



DRAFT LAND USE SCHEME, 2019



FETAKGOMO TUBATSE MUNICIPALITY

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20. RESPONSIBLE AUTHORITY

The Fetakgomo Tubatse Local Municipality or its successor in title shall be the authority responsible for the enforcing and execution of the provisions of this land Use scheme.

21. AUTHORITY AND STATUS OF LAND USE SCHEME

This Land Use Scheme is prepared in terms of Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), and is subject to the provisions of Clause 3 of this Scheme, in substitution of the Greater Tubatse Land Use Management Scheme, 2006 previously in operation in the area in Fetakgomo Tubatse Local Municipality so far as it related to the proclaimed land areas under the jurisdiction of the Fetakgomo Tubatse Local Municipality

22. COMMENCEMENT AND VALIDITY

- a) The Land Use Scheme shall come into effect from the date that a notice of adoption is published in the Provincial Gazette.
- b) The Fetakgomo Tubatse Local Municipality shall be the authority responsible for enforcing and carrying into effect the provisions of this Land Use Scheme.
- c) Any consent granted or approved in terms of a Town Planning Scheme in force or other applicable land use legislation for the erection/use of buildings or for the use of land or any rights legally exercised in terms of such scheme or legislation prior to the commencement of this Land Use Scheme, shall be deemed to be consented or approved in terms of this Land Use Scheme: provided that any such consent or approval shall lapse unless exercised within 24 months from the date that such consent was granted or approved.
- d) Any Annexure or Schedule promulgated in terms of any of the former Land Use Scheme mentioned in Clause 2 or other Land Use Legislation shall remain in force and the general provisions of that town planning scheme shall also remain in force for the lifetime of that Annexure or Schedule, as far as such general provisions of that Scheme is not in conflict with this Land Use Scheme. The Scheme *Maps A and B series* or any other cadastral Map indicating land use of all listed schemes and legislation applicable remain in force.
- e) Any land use application submitted to and pending before Municipality immediately prior to the commencement of this Land Use Scheme, shall be dealt with in terms of the relevant Land Use Scheme that governs such application at the time of submission, in as far as it is not in conflict with this Land Use Scheme.
- f) The Municipality shall consider all relevant national, provincial, district and local development policies that apply in the area when considering an application submitted in terms of this scheme.

- g) Where the provisions of this Land Use Scheme conflict with any municipal by-law in operation in the Fetakgomo Tubatse Local Municipality, the provisions of the Land Use Scheme shall prevail.
- h) If any provision of this Land Use Scheme is struck down as invalid by a court of law in South Africa, such provision shall be severed from the Land Use Scheme and shall not affect the validity of the remaining provisions.
- i) Where the provisions of the Land Use Scheme conflict with any other Act or the provisions of an approved provincial and sub-regional development plan, the latter shall apply.
- j) The Land Use Scheme provisions shall apply over and above the Fetakgomo Tubatse Municipality Bylaw on Municipal Land Use Planning, 2017 where they are more onerous than the afore-mentioned Bylaws or where the Land Use Scheme makes no provision, the Fetakgomo Tubatse Local Municipality Bylaw on Municipal Land Use Planning shall apply.
- k) Any approval granted in terms of this Land Use Scheme shall in no way exempt any property owner nor applicant from compliance with any other law, by-law, regulation, title deed or other restriction applicable to any property and an owner of land shall accordingly not be entitled to utilize any rights granted in terms of this Land Use Scheme until such time as such owner or applicant has complied with any such other law, by-law, regulation or restrictive condition.
- l) A contravention of the Land Use Scheme Regulations is an offence and shall be subject to penalties contemplated in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and as amended.

23. POWERS OF THE MUNICIPALITY, ENFORCEMENT AND APPLICATION OF THE LAND USE SCHEME

4.1 Nothing in this Land Use Scheme shall prevent the Municipality from maintaining or using any building, structures, land areas including agricultural, environmental, urban and rural/communal settlement areas or construction work or using any land in its area of jurisdiction for any purpose permitted under any other law, unless the consent procedure as outlined in the Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning is followed and such uses are of a temporary nature not exceeding 36 months.

4.1.1. *Binding force of conditions:* Where consent to erect a building or to execute any works, or to use any building or land for a particular purpose, in terms of the land use scheme is granted, subject to conditions, such conditions shall have the same legal force as if incorporated in this land use scheme and shall be regarded as though they were part of this land use scheme.

4.1.2. *Entry upon and inspections of properties:* The municipality, may through its authorised officials, enter upon any property at all reasonable times to conduct any inspection which the municipality or its representatives may consider necessary or desirable for the application of the land use scheme. No person shall in any manner hinder, obstruct or interfere with the execution of any duties by any authorised officer of the municipality.

- 4.1.3. *Powers of municipality in case of contravention of land use scheme:* Where any person, who has any conflict with any provision of the land use scheme in operation; Undertakes or proceeds with erection or alterations of or addition to a building or causes it to be undertaken or proceed with; Performs, undertake or proceeds with other work or causes it to be performed; Uses any land or building or causes it to be used; The local municipality shall direct such person in writing: (a) To discontinue such erection, alteration or additions; (b) Remove such building/structures/developments; and (c) Cause the buildings/structures/developments to comply.
- 4.1.4. *The municipality will conduct site inspections on a regular basis in order to monitor compliance* and in the event that there is a proof of evidence of non-compliance in terms of the use versus the zoning map scheme, conditions on the approval conditions, approved uses and building plans approval and any relevant policies, the owner/developer or service provider will be notified in writing and shall be expected to respond to the Municipality within 7 working days.
- 4.1.5. *In terms of the Fetakgomo Tubatse Local Municipality By-Law on Municipal Land Use Planning*, any person who contravenes or fails to comply with section 56 and subsection (2) will be found guilty of an offense and is liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment. However, after conviction, if that person continues with the action in respect of which he or she was so convicted, is guilty of continuing with the offense and liable upon conviction to imprisonment for a period not exceeding three months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with the act or omission
- 4.1.6. *If any person commences with building work prior to obtaining Council approval*, Council will take appropriate action and corrective measures on the responsible person, individual, property owner or service provider, whichever is applicable.

24. GENERAL PURPOSE OF THE LAND USE SCHEME

- 5.1. The Land Use Scheme adopted and approved in terms of the Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning, shall *give effect to the municipality's* municipal spatial development framework and determine the use, *development and sustainable management of land, buildings and uses/activities within the municipality's area of jurisdiction to promote -*
- a) Spatial economic development, transformation and integration;
 - b) Spatial and social justice, empowerment, inclusion and cohesion;
 - c) Spatially efficient and effective land development, management and sustainability;
 - d) Provide for the accommodation and incorporation of cultural customs and practices of traditional communities in land use management;
 - e) Promote aesthetic, orderly and structured development that promotes the welfare of the community and public at large;
 - f) Minimise and mitigate impact on public health, agricultural land, communal/rural settlement areas, the environment and natural resources;

- g) Guarantee the right to sustainable rural and agricultural environments, towns and urban nodes, rural nodes and agri-hubs, agri-parks, eco-tourism and heritage areas to promote responsible urban, communal/rural land, housing, environmental management, agricultural protection, environmental ecosystem services and sustainability, communal/rural settlement infrastructure and settlement service delivery, urban infrastructure and service delivery, transportation and public services, to access work, employment, social facilities, resources and leisure for current and future generations;
- h) Good administration and strong land governance by means of participation of both the individual property owner, sector departments, traditional leadership, communal/rural settlement groupings/ formations, agricultural forums, land, environmental, heritage, cultural, development and mining forums, and representative associations of the various segments of the community in the formulation, execution and monitoring of communal/rural settlement, agricultural, environmental, heritage and town/urban or rural/village development projects, plans and programmes;
- i) Cooperation between governments, private initiative and other sectors of society in the rural/urban development processes, incremental development and management of rural/urban and informal housing and settlement processes, regional development processes, township development processes, nodal and urbanization process, in service of the social and economic interest;
- j) Planning and sustainable development of the Municipality, through the management and coordinated promotion of growth across the municipality along with desirable development, in order to correct the distortions of historical planning systems and their negative effects on the environment, without negating the complexities of the municipality;
- k) Supply of rural/community settlement, nodal/urban and community assets and equipment, transportation and public services adequate for the interests and needs of the population, communities and reflecting local characteristics imperatives;
- l) Management of land use, to enable and facilitate:
 - i. *Efficient, effective and compatible rural/communal settlements and land development patterns, agricultural, environmental, mining, nodal, town and urban development that is desirable and accommodates the identified socio-economic needs of the Municipality;*
 - ii. *The coordination of rural/communal settlements, agricultural, environmental, town, urban growth, which includes land use change, new development and subdivisions, protection of agricultural land of unique value, environmental biodiversity areas, mining development and prospecting areas with respect to the carrying capacity of the available infrastructure, social amenities and optimum land use suitability and capability development limits;*

