on-site parking and loading requirements for developments are set out in Table 1: On-site Parking and Loading Requirements, hereunder. The Municipality either may, at its discretion, decrease or increase the requirements contained in the table for specific developments.
- 1.27.9 Effective and paved parking and loading bays as indicated under in Table 1 together with the necessary manoeuvring area, disabled parking bays, and where applicable emergency parking bays, shall be provided on the property to the satisfaction of the Municipality.
- 1.27.10 The Municipality may, on receipt of a written application and an accompanied site plan relax or waive the provisions of this Clause in the Central Business District (CBD) (as demarcated from time to time), if the Municipality is of opinion that adequate parking already exists in the vicinity of the site, provided further that:
- 1.27.10.1 In the event of such relaxation or waiving, the applicant shall pay a cash contribution to the Municipality in lieu of the provision of such parking bays, that will be used solely for the provision of parking in the vicinity of the site; and
- 1.27.10.2 Any owner may provide the parking area required in terms of this clause on any alternative site approved by the Municipality.
- 1.27.11 The owner of a building in respect of which parking or loading bays are required in terms of this Clause shall keep such parking bays in a proper condition for such purpose to the satisfaction of the Municipality and may erect such parking bays as required in this Clause and approved by the Municipality at the cost of the applicant, to the satisfaction of the Municipality.
- 1.27.12 The facilities to be provided for parking in terms of this clause shall not be used for the purposes of exhibition, sale, repair, or maintenance of vehicles or for any purpose other than the parking of vehicles.
- 1.27.13 If additions to any existing building (other than a single dwelling unit) are undertaken which, in the opinion of the Municipality, are not of such extent as to warrant the provision of parking and manoeuvring space, the Municipality may, in its discretion, relax the requirement of Table 1.
- 1.27.14 The Municipality may, after receipt of building plans submitted in terms of its by-laws, require the owner to submit, for its approval, proposals for the provision of suitable and sufficient facilities on the erf for the loading, unloading, fuelling, parking of vehicles, or for the storage of refuse containers.
- 1.27.15 If the Municipality requires the submission of any proposals in terms of this clause or if the owner submits proposals together with any building plan, the Municipality shall within a reasonable period, either approve the proposals with or without modification or disapprove of them and, in the event of refusal, furnish reasons for such refusal to the applicant in writing.
- 1.27.16 No owner or occupant of a building in respect of which proposals in terms of this clause are required, shall undertake or knowingly permit the loading, unloading, parking, fuelling of vehicles or permit the storage of refuse containers other than in accordance with approved proposals unless such requirements have been relaxed or altered by Municipality.

1.27.17 The Municipality in special circumstances may reduce the parking and loading bays required in terms of this Scheme. Parking for residential purposes in the residential use zones must, except where the Municipality permits otherwise, be provided on the ground floor or in the basement only.

1.27.18 The Municipality may lay down more restrictive requirements than those mentioned if deemed necessary from a traffic point of view.

1.28 EXEMPTIONS AND SPECIAL ZONES

1.28.1 Special zones are exempt from compliance with these provisions as they have their own parking requirements in terms of the Special Zones. The parking regulations in respect of the primary schemes (Appendix 9) apply to those area's specifically.

1.28.2 In the event of ambiguity or conflict within the Special Zone documentation or where a specific land use parking requirement is not defined in the Special Zone documentation, then the provisions as contained in this document shall apply.

1.28.3 Parking requirements for that part of the central area of the city shall be as specified in Section 5.3 hereof.

1.29 CENTRAL BUSINESS DISTRICT (CBD) EXEMPTIONS

1.29.1 The Municipality may, on receipt of a written application and an accompanied site plan relax or waive the provisions of this Clause in the Central Business District (CBD) (as demarcated from time to time within the Spatial Development Framework for the Ngwathe Municipality), if the Municipality is of opinion that adequate parking already exists in the vicinity of the site, provided further that:

1.29.1.1 In the event of such relaxation or waiving, the applicant shall pay a cash contribution to the Municipality in lieu of the provision of such parking bays, that will be used solely for the provision of parking in the vicinity of the site; and

1.29.1.2 Any owner may provide the parking area required in terms of this clause on any alternative site approved by the Municipality.

Table 1: Parking Requirements

LAND USE	PARKING REQUIREMENTS	LOADING BAY REQUIREMENTS
Abattoir	5 spaces for the first 1000m floor area or part thereof and 2 spaces for every 1000m thereafter, or part thereof.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Additional Dwelling House	1 parking space per dwelling	Not Applicable
Aerated Wastewater Treatment System (AWTS)	4 spaces per 100m ² GLA	Not Applicable
Agricultural Purposes	Not Applicable	Not Applicable
Agricultural Holding	Not Applicable	Not Applicable
Agricultural housing	1 Space per every 3 dwelling units.	Not applicable.
Agri-Industry	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Airport	2 spaces for the first 1000m ² floor area or part thereof and 1 space for every 1000m ² thereafter, or part thereof.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.

LAND USE	PARKING REQUIREMENTS	LOADING BAY REQUIREMENTS
Alcoholic Production Facility	1 parking space per 100m ² floor area.	1 parking space per 1000m ² floor area.
Animal Establishment	3 spaces per 100m ² floor area.	1 Space per first 2000 m ² floor area, or part thereof, and 1 space per every 2000 m ² floor area thereafter.
Animal refuge	3 spaces per 100m ² floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Auctioneer Business	4 spaces per 100m ² GLA	1 parking space per 1000m ² floor area.
Back-packer and Hosteling Accommodation	1 parking space per bedroom	2 spaces per first 1000m ² floor area, or part thereof, and 1 space per every 1000m ² floor area thereafter.
Bed and Breakfast Accommodation	1 space per room plus 1 space for every 3 rooms.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Block of Flats	1 space for every dwelling unit plus visitors for every 4 dwelling units	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Boarding House	1 space for every 2 rooms let	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Botanical Garden	3 spaces per hectare floor area or part thereof.	Not applicable.
Boutique Hotel	1 per bedroom & 4 per 100m ² public space	1 Per erf
Brick Works	40% of property reserved for parking and loading requirements.	At least one space per site
Builders Yard	2 spaces per 100m ² floor area	1space per 1000m ² floor area
Bulk Retail Trade	3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Business Building	4 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof, and 1 space per every 2000 m ² floor area thereafter.
Bus / Taxi Depot	1 space for every 10 seats; or 25m ² floor area; or 100m ² erf size; or For every 20m ² GLA. Whichever is the most applicable in the Municipality sole discretion	2 spaces per first 1000m ² floor area, or part thereof, and 1 space per every 1000m ² floor area thereafter
Bus / Taxi Rank	1 space for every 10 seats; or 25m ² floor area; or 100m ² erf size; or For every 20m ² GLA. Whichever is the most applicable in the Municipality sole discretion	2 spaces per first 1000m ² floor area, or part thereof, and 1 space per every 1000m ² floor area thereafter

LAND USE	PARKING REQUIREMENTS	LOADING BAY REQUIREMENTS
Camp Site / Caravan Park	1 Space per tent or caravan or mobile dwelling unit site and 4,5 spaces per 100m ² office floor area and 1 space per 4 seats and 4 spaces per 100m ² place of refreshment public floor area and 4 spaces per 100 m ² retail floor area.	1 Space per first 2000 m ² place of refreshment or retail floor area, or part thereof and 1 space per every 2000 m ² place of refreshment or retail floor area thereafter.
Caretaker Accommodation	1 space for every dwelling unit plus 1 for visitors	Not Applicable
Carwash	4 spaces per 100m floor area or part thereof.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Cemetery (Private)	Not Applicable	Not Applicable
Cemetery (Public)	Not Applicable	Not Applicable
Child Care Center	1 space for every 4 children.	Not applicable
Clinic	1 space per bed	2 spaces per first 1000m ² floor area, or part thereof, and 1 space per every 1000m ² floor area thereafter.
Club	10 spaces per 100m ² area	3 spaces per 100m ² floor area
Commemorative Wall	Not Applicable	Not Applicable
Commonage	Not applicable	Not applicable
Commune	1 space per room	Not applicable
Community Facility	2 spaces per 100m ² parking GLA	Not applicable
Co-operative	4 spaces per 100m ² GLA	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Conference Facility	4 spaces per 100m ² floor area and 1 space per 4 seats	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Conservancy	Not applicable	Not applicable
Conservation Area	Not applicable	Not applicable
Craft Alcoholic Production Facility	4 spaces per 100m ² floor area	1 Space per every 1000 m ² floor area
Crèche	1 space per 4 children.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Crematorium	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Cultural Heritage Site	Not applicable	Not applicable
Dealer in Building Necessities	1 space per 100m ² GLA	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Depot	40% of property or site reserved for parking and loading requirements	
Distribution Centre	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof, and 1 space

LAND USE	PARKING REQUIREMENTS	LOADING BAY REQUIREMENTS
		per every 1000m ² floor area thereafter
Dormitory	1 per bedroom	Not applicable
Duet Housing	1.5 space per dwelling	1 space per 100m ² floor area
Dwelling	1 space for every dwelling unit plus 1 for visitors	Not Applicable
Dwelling House	One space on-site per unit.	Not Applicable
Dwelling Unit	1 covered space per dwelling unit and 1 uncovered space per 2 dwelling units	1 Space per 10 dwelling units.
Early Childhood Development Centre	1 parking space per 4 children	At least 1 drop off zone
Environmental Facility	4 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Factory shop	4 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Fishmonger	4 spaces per 100m ² GLA	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Frail Care	1 space for every 4 beds	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Fuelling facility	40% of property reserved for parking and loading requirements	
Funeral Establishment	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Government Purpose	1 space for every 4 seats; or 25m ² floor area; or 100m ² erf size; or For every 20m ² GLA. Whichever is the most applicable in the Municipality sole discretion	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Group Housing	2 per dwelling	Not applicable
Guesthouse	1 space per guest room	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Heliport / Helipad	Not Applicable	Not Applicable
Home Business	3 parking spaces	Not applicable
Hospital	1 space for every 4 beds	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Hotel	1 space per room and 4 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.

LAND USE	PARKING REQUIREMENTS	LOADING BAY REQUIREMENTS
Incinerator	3 spaces per 100m ² floor area	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Inclusionary Housing	1 space for every dwelling unit plus visitors for every 4 dwelling units	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Industry	1 space per 100m ² GLA	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Informal Trade	3 Spaces per 100m ² floor area.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Infrastructure Services	40% of property reserved for parking and loading requirements	
Initiation School	1 per 100m ² parking gross leasable area	1 drop-off space for buses per 100 students.
Institution	4 spaces per 100m ² floor area and 1 space per 4 seats	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Intensive Livestock Keeping Establishment	1 Space per 100m ² floor area.	1 space per every 1000m ² floor area
Itinerant Workers Accommodation	1 parking space per dwelling and 1 space for visitors	Not applicable
Laboratory	3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Landing Strip	2 spaces for the first 100m ² floor area or part thereof and 1 space for every 100m ² thereafter, or part thereof.	2 spaces for the first 100m ² floor area or part thereof and 1 space for every 100m ² thereafter, or part thereof.
Leisure Residential Dwelling	1 per dwelling	Not Applicable
Lifestyle Estate	1 per dwelling	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Liquid Fuel Depot	Not Applicable	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality
Livestock Sale Yard	40% of property reserved for parking	At least 1 space per site
Lodge	1 space per guest room or suite and 4 spaces per 100m ² public floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Maisonette	2 per dwelling	Not Applicable.
Market	4 spaces per 100m ² GLA	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality
Medical Centre	1 space for every 4 beds	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Medical Consulting Rooms	4 spaces per 100m ² floor area	1 Space per first 2000 m ² floor

LAND USE	PARKING REQUIREMENTS	LOADING BAY REQUIREMENTS
		area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Military Base	20% of property reserved for parking	At least 1 space per site
Mine and Mining Activities	20% of property reserved for parking	At least 1 space per site
Mining & Quarrying	20% of property reserved for parking	At least 1 space per site
Mobile Dwelling Unit	1 per dwelling	Not applicable
Mortuary	3 spaces per 100m floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Motel	1 space per room and 4 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Motor Showroom	A minimum of 5 spaces plus one extra space for every 50m ² GLA	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Motor Workshop	A minimum of 5 spaces plus one extra space for every 50m ² GLA	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Municipality	1 space for every 4 seats; or 25m ² floor area; or 100m ² erf size; or For every 20m ² GLA. Whichever is the most applicable in the Municipality sole discretion	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Municipal Purposes	1 space for every 4 seats; or 25m ² floor area; or 100m ² erf size; or For every 20m ² GLA. Whichever is the most applicable in the Municipality sole discretion	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Noxious industry	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Nursery	4 spaces per 100m ² display floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Nursery Wholesale	1 parking space per 100m ² floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Office	4 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Open Air Auction Mart	1 parking space per 100m ² floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space