- iii. *An accessible, effective, efficient and responsive environment that is integrated with the transportation network and balanced development of town, urban, rural and communal public transportation systems and provision;*
 - iv. *The upgrading, redevelopment and renewal of identified and specified areas in the Municipality through targeted and innovative development and management overlay scenarios deployment; and*
 - v. *Effective environmental and agricultural management in support of the strategic growth and sustainable management of the chartered direction of development in the Municipality.*
- m) Incremental introduction of a fair and equity distribution approach and principles in which the benefits and burdens resulting from the changing dynamics of rural and communal settlement process, agricultural and environmental interaction outcomes, urbanization processes are structured with respect to social justice precepts;
 - n) Simplification of the legislation concerning subdivisions, land use, occupation and building regulations, to permit a reduction in costs and increase in the supply of lots and housing units;
 - o) Equality of conditions for public and private agents in the promotion of developments and activities related to the communal/rural settlement development processes, agricultural, environmental and mining development processes, nodal, township, town and urbanization processes, serving the social and economic interest of the municipality.

25. COMPONENTS OF THE LAND USE SCHEME

This land-use scheme is divided into two parts relating to the following matter, viz:

6.1 SCHEME CLAUSES

Part I: General.

Part II: Definitions.

Part III: General Conditions applicable to all properties.

Part IV: Interpretation of use zones and use of land and buildings.

Part V: Specific conditions and development criteria applicable to use zones.

Part VI: Special, written and temporary consent of the local municipality.

Part VII: Application of the scheme and powers of the local municipality.

6.2 THE MAP

6.3 THE REGISTER

26. USE ZONES

- 7.1 The municipal area is divided in the use zones referred to in column 1 of the Land Use Table and as set out in the Schedules.
- 7.1.1. The purpose of each use zone is set out in column 1 of the Land Use Table and as further set out in the Schedules.
- 7.1.2. The description of the primary, consent uses and uses for which consent use permission is needed in each use zone is set out in the Land Use Table read together with the Schedules.
- 7.1.3. The location, boundaries and extent of each use zone is depicted on the zoning scheme map.
- 7.1.4. The primary and consent uses and uses for which written permission is needed in each use zone are subject to the development parameters specified for that use zone as set out in the Schedules.

27. ZONING SCHEME MAP

- 8.1. The zoning scheme map depicts:
 - a) The zoning of land in accordance with the use zone in which the land is located; and
 - b) Overlay zones, if applicable to the land.
- 8.1.1. The Municipality must update the zoning scheme map within a reasonable time after use rights have been granted or have lapsed.
- 8.1.2. The Municipality may keep the zoning scheme map in an electronic format.

9. PREPARATION & APPROVAL OF NEW ZONING SCHEME MAP

- 9.1. The Municipality must give notice of a draft zoning scheme map.
- 9.1.1. The notice must be published in newspapers with general circulation in the area concerned in at least two of the official languages of the Province most widely spoken in the municipal area and must -
 - a) invite persons interested in, or affected by, the draft zoning scheme map to submit written comments within a period of not less than 30 days from the date on which the notice was given;
 - b) state the name and contact details of the person to whom the comments must be addressed and where the draft zoning scheme map can be obtained; and
 - c) state that any person who is unable to write may, during the Municipality's office hours, attend at any address stated in the notice where a named staff member of the Municipality will assist that person to transcribe that person's comments.

A zoning scheme map may be approved by the Municipality with or without amendments.

A zoning scheme map takes effect when notice of its approval is published in the Provincial Gazette or on a future date as may be determined in the notice.

Subsequent amendments to the zoning scheme map to reflect additional use rights granted or use rights that have lapsed are not published in the Provincial Gazette

28. AMENDMENT AND RECTIFICATION OF ERRORS ON ZONING SCHEME MAP

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

An owner contemplated in subsection (10.1) must apply to the Municipality in the form determined by the Municipality and must –

- a) submit written proof of the lawful land use rights; and
- b) indicate the suitable zoning which should be allocated.

The onus of proving that the zoning is incorrectly indicated on the zoning scheme map is placed on the owner.

The owner is exempted from paying application fees.

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

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

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

- a) Notifying the owner in writing of its intention to correct the wrong conversion or error;
- b) Inviting the owner to make representations within a specified period in respect of the proposed correction of the errors on the zoning map; and
- c) Considering any representations received from the owner.

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

29. ZONING SCHEME REGISTER

The Municipality -

- a) must record all departures, consent uses or other permissions granted and non-conforming uses in the register;
- b) may keep the register from the date of commencement of the zoning scheme in an electronic format; and
- c) Must make the register available to members of the public for viewing.

30. ZONING VERSUS OWNERSHIP

Notations on the zoning map are intended to indicate zonings and not land ownership.

- a) Land of which the ownership vests in a public authority may only be included in the authority zone if it is utilised for a purpose for which no other zone set out in the Land Use Table and Schedules is appropriate.
- b) If any other zone in the Land use Table and Schedules is appropriate, the land must be zoned for that purpose, whether or not it is owned by a public authority.

31. THE RELATIONSHIP BETWEEN THE MUNICIPAL IDP, SDF AND LAND USE SCHEME

The SPLUMA, 16 of 2013, Spatial Planning and Land Use Management Regulations: Land Management and General Matters, 2015, and the Municipal Systems Act, 32 of

2000 provide that there should be a direct relationship between the Spatial Development Framework and the Municipal Land Use Scheme

The Land Use Scheme is developed as part of regulating various development priorities identified in the IDP and visually reflected in the SDF.

If the SDFs is reviewed and major changes are made such changes should be translated into the land use scheme.

LUS gives effect to the municipal SDF and determines the use and development of land and buildings within the municipality in order to promote growth and development:

- a) Provide site specific details on land use rights where the SDF broadly indicated the development outcomes
- b) 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.

32. INTERPRETATION AND DEFINITIONS

- 14.1. The meaning of words used in this land use scheme and methods of resolving differences of interpretation are explained in this section.
- 14.1.1. The following rules of interpretation shall apply in this land use scheme.
- 14.1.2. In the register and in any note on the land use scheme and zoning map, the word and expressions shall have the meanings assigned to them in accordance with the definitions contained in Section 14, except where a contrary interpretation is clear from the context.
- 14.1.3. Interpretation of words not defined in Section 14 of this land use scheme document will have the meanings assigned to them in the "Oxford South African Concise Dictionary Second Edition, published by Oxford University Press South Africa (Pty) Ltd, Cape Town, 2010, except where a contrary interpretation is clear from the context.
- 14.1.4. Headings contained in the land use scheme shall be used for reference purposes, but shall not be construed to govern, limit or modify the meaning or intent of any provision of the zoning scheme.
 - a) The masculine gender includes the feminine and neuter, and vice versa, and the singular include the plural, unless the context indicates otherwise.
 - b) Whenever reference is made to a law or regulations, the reference applies to all substitutions, amendments and additions of that law or regulations.
 - c) Whenever reference is made to the use of a building, structures, land, rural/communal settlement area, agricultural, environmental, mining and heritage areas, the reference applies also to the erection of a building/structure, to the use of part of a building/structure and to the use of a land unit, whether a building/structure is erected on the land unit/parcel/erf or not.
 - d) The terms "must" and "shall" implies that something is mandatory, and the term "may", that something is discretionary, unless the context clearly indicates otherwise.

- e) The municipality's interpretation of the text shall prevail unless the contrary is proven.

14.1.5. The following provisions apply regarding the method of measuring distances and levels:

- a) Where reference is made or implied to the distance between boundaries or between a building and a boundary, this distance shall be measured in the following manner:
 - i. The boundary or boundaries and all points of the building shall be projected onto a horizontal plane, and all measures shall be made in such a plane.
 - ii. The distance between a point on a building and a boundary shall be measured at right angles to the erf boundary.
- b) Where reference is made to a portion of a boundary "opposite" a building, such portion shall be defined by drawing lines in a manner described in paragraph (a) from points on such building, at right angles to such boundary.
- c) Where reference is made to natural ground level or of a roof wall plate, parapet or other things, such level shall be calculated in accordance with recognized geometric principles.
- d) In any case where the levels involved are so irregular that calculation in accordance with these principles is impractical or leads to a result, which is not in accordance with the intent of the zoning scheme, the municipality shall determine the level.

14.1.6. Where uncertainty exists as to the boundaries of use zones, the following rules apply in the order listed:

- a) Boundaries shown as following or approximately following any public street or road shall be construed as following the street cadastral boundary.
- b) Boundaries shown as following or approximately following any land unit boundary shall be construed as following such boundary.
- c) Boundaries shown as following or approximately following natural features shall be construed as following such features.
- d) In the event of further uncertainty as to the boundaries of a use zone, the municipality shall decide.

The municipality shall determine the use or zoning, and its decision shall be final unless the contrary is proven, where:

- a) there is uncertainty or dispute about any zoning; and
- b) there is conflict between the provisions of a zoning map, the land use scheme and the register.

33. TITLE OF LAND-USE SCHEME

This scheme shall be known as the Fetakgomo Tubatse Land Use Scheme, 2019.

34. MANAGEMENT OVERLAYS

16.1. *Purpose of Management Overlays:* The Municipality may adopt, review or amend overlay zones for specific areas in the Municipality in order to: (a) give expression, in

a planning context, to the local needs and values of the communities concerned; and
(b) promote particular types of development, urban/rural form, landscape character, environmental features or heritage values.

- 16.1.1. The Municipality must determine development parameters for each area of an overlay zone.
- 16.1.2. An overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this land use scheme in accordance with the Fetakgomo Tubatse Local Municipality spatial Planning and Land Use By-Law.
- 16.1.3. Where additional and more detailed land use management, beyond that of the scheme regulations is required, this is controlled by means of a management overlay and/or management plan. The management overlay redirects the user to the “*informant*” or “*plan*” that contains the additional information, and this is a parallel or co-ordinating plan. Management overlays applicable to the Scheme include the following:
 - 16.1.4. *Critical Biodiversity Areas (CBA)*: This overlay shall be considered a relevant informant to any decision made by Municipality for land use and development proposals on any site to which such overlay may apply. Apart from the Critical Biodiversity Overlay, biodiversity management will further include overlays for the management of Protected Areas and Buffers as well as sensitive habitats and ecosystems.
 - 16.1.5. *Traditional Council Management Overlay (TCMO)*: The Traditional Council Management Overlay depicts land that is registered in the name of Traditional Authorities or areas under the leadership of traditional leadership or areas in which the traditional leadership and the municipality has entered into an agreement as contemplated by SPLUMA. These areas may be subjected to a policy statement.
 - 16.1.6. *Agricultural Management Overlay (AMO)*: The Agricultural Management Overlay depicts areas that are subject to the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970). The area demarcated by this management overlay will be subjected to Land Use Scheme statements depicting zonings on the agricultural land. The procedures for land use and development applications are as outlined in this Land Use Scheme.
 - 16.1.7. *Heritage Overlay Zone (HOZ)*: This will apply to areas identified and subject to the Heritage Act. The procedures for land use and development applications are as outlined in this Land Use Scheme.
 - 16.1.8. *Densification Overlay Zone (DOZ)*: This will apply to CBD areas of Burgersfort and other towns CBDs in the Municipal Area. The procedures for land use and development applications are as outlined in this Land Use Scheme.
 - 16.1.9. *Informal and Incremental Overlay Zones (IIOZ)*: This will apply and enable informal structures and incremental development to take place in demarcated areas where needed within the Municipal boundaries. The procedures for land use and development applications are as outlined in this Land Use Scheme.
 - 16.1.10. *Local Economic Overlay Zone (LEOZ)*: This will apply in areas where the need to create a zone which encourages a greater mix of small businesses and home-based businesses can be undertaken. The procedures for land use and development applications are as outlined in this Land Use Scheme.

- 16.1.11. *Local Area Overlay Zone (LAOZ)*: this would apply in areas where the need to adopt alternative parameters (other than what is in the base zone) for specific areas as deemed necessary and fit by the Municipality. The procedures for land use and development applications are as outlined in this Land Use Scheme.
- 16.1.12. *Mining Area Overlay Zone (MAOZ)*: this would apply in areas in which mining settlements and activities are in operation. This will provide for a structured approach and arrangement regarding land organization, development and management as outlined in this Land Use Scheme.
- 16.1.13. *Tourism and Hiking Area Overlay Zone (THAOZ)*: this would apply in areas where the need to adopt tourism and hiking development systems and incentives (other than what is in the base zone) for specific areas as deemed necessary and fit by the Municipality. The procedures for land use and development applications are as outlined in this Land Use Scheme.
- 16.1.12. *Special Economic Development Overlay Zone (SEDOZ)*: this would apply in areas earmarked and designated special economic development zones in which agricultural, tourism and platinum mining and related industries beneficiation developments and activities are in operation. This will provide for a structured approach and arrangement regarding land organization, development and management as outlined in this Land Use Scheme.

35. AREA OF THE LAND-USE SCHEME

17.1 AREA

This land use scheme applies to all properties, land areas including agricultural, mining, environmental, urban and rural/communal settlement areas, buildings, structures within the municipal boundaries of the Fetakgomo Tubatse Local Municipality, as determined by the Municipal Demarcation Board from time to time.

17.2 ADMINISTRATION OF LAND-USE SCHEME IN AREA

17.2.1 The land-uses permitted are the use/s as depicted by the notations applicable to use zones on the map and in Part IV of the scheme clauses.

17.2.2 All land not depicted by a notation indicating a use zone as referred to in clause 7 above shall be deemed to be zoned and used for Agricultural use; provided that should any owner of land furnish proof of alternative rights obtained in terms of any previous lawful authority, such rights/uses shall be deemed to be legally obtained in terms of this scheme.

17.2.3 Clause 7 above shall be subject to the right of the local municipality to determine the use of land and land-uses, which is deemed to be agricultural in terms of the above, and shall be either a formal rural settlement, an informal rural settlement or a semi-formal rural settlement, (where relevant) for which the land-uses to be permitted

have not been depicted by notations for the use zones on the map as referred to in clause 7 above.

36. SUBSTITUTION

The Scheme substitutes the Greater Tubatse land use Management scheme, 2006, or any existing scheme in operation not specifically listed including the Peri-Urban Areas Town Planning Scheme, 1975 only regarding the relevant area of the Scheme and Regulations.

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

A consent granted by the local municipality by virtue of provisions of this scheme does 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.

Part II - DEFINITIONS

22. DEFINITIONS

In this Scheme, except where the context otherwise requires, or it is otherwise expressly provided, the following words and expressions have the respective meanings assigned to them herein and the plural and alternative gender forms shall denote the same meanings, as follows:

20.1 STATUTORY RELATED DEFINITIONS

22.1.1 **“ACT”**- Means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), as published on 5 August 2013 and as may be amended from time to time;

22.1.2 **“AMENDMENT SCHEME”** means an amendment to the Land Use Scheme which amendment has been approved, adopted and came into operation in terms of this Land Use Scheme or any other relevant law and adopted amendment scheme shall have a corresponding meaning and include:

- a) An amendment scheme contemplated in section 28(1) of the SPLUMA Act;
- b) An application deemed to be an amendment scheme in terms of section 41(1)(a) of the SPLUMA Act;
- c) An amendment of an existing Land Use Scheme as contemplated in section 1.10 of this Land Use Scheme;
- d) A land development application for the amendment of any provision of the Land Use Scheme applicable to a property(ies), and includes a rezoning and township establishment application in terms of sections of Fetakgomo Tubatse Local Municipality Land Use Management By-law; and