LAND USE	PARKING REQUIREMENTS	LOADING BAY REQUIREMENTS
		per every 1000m ² floor area thereafter
Parking Facility	Not applicable	Not applicable
Petro-port	40% of property reserved for parking and loading requirements	
Place of Assembly	1 space per 4 seats and 4 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Place of Detention	4,5 Spaces per 100m ² office floor area and 1 space per 10 holding cells.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Place of Entertainment	1 space per 4 seats and 4 spaces per 100m ² public floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Place of Instruction	1 space/full-time staff member + 0.5 bays/part-time staff member + 1 space /10 students over 17 years of age or 1 space /10 seats in the assembly hall, whichever is greater. Sufficient bays for bus and taxi parking may be required where appropriate. (Parking may be reduced up to 1 space/20 students over 17 years of age or 1 space/20 seats in the assembly hall area where it can be demonstrated that sufficient public transport is available to students and that the utilisation of the establishment is not utilised for any other purpose.)	1 Drop-off space for busses per 100 students
Place of Refreshment	10 spaces per 100m ² public floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Place of Worship	1 space per 4 seats	Not applicable
Private Conservation Area	Not applicable	Not applicable
Private Open Space	1 Space per 100m ² sport, recreation, or play area.	Not applicable
Private Park	Not applicable	Not applicable
Private Parking Area	Not applicable	Not applicable
Private Street/Road	Not applicable	Not applicable
Public Open Space	1 Space per 100m ² sport, recreation, or play area.	Not applicable
Public Parking Area	Not applicable	Not applicable
Public Road	Not applicable	Not applicable
Racetrack	1 space for every 4 seats; or 25m ² floor area; or 100m ² erf size; or For every 20m ² GLA. Whichever is the most applicable in the Municipality sole discretion	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter

LAND USE	PARKING REQUIREMENTS	LOADING BAY REQUIREMENTS
Railway Purposes	1 space for every 4 seats; or 25m ² floor area; or 100m ² erf size; or For every 20m ² GLA. Whichever is the most applicable in the Municipality sole discretion	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Recycling center	3 spaces per 100m floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter.
Refuse Area	1 space per room and 1 space for every 3 rooms.	Not applicable
Regional Service Station	A minimum of 5 spaces plus one extra space for every 50m ² GLA	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Renewable Energy Structure	Municipality to decide	Municipality to decide
Residential Building	1.5 spaces per bedroom	Not applicable
Resort	1 space per room and 4 spaces per 100m ² public floor area	1 Space per first 2000 m ² floor area, or part thereof, and 1 space per every 2000 m ² floor area thereafter.
Resort (Municipal/Government	1 space per room and 4 spaces per 100m ² public floor area	1 Space per first 2000 m ² floor area, or part thereof, and 1 space per every 2000 m ² floor area thereafter.
Retirement Resort	1 per dwelling unit or 1 p/b per 2 or 3 dwelling units 1, 25/ flat and / or 0,7/bedroom	1 Space per first 2000 m ² floor area, or part thereof, and 1 space per every 2000 m ² floor area thereafter.
Rifle and Shooting Range	4 spaces per 100m ² floor area	Sufficient dedicated on-site loading and delivery space to the satisfaction of the municipality.
Road Transport Terminal	1 parking space per 100m ² floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Rural Tourist Facility	Municipality to decide	Not applicable
Rural Workers Dwelling	1 space for every dwelling unit plus 1 for visitors	Not Applicable
Scrap yard	3 spaces per 100m floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Self Storage Facility	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 Spaces per first 1000m ² floor area, or part thereof, and 1 space per every 1000m ² floor area thereafter
Service Industry	2 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof, and 1 space per every 2000 m ² floor area thereafter.
Service Station	A minimum of 5 spaces plus one extra space for every 50m ² GLA	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area

LAND USE	PARKING REQUIREMENTS	LOADING BAY REQUIREMENTS
		thereafter
Showground	1 space per 4 seats and 4 spaces per 100m ² public floor area.	1 Space per first 2000 m ² floor area, or part thereof, and 1 space per every 2000 m ² floor area thereafter.
Sewer purification plant	40% of property reserved for parking and loading requirements	
Social Hall	4 spaces per 100m office floor area and 4 spaces per 100m ² public floor area and 1 space per 4 seats.	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Spa / Hydro and Wellness Centre	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof, and 1 space per every 2000 m ² floor area thereafter.
Sport and Recreational Facility	1 space for every 4 seats; or 25m ² floor area; or 100m ² erf size; or For every 20m ² GLA. Whichever is the most applicable in the Municipality sole discretion	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Storage Yard	3 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Student Dwelling	A minimum of 4 spaces for 4 or less students plus 1 space for every additional 2 students	Not applicable
Tavern	4 spaces per 100m ² floor area	Not applicable
Tea Garden	4 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Telecommunication Infrastructure	20% of property reserved for parking	Municipality to decide
Tourist Facilities	4 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Townhouse	2 per dwelling	Not Applicable
Training Centre	1 per 100m ² parking gross leasable area	1 drop-off space for buses per 100 students.
Truck stop	40% of property reserved for parking and loading requirements and 4 spaces per 100m ² retail floor area.	
Tuck shop	1 space on-site.	Not applicable
4X4 Trial	4 Spaces per 100m ² office floor area and sufficient area for parking of the participating 4X4 vehicles and sufficient parking area for spectators.	Not applicable.
Urban Agriculture	Not applicable.	Not applicable.
Veterinary Clinic	4 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.

LAND USE	PARKING REQUIREMENTS	LOADING BAY REQUIREMENTS
Veterinary Hospital	4 spaces per 100m ² floor area	1 Space per first 2000 m ² floor area, or part thereof and 1 space per every 2000 m ² floor area thereafter.
Warehouse	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Waste Management Facility	Municipality to decide	Not applicable.
Wholesale Trade	1 space per 100m ² floor area and 3 spaces per 100m ² office floor area.	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Workshop	3 spaces per 100m ² floor area	2 spaces per first 1000m ² floor area, or part thereof and 1 space per every 1000m ² floor area thereafter
Zoological Garden	4 spaces per hectare uncovered exhibition floor area and 4,5 spaces per 100m ² covered exhibition floor area.	1 Space per first 2000 m ² covered or uncovered floor area, or part thereof and 1 space per every 2000 m ² covered floor area thereafter.

1.30 MINIMUM PROPERTY SIZE AND DENSITY REQUIREMENTS

1.30.1 Minimum Property Size

The minimum size of any land when being subdivided or rezoned, may not be smaller than the minimum size as specified in Table 6, provided that, on merit and at the discretion of the Authorised Employee, a subdivision smaller than the minimum size may be permitted in the case where:

- Such a subdivision is simultaneously consolidated or notarial tied with adjacent land to ensure that the combined area conforms to the prescribed minimum size;
- Any existing natural feature or permanent physical barrier such as a river, road, street, railway line etc., creates a natural divide or separation of the property, preventing it from being used as a functional unit;
- Housing units in existing housing Schemes are being subdivided into residential erven, together with the necessary infrastructure;
- New erven are being created in accordance with a formal township establishment procedure after the effective date of commencement of this Scheme.

Table 2: MINIMUM ERF SIZES

LAND USE ZONING CATEGORY: URBAN RELATED ZONES	
LAND USE ZONE	MINIMUM PROPERTY SIZE
Residential 1	Erven smaller than 600m ² : 250 m ² Erven larger than 600m ² : 600m ² (panhandle excluded)
General Residential	2 000m ²
Boutique Hotel, Lodge Crèche	2 000m ²
All other Land Use Zones	To the satisfaction of the Municipality

1.30.2 Density Requirements

The standard density requirements applicable to land uses are specified in Table 6, in accordance with the relevant zoning category within which such a land use is located.

Table 3: STANDARD DENSITY RESTRICTIONS

SPECIFIED LAND USE	DENSITY RESTRICTIONS
Group Houses	30 units per ha
Town Houses	30 units per ha
Maisonettes	60 units per ha
Retirement Village	30 units per ha
Block of Flats	60 units per ha
Hotel	60 units per ha
Residential Buildings	To be determined by Municipality
Leisure Residential Buildings	Maximum according to size of farm
Chalets	16 units per ha
Caravan Park	30 stands per ha

SECTION 2 GENERAL REGULATIONS FOR ALL LAND USES

1.31 WATER SUPPLY AND MANAGEMENT DIRECTIVES

- 1.31.1 Development or subdivision of property shall only be allowed if the developer or owner can submit proof of a sustainable water source;
- 1.31.2 If the water supply for the development will be connected to or supplied by the Municipality, the developer shall apply to the Municipality for water supply;
- 1.31.3 If the development cannot be connected to the municipal water supply the developer should apply for a water license from THE NATIONAL DEPARTMENT(S) CONCERNED WITH MATTERS WATER AND SANITATION in terms of Chapter 4 of the National Water Act, 1998 should water be abstracted from a watercourse;
- 1.31.4 If the proposed development has existing lawful water entitlements that water entitlements may be exercised, if the water use sector remains the same;
- 1.31.5 If a proposed development on a property has no existing water rights entitlements, water rights from other willing existing water users may be permanently transferred to the property should additional water be required for the development. Such transfer must be approved by THE NATIONAL DEPARTMENT(S) CONCERNED WITH MATTERS WATER AND SANITATION;
- 1.31.6 If the development requires the use of ground water, the use must either be registered or a license obtained from THE NATIONAL DEPARTMENT(S) CONCERNED WITH MATTERS WATER AND SANITATION. The following requirements are set by THE NATIONAL DEPARTMENT(S) CONCERNED WITH MATTERS WATER AND SANITATION:
- 1.31.7 No development may occur in a water course or a 52 m buffer around the water course;
- 1.31.8 A buffer zone may however be proposed or amended with regard to site specific characteristics by applying the policies and guidelines from THE NATIONAL DEPARTMENT(S) CONCERNED WITH MATTERS WATER AND SANITATION. This includes where relevant the bed and banks of:
- 1.31.8.1 A river or spring;
- 1.31.8.2 A natural channel in which water flows regularly or intermittently; and
- 1.31.8.3 A wetland, lake, or dam into which or from which water flows.
- 1.31.8.4 Any collection of water which the Minister may by notice declare to be a water course;
- 1.31.8.5 Proposed watercourse crossings must be placed in areas where the impact on the watercourse will be minimal;
- 1.31.8.6 Storm water control must be adequate, and any substance must not contaminate storm water whether that substance is a solid, liquid, vapor or gas, or any combination thereof; and
- 1.31.8.7 Rehabilitation of disturbed areas must continue during the construction phase in order to prevent wash down of soils into any watercourse;
- 1.31.9 To facilitate accessible refuse removal which should prevent littering;
- 1.31.10 Domestic sewage must be disposed of in such a manner that no pollution of surface or ground water will take place; and

1.31.11 All new developments must comply with the provisions of the National Water Act, 1998 (Act 36 of 1998) and its Regulations.

1.32 TEMPORARY USE OF LAND

1.32.1 Notwithstanding anything to the contrary contained in this Scheme, it shall be competent for the Municipality, subject to any environmental procedures and/or authorisations, to consent to the temporary use of any land or building within any zone, for any of the following:

1.32.1.1 The erection and use of temporary buildings or the use of existing buildings for purposes of site offices, storerooms, workshops or such other uses as are, in the opinion of the Municipality, necessary during the construction of any permanent building or structure on the land, provided that such consent shall ipso facto lapse upon completion of the permanent building or structure;

1.32.1.2 The ad hoc use of land or buildings for concerts, fairs, circuses, bazaars, or public gatherings.

1.32.1.3 The use of land or buildings thereon for state or municipal purposes provided that any such consent shall be for a period not exceeding 12 months which period may be extended by the Municipality for further periods not exceeding 12 months, subject thereto that the total of such period shall not exceed 5 years.

1.33 SPOILING OF LAND

1.33.1 No person shall spoil or waste land so as to destroy or impair its use for the existing land use or the land use reasonably foreseen in the applicable zone;

1.33.2 Any proposed development shall incorporate the planning for future roads, pedestrian paths, parks, other social or municipal facilities and services infrastructure contained in any section of the Scheme; and

1.33.3 At its discretion, the Municipality may waive the future use of such land for the public purpose should an acceptable alternative be provided.

1.34 TRANSFER OF EXISTING LAND USE RIGHTS

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

1.35 SPLAYING OF CORNERS

1.35.1 In calculating the area of a corner erf, the portion thereof cut-off by the splay shall be included in the area of the erf when calculating Coverage or Density; and

1.35.2 Upon the subdivision of any land, where any portion of such land is physically separated by the execution or proposed execution of public works, and provided that such portion does not fall below 75% of the minimum area as laid down in this Scheme for the said land, the portion so separated may be regarded as an existing erf.

1.36 LINE OF NO ACCESS

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

1.37 BINDING FORCE OF CONDITIONS

- 1.37.1 Where permission to erect any building or execute any works or to use any building or land for a particular purpose granted in terms of the Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of the Scheme and shall be regarded as though they were part of this Scheme.

1.38 RESTRICTION ON EXCAVATION

- 1.38.1 Except with the written consent of the Municipality, and subject to such conditions as it may impose, neither the owner nor any other person shall:

- 1.38.1.1 Have the right, save and except to prepare the erf for building purposes, to excavate any material there from;
- 1.38.1.2 Sink any wells or boreholes thereon or abstract any subterranean water there from;
or
- 1.38.1.3 Make, or permit to be made, on the property for any purpose whatsoever, any tiles or earthenware pipes or other articles of a like nature.

1.39 BUILDING RESTRICTION ALONG WITH ROAD RESERVES

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

1.40 SCREENING AND FENCING

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

1.41 MAINTENANCE OF DEVELOPMENT

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

1.42 CONFLICT BETWEEN SCHEME, TITLE CONDITIONS, AND OWNERSHIP CONDITIONS

- 1.42.1 No consent of the Municipality given under the provisions of this Scheme shall be construed as conferring upon any person the right to use any land or to erect or use any building thereon in any manner or for any purpose which is prohibited in any condition registered against the title deed of the land or imposed in respect of the land under any law relating to the establishment of townships.