- e) Conditions of approval that were imposed as part of the approval of the application for the amendment of the Land Use Scheme;
- 22.1.3 **"APPLICANT"** - Means any registered owner of land, whether a natural person or a juristic body, or anybody duly authorized by such owner, who makes an application as provided for in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and/or the Fetakgomo Tubatse Local Municipality Land Use Management By-law and/or this Land Use Scheme or any amendments thereof and/or the Town Planning and Townships Ordinance, 1986 (Ord 15 of '86).
- 22.1.4 **"APPLICATION"** - Means a complete application made in terms of the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and/or the Fetakgomo Tubatse Local Municipality Land Use Management By-law, and/or this Land Use Scheme or any amendments thereof.
- 22.1.5 **"APPLICATION REGISTER"** - Means a record of all applications submitted and considered in terms of the provisions of the Fetakgomo Tubatse Local Municipality Land Use Management By-law, 2017, and/or this Land Use Scheme or any amendments thereof.
- 22.1.6 **"BUILDING SOCIETY"** - A Mutual Building Society as defined in Section 1 of the Mutual Building Societies Act, 1965 (Act 24 of 1965) and also includes automatic teller machines.
- 22.1.7 **"COMMUNAL LAND"** - Means land under the jurisdiction of a traditional council determined in terms of section 6 of the Limpopo Traditional Leadership and Governance Act, 2005 (Act No. 3 of 2005) and which was at any time vested in: -
- a) The government of the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or
 - b) The government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971).
- 20.1.8 **"COMMUNAL PROPERTY ASSOCIATION"** - Means an association which is registered or qualifies for registration in terms of Section 8 of the Communal Property Registration Act, No. 28 of 1996.
- 20.1.9 **"CONTROLLING AUTHORITY"**- Means the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940), or the Commission as defined in the South African National Roads Agency Limited and National Roads Act (Act No. 70 of 1998), and other legislation applicable, as far as Town Planning is concerned, within the jurisdictional area of the local municipality as the case may be.
- 20.1.10 **"CONSERVATION AREA"**- Means land or buildings used for the protection of biological diversity, natural or built environments, such as but not limited to conservancies, protected environments, nature reserves, national parks, museums, monuments, heritage sites and historical buildings, as defined in the National Environmental Management Act, 1998 (Act 107 of 1998) and related national, or provincial legislation.
- 20.1.11 **"CONSOLIDATION"**- Means the joining of two or more adjacent erven into a single registered entity through the registration thereof in the deeds registry, but excludes

the consolidation of farm portions for purposes of this Land use scheme read with the Land survey Act, 1997 (Act 8 of 1997) and shall not mean the spreading or amending of a zoning of the subject property.

- 20.1.12 **"COUNCIL"**- Means the Fetakgomo Tubatse Local Municipality as established under the provisions of the Local Government: Municipal Structures Act, 117 of 1998, or its successors in title, or a structure or person exercising a delegated power or carrying out an instruction, where any power in this Land Use Scheme has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 32 of 2000.
- 20.1.13 **"CULTURAL HERITAGE SITE"**- Means 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 community and for 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, raves 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.
- 20.1.14 **"DISPENSING PHARMACY"**- Means part of a building used for the sale of medicines, as defined in the Control of Medicine and Related Materials Act, 1965 (Act 101 of 1965), as prescribed by a registered medical practitioner.
- 20.1.15 **"DRAFT LAND USE SCHEME"**- Means a scheme prepared in terms of section 24(1), 27 and 28 of the SPLUMA Act for submission to a decision-making person or body, for approval to commence public participation in terms of section 26(5) of the SPLUMA Act and shall be referred to as a draft land use scheme until adopted by a Municipal Council.
- 20.1.16 **"ENVIRONMENTAL IMPACT ASSESSMENT" (EIA)** – Means a process of examining the environmental effects of development in terms of the requirements of The Environment Conservation Act, (Act No.73 of 1989).
- 20.1.17 **"FACTORY"**- Means a factory as defined in the Act on Machinery and Professional Safety (Act No. 6 of 1983) or any amendment thereof.
- 20.1.18 **"HERITAGE RESOURCE AUTHORITY"**- Means the South African Heritage Resources Agency, established in terms of section 11, or, insofar as the National Heritage Resources Act (NHRA of 1999) is applicable in or in respect of a province, a provincial heritage resources authority.
- 20.1.19 **"LAND-USE MANAGEMENT" (LUM)** - Means establishing or implementing any statutory or non-statutory mechanism in terms of which the use of land is or may be restricted or in any other way regulated.
- 20.1.20 **"LAND USE RIGHTS"**- Means the purpose for which land is or may be used lawfully in terms of this Scheme, or in terms of any other authorisation, permit or consent issued by a Controlling Authority, including any conditions related to such land use purposes.

- 20.1.21 **“LAND USE SCHEME”**- Means the documents referred to in Chapter 5 of SPLUMA, 2013 for the regulation of land use.
- 20.1.22 **“LISTED ACTIVITIES”** – Means a development action that is likely to result in significant environmental impact as identified by the Minister of Environmental Affairs and Tourism in terms of Section 21 of The Environment Conservation Act, (Act No. 73 of 1989).
- 20.1.23 **“INTEGRATED DEVELOPMENT PLAN” (IDP)** – Means 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 (Act No. 32 of 2000).
- 20.1.24 **“MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK” (SDF)** - Means the spatial development framework that must be included in a municipality’s integrated development plan in terms of Section 26(e) of the Municipal Systems Act, (Act No. 32 of 2000).
- 20.1.24 **“NATIONAL BUILDING REGULATIONS”** – Means the National Building Regulations made in terms of section 17 of the National Building Regulations and Building Standards Act No.103 of 1977, or any amendment or review thereof.
- 20.1.25 **“NOTICE”** - Unless otherwise specifically provided in terms of this Land Use Scheme or any other law means a written notice and notify means to give a notice in writing and the provisions of the Interpretation Act 33 of 1957, shall apply.
- 20.1.26 **“ORGAN OF STATE”** - Means an organ of state as defined in section 239 of the National Constitution;
- 20.1.27 **“PROTECTED AREAS”** - This has the same meaning as assigned to it in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003);
- 20.1.28 **“REGISTERED SURVEYOR”** - Means someone who is registered in terms of the Professional and Technical Surveyors’ Act, 1984 (Act 40 of 1984) as either a professional land surveyor, a professional surveyor or a surveyor;
- 20.1.29 **“SMALL, MEDIUM AND MICRO BUSINESS ENTERPRISES”** - Means a ‘small, medium and micro business’ as defined in Section 1 of the National Small Business Act of 1996 as amended by the National Small Business Amendment Acts of 2003 and 2004 (NSB Act) as: “ ... a separate and distinct business entity, including co-operative enterprises and non-governmental organizations, managed by one owner or more which, including its branches or subsidiaries, if any, is predominantly carried on in any sector or sub sector of the economy mentioned in Column I of the Schedule... ”.
- 20.1.30 **“TOWNSHIP BOARD”**- Means the Townships Board as established in terms of the provisions of the Town-planning and Townships Ordinance, 1986.

20.2 GENERAL DEFINITIONS

- 20.2.1 **“ABATTOIR”**- Land or buildings used for the slaughter of animals and may include the processing of animal products;
- 20.2.2 **“AESTHETIC OR VISUAL ENVIRONMENT”**- Means the visual beauty, sensitivity to and appreciation of the environment.

- 20.2.2 “ADDITIONAL DWELLING UNIT”**- Means a second dwelling unit on the same property provided that the total coverage does not exceed the prescribed coverage defined in Table “C” of the scheme.
- 20.2.4 “ADULT ENTERTAINMENT & PREMISES”**- Means property used for adult film theatres or strip clubs where sexually explicit, live or recorded shows are displayed, but does not include adult services or an adult shop;
- 20.2.5 “ADULT SHOP”**- Means property used for the retail sale of pornographic, sexually explicit or erotic material, whether or not such material is displayed for sale, unless such material forms part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person; but does not include adult entertainment or adult services;
- 20.2.6 “ADVERTISEMENT”** - When used in the context of outdoor advertising, has the same meaning as assigned to it in terms of the municipality’s Outdoor Advertising & Signage bylaw;
- 20.2.7 “AGRICULTURAL BUILDINGS”** - A building designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the agricultural use of the land on which the building is situated and includes warehousing, packaging of produce, workshops, drying facilities, but not an agricultural industry or farm stall;
- 20.2.8 “AGRICULTURAL HOLDING”** - A building designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the agricultural use of the land on which the building is situated and includes warehousing, packaging of produce, workshops, drying facilities, but not an agricultural industry or farm stall;
- 20.2.9 “AGRICULTURAL HOUSING”** - A residential building or dwelling units located on a farm and used only for the temporary accommodation of farm laborers employed by the owner of the subject farm or where such laborers are required to work on any other farm portion in the vicinity, which is also owned and/or cultivated by the same farm owner.
- 20.2.10 “AGRICULTURAL INDUSTRY”** - means an enterprise for the processing of agricultural products from a localized area in close proximity to the land unit where these agricultural products are grown or produced, and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products and includes a winery, dairy, distillery, packing store, bottling of fountain water and a saw mill, but does not include an abattoir and service trade;
- 20.2.11 “AGRICULTURAL PURPOSES”** - Means purposes normally associated with the use of a building/s and/or land for farming / agricultural purposes and it includes only dwelling units necessary for and related to the bona fide agricultural use of the property. This also includes the use of the property for urban agricultural purposes; plant nursery; the sale of produce solely cultivated or bread from the site; animal care centre; horse riding facilities and related schooling uses but shall not include sporting and recreation purposes or a race course. A second dwelling house / unit may be permitted but shall not be sectionalized.
- 20.2.12 “AGRICULTURAL WORKER ACCOMMODATION”** - Means accommodation provided for bona fide agricultural workers, including labourers’ and farm managers’

accommodation, as determined by the municipality based on the extent of the bona fide agricultural activities of the land unit and includes worker accommodation outside conventional towns to support the government's rural land development programme. Bed and breakfast establishment, home child care and home occupation are included under this land use.

- 20.2.13 **"AGRICULTURE"** - Means the cultivation of land for raising crops and other plants, including plantations, the keeping and breeding of animals, stud farming, birds, bees, game farming, riding school and natural veld, and includes such activities, agricultural buildings and/or infrastructure that are reasonably connected with the main farming activities, such as a dwelling house, agricultural worker accommodation, the packing of agricultural produce grown on the property for delivery to the market and the harvesting of natural resources and also includes rooftop base telecommunication station; but excludes intensive horticulture, intensive animal farming, aquaculture, an abattoir, a farm shop, agricultural industry, animal care centre and renewable energy structures for commercial purposes;
- 20.2.14 **"AGRICULTURAL USE"** – Means land used or a building designed or used for the purposes such as, but not limited to ploughing, depasturing, horticulture, poultry farming, dairy farming, breeding and keeping of livestock, apiaries, forestry, mushroom and vegetable production, flower production, orchards and any other activity commonly connected with farming or associated therewith, and include the sale of own produced goods. It includes only one main dwelling unit and associated farm settlement.
- 20.2.15 **"AGRI-VILLAGE"** - A private settlement of restricted size established and managed as a legal entity that is situated within an agricultural or rural area and where residence is restricted to bona fide rural workers and their dependents, of the farms forestry or conservation enterprises situated in the area. The development of Agri-villages may represent a partnership between the farmer, the farm worker and the state.
- 20.2.16 **"AIR AND UNDERGROUND RIGHTS"** - Means a consent use for the development of a defined space above or below a public street, open space, railway line or another transport usage, and the allocation of use rights for such purpose which may include any use with the approval of the municipality;"
- 20.2.18 **"AIRPORT"** - Means the use of a building/s and/or land designed and used for the landing and taking off of aircraft, airways control, aircraft hangers and all uses normally associated with the proper functioning of an airport to the satisfaction of the Council.
- 20.2.19 **"AMENDMENT SCHEME NUMBER"** - Means an amendment number allocated to the Land Use Scheme which amendment has been approved, adopted and came into operation in terms of this Scheme or any By-law of the Municipality.
- 20.2.20 **"ANCILLARY USE"** - When used in the context of an associated use or purpose, means a use, purpose, building or activity, which is ancillary and subservient (less than 30%) to the lawful dominant use of the property.
- 20.2.21 **"ANTENNA"** - Means any system of wires, poles, rods or devices used for the transmission or reception of electromagnetic waves and includes satellite dishes with a diameter exceeding 1.5m. It excludes domestic TV antennae less than 2m in

diameter/height and where the associated antennae mounting structure is less than 3m in length.

20.2.22 **"APPROVAL"** - Means any approval granted by the Council in writing with or without conditions.

20.2.23 **"AQUA-CULTURE"** - Means the breeding, for commercial purposes, of water flora or fauna in artificially constructed dams or holding tanks, or suspended from floating supports in natural water bodies;

20.2.24 **"AREA"** - Means the defined municipal boundaries of the Fetakgomo Tubatse Local Municipality and the area across which this Land Use Scheme is applicable.

20.2.25 **"AS BUILT PLAN"** - Means a set of drawings prepared by a suitable qualified person reflecting existing buildings, structures and engineering services within a property. They show the exact appearance dimensions, geometry and location of all elements of buildings, structures and engineering services. The plan should include the site plan, floor plan, elevations, parking, etc.

20.2.26 **"ATM"**- Means land or building used for an automotive teller machine of a bank or other financial institution.

20.2.27 **"ATRIUM"**- Means a covered courtyard comprising a void within a building that extends for one or more floors in height, but does not contain floors that penetrate into the void. An atrium contains a floor and a roof or ceiling;

20.2.28 **"AUCTION CENTER"** - The offering for sale of new and used goods by means of a request or invitation for bids, including the storage of goods to be auctioned, but does not include retail sales nor the sale of poultry or livestock.

20.2.29 **"AUTHORITY USE"** - Means a use which is practiced by or on behalf of a public authority, the characteristics of which are such that it cannot be classified or defined under other uses in this zoning scheme, and includes a use practiced by:

- a) The national government, such as a military centre and installation, police station or correctional facility;
- b) The provincial government, such as a road station or road camp;
- c) A municipality, such as fire services or a municipal depot with related uses (including limited accommodation for staff who are required to be on standby for emergencies);
- d) A foreign government, such as an embassy or consulate, but does not include a dwelling house where the dominant use is for living accommodation of foreign diplomatic personnel.

20.2.30 **"ANNEXURES"** – Means documents comprising of provisions, inter alia, special rights and conditions applicable to those properties shown on the A series of the map by encircled figures.

20.2.31 **"AREA OF THE SCHEME"** – Means the area of the Municipality to which the Scheme applies.

20.2.32 **"BAKERY"** – Means a building in which bread, rusks, biscuits, pies, pastries, confectionery and other baked products are produced in bulk for distribution to wholesalers and/or retailers, as well as such retail as may be approved by the local municipality.

- 20.2.33 **"BACK-PACKER INN"** - A dwelling house, second dwelling unit or both in which the occupant of the dwelling supplies communal lodging for compensation to transient guests, limited to a maximum of 20 guests, with communal bathroom facilities shared by the guests. Lodging may exclude the serving of meals to guests, but does not include self-catering facilities, with the exception of communal cooking facilities;
- 20.2.34 **"BALCONY"** - Means a platform projecting from a building, usually having access from an upper storey;
- 20.2.35 **"BASE ZONE"** - Means that zone which determines the lawful land use and development rules for a land unit in terms of this zoning scheme, before the application of any overlay zone;
- 20.2.36 **"BASEMENT"** – Means any floor of a building situated under the ground floor, beneath the natural horizontal ground level of the area.
- 20.2.37 **"BED AND BREAKFAST"** - Means a building/s in which the resident manager provides lodging and meals for compensation to transient guests who have permanent residence elsewhere provided that:
- a) The number of rooms/suites may not exceed 10 without the consent use of the Council in addition to the accommodation of the resident manager,
 - b) The buildings may include self-catered suites, and
 - c) No buildings may be converted into dwelling units or be sectionalized.
- 20.2.38 **"BIG BOX RETAIL FACILITIES"** - Means buildings with footprints larger than 2000m² per enterprise, where a retail concern is conducted which is typified by large selections of goods and high-volume sales; which may include a restaurant which is ancillary to the main use.
- 20.2.39 **"BIOSPHERE"** – Means land or an area/s of terrestrial ecosystems, or a combination thereof within which land-use and resource management are undertaken to enhance conservation and development objectives.
- 20.2.40 **"BLOCK OF FLATS"** - Means two (2) or more dwelling-units on two or more storeys contained in a building with a common entrance or foyer to the dwelling-units."
- 20.2.41 **"BLOCK OF TENEMENTS"** - Means a building containing two (2) or more habitable rooms and may include communal kitchens and communal ablution facilities.
- 20.2.42 **"BOARDING HOUSE"** - Means a building where lodging is provided, and may incorporate cooking, dining and communal facilities for the use of lodgers, together with such outbuildings as are normally used therewith; and includes a building in which rooms are rented for residential purposes, youth hostel, backpackers' lodge, guest house, home for the aged, handicapped or orphaned and residential club; but does not include a hotel, dwelling house, second dwelling or group house;
- 20.2.43 **"BOTANICAL GARDEN"** - A park intended for the display of rare indigenous or exotic plants or trees.
- 20.2.44 **"BOUNDARY"** - In relation to a land unit means the cadastral line separating such land unit from another land unit or from a public street.
- 20.2.45 **"BOUNDARY WALL"** - Means any wall, fence or enclosing structure erected on or 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;