SECTION 3 REGULATIONS FOR SPECIFIC LAND USES

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

1.43 CONDITIONS APPLICABLE TO ALL LAND USE ZONES

1.43.1 Nothing in this Land Use Scheme shall be deemed to prevent the Local Municipality: -

- 1.43.1.1 From erecting, maintaining, or using any building or work, or land, in any part of the area of this Scheme for the purpose of any undertaking which it may be empowered to carry out under any legislation; or
- 1.43.1.2 From allowing the occasional letting of a site in the area of this Scheme for the purpose of amusement parks, circuses, church gatherings, sales, etc. subject to such conditions as the Local Municipality may think fit; or
- 1.43.1.3 From allowing the owner of any land or building to temporarily use such land or building for purposes not contemplated for that use zone or by any other provision of this the Scheme, subject to compliance with the provisions of this Scheme relating to the granting of the special consent of the Local Municipality and subject further to such conditions as the Local Municipality may impose: Provided that such consent shall, in addition to any condition imposed by the Local Municipality, be subject to the following conditions:
 - (a) No building or structure of a permanent nature which may hinder the use of the land for the purpose contemplated in the zoning thereof in this scheme shall be erected on the land;
 - (b) The Local Municipality shall be entitled to withdraw the approval issued in terms of this sub-clause by a written notice of not less than 30 days to the owner if the use of such property is inconsistent with the purposes for which approval was granted or where the exercising of the approved use adversely affects the amenity of the neighbourhood;
 - (c) If the rights obtained by virtue of the grant by the Local Municipality of its consent to the erection and use of a building or for the use of land are not exercised within 24 months of the grant of such consent or, the rights having been exercised, the use permitted thereunder is interrupted for a continuous period of 18 months, the consent shall ipso facto lapse unless any condition upon which such consent was granted specifically provides otherwise in regard to the lapsing of such consent.

- 1.43.1.4 The period of validity of a consent granted by the Local Municipality to the erection and use of a building shall not extend beyond the life of the building used, or erected for such use, pursuant to the consent and may not be transferred when the property is sold to another owner.
- 1.43.1.5 From allowing the letting of any part of the house, or separate building not being an additional dwelling unit on the same property, in a Single Residential zone, to a maximum of six (6) persons, subject to the following conditions:
- (a) Every lessee shall have sufficient access to a closet pan and a washbasin or shower;
 - (b) The minimum floor area per person for a bedroom is 9m² (nine square metres);
 - (c) No kitchen or equipment for the preparation of food shall be constructed or provided in outbuildings either by the owner or the lessee;
 - (d) In addition, the Local Municipality may impose any conditions it may deem necessary; and e) shall comply with the Rental Housing Act, 1999, (Act No. 50 of 1999) as amended.

1.44 CONDITIONS APPLICABLE TO BUSINESSES IN RESPECT OF WHICH A LICENSE IS REQUIRED

- 1.44.1 Most new businesses will not require a business license, but there are certain types of businesses that may not trade without a proper trade license issued by the relevant licensing department of the municipality.
- 1.44.2 Compliance with any other Regulation, Permit, or Bylaw is also required.
- 1.44.3 The Business Act, 70 of 1991 governs the types of businesses that must be in the possession of a valid business license. This can include businesses like a restaurant, coffee shop, a tavern, or a health and wellness spa. For the procedures and for a complete list of business that needs a license see Schedule 1 of the Business Act, 70 of 1991. Sale or supply of meals or perishable foodstuffs.

1.45 ABATTOIR

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

1.46 ADULT ENTERTAINMENT BUSINESS

- 1.46.1 An adult entertainment business shall only be allowed within a central business district (CBD);
- 1.46.2 No material, actions, exhibitions, or live performances may be visible from the street;
- 1.46.3 Strict access control must be provided at all times and no person under the age of 18 years may enter such premises and no form of business may be conducted with or services rendered to persons under the age of 18 years;
- 1.46.4 No person under the age of 18 years may be employed by an adult entertainment business;
- 1.46.5 Under no circumstances may an adult entertainment business establish within 500 meters from a school, pre-school facility, or a place of public worship; and

1.46.6 Transgression of any of the development conditions relating to an adult entertainment business will result in the immediate termination of the approved business rights.

1.47 BED & BREAKFAST

- 1.47.1 The extent of the establishment will be restricted to a maximum of 4 guest rooms or a maximum of 12 guests;
- 1.47.2 Only temporary lodging may be provided to transient guests and the renting of rooms for boarding purposes are not allowed;
- 1.47.3 The occupant of the property must permanently reside on the property;
- 1.47.4 Only a single signboard, measuring 1,5m x 1,5m, indicating the name and contact details of the bed & breakfast establishment may be affixed to the boundary wall or fence of the property;
- 1.47.5 The property may not be utilized for corporate functions or conferences;
- 1.47.6 Guest rooms may not have separate kitchen facilities, although in-room dining facilities may be provided for the serving of meals and beverages;
- 1.47.7 Should the way in which the use is conducted in any way invade the privacy of the adjacent property owners or be a nuisance, the Municipality reserves the rights to take the necessary steps to rectify the nuisance; and
- 1.47.8 The application for a Bed & Breakfast establishment must include a landscaping plan.

1.48 CAMPING SITE /CARAVAN PARK

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

1.49 CEMETERY (PRIVATE & PUBLIC)

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

1.50 CRÈCHE

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

1.51 CULTURAL HERITAGE SITE

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

1.52 DRY CLEANER

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

1.53 DWELLING UNIT

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

1.54 GAMING ESTABLISHMENT

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

1.55 GROUP HOUSING

- 1.55.1 Notwithstanding any contrary stipulation elsewhere in this scheme, the development of group houses on a designated site may only be undertaken subject thereto that:
- 1.55.1.1 A site development plan, as referred to in subsection 82 is approved by the relevant designated official prior to submitting building plans, and to which all development and any improvement, alteration, or addition to the development, must comply with;
 - 1.55.1.2 No building plan for the erection of any building shall be considered, that does not comply with the approved site development plan; and
 - 1.55.1.3 The development site size equals 3500m² or more.
- 1.55.2 Individual subdivisions to be transferred as separate erven are subject to the same coverage restriction as for the entire group housing site and no individual subdivision may be developed so as to exceed the coverage applicable to the site;
- 1.55.3 Only 1 (one) dwelling unit may be erected per individual subdivision to be transferred as a separate erf;
- 1.55.4 All individual vehicle entrances providing access to separate erven be provided from an internal road only;
- 1.55.5 All internal roads, storm water, water (including fire hydrants), sewage and electrical services, if ownership thereof is to be transferred to the Municipality, be designed, and constructed to the satisfaction of the relevant official;
- 1.55.6 When the development of a group housing site is conducted in phases, no individual subdivision may be registered as a separate erf or be transferred to an individual owner until the development proposal, in which the dwelling units do not necessarily have to be included, has been executed in accordance with the phases indicated on an approved site development plan and certified accordingly by the relevant designated official.

1.56 GUESTHOUSE

- 1.56.1 The number of guest rooms shall not exceed 10 rooms;
- 1.56.2 Only temporary lodging may be provided to transient guests or holidaymakers and the renting of rooms for boarding purposes are not allowed;
- 1.56.3 The owner of the property or a manager must permanently reside on the property;
- 1.56.4 Only a single signboard, measuring 1,5m x 1,5m, indicating the name and contact details of the Guesthouse may be affixed to the boundary wall or fence of the property;

- 1.56.5 The kitchen facilities must comply with the criteria for food handling as required by the Health Department and no refreshments may be sold to non-residents. The necessary license should be obtained from the Health Department; and
- 1.56.6 Should the way in which the use is conducted in any way invade the privacy of the adjacent property owners or be a nuisance, the Municipality reserves the right to take the necessary steps to rectify the nuisance.

1.57 HOME BUSINESS

- 1.57.1 The following conditions apply if a portion of a dwelling house is used for purposes of a home occupation/business:
- 1.57.1.1 The dwelling house, flat or residential building, or any portion thereof may not be used for purposes of an industry or noxious trade.
- 1.57.1.2 Goods for sale may not be displayed on the erf in such a manner that it is visible from a public street.
- 1.57.1.3 The only advertising signs permitted are non-illuminated signs or notices not projecting over a street, not exceeding 65cm (horizontal) X 45cm (vertical), and indicating only the name and profession or occupation of the occupant.
- 1.57.1.4 No activity which is or may be a source of disturbance or nuisance to occupants of other dwelling houses (e.g. noise pollution, traffic congestion, air pollution, the congregation of people, excessive traffic generation, etc.) are permitted.
- 1.57.1.5 The Permitted Use of the property is still for residential purposes and should be occupied by the person practicing the home occupation/business.
- 1.57.1.6 The home occupation/business may also be conducted from an ancillary building, additional dwelling unit, or a new extension to an existing building,
- 1.57.1.7 The conducting of a home occupation/business, including any alterations or extensions to the buildings required for the home occupation/business may not deviate in appearance from the residential character of the existing buildings on the property. The Municipality reserves the right not to approve any building plans where the elevation of the buildings or proposed extensions to buildings as a result of the intended home occupation/business will result in a noticeable deviation from the existing residential character of the property,
- 1.57.1.8 The occupation may not adversely affect the amenity of the neighbourhood in any way including:
- (a) The appearance of any building, works or material used,
 - (b) The parking of motor vehicles,
 - (c) The transporting of materials or goods to or from the dwelling,
 - (d) The hours of operation,
 - (e) Electrical interference,
 - (f) The storage of chemicals, gasses, or other hazardous materials, and
 - (g) Emissions from the site,

- 1.57.1.9 A maximum of 3 people may be employed at a time, of which at least one is a full-time resident of the property.
- 1.57.1.10 The occupation may not impose a load on any municipal service greater than normally required for domestic use,
- 1.57.1.11 The floor area used in conducting the home occupation/business, including storage of any material or goods, may not exceed 50m², or 25% of the sum of the floor area of the dwelling house, additional dwelling unit, and ancillary building on the property, whichever is smaller. If a larger floor area is required, the application must be made for approval to carry on a home occupation/business.
- 1.57.1.12 In accordance with the stipulations of Section 24 of the Constitution of the RSA (Act 200 of 1993), as may be amended, the permission shall be withdrawn without payment of any compensation whatsoever, where the general amenity of the neighbourhood is harmed in the opinion of the Municipality or a nuisance is created.
- 1.57.2 The following activities, and any other activities as decided by the Municipality, will not be permitted in a dwelling unit:
- ✓ A funeral undertaking and/or funeral parlour and/or crematorium and/or any related activity;
 - ✓ A visitor's information bureau;
 - ✓ A building society agency;
 - ✓ Kennels;
 - ✓ An escort agency;
 - ✓ A place of amusement;
 - ✓ A tow-in service;
 - ✓ A motor workshop;
 - ✓ A medical rescue (paramedic) service;
 - ✓ A slimming clinic;
 - ✓ A car wash;
 - ✓ A cash loan business;
 - ✓ A panel-beater;
 - ✓ A parcel delivery service;
 - ✓ A gymnasium, except a gymnasium for private use by household occupying the dwelling unit;
 - ✓ A shooting range;
 - ✓ A blasting contractor;
 - ✓ A butcher;
 - ✓ A spray-painter;
 - ✓ A taxi business;
 - ✓ A pet salon;
 - ✓ A fish-fryer;
 - ✓ A vehicle sales lot for the hiring and selling of vehicles and/or trailers;
 - ✓ Manufacturing and or storage of concrete products;
 - ✓ A packaging contractor;
 - ✓ A transport undertaking;
 - ✓ A plumber business;
 - ✓ A building contractor business;
 - ✓ A builder's yard and/or storage of building equipment;
 - ✓ Fire fighting business;
 - ✓ Security company and vehicle tracing agents

1.58 INFORMAL TRADE

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

1.59 LAUNDERETTE

- 1.59.1 The establishment or location of a Launderette will be restricted to the properties in the central business district, existing business nodes and neighbourhood shopping centres; and
- 1.59.2 Launderette services and facilities reserved for the occupants of residential buildings (flats), tourist accommodation facilities, resorts, and camping sites are regarded as ancillary uses to the main use and such facilities shall not be open to the general public.

1.60 LEISURE RESIDENTIAL

- 1.60.1 Zoning requirements include:
 - 1.60.1.1 Area to be used for sectional title or share block development to be subdivided in terms of Act 70 of 1970. The approval for subdivision will be subject to the implementation of the intended sectional title or share block development within 18 months.
 - 1.60.1.2 Size of area to be used for sectional title or share block development:
 - 1.60.1.3 Sectional title and share block scheme leisure residential developments: maximum 2 hectares per dwelling.

1.61 LODGE

- 1.61.1 This use may be conducted from a converted dwelling house or a purpose-built facility that may consist of a single structure or free-standing units.
- 1.61.2 A maximum of 20 rooms is permitted per erf, provided that the Municipality may restrict such numbers if considered necessary in the interest of the area or neighbourhood.
- 1.61.3 Parking must be provided as per provisions of the Scheme.
- 1.61.4 No vehicles be permitted to park in public areas.
- 1.61.5 The land use may not create a public nuisance or, in the Municipality's opinion, detract from the residential character or amenity of the neighbourhood.
- 1.61.6 Meals and beverages may be supplied to transient guests only.
- 1.61.7 A site development plan, indicating the layout and number of rooms and units, entertainment areas, communal areas, parking, landscaping, signage, and streetscape, must accompany applications to Municipality.

- 1.61.8 The municipality must assess the potential impact of the proposed land use on the character of the surrounding area, before granting its special consent.
- 1.61.9 In assessing an application, Municipality must ensure that the potential impact of the development will not materially detract from the residential character and amenities of the street and neighbourhood.
- 1.61.10 Ancillary activities include a restaurant (not for the general public) and conference facilities for use by transient guests only as well as entertainment facilities, a gymnasium, and a beauty salon, but excluding liquor sale outlets.
- 1.61.11 A lodge may provide self-catering facilities and/or units.