- 20.2.46 **"BRAAI ROOM"** - Means a room which is part of the main dwelling or outbuildings and is used primarily for entertainment purposes and where food and drinks may be prepared, but excludes a kitchen;
- 20.2.47 **"BRICKYARD"** - A property used for the manufacturing, storage and wholesale of bricks to the general public, provided that raw materials used for the manufacturing of bricks are not exploited or mined on the property without the necessary mining and environmental permits
- 20.2.48 **"BUILDING"** - Means and includes structures or constructions of any nature whatsoever.
- 20.2.49 **"BUILDING LINE"** – Means a line indicating the limits of a building restriction area as measured from a street boundary or other boundary of a property which does not border on a street and which, at a fixed distance from such boundary, runs parallel to such boundary.
- 20.2.50 **"BUILDING RESTRICTION AREA"** – Means an area wherein no building, except those permitted in the scheme, may be erected.
- 20.2.51 **"BUILDERS YARD"** – Means land or buildings which are used for the storage of materials:
- 20.2.51.1 Materials which: -
- (a) are commonly used for building work; or
 - (b) resulted from demolition or excavation works; or
 - (c) are commonly used for other civil engineering works such as installation of services;
- 20.2.51.3 May include administrative offices incidental to the above-mentioned uses.
- 20.2.52 **"BUILDING MATERIAL STORAGE"** - Means the use of a building/s and/or land for the storage/sale of building material/equipment that relate to a hardware shop.
- 20.2.53 **"BUILDING RESTRICTION AREA"** - Means an area of an erf or portion of land on which no buildings may be erected, save as allowed in this Land Use Scheme, and which is bounded on one side by a building line and / or street boundary or any other boundary of an erf or property, or which is subject to flooding as indicated by a flood water mark or designated by a flood line boundary.
- 20.2.54 **"BULK RETAIL TRADE"** - 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 direct display to the purchaser or consumer. Wholesale trade is typically associated with, but not limited to, the sale of agro-related products to retailers. A bulk retail trade facility may include a storage yard and in-house repair or adjustment facilities for products purchased from the bulk retailer

- 20.2.55 **"BUSINESS TAVERN"** – means land or a building designed for or a portion of a building used for the purposes of selling and serving liquor, other beverages and prepared food / snacks, to be consumed on the property.
- 20.2.56 **"BUSINESS PREMISES"** - Means a property from which business is conducted and includes a shop, big box retail, supermarket, restaurant, sale of alcoholic beverages, plant nursery, office, funeral parlour, financial institution and building for similar uses, and includes place of assembly, institution, flats as well as boarding houses above ground floor, hotel, hospital, conference facility, rooftop base telecommunication station, multiple parking garage but does not include a place of entertainment, motor repair garage, industry, noxious trade, risk activity, adult entertainment business, adult services or adult shop;
- 20.2.57 **"BUSINESS PURPOSES"** - Means the use of a building/s and/or land from which business is conducted and the related use of buildings including an office, restaurant, motor showroom, medical consulting rooms, domestic service industry, funeral parlour, call centers, financial institution, dry cleaners, laundrettes and building for similar uses not elsewhere defined as well as uses which are ancillary, directly related to and subservient to the main use such as a caretakers accommodation, but does not include a place of assembly, institution, public garage, industry, noxious trade or place of amusement.
- 20.2.58 **"CADASTRAL LINE"** - Means a line representing the official boundary of a land unit or portion as registered in the Deeds Office.
- 20.2.59 **"CAFETERIA"** - Means a building or part of a building used for the preparation and sale of food and refreshments for the exclusive use of the employees and their guests or patrons of the building provided it is ancillary and subservient to the main use on the same property.
- 20.2.60 **"CALL CENTRE"** - Means land and buildings used for a telephonic or other communication centre for rerouting telephonic or other calls by means of call operators.
- 20.2.61 **"CAMPING SITE"** - Means a property in which tents or caravans are used for accommodation for visitors, and includes ablution, cooking and other facilities for the use of such visitors;
- 20.2.62 **"CANOPY"** - Means a cantilevered or suspended roof, slab or covering (not being the floor or a balcony) projecting from the wall of a building and not being enclosed.
- 20.2.63 **"CANTEEN"** - Means a building or part of a building used for providing food and liquid refreshments for the exclusive benefit of persons employed by an undertaking which owns and operates or controls such undertaking and includes the area for preparation of such foods and liquid refreshments. This use is an ancillary right on all non-residential Land Use Zones contained in this Land Use Scheme but excludes a restaurant.
- 20.2.64 **"CARAVAN"** - Means a vehicle which has been equipped or converted for living or sleeping purposes and which is towed.
- 20.2.65 **"CARAVAN PARK"** – Means land provided with adequate ablution facilities for the temporary accommodation of mobile caravans and/or tents.

- 20.2.66 **"CARETAKER'S FLAT"**- Means a dwelling unit for a person and his/her family who is responsible for the care and supervision of the land and main buildings on the same property.
- 20.2.67 **"CAR SALES LOT"** - Means land, which is used mainly for the open-air display and sale of motor vehicles, motor vehicle trailers, caravans and heavy-duty vehicles and may include ancillary offices, but excludes a scrap yard and a public garage.
- 20.2.68 **"CARPORT"** - Means a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently enclosed;
- 20.2.69 **"CARRIAGEWAY CROSSING"** - 'Carriageway crossing' in relation to a motor vehicle carriageway crossing, means an entrance or exit way, or a combined entrance and exit way, from a land unit to a road;
- 20.2.70 **"CARWASH"** - Means land or buildings used for the washing, polishing and cleaning of motor vehicles.
- 20.2.71 **"CEMETERY"** - Means a place, including land and/or buildings, used for burials, and such activities and which can include all uses ancillary such as a crematorium, chapel, prayer area, funeral parlour, wall of remembrance and a convenience shop.
- 20.2.72 **"CHILD CARE CENTRE"** - Means the use of a building/s and/or land as a child care centre, including a day care centre, crèche, preschool, playgroup, after school care centre or early childhood development centre for taking care of children according to compulsory educational and health requirements / standards.
- 20.2.73 **"CHILDREN'S HOME"** - Means land and buildings used for the accommodation, care and education of children with special needs or circumstances and includes staff accommodation, recreation facilities and ancillary and subservient facilities for the children and staff.
- 20.2.74 **"CLINIC"** - Means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients, with no overnight facilities. A clinic includes medical consulting rooms, outpatients' center and a wellness center with associated uses.
- 20.2.75 **"COMMENCEMENT DATE"** - Means the date on which this Land Use Scheme came into operation.
- 20.2.76 **"COMMERCIAL PURPOSES"** - Means the use of a building/s and/or land designed for distribution centers, wholesale trade, warehouses, storage, computer centers, removal and transport services, people / commuter transport, laboratories, cash management centers, builders yards, coal yards, building material storage and all uses which are ancillary, directly related to or subservient to the main use such as a caretaker's accommodation.
- 20.2.77 **"COMMERCIAL USE"** – Means uses such as distribution centres, wholesale trade, storage, warehouses, cartage and transport services, laboratories and computer centres and may include offices that are subordinate and complementary to the commercial use of the land.
- 20.2.78 **"COMPUTER CENTRE"** - Means land and buildings used for the storage and processing of electronic data and may include computer training, the sale and repair of computers, printers and computer consumables, which are ancillary and subservient to the main use.

- 20.2.79 **"COMMON BOUNDARY"** - In relation to land means a boundary common with the adjoining land other than a street boundary.
- 20.2.80 **"COMMONAGE"** - Land used for small-scale, subsistence farming activities to cultivate fresh produce or to raise small number of livestock or poultry for own consumption or resale. A commonage has a social and economic upliftment quality and will mostly, but not exclusive, represent communal agricultural land shared between various households or a community. Commonage does not provide for residential purposes that may include facilities for the informal trade of the produce produced on the land.
- 20.2.81 **"COMMUNE"** - Means a dwelling house where the habitable rooms are rented out for an extended period to unrelated persons and who share the communal facilities such as the kitchen, lounge, dining room and bathrooms and may not exceed eight (8) occupants.
- 20.2.82 **"COMMUNITY BODY"** - Means a body, organization or institution of whatever nature that represents the interests of a community or segment of a community.
- 20.2.83 **"CONFERENCE FACILITY"** – Means a building designed for use or used as a temporary lecture hall, training facility, conducting of workshops, meetings, conferences, symposiums and related uses, but does not include "Institution" and "Place of Instruction". The area used for a conference facility may be restricted by the local municipality, and is further subject to the policy of the local municipality as amended from time to time.
- 20.2.84 **"CONFERENCE CENTER"** - land or buildings used for congresses, conferences, meetings, seminars, training purposes, weddings, as well as cultural or social gatherings
- 20.2.85 **"CONSENT USE"** – Means the consent of the local municipality in terms of Table "A" to be read in conjunction with Written consent and Special Consent of this Scheme
- 20.2.86 **"CONSERVATION PURPOSES"** - 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.
- 20.2.87 **"CONSERVANCY"** - Means the use or maintenance of land in its natural state with the objective of preserving the biophysical characteristics of that land, including flora and fauna prevalent on the land.
- 20.2.88 **"CONSTRUCTION CAMP"** - A screened-off area on or next to a construction site used for the temporary accommodation of construction workers working on the construction site, including an area used for temporary accommodation by road construction or maintenance workers along any section of the road under construction or maintenance. Temporary accommodation may include tents, mobile dwelling units, pre-cast buildings or caravans.
- 20.2.89 **"CONSTRUCTION OF A BUILDING OR STRUCTURE"** - In relation to a building or structures includes:
- a) The building of a new building or structure;
 - b) The alteration, conversion or addition to, a building or structure;

- c) The re-erection of a building or structure which has completely or partially been demolished.
- 20.2.90 **"CONSTRUCTION"** - Means the erection of any building or alterations to buildings, including the excavation, filling or preparation of land or the laying of building foundations.
- 20.2.91 **"CONTRACTOR'S CAMP/ FLAT"**- Means a dwelling-unit for a person and his/her family who is responsible for the care and supervision of the land and main buildings on the same property.
- 20.2.92 **"CONTROLLING AUTHORITY"** - Means the controlling authority as defined in all applicable legislation, as far as town planning is concerned, within the jurisdiction area of the local municipality as the case may be.
- 20.2.93 **"CONVENIENCE SHOP"** - Means the use of a building/s, or portion of a building, and/or land restricted to the sale of convenience goods such as bread and confectionery, dairy products, fresh produce, beverages, canned foods, magazines and newspapers, at the discretion of the Council.
- 20.2.94 **"CORRECTIONAL FACILITY"** - Means a place where persons are housed and trained on instruction of a court of law and includes a reformatory, place of detention or industrial school, as well as a prison.
- 20.2.95 **"COVERAGE"** – Means the area of a property covered by buildings as seen vertically from above and expressed as a percentage of the area of the erf, but excluding a structure without a roof or covered by hailnet.
- 20.2.96 **"COVERAGE ZONE"** - Means the proportion of an Erf covered by buildings with an impermeable roof, as seen vertically from the air measured from outer face of exterior walls, expressed as a percentage. Thus, 25 percent Coverage means that only one quarter of the Erf may be covered.
- 20.2.97 **"CRÈCHE"** - 'Creche' means the use of a portion of a dwelling house or outbuildings by the occupant to provide day care, pre-school, play group or after school care services for children, provided that no more than 20 children shall be registered at a time, or on the property at any time;
- a) The services are primarily day care and education and not medical,
 - b) The services do not operate outside the hours of 06h00 to 18h00,
 - c) The dominant use of the dwelling house shall remain for the living accommodation of a single family,
 - d) A child care services for six or less children may be regarded as home child care and child care services for more than 20 children shall be regarded as a place of instruction;
- 20.2.98 **"CREMATORIUM"** - Means a place for incinerating corpses in a furnace, and includes ancillary facilities such as a chapel and offices;
- 20.2.99 **"CROPPING"** - Means the use of land and buildings associated with the cultivation and production of edible and harvestable products that are farmed, planted, grown, and harvested for animal and human consumption and includes buildings associated therewith.
- 20.2.100 **"DAM"** - Means a barrier to obstruct the flow of water built across a stream, river, or natural overland flow path and can consist of a barrier made of earth, masonry, concrete etc.

- 20.2.101 **"DISPENSING CHEMIST"** – Means an enterprise supplying only medicine as defined in the Act on the Control of Medicine and Related Material, 1965 (Act No. 101 of 1965), as amended, as prescribed by a registered medical practitioner only.
- 20.2.102 **"DWELLING OFFICE"** – Means an existing dwelling unit that is converted and used as an office, provided that the elevation treatment of the buildings maintain a residential character and appearance complementary to the environment, and is also in accordance with the policy of the local municipality.
- 20.2.103 **"DWELLING UNIT"** – Means an interconnected suite of rooms which does not include more than one kitchen, designed for occupation and use by a single family or extended family and which may include such outbuildings and servants quarters as are ordinarily incidental thereto.
- 20.2.104 **"ERF"** - Means land in an approved township registered in a deeds registry as an erf, lot, plot or stand or as a portion of the remainder of any erf, lot, plot or stand or land indicated as such on the general plan of an approved township, and includes any particular portion of land laid out as a township which is not intended for a public open place, whether or not such township has been recognised, approved or established as such in terms of relevant legislation; as well as any portion of land identifiable by means of boundaries or beacons within rural settlements.
- 20.2.105 **"EXISTING USE"** – Means the otherwise legal use of land and/or buildings exercised on or before the fixed date and which is contradictory to the stipulations of the scheme.
- 20.2.106 **"FILLING STATION"** – Means land used or a building designed or used for fueling, washing, polishing and lubricating of motor vehicles, as well as for emergency repairs to vehicles, but excluding a "Public Garage", panel beating, spray painting or any major repair work and can include the retail trade of emergency spare parts, as a complimentary subservient service. A Convenience Store not exceeding 250m² is permitted as a primary right.
- 20.2.107 **"FIXED DATE"** – Means the date on which the local municipality gives notice in the Provincial Gazette that this scheme is in operation.
- 20.2.108 **"FLAT"** – Means a group of dwelling units contained in a building(s) with a communal entrance.
- 20.2.109 **"FUNERAL PARLOUR"** – Means a building used or designed for use as a mourning or funeral chapel and includes such other buildings designed for use in connection therewith and which is normally ancillary to or reasonably necessary for the business of a funeral undertaker, but shall exclude a crematorium.
- 20.2.110 **"GAME RESERVE"** – Means land or a place reserved for wild life; exclusive occupation and use.
- 20.2.111 **"GROSS FLOOR AREA"** – Means the sum of the total area covered by a building at the floor level of each storey: Provided that in calculating the floor area, the floor area for parking and vehicle maneuvering area be excluded.
- 20.2.112 **"GROSS LEASIBLE FLOOR AREA"** – Means floor area that is designed for the occupation and control by a tenant, or that is suitable therefore, measured from the centre line of joint partitions and the internal surface of external walls.

- 20.2.113 **"GROUND FLOOR"** – Means the storey of which the floor is on the lowest natural ground level.
- 20.2.114 **"GROUP HOUSING"** – Means a group of detached and / or attached dwelling units on a stand or stands that form an integrated, harmonious and architectural unit and include concepts like group housing, townhouses, simplexes, duplexes and all such development, but excludes uses included in the definition of "Dwelling Unit", "Residential Building" or "Flat".
- 20.2.115 **"GUEST HOUSE"** – Means a household enterprise which, with the special consent of the local municipality, can be conducted from rooms, or a dwelling unit without a kitchen of its own and which forms part of a permanently occupied dwelling unit, used for the accommodation of not more than six visitors on a temporary basis.
- 20.2.116 **"GYMNASIUM"** – Means a business where people do physical and aerobic exercises with or without apparatus.
- 20.2.117 **"HEIGHT"** – Means the height of the building expressed in the number of storeys.
- 20.2.118 **"HOTEL"** - Means an accommodation enterprise which include places of entertainment and restaurants and are also licensed in terms of the Liquor Act, 2003 (Act No. 59 of 2003) and may also include conference facilities.
- 20.2.119 **"HOUSEHOLD"** - Means a group of persons regarded as a domestic unit in terms of legislation, common law or customary law.
- 20.2.120 **"HOUSEHOLD ENTERPRISE"** - Means a small-scale enterprise which is used by the occupant for the conduct of a practice or occupation with the aim of deriving income there from and which is practiced by a maximum of three (3) persons, of which at least one is a full-time resident of the property, from a dwelling unit in such a way that the residential character and primary use of the dwelling unit and environment shall not, in the opinion of the local municipality, be in any way harmed or changed. No retail trade is permitted from the property. Additional activities may be added by the local municipality from time to time.
- 20.2.121 **"INFORMAL BUSINESS"** – Means the conducting of a business which, with the consent of the local municipality after consultation with the adjacent 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.
- 20.2.122 **"INFORMAL STRUCTURE"** – Means a residential shelter of a temporary nature that does not comply with the provisions of the Act on National Building Regulations and Building Standards, 1977 (Act No. 103 of 1977) and any amendments thereof.
- 20.2.123 **"INDUSTRY"** – Means the use of land or a building for a factory, distributing depot, wholesale, storage, warehouse for the storage of wholesale merchandise, carting and transport services, laboratories, workshop and motor workshop and may also include offices which are normally associated with or which are reasonably essential for the main use.
- 20.2.124 **"INSTITUTION"** – Means a building designed to be used as a charitable institution, hospital, nursing home, old age home, clinic, sanatorium, either public or private but excludes institutions used mainly as offices or for administrative work, and may, with

the permission of the local municipality include activities which is directly related to and subservient to the main use.