1.62 NATURE RESERVE

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

1.63 EARLY CHILDHOOD DEVELOPMENT CENTRES

- 1.63.1 The specified maximum number of children is to be adhered to.
- 1.63.2 Application to amend this condition of approval will be required should the applicant wish to increase the attendance at the facility.
- 1.63.3 The operator is to be the owner or lessee of the property.
- 1.63.4 For small-scale centres, the operator is to reside on the property, except if the facility operates from the premises of a place of worship, school, or community centre.
- 1.63.5 The Municipality may, if it is of the opinion that the ECD centre is being conducted in such a manner which is or is likely to be detrimental to the surrounding residential environment or a source of nuisance, serve a notice in writing on the operator calling upon him/her to:
 - 1.63.5.1 Comply with the instructions set out in such notice, and
 - 1.63.5.2 Cease using the premises in question for an ECD centre by a date specified in such notice.
- 1.63.6 For small-scale centres, the residential appearance of the building is to be retained to a standard that does not detract from the residential character and streetscape of the surrounding area.
- 1.63.7 Hours of operation are to be adhered to as specified.
- 1.63.8 Except with the consent of the Municipality, no advertising sign or notice other than a single un-illuminated sign or notice not projecting over a street and not exceeding 0.2m² in area, and which indicates only the name of the ECD centre, shall be erected.
- 1.63.9 The operator must comply with all licencing, health, and building regulations.

1.63.10 If more than six children are to be cared for, application for registration in terms of the Child Care Act, as may be amended, must be lodged with the Provincial Government.

1.63.11 The approval of a Site Development Plan shall be required. The operator shall not deviate from this plan (which must be dated and numbered) without prior consent from the Municipality.

1.64 PLACE OF WORSHIP

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

1.65 PRIVATE STREET / ROAD

1.65.1 A private street/road may include a gatehouse facility for access control purposes, including ablution facilities, but does not make provision for overnight accommodation facilities for security guards or access control personnel;

1.65.2 A Section 21 Company must be registered to attend to the maintenance and repair of a private street/road;

1.65.3 Access to municipal vehicles may not be refused, provided that upon entrance the driver may be requested to sign a visitor's register; and

1.65.4 The construction of a private street/road must comply with the minimum engineering design criteria as determined by the Municipality.

1.66 RESORT

1.66.1 Only temporary lodging may be provided to transient guests or holidaymakers and the renting of accommodation facilities for boarding purposes is not allowed.

1.66.2 Kitchen facilities will need to comply with the criteria for food handling as required by the Health Department. The necessary license should be obtained from the Health Department.

1.67 SCRAP-YARD

1.67.1 A scrapyard shall be enclosed by a solid perimeter wall, at least 2 meter in height;

1.67.2 Access to a scrapyard will be restricted to a single entrance gate, with sufficient access control to restrict direct access to the facility to customers only;

1.67.3 A scrapyard or scrap metal dealer shall at all times keep a register of all goods received and such register must contain the name, identity number, and contact details of the supplier;

1.67.4 Municipal officials shall be allowed to perform random inspections of the facility and may not be restricted access to any part of the facility, provided that the owner may request that such an official be accompanied by an employer of the concern;

1.67.5 Should the way in which the use is conducted in any way result in a negative impact on the surrounding area or be a nuisance, the Municipality reserves the right to take the necessary steps to rectify the impact or nuisance, or instruct the property owner to rectify the impact or nuisance within a period not exceeding 28 days from date of being given written notice in this regard; and

1.67.6 Sub-letting of any portion of the property for any other use shall not be permitted.

1.68 SECOND DWELLING UNIT

1.68.1 A second dwelling unit may only be erected on a residential property if the development regulations are adhered to;

- 1.68.2 The erection of a second dwelling unit is subject to payment of a municipal bulk service contribution to the Municipality;
- 1.68.3 Title ownership of the second dwelling unit may not be separated from the primary dwelling house by means of sectional title ownership; and
- 1.68.4 Not more than 60% of that of the main dwelling to a maximum of 120m², provided that the maximum coverage area for all the buildings on the premise shall not exceed 66%.

1.69 SERVICE STATION

- 1.69.1 An application for the establishment of a service station may include the following supportive documents and reports:
 - 1.69.1.1 A detailed traffic impact study;
 - 1.69.1.2 Official support from an oil company for the fuelling component or service station, as part of the service station on the application property; and
 - 1.69.1.3 An Environmental Authorisation in terms of the provisions of the National Environmental Management Act, 1998 (Act 107 of 1998), authorizing the establishment of a service station on the application property.
- 1.69.2 The workshop areas and temporary storage of vehicles must be screened to the satisfaction of the Municipality;
- 1.69.3 No material or equipment of any nature whatsoever shall be stored or stacked to a height greater than the height of the screen wall: Provided that the Municipality may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses; and
- 1.69.4 No repairs of any nature to vehicles or equipment shall be effected outside the garage building, except in an area which is screened to the satisfaction of the Municipality for that purpose:
 - 1.69.4.1 Provided that the Municipality may relax this condition where the erf is situated within, adjacent to, or surrounded by industrial uses;
 - 1.69.4.2 No material or equipment of any nature shall be stored or stacked outside the garage building except in an area which is screened to the satisfaction of the Municipality for that purpose; and
 - 1.69.4.3 Provided that fuel pumps or oil and fuel installations shall be sited outside the building to the satisfaction of the Municipality: Provided further that the Municipality may relax this condition where the erf is situated within, adjacent to, or surrounded by industrial uses.

1.70 TAVERN

- 1.70.1 In terms of Section 22(2)(d) of the Liquor Act, the Liquor Board will not grant a license unless:
 - 1.70.1.1 The premises are, or will be on completion, be suitable for the purposes for which it will be used under the license; and
 - 1.70.1.2 If the premises are situated in the vicinity of a place of public Worship, School, or Residential area, the business will be carried on in a manner that will not disturb the proceedings of the activities taking place in these areas, or prejudice the neighbours.

- 1.70.2 Taverns may not operate in mobile structures;
- 1.70.3 Sanitation facilities will be provided to the satisfaction of the Municipality in the ratio of two separate facilities for males and females;
- 1.70.4 Storage facilities, especially for empty bottles, must be provided;
- 1.70.5 Facilities for the disposal of waste must be provided and provision must be made for the recycling of cans and bottles;
- 1.70.6 Stock will not be delivered to the tavern, but the owner must fetch the stock at the depot; and
- 1.70.7 Reasonable side and rear spaces must be provided to limit the impact on neighbouring properties.

1.71 TUCKSHOP

- 1.71.1 Tuck shops shall be limited to the sale of convenience goods to the local community;
- 1.71.2 Tuck shops must be operated quietly without any disturbance to the neighbours;
- 1.71.3 The comments of adjacent landowners shall weigh heavily in the consideration of an application;
- 1.71.4 Tuck shops that sell perishable goods and flammable substances must comply with health and fire regulations and bylaws. The availability of suitable storage facilities is of utmost importance in this regard;
- 1.71.5 Adequate facilities for the disposal of waste must be provided and provision shall be made for the recycling of cans and bottles;
- 1.71.6 No stock delivery will be allowed, and the owner must collect stock from the depot themselves;
- 1.71.7 The exercising of the tuck shop shall exclusively be for the owner/occupant residing in the dwelling house/unit;
- 1.71.8 The maximum extent of the Tuck Shop that the Municipality may grant is restricted to 25m²;
- 1.71.9 The Tuck Shop shall be conducted from a fixed structure for which building plans have been approved. (It may include a container/s);
- 1.71.10 The Municipality may impose such conditions and requirements as it may deem fit upon approval of the written consent for a Tuck Shop;
- 1.71.11 The sale and consumption of liquor shall not be permitted in the shop whatsoever; and
- 1.71.12 Any condition of this consent may be altered, or any new condition added thereto by the Municipality if it is of the opinion that owing to a change in the circumstances or for any other reason such alteration or addition is necessary or desirable from a town planning point of view.

1.72 TRUCK STOP

- 1.72.1 An application for the establishment of a truck-stop must include the following supportive documents and reports:
- 1.72.2 Approval from the relevant road authorities for access to the truck stop along national or provincial roads;
 - 1.72.2.1 A feasibility study to illustrate the economic viability of a truck-stop on the application property, with special reference to the fuelling component or service station, as well as the impact of such a facility on other similar uses, service stations, or service stations in close proximity to the application property.

- 1.72.2.2 Official support from an oil company for the fuelling component or service station, as part of the truck-stop on the application property.
- 1.72.2.3 An Environmental Authorisation (EA) in terms of the provisions of the National Environment Management Act, (Act No. 107 of 1998), as may be amended, authorising the establishment of a truck-stop on the application property.
- 1.72.2.4 The workshop or vehicle servicing areas must be screened of to the satisfaction of the Municipality.
- 1.72.2.5 Parking and fuelling facilities for heavy-duty vehicles, long haul vehicles, trucks, and busses shall be separated from parking and fuelling facilities for light motor vehicles.

1.73 TELECOMMUNICATION INFRASTRUCTURE

1.73.1 In considering locational criteria for telecommunications infrastructure, the Municipality will consider that such uses will not be favoured:

1.73.1.1 in environmentally sensitive areas, such as:

- (a) An area with rivers, streams, wetlands, and pans,
- (b) An area within the 1:100 year floodline of a water body,
- (c) A bird sanctuary or adjoining,
- (d) A proclaimed nature reserve or adjoining,
- (e) An environmentally protected area,
- (f) An area with ridges or koppies, particularly if the mast may break the skyline,

- 1.73.1.2 An area identified as an area of conservation significance or environmental importance as regarded by the authorities,
 - 1.73.1.3 In areas of culturally significant heritage,
 - 1.73.1.4 In localities where the use is likely to have a significant visual impact,
 - 1.73.1.5 In localities where it may affect air traffic or vehicular movement,
 - 1.73.1.6 In close proximity to architectural landmarks, such as monuments or historical buildings,
 - 1.73.1.7 In close proximity to town squares, formal open spaces or cityscapes, and
 - 1.73.1.8 Along scenic routes.
- 1.73.2 Nor will the locality of such facilities be favoured unless it is clear that the developer has made reasonable efforts to collocate with other users on existing or proposed sites in the vicinity of the proposed installation.
- 1.73.3 If the proposal is contrary to any of the above, the applicant will have to demonstrate that the installation is of strategic importance.
- 1.73.4 The Municipality encourages the establishment of masts and antennas in the following manner:
- 1.73.4.1 The co-location of masts, antennas, and other infrastructure, not only at the same site but also on the same structure, such as combining satellite dishes, radio antennas, and cell masts on one structure, supported by a certificate on the expected emissions from the site, prepared by a suitably qualified individual,
 - 1.73.4.2 The incorporation of noise reduction measures, especially if generators will be employed,
 - 1.73.4.3 Making use of “stealth masts”, thereby camouflaging the mast as a tree or other natural feature,
 - 1.73.4.4 Erecting masts on- or in close proximity to other unsightly structures such as power lines, building rooftops, water towers, highway lampposts, overpasses, bridges, and smokestacks,
 - 1.73.4.5 All structures will be fenced or walled with a locked gate to limit public access and access to the support structure,
 - 1.73.4.6 Erecting masts in close proximity to natural features such as trees in order to shield the visual impact, and
 - 1.73.4.7 If lighting will be installed for security or other reasons, lights must be screened in such a way as to prevent light pollution.
- 1.73.5 The following visual guidelines will aid the Municipality when considering applications for the establishment of telecommunication infrastructure.

1.73.5.1 General Design Principles

The following principles should be kept in mind when assessing applications for telecommunication masts:

- (a) Scenic Integrity: the preservation of landscape features, particularly skylines, scenic corridors, important view sites, and historic precincts.
- (b) Site Responsiveness: the siting of structures in accordance with visual absorption capacity and screening capabilities of the land
- (c) Compatibility: the provision of installations that are in harmony with the surrounding buildings and uses.
- (d) Appropriateness: the design and detailing of installations in terms of a sympathetic architectural theme.
- (e) Sense of Place: a response in the siting and design installations to the particular natural, rural, urban or historic qualities of the place.
- (f) Local Character: the use of indigenous plants, local materials, and design idiom that are an expression of the locality or region.

1.73.5.2 General Guidelines

- (a) Use existing masts or buildings to carry antennae where possible, to avoid the need for separate masts.
- (b) Consider the possible multiple uses of masts for viewing towers, landmark structures, etc. Take the particular needs and character of the area into account. Obtain urban design expertise where necessary.
- (c) Ensure that the design of the mast and base station allows for future sharing. Avoid duplication of tall masts within a 3km radius. Phase-out the existing duplication of masts as these come to the end of their operational life or are replaced.
- (d) Ensure that the design of masts, structures, and fences is in keeping with the character of the area in order to retain the particular visual quality or ambience of a place. Obtain architectural expertise where necessary.
- (e) Disguise antennae by using flat panels on buildings, and slender „branch“ type aerials among trees, where possible.
- (f) Use a light grey or natural metal colour where masts are viewed against the sky, and dark green for masts against a backdrop of trees.
- (g) Minimise general clutter on masts and container buildings such as platforms, struts, and cables, etc.
- (h) Conceal ducts and cabling where possible, and preferably locate these underground. Avoid overhead ducts, wires, and cabling, as these add to untidy clutter.
- (i) Accommodate base station equipment within buildings, where possible, instead of using separate containers.
- (j) Accommodate kiosks, distribution boards, and air conditioners within the container structure. Design these to be integral or flush with the structure surface. Avoid free-standing kiosks or other mechanical plant.
- (k) Attach signage to buildings to minimise clutter. Avoid free-standing signboards or signs that are visible against the skyline.
- (l) Signs should be discreet, and bold advertising signage generally avoided in visually sensitive areas.
- (m) Use planting to visually absorb or screen masts and base stations use only appropriate plant species. Obtain landscape architectural expertise where necessary.
- (n) Ensure that methods of disguising masts and containers are appropriate in the local and regional context, e.g. “palm tree“ type masts should be typical of palms found in a particular area.

1.73.5.3 Guidelines for Urban Areas

- (a) Consider using tall structures such as church steeples, fire station towers, etc. where these are available to attach antennae, instead of separate mast structures.

- (b) ii. Investigate the possibility of using proposed new buildings in a particular area to make provision for antennae and equipment as an integral part of the building design.
- (c) Ensure that planners and architects of new developments are aware of the needs of the communication industry, so that early provision is made for masts or antennae.
- (d) Ensure that the type of mast is appropriate to the urban context. For example, historical precincts would have a different design theme to that of an industrial area.
- (e) Avoid masts super-imposed on top of buildings, particularly where this clutter the skyline. Integrate antennae with the architecture of the building.
- (f) Attach antennae to the sides of the building, and avoid panels projecting above the roofline or parapet. Colour-match the antennae with the building where appropriate.

1.73.5.4 Guidelines for Rural Areas

- (a) Ensure that the type of mast is appropriate to the rural context. This may vary from a natural or pastoral setting to that of industrialised farming activity.
- (b) Avoid siting masts in stark open fields, particularly on hill crests. Relate the mast to other structures or clumps of trees in the area.
- (c) Avoid siting masts in close proximity to historically important farmsteads or “werf” enclosures.
- (d) Consult the Free State Provincial Heritage Resources Agency where buildings are more than 60 years old.
- (e) Use artificial “tree” forms only where similar trees exist nearby, or where the particular “tree” type is appropriate to the region.
- (f) Consider attaching antennae to windmills, silos, etc. where possible, instead of separate mast structures. The “windmill” prototype mast may be an appropriate symbol in some areas.
- (g) Avoid kitsch disguises for the containers as these are often not appropriate. Consider using simple farm shed forms in proximity to farmsteads.
- (h) Ensure that the disguised containers area appropriate in the site context, e.g. artificial „rock” forms should only be used where similar rocks can be expected in the environment.
- (i) Ensure that the impact of access roads and power or telephone lines is minimised. Roads should be carefully constructed to blend in with the terrain.
- (j) Utility lines should be located underground, where possible. Where overhead lines cannot be avoided, these should not be visible against the skyline.

1.74 SHIPPING CONTAINERS, WOODEN AND TENTED STRUCTURES

174.1 The use of shipping containers, wooden, tented and other similar portable structures for permanent habitation and occupation (for any use including storage) is not permitted unless in accordance with the permission of the Municipality; and

174.2 All such structures, whether temporary or permanent, when used for habitation or storage, are regarded as buildings in terms of this Scheme, shall be compliant with the development rules of the particular zone and require approved building plans.

1.75 DEVELOPMENT CHARGES

1.77.1 The Municipality may impose development charges for any additional permitted use or land development application.

1.77.2 A development charge is payable in instances where a building plan is submitted to utilise intensified primary development rights which came into operation as a result of this Scheme.

- 1.77.3 The Municipality shall, prior to approval of any building plan, determine the extent of such additional rights utilised on the building plan, and calculate the required charges, which shall be paid by the land owner prior to the approval of said building plan.
- 1.77.4 Development charges shall be waived in instances where the developer can show that the development will be water and energy net zero or net positive, or;
- 1.77.5 The development charges will be reduced in relation to the expected reduced demand on the municipal services network as a result of alternative potable water, sanitation and/or energy systems installed/to be installed on site.

PART 3 LAND USE PROVISIONS

CHAPTER 5 DEVELOPMENT MANAGEMENT

SECTION 1 APPLICATION TYPES

1.76 PLANNING APPLICATIONS

1.76.1 Application in terms of this land use scheme may be submitted by:

- a) The registered owner of land, including the State or Municipality, in terms of land owned by it;
- b) An authorised agent acting on behalf of the owner of the property;
- c) And the executor of the estate of the deceased landowner.

1.76.2 Should there be a change in ownership of the erf or site, either during or after the approval of the application, the new owner shall be deemed to take over the rights as granted or be deemed to be the applicant, in the latter instance, the owner shall notify the Municipality in writing of the said change.

1.77 APPLICATION FOR LAND DEVELOPMENT REQUIREMENTS

1.77.1 Application for land development requires that:

- 1.77.1.1 No person may commence with land development without the approval of the Municipality as legislated by the Ngwathe Municipality: Municipal Land Use Planning By-Laws, 2018, as may be amended.
- 1.77.1.2 When an applicant or owner exercises a 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, site development plan, building plans and any other applicable legislation.

1.78 THE LAND USE SCHEME AND THE NGWATHE MUNICIPALITY: MUNICIPAL LAND USE PLANNING BY-LAW, 2018

- 1.78.1 The Ngwathe Land Use Scheme of 2022 divides the municipal area of Ngwathe Local Municipality into zones and provides information as to what may and may not be used for in any of the zones.
- 1.78.2 The Ngwathe Municipality: Municipal Land Use Planning By-Laws, 2018, as may be amended, is legislation applicable to the municipal area that provides for all spatial planning and use management activities.

1.79 LAND USE AND LAND DEVELOPMENT APPLICATIONS

- 1.79.1 The distinction is made between land development and land use applications. Land Development Applications are considered by the Municipal Planning Tribunal and are explained in the By-Law.
- 1.79.2 A person may make an application in terms of the By-Law for any Land Use/Development Applications.

1.80 PROCEDURES FOR SPECIAL CONSENT APPLICATIONS IN TERMS OF THE PROVISIONS OF THE SCHEME

1.80.1 Any person (hereinafter referred to as "the applicant"), intending to apply to the Municipality for its special consent for the erection and use of a building or to use land for any purpose requiring the Local Municipality's special consent, shall submit such application to the Local Municipality in writing and in accordance with the By-Law, as may be amended.

1.81 PROCEDURES FOR ANY OTHER APPLICATIONS IN TERMS OF THE PROVISIONS OF THE SCHEME

1.81.1 Any person intending to apply to the Council for; or

1.81.1.1 A relaxation of any provision of the Scheme provided for; or

1.81.1.2 Any other consent or approval of the Council provided for in the Scheme, shall submit his application in writing.

1.81.2 The following shall accompany such application:

1.81.2.1 An application fee as determined by the Council.

1.81.2.2 A copy of the title deed of the property.

1.81.2.3 A special power of attorney if application is made on behalf of the registered owner.

1.81.2.4 A certified company or member's resolution together with a special power of attorney if application is made on behalf of a company or a body of persons.

1.81.2.5 A letter or memorandum and if necessary, a plan, explaining and motivating the application.

1.81.2.6 A locality plan.

1.81.2.7 Any additional information required by the Council.

1.81.3 If the Council is of the opinion that the consent applied for will not interfere with the amenities of any adjoining properties and that access, provision of parking and engineering services and health conditions are to the satisfaction of the Council, such consent may be granted.

1.81.4 The Council shall be entitled to require additional information and the consent or comments from the adjoining owners and occupants and call for comments from other role players if deemed necessary. It may also require such other public participation procedures as deemed necessary.

1.82 TEMPORARY DEPARTURE APPLICATIONS

1.82.1 Any person (hereinafter referred to as "the applicant"), intending to apply to the Municipality for a temporary departure in terms of the Scheme, shall submit such application to the Local Municipality in writing and in accordance with the By-Law, as may be amended.

SECTION 2 APPLICATION REQUIREMENTS

1.83 APPLICATION REQUIREMENTS

- 1.83.1 An applicant must comply with the procedures in this Scheme in submitting an application to the Municipality in accordance with the By-Law, as may be amended.
- 1.83.2 Any application in terms of this Scheme must be submitted in printed and electronic format to the Municipality in accordance with the By-Law, as may be amended.
- 1.83.3 Any application submitted in printed format by an applicant must be signed by the applicant or a person made provision for in accordance with the By-Law, as may be amended.
- 1.83.4 It is incumbent upon the applicant to ensure that all the relevant information prescribed in this Scheme is submitted to the Municipality; and
- 1.83.5 The Municipality may publish guidelines to assist applicants in the submission of applications.

1.84 APPLICATION FEES

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

1.85 GROUNDS FOR REFUSING TO ACCEPT AN APPLICATION

- 1.85.1 The Municipality may refuse to accept an application if:
- 1.85.1.1 The Municipality has already decided on the application in the past two years.
- 1.85.1.2 There is no proof of payment of the applicable fees; and
- 1.85.1.3 The application is not in the form required by the Municipality or does not contain the documents required for the submission of the application as set out in the Scheme.

SECTION 3 NOTIFICATIONS

1.86 NOTIFICATIONS

- 1.86.1 All notifications must be published in accordance with the By-Law, as may be amended.

1.87 NOTIFICATION REQUIREMENTS

MINIMUM NOTIFICATION PROCEDURES				
Land Use Application	Noticed Procedure			
	Newspaper notice	Notice on Site	Notice to Surrounding Properties	Notice in Provincial Gazette
The establishment of a township or the extension of the boundaries of a township.	Yes (One Notice)	Yes	Yes	Yes
The rezoning from one zone to another	Yes (One Notice)	Yes	Yes	No
The removal, amendment, or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land.	Yes (One Notice)	No	Yes	Yes

The amendment or cancellation a general plan or SG Diagram	Yes (One Notice)	No	Yes	No
The closure of any public place	Yes (One Notice)	Yes	Yes	Yes
The secondary use as provided for in the regulations (not supported by SDF)	Yes (One Notice)	Yes	Yes	No
The departure from the development parameters of the zoning scheme	Yes (One Notice)	Yes	Yes	No
The departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis	Yes (One Notice)	Yes	Yes	No
The Consent use as provided for in the regulations (supported by SDF)	Yes (One Notice)	Yes	Yes	No
The subdivision of land	Yes (One Notice)	Yes	Yes	No
The subdivision and consolidation of Agricultural land (i.t.o Act 70 of 70)	Yes (One Notice)	No	Yes	No
The registration of a servitude	No	Yes	Yes	No
The consolidation of land	Yes (One Notice)	Yes	Yes	No
The extension of the validity period of an approval	No	Yes	No	No
The application for the exemption of subdivisions and consolidations as provided for in the regulations	No	No	No	No

SECTION 4 OBJECTIONS

1.88 OBJECTIONS & APPEALS

1.88.1 All objections and appeals may be lodged in terms of the By-Law, as may be amended, against any decision of the Local Municipality.

SECTION 5 DECISION MAKING AND APPEALS

1.89 FINDINGS AND APPEALS

1.89.1 Any objector or the applicant who is aggrieved by the decision of the Local Municipality or any condition of such decision, can appeal against the decision or condition in the manner prescribed in the section of appeals in the By-Law.

SECTION 6 ENFORCEMENT

1.90 ENFORCEMENT

- 1.90.1 The Municipality will provide a period of twenty-four (24) months to all land owners to correct and submit land use applications which contravene the Ngwathe Land Use Scheme.
- 1.90.2 The Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this land use scheme as determined by the section of the by-law that deals with enforcement.

1.91 COMPLAINTS ON SUSPECTED UNLAWFUL ACTIVITIES

- 1.91.1 Any member of the public may lodge a complaint to the municipality regarding a suspected unlawful activity or contravention of this land use scheme.
- 1.91.2 All complaints should be in writing in a manner prescribed by the municipality.
- 1.91.3 The municipality may not accept or investigate a verbal or telephonic complaint from any person or anonymous person unless it is convinced by valid reasons to do so.
- 1.91.4 The municipality shall acknowledge receipt of a complaint within a reasonable time and also after undertaking an investigation inform the complainant about whether there is non-compliance or action to be taken on the reported case.

1.92 POWER OF ENTRY FOR ENFORCEMENT PURPOSES

- 1.92.1 An authorised employee may, with the permission of the occupier or owner of land, at any reasonable time, and without a warrant, and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this land use scheme if it has received a complaint or has reasons to believe that there could be a noncompliance on a specific property.
- 1.92.2 An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of this land use scheme.
- 1.92.3 An authorised employee, if necessary, may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.
- 1.92.4 In a case where an owner of an erf refuses an authorised official access to a property, the municipality can obtain a warrant.

1.93 SERVING OF NOTICES

- 1.93.1 Any order, notice or other document required or authorised to be served under the land use scheme, may be signed by the Municipal Manager or other official authorised thereto, as determined by the section of the by-law that deals with the serving of the notices.

1.94 ADVERTISING SIGNS

- 1.94.1 No advertising sign or display board that is visible from the outside of the property, may be displayed or erected without the consent of the Municipality.
- 1.94.2 The Municipality will disallow such application if it is convinced that the proposed sign or board will be injurious to the amenity of the neighbourhood. Provided further that this Clause does not prohibit the display of a name-plate not exceeding 300mm x 450mm on a fence, entrance, entrance hall or front door of a property or building in use zone "Residential Zone I" provided that such name-plate be utilised exclusively to indicate the name and vocation of the occupant.

1.95 PERMISSION GRANTED BEFORE APPROVAL OF THE SCHEME

1.95.1 Any consent granted for the use of land, or the erection of, alteration of or addition to any building or the carrying out of any works in terms of the provisions of the previous Parys and Heilbron Town Planning Schemes prior to the approval of this Scheme shall be deemed to be a consent granted in terms of the relevant provisions of this Scheme.

1.96 ANNEXURE TO THE SCHEME

1.96.1 The land use, restrictions, requirements, conditions and provisions as set out in the scheme are subject to the conditions as set out below:

1.96.1.1 Where an entry has not been made in the use zones and development parameters Tables, the Municipality may in its discretion specify a restriction when granting its special consent to an application;

1.96.1.2 Special rights, conditions and restrictions that may apply to any property within any use zone, may be indicated in an Annexure to the Scheme.

1.96.1.3 The special conditions and restrictions referred to in sub-clause 1.98.1.2 shall:

- a) Be in addition to the general conditions, restrictions and other provisions of the Scheme; and
- b) Prevail should they conflict with any such other condition, restriction or provisions as set out in this Scheme.

1.96.1.4 An annexure contemplated in sub-clause (b) shall consist of:

- a) a sheet upon which is inscribed the number of such annexure, a description of the property to which it applies, the special rights, conditions and restrictions applying to the property and the number and name of the relevant Scheme in terms of which the annexure was prepared;
- b) a diagram of the property concerned, which diagram shall accord with the layout shown on the Map; and
- c) the number of the relevant annexure sheet that will be inscribed in a double circle within or next to the figure of the relevant property on the Zoning Map and if it be inscribed next to such figure, it shall be joined to the figure by means of a line.

1.96.1.5 Upon approval of an amendment scheme the effected property or building shall, in addition to the requirements of the Scheme, be entitled to the use and further be subject to special conditions, restrictions, densities, open space requirements, height, coverage, building lines and parking and loading requirements as shown on the relevant Annexures to the Scheme, if any.

1.97 CONTRAVENTION TO THE SCHEME

1.97.1 Any person who contravenes, or deliberately allows the contravention of any stipulation or conditions of the Scheme, or the provisions of any notice or directive by virtue of any stipulation of the Scheme, is guilty of an offence and punishable under the Act.

6 MISCELLANEOUS

SECTION 1 GENERAL

1.98 ZONING REGISTER

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

1.99 PROPERTY DESCRIPTION

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

1.100 USE OF ANEXURES AND SCHEDULES

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

1.101 NAMING AND NUMBERING OF STREETS

- 1.101.1 If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven or land parcels located in such street or road;
- 1.101.2 The proposed names of the streets and numbers must be submitted as part of an application for subdivision;
- 1.101.3 In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering; and
- 1.101.4 The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a subdivision in terms of the Scheme.

1.102 BINDING FORCE OF CONDITIONS

1.102.1 Where permission to erect any building or execute any works or to use any property for any particular purpose or to do any other act, is granted under this Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of the Scheme and shall be regarded as though they were part of this Scheme.

ANNEXURE A:

LIST OF NOXIOUS INDUSTRIES

1.103 THE USE OF BUILDINGS OR LAND FOR ANY OF THE FOLLOWING PURPOSES:

- (a) Asbestos-processing;
- (b) The burning of building bricks;
- (c) Chromium-plating;
- (d) Cement production;
- (e) Carbonisation of coal in coke ovens;
- (f) Charcoal-burning;
- (g) Converting, reheating, annealing, hardening or carburizing, forging or casting of iron or other metals;
- (h) Crushing or screening of stone or slag or plants for the preparation of road-surfacing material;
- (i) Distilling, refining, or blending of oils;
- (j) Galvanising;
- (k) Lime- and dolomite-burning;
- (l) Lead-smelting;
- (m) Pickling and treatment of metal in acid;
- (n) Recovery of metal from scrap;
- (o) Smelting, calcining, sintering, or other reduction of ores or minerals;
- (p) Salt glazing; and
- (q) Sintering of sulphur-bearing materials and viscose works.

1.104 THE USE OF BUILDINGS OR LAND FOR THE PRODUCTION OF OR THE EMPLOYMENT IN ANY PROCESS OF:

- (a) Carbon bisulphide, cellulose lacquers, hot pitch bitumen, pyridine, or pulverised fuel (except when used for a spray-painting trade);
- (b) Cyanogen or its compounds;
- (c) Liquid or gaseous sulphur dioxide; and
- (d) Sulphur chlorides or calcium carbide.

1.105 THE USE OF BUILDINGS OR LAND FOR THE PRODUCTION OF:

- (a) Amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, hexamine, iodoform, Bnaphthol, salicylic acid, lamp-black, sulphurated organic compounds, sulphur dyes, glass and resin products (except synthetic resins, plastic-moulding or extrusion compositions and plastic sheets, rods, tubes, filaments or optical components produced by casting, calendering, moulding, shaping or extrusion);
- (b) Paint or varnish manufacture (excluding mixing, milling, and grinding);
- (c) Rubber from scrap; and
- (d) Ultra-marine, zinc chloride, and oxide.

1.106 FOR THE PURPOSE OF:

- (a) An abattoir, animal bristle sterilizing and storing, and animal charcoal manufacture;
- (b) A bacon factory, a brewery or distillery, blood-albumen making, blood-boiling, bone-boiling, -steaming, -burning, -storing or -grinding, breeding of maggots from putrescible matter;
- (c) Candle-making, catgut manufacture, boiling of chitterlings of pigs or other animals which are not subsidiary to a retail business or trade;

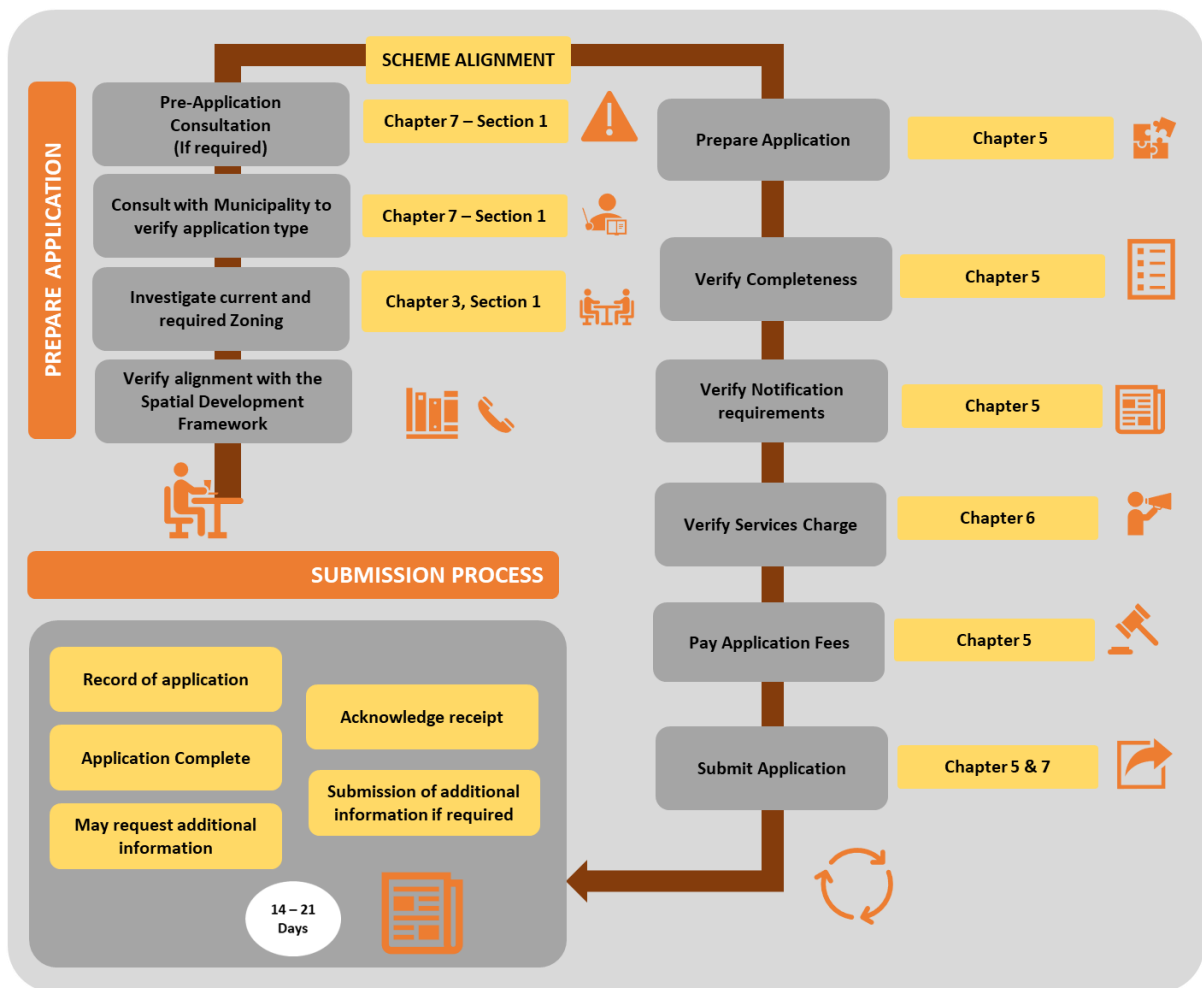
- (d) Dealing in rags or bones (including receiving, storing, or manipulating of rags in, or likely to become in, an offensive condition, or any bones, rabbit skins, fat, or putrescible animal products of a like nature):
- (e) Fellmongery, fat-melting or -extracting, fish-curing (other than a subsidiary to the business or trade as a fishmonger), fish-skin dressing or scraping, fish-canning;
- (f) Glue-making, gut-cleaning or -scraping;
- (g) A knacker's yard;
- (h) Leather-dressing;
- (i) The making of meal for feeding poultry, dogs, cattle, or other animals from any fish, blood, bone, fat, or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia, manufacturing or storing of manure from bones, fish, fish offal, blood, spent hops, beans or other putrescible animal or vegetable matter, manufacturing of malt;
- (j) Parchment-making, a paper mill;
- (k) Size-making, skin-drying, -storing and -curing, soap-boiling, a slaughter-house, a sugar-mill or -refinery;
- (l) Tallow-melting or -refining, tanning, tripe-boiling or -cleaning;
- (m) Wool-scouring, wattle-bark grinding or extracting;
- (n) Yeast-making; and
- (o) Taxidermist.

ANNEXURE B: REFERENCE MANUAL

SECTION 1 PROCESS



The Reference Manual serves as a “how to” document for any application that is governed by die Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013 – SPLUMA). The Reference Manual will form part of the Ngwathe Land Use Scheme – Scheme Regulations and will serve the purpose of assisting the applicant and the decision maker/authority to prepare and process a SPLUMA compliant application. This Clause was formulated to help with the administration and general facilitation of all land use change and land development applications within the municipal jurisdiction, referring directly to the LUS as the legislative input. The application procedures that form part of this section, takes into consideration and are in-line with the Scheme. This reference manual will help you determine if approval is required, if so, assist you to prepare an application and help you understand the general process involved in obtaining planning approval. This reference manual is to be used as a guide only and the onus still lie on the applicant to discuss the application through a pre-consultation process to determine the specific application needs. Application requirements could be different depending on the application type, scale, priority and needs.



1.107 DEVELOPMENT RIGHTS

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



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

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

A detailed motivation report should address the following aspects:

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

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

1.108 TYPES OF DEVELOPMENT APPLICATIONS

What are the main types of planning or development applications?

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

a) Rezoning

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

b) Secondary Use/ Consent Use

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

c) Removal or amendment of title deed restrictions

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

d) Subdivision

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

e) Zoning scheme departure

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

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

f) Extension of approval validity

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

g) Consolidation

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

h) Township Establishment

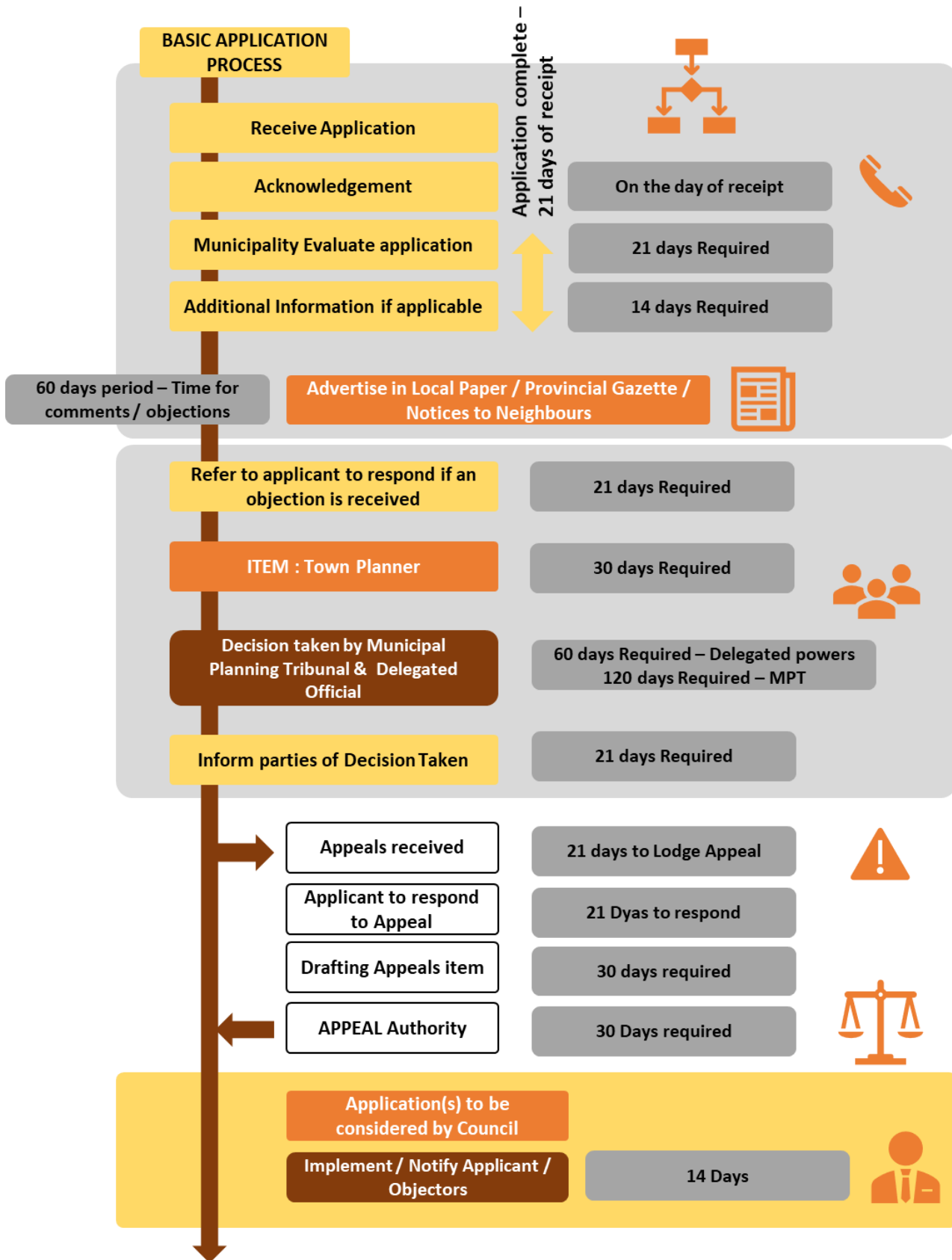
This type of application involves the development of farmland by creating new erven or land uses that acquires development rights to each erf that falls within the new township. The township will get a specific name and extension number and be incorporated into the Land Use Scheme.

i) Permanent closure of any public place

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

j) Deciding on the most appropriate option

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



1.109 PRESCRIBED DOCUMENTATION PER APPLICATION TYPE

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

PRESCRIBED DOCUMENTATION: Applications for Municipal permission, approval, or consent														
	Establishment of a Township	Rezoning	Removal of Restrictions	Amendment / Cancellation of a General Plan	Closure of any Public Place	Consent Use	Departure from Scheme Regulations	Departure for the use of land on a temporary basis	Subdivision	Consolidation	Registration of a Servitude	Exemption of Consolidation & Subdivisions	Extension of the validity period	
	✓	Required												
	☀	May be required												
	-	Not required												
STANDARD DOCUMENTATION														
Application Fees	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	☀
Municipal Clearance Certificate	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	-	✓	✓	✓
Application Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Motivating Memorandum	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	☀
Certified Copy of title deed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	☀
Special Power of Attorney	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bondholder's consent	✓	✓	☀	✓	☀	✓	☀	✓	✓	☀	☀	☀	☀	☀
Zoning Schedule / Certificate	✓	✓	-	☀	☀	✓	☀	✓	-	✓	☀	☀	☀	☀
Scheme Clauses / Schedule	✓	✓	-	✓	-	✓	☀	✓	-	-	-	-	-	-
MAPS & PLANS														
Orientation Locality Map	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Land Use Plan	✓	✓	☀	☀	-	✓	☀	☀	☀	☀	-	☀	-	-
Zoning Plan	✓	✓	☀	☀	☀	✓	☀	☀	☀	☀	☀	☀	☀	-
Subdivision / Consolidation plan	✓	-	-	✓	☀	-	-	-	✓	✓	☀	-	-	-
Site development plan	☀	✓	☀	-	☀	✓	☀	☀	☀	☀	☀	✓	-	-
Detail Layout plan	✓	-	-	✓	-	-	-	-	-	-	-	-	-	-
Building plan	-	☀	☀	-	-	☀	☀	☀	☀	☀	-	☀	-	-

PRESCRIBED DOCUMENTATION: Applications for Municipal permission, approval, or consent														
	Establishment of a Township	Rezoning	Removal of Restrictions	Amendment / Cancellation of a General Plan	Closure of any Public Place	Consent Use	Departure from Scheme Regulations	Departure for the use of land on a temporary basis	Subdivision	Consolidation	Registration of a Servitude	Exemption of Consolidation & Subdivisions	Extension of the validity period	
	✓	☀	-											
	☀													
	-													
	Required	May be required	Not required											
OTHER SPECIALIST STUDIES														
Civil Services Report	✓	✓	☀	☀	☀	☀	-	☀	☀	-	☀	☀	-	
Electrical Services Report	✓	✓	☀	☀	☀	☀	-	☀	☀	-	☀	☀	-	
Environmental Authorisation	✓	-	-	☀	☀	☀	-	☀	-	-	☀	☀	-	
Geohydrological	☀	-	-	-	-	☀	-	☀	-	-	-	☀	-	
Geotechnical	✓	-	-	-	-	☀	-	☀	-	-	-	☀	-	
Traffic Impact Study	✓	☀	☀	☀	☀	☀	-	☀	☀	-	☀	☀	-	
Additional specialist studies	☀	☀	☀	☀	☀	☀	-	☀	☀	☀	☀	☀	☀	

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
USES PERMITTED IN USE ZONES	Conservation	Open Space I	Open Space II	Agricultural	Smallholding	Residential I	Residential II	General Residential	Leisure Residential	Resort	Tourism	Educational	Religious Purposes	Institution	Cemetery Use	Municipal Purpose	Government Purpose	Municipal Townlands	Business I	Business II	General Industrial	Noxious Industry	Extractive Industry	Special	Surface Infrastructure	Roads & Streets	Transportation Services
P - Permitted																											
C - Consent Use																											
Abattoir																						C	P				
Additional Dwelling House				P	P	P	C	P		C	C																
Aerated Wastewater Treatment System (AWTS)																P	P	P								P	
Agricultural Purposes				P	P						P							P									
Agricultural Holding					P																						
Agricultural Housing				P																							
Agri-Industry				P	P						P						C					P	P				
Airport																	P										P
Alcoholic Production Facility										C												P					
Animal Establishment					C											P	P						P				
Animal Refuge																	P										
Auctioneer Business																			P	C	P	P					
Back-packer and Hostelling Accommodation								P		P	P								P								
Bed and Breakfast Accommodation				P	P		P	P		P	P									C							
Biosphere																											
Block of Flats								P												P							
Boarding House								P																			

Botanical Garden	P	C	P												P	P									
Boutique Hotel							C											P							
Brick Works																						P	P		
Builders Yard															P						P	P			
Bulk Retail Trade																		P			P				
Business Building																		P							
Bus / Taxi Depot																					C			P	
Bus /Taxi Rank																P				C	C			P	
Camp Site /Caravan Park			P		C				P	P					P										
Caretaker Accommodation										P		P													
Canal																P								P	
Carwash																				C	P	P			
Cemetery		C	C						C	C					P	C	P	C							
Child Care Centre					C	C	C					P	C	P							C				
Clinic									C	C			P		P	P	P	C					C		
Club			P																						
Commemorative Wall		C	P						C	C		P	C	P	P	P					P				
Commonage				P											P		P								
Commune								P																	
Community Facility													P												
Co-Operative																						P			
Conference Facility			C			C	P			P			C		P	P		P				C		C	
Conservancy	P																								
Conservation Area	P															P	P								
Craft Alcoholic Production Facility			C						C											C		P			
Creche					C	C	C	C			C	P	C	P											
Crematorium															P		C					C	P		
Cultural Heritage Site	P		P																						
Depot																							P		

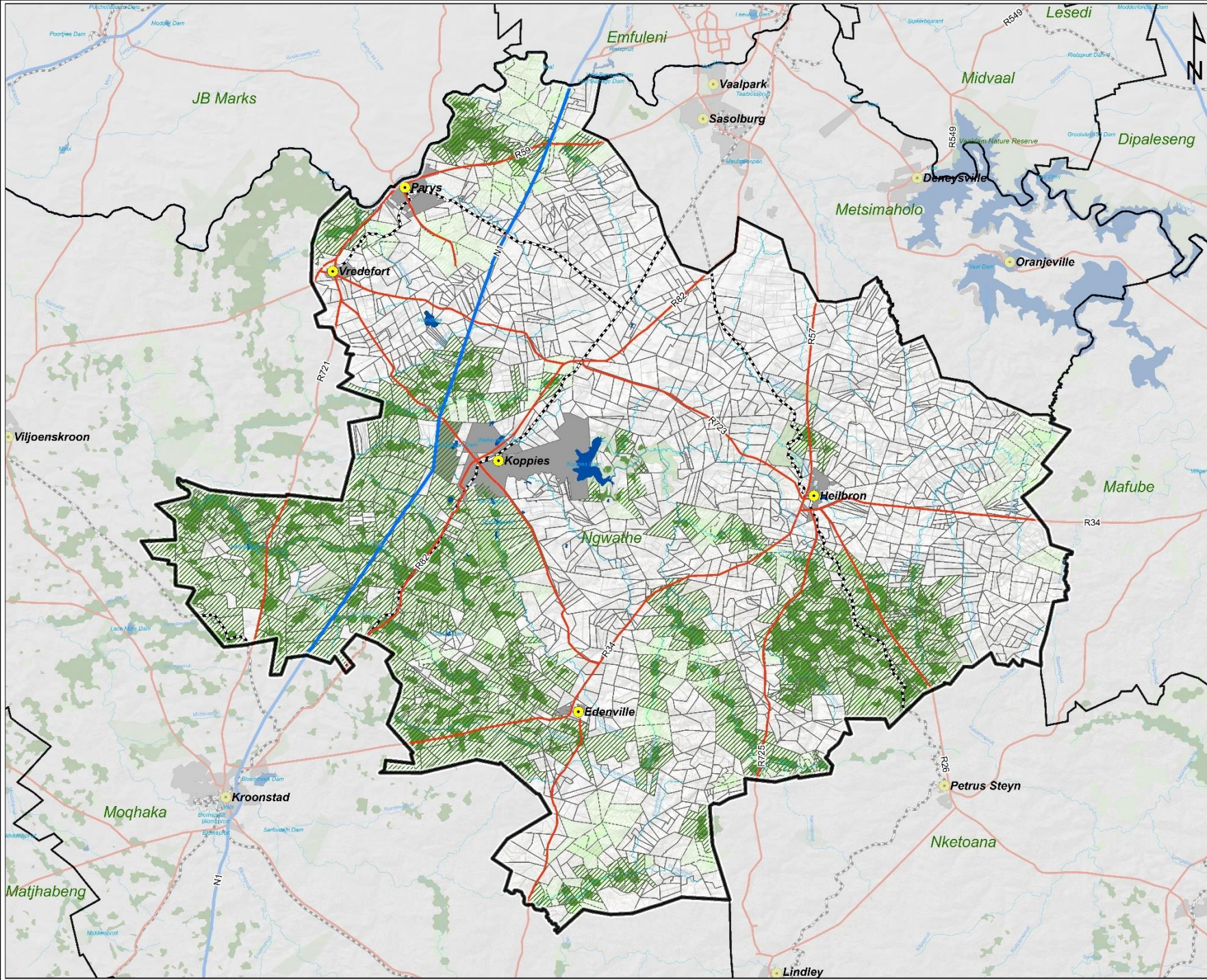
Distribution Centre																			P						
Dormitory						P				P	P										C				
Duet Housing					C	P																			
Dwelling House			P	P	P	P	P	P	P	P	P	P						P							
Early Childhood Development Centre									C	C	P	P						C				C			
Environmental Facility											P														
Factory Shop																				P					
Fishmonger																			P						
Frail Care												P													
Fuelling Facility																			P	P		C			
Funeral Establishment																		C		P		C			
Government Purposes																P									
Group Housing							P																		
Guesthouse				C		P	P			P											C				
Heliport/Helipad														C	P							C	P		
Home Business				C	C	C	C				C														
Hospital													P	P	P								C		
Hotel							C		P	C													P		
Incinerator																					C	P			
Industry																					P	P			
Informal Trade		C	C													C	C	C	C						
Infrastructure Services		C	C		C							C			C	C	P	C					P	P	
Initiation School														P		C	C	C							
Institution							C							P	P	C	P								
Intensive Livestock Keeping Establishment				P																					
Laboratory																P		P			P		P		
Landing Strip				P																				C	P

Place of Worship				C	C	C	C			C	C	C	P	C																							P																			
Private Conservation Area	P																																																							
Private Open Space			P																																																					
Private Parking Area																																															P	P								
Private Street/Road																																																								
Public Open Space			P																																																					
Public / Private Resort				C																																																				
Public Road																																																								
Railway Purpose																																																								
Recycling Centre																																																								
Refuse Area																																																								
Regional Service Station																																																								
Renewable Energy Structure																																																								
Reservoir																																																								
Residential Building																																																								
Retirement Resort																																																								
Rifle / Shooting Range																																																								
Roadside Stall																																																								
Road Transport Terminal																																																								
Rural Tourist Facility																																																								
Rural Workers Dwelling																																																								
Scrapyard																																																								
Self-Storage Facility																																																								
Service Industry																																																								
Service Station																																																								
Sewer Purification Plant																																																								
Showground																																																								
Social Hall																																																								
Spa / Hydro and Wellness Centre																																																								



Sport and Recreational Facility		P	P		C					C	C	P		P		P	P	P	C				C					
Statutory Protected Areas	P																											
Storage Yard														P	P					P			C					
Student Dwelling						P																						
Tavern					C																							
Tea Garden		C	C		C																							
Telecommunication Infrastructure		C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P		C
Tourist Facility			P																									
Townhouse						C	P																					
Training Facility											P		P											C				
Truck Stop																				C	C	P					P	
Tuck Shop					C	C														C								
4 X 4 Trial		C																										
Urban Agriculture		P	P			P	P	P																				
Veterinary Clinic													P							P								
Veterinary Hospital													P							P		C	P					
Warehouse																				C		P	P	P				
Waste Management Facility														P	P							C	P	C				
Wholesale Trade																				P		P						
Workshop					P									P	P					C	C	P	P	C				
Zoological Garden	P		C											P		P	P											

ANNEXURE C: ENVIRONMENTAL MANAGEMENT ZONE



Legend


- Cities/Towns
- 20m Contours
- Rivers
- Main Road
- National Road
- Railway Lines
- Farms
- Parent Farms
- Local Municipality
- Dams
- Formal Protected Areas
- Nature Reserve
- Settlements

Biodiversity Affected Land Parcels


- Critical Biodiversity Area One
- Critical Biodiversity Area Two

Biodiversity Areas


- Critical Biodiversity Area One
- Critical Biodiversity Area Two




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MUNICIPALITY

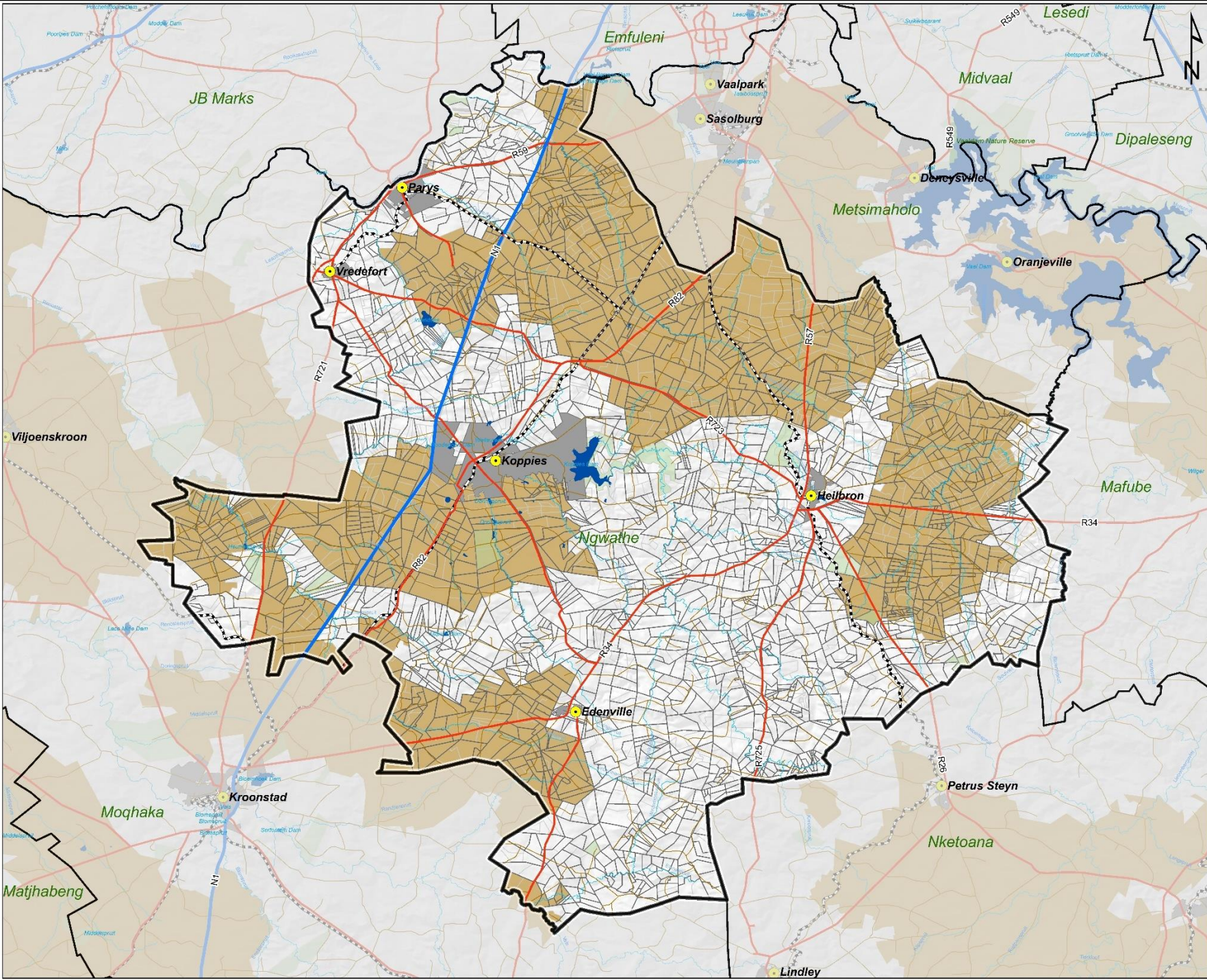


MVD Kalahari



0 5 10 20 30 Kilometers

ANNEXURE D: HIGH POTENTIAL AGRICULTURAL LAND ZONE

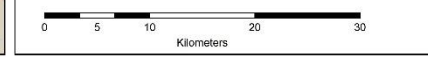


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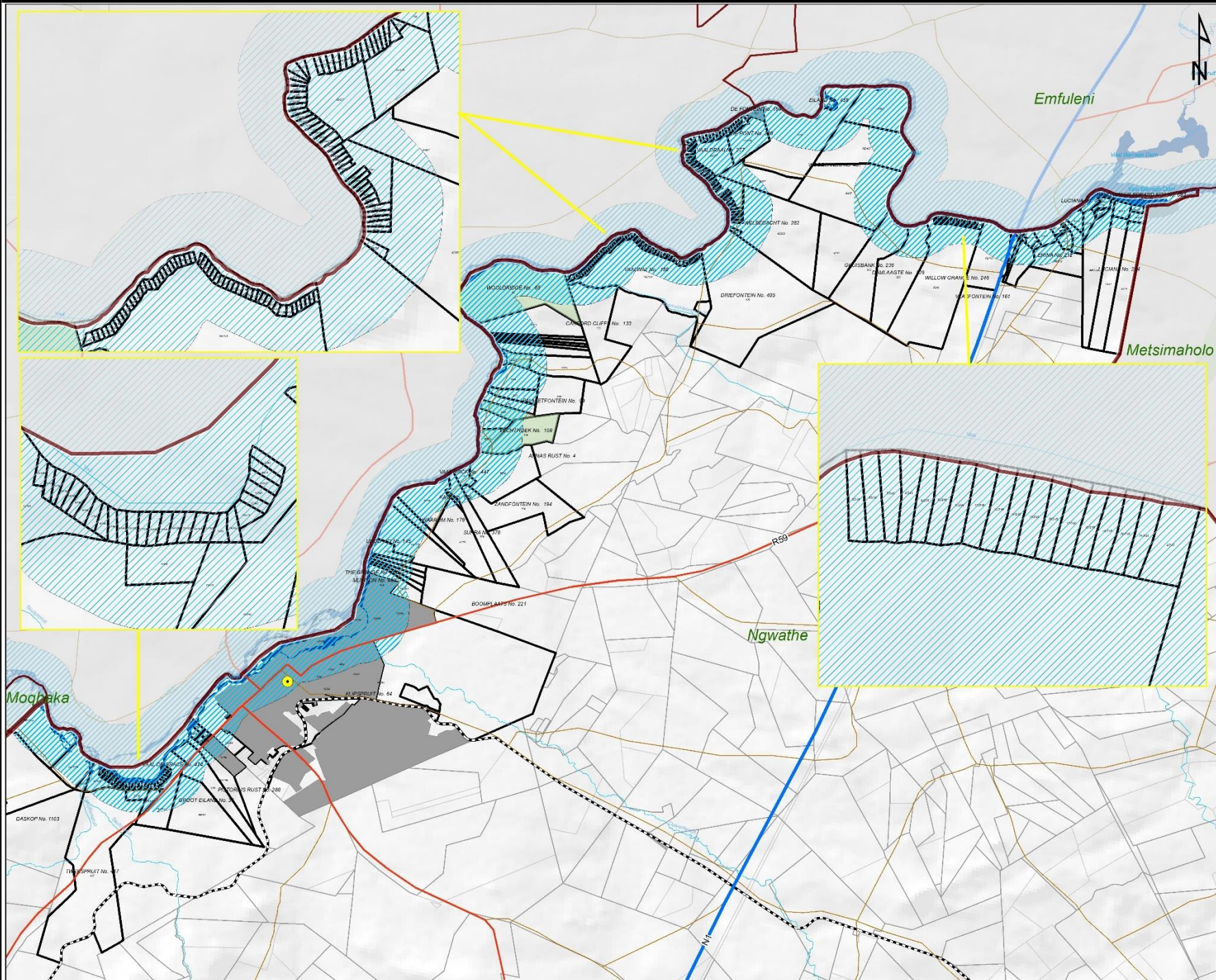
- Cities/Towns
- Rivers
- Secondary Road
- Main Road
- National Road
- - - Railway Lines
- Farms
- Parent Farms
- Local Municipality
- Dams
- Formal Protected Areas
- High Potential Agricultural Area
- Nature Reserve
- Settlements

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 MVD Kahari



ANNEXURE E: VAAL RIVER AREA OVERLAY ZONE



Legend

- Cities/Towns
- Rivers
- Secondary Road
- Main Road
- National Road
- Railway Lines
- Farms
- Parent Farms
- Local Municipality
- Overlay Farm Portion Intersect
- Vaal River Overlay Zone
- Dams
- Formal Protected Areas
- Nature Reserve
- Settlements



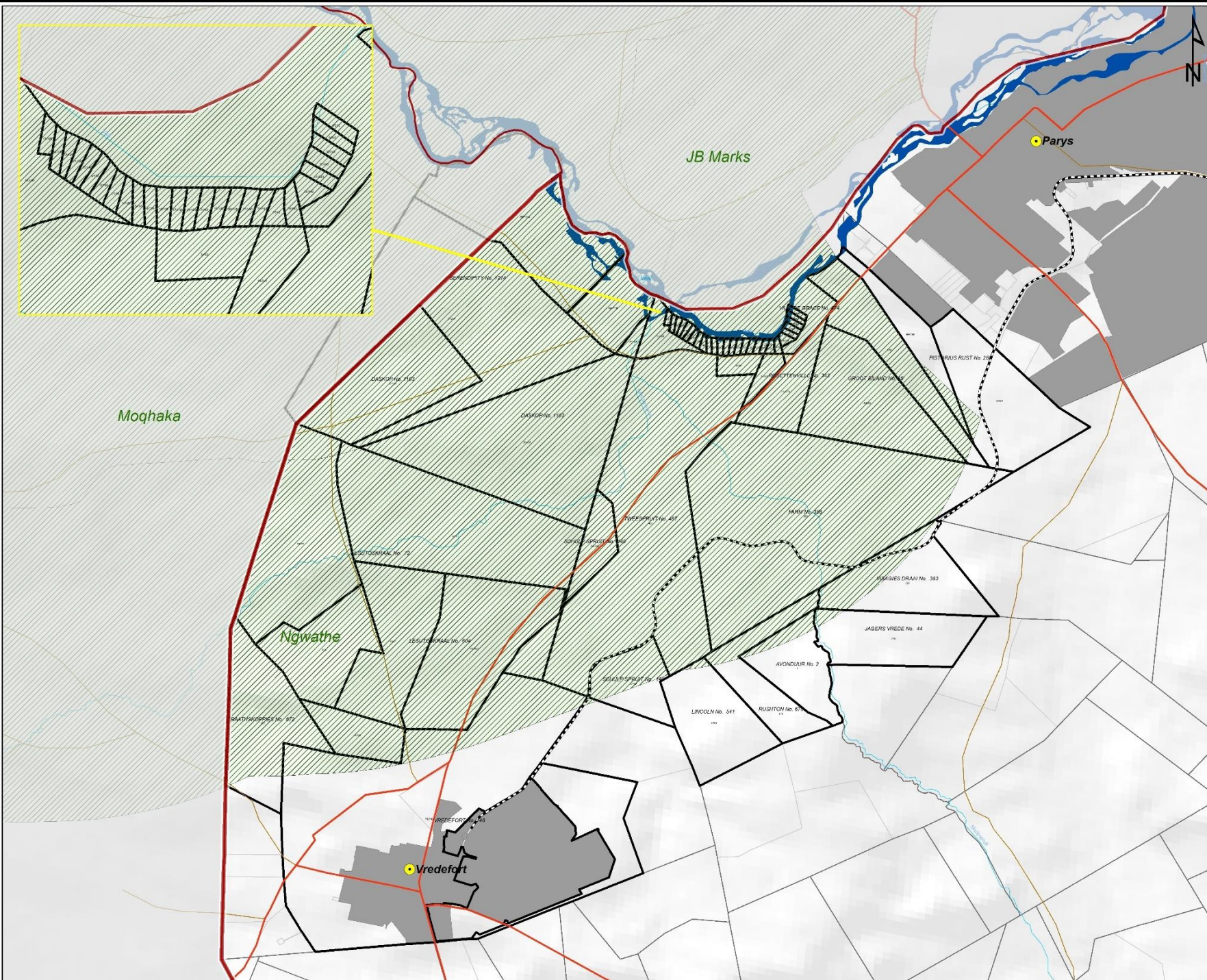
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ANNEXURE F: VREDEFORT DOME AREA OVERLAY ZONE



Legend

- Cities/Towns
- Rivers
- Secondary Road
- Main Road
- National Road
- Railway Lines
- Farms
- Parent Farms
- Local Municipality
- Overlay Farm Portion Intersect
- Vredefort Dome Overlay Zone
- Dams
- Formal Protected Areas
- Nature Reserve
- Settlements



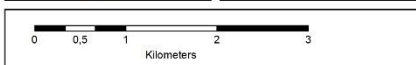
agriculture, land reform & rural development
 Department: Agriculture, Land Reform and Rural Development
 REPUBLIC OF SOUTH AFRICA



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SCHEDULE A: ZONING REGISTER

AMENDMENT SCHEME NUMBER / CONSENT NUMBER	ANNEXURE NUMBER	PROPERTY DESCRIPTION TOWNSHIP / ERF / FARM / AGRICULTURAL HOLDING	EXISTING ZONING	PROPOSED ZONING / CONSENT USE	DATE OF RECEIPT OF APPLICATION	DATE OF APPROVAL	NAME OF APPLICANT	FILE REF NUMBER	CONDITIONS