- 20.2.125 **"KENNELS"** – Means land used for the purpose of keeping, breeding, accommodating and lodging any domestic animal.
- 20.2.126 **"KIOSK"** – Means a building designed and use for the preparation or retail sale of meals and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets. Cafeteria has a similar meaning.
- 20.2.127 **"LAND"** - Also includes any improvements on land, any interest in land as well as land covered by water, and property shall have a corresponding meaning.
- 20.2.128 **"LAND USE SCHEME REGISTER"**-means the register as contemplated in section 1.11 of this Land Use Scheme.
- 20.2.129 **"LAND UNIT"**- Means a portion of land registered in the Deeds Registry, or shown on a valid plan of subdivision approved by the municipality or other competent authority, as an erf, farm, stand, lot or plot;
- 20.2.130 **"LANDSCAPE DEVELOPMENT PLAN"** - Means a plan drawn to a scale of 1:200 containing information on existing natural features and vegetation and proposed soft and hard landscape design information specifying species, quantities and qualities and compiled by a Professional Landscape Architect.
- 20.2.131 **"LANDSCAPING PLAN"**- Means a plan indicating the topography of a site, together with the proposed open space layout and may include the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing aesthetic appeal, functional environmental management and amenity of a property.
- 20.2.132 **"LANDSCAPING"** - Means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing aesthetic appeal, environmental management, amenity and value of a property.
- 20.2.133 **"LARGE ENGINEERING INFRASTRUCTURE"** - Means property and land used for large engineering installations such as dams, viaduct, power station, power line, energy generation and similar infrastructure.
- 20.2.134 **"LAUNDERETTE"** - Means a coin operated self-service laundry where standard or heavy duty washing machines and tumble dryers are used and may including a clothing folding or ironing service.
- 20.2.135 **"LAWFUL NON-CONFORMING USE"** - Means an existing use of property, including buildings or structures thereon and the use thereof, that was lawful before the commencement date of this zoning scheme, but which does not conform to the use or development rules stipulated in this zoning scheme;
- 20.2.136 **"LAYOUT PLAN"** - Means a plan indicating information relevant to a land development application and the land intended for development and includes the relative locations of erven, public places, or roads, subdivision or consolidation, and the purposes for which the erven are intended to be used read with any notation or conditions contained thereon
- 20.2.137 **"LOADING SPACE"** – Means a rectangular area of not less than 3m by 16m in size.
- 20.2.138 **"LOCAL MUNICIPALITY"** – Means the Fetakgomo Tubatse Local Municipality and/or any employee in his service to whom the authority is delegated.

- 20.2.139 **"MAP"** – Means the scheme map (also marked Map 3) as amended from time to time.
- 20.2.140 **"MEDICAL CONSULTING ROOMS"** – Means a building designed or adapted as professional rooms for medical practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as veterinary surgeons, and may include a dispensing chemist not exceeding 20m² but not uses included in the definition of "Institution".
- 20.2.141 **"MINING AND QUARRYING PURPOSES"** – Means land where the extracting of minerals occurring naturally, for example solids such as coal and ores; liquids such as crude petroleum and gasses such as natural gas. Mining includes underground and surface mines, quarries and the operation of oil and gas wells and all supplemental activities for dressing and beneficiating ores and other crude materials such as crushing, screening, washing, cleaning, grading, milling, flotation, melting, refining, pelleting, topping and other preparation needed to render the material marketable. It also includes all associated works such as rock dumping, tailing dams, workshops and buildings for mining purposes. Reclamation of minerals from mine dumps and worked out mines is included.
- 20.2.142 **"MINING 2"** – Means land with ore bodies and/or mineral potential/occurrences with or without mining rights in terms of existing mining and mineral legislation. The minerals are therefore likely to be extracted in future.
- 20.2.143 **"MINOR STRUCTURAL CHANGES"** – Means small structural changes to an existing building for which a building plan is not a requirement.
- 20.2.144 **"MOBILE DWELLING UNITS"** – Means a prefabricated mobile unit of an interconnected set of rooms that does not include more than one kitchen and is designed for use by a household and which is moveable.
- 20.2.145 **"MUNICIPAL PURPOSES"** – Means such use of land for which the local municipality is authorised in terms of any law.
- 20.2.146 **"NATIONAL PARK"** – Means a natural area of land designated to:
- (a) protect the ecological integrity of one or more ecosystems for present and future generations;
 - (b) exclude exploitation or occupation inimical to the purposes of designation of the area; and
 - (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.
- 20.2.147 **"NATURAL HERITAGE SITE"** – Means land or an area declared in terms of the relevant Act to protect, preserve, and / or manage localised provincially significant natural features due to their special interest or unique characteristics; these are relatively small areas focused on the protection of specific features, species, natural landscapes and biotic communities occurring on any private, communal or state land.
- 20.2.148 **"NATURE RESERVE"** – Means an area of land possessing some outstanding or representative ecosystems, geological or physiological features and/or species where wild life is left undisturbed by man.

- 20.2.149 **"NOXIOUS INDUSTRY"** – Means an industry which is listed in Schedule 1 to the scheme.
- 20.2.150 **"NURSERY"** – Means a business where plants or seeds are cultivated, grown and sold, and includes the selling of products or items that are related to horticulture.
- 20.2.151 **"OFFICE"** – Means a building or part thereof, designed or used for administrative, professional and related purposes, including a bank, insurance company, building society, medical consulting rooms and related offices or rooms.
- 20.2.152 **"OCCUPANT"** – Means in relation to any building, structure or land includes the following: Any person actually occupying such building, structure or land or is legally entitled to occupy it, or anybody having the authority to manage such property, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.
- 20.2.153 **"OUTBUILDING"** – Means a building which, in the opinion of the local municipality, is usually functionally necessary but subordinate to the use of another building, permitted as a use in terms of Table "A" on the same property.
- 20.2.154 **"OVERNIGHT ACCOMMODATION"** – Means a residential unit or rooms with or without kitchen, used for provision of temporary accommodation to persons.
- 20.2.155 **"OWNER"** - In relation to the property:
- (a) the registered owner; or
 - (b) where such a person is deceased, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other whatsoever; or
 - (c) the occupant, or the lessee by virtue of a lease which is registered by law; but not for purposes of lodging an application in terms of the provisions of this scheme; or
 - (d) when an owner, as defined above is absent from the area or his address unknown, "owner" shall mean an agent of such an owner or any person that receives rent or that is entitled to rent in respect of the premises;
 - (e) de facto occupant but not for purposes of lodging an application in terms of the provisions of this scheme; or
 - (f) also the holder of any right in land whether registered or unregistered, and may include the interest of a labour tenant and sharecropper, a customary law interest, the interest of a beneficiary under a trust arrangement and beneficial occupation for a continuous period of not less than 10 years prior to the dispossession in question.
- 20.2.156 **"PANEL BEATER"** – Means the replacement, reparation and/or panel beating of the body and spare parts of vehicles and the spray painting thereof.
- 20.2.157 **"PANHANDLE"** – Means the access section of a panhandle erf, which section must be at least 3m wide provided that this section is not considered as a part of the erf for the purpose of this scheme.
- 20.2.158 **"PARKING AREA"** – Means parking and maneuvering space necessary to provide traffic with access and parking space as well as efficient connection with the adjoining street.

- 20.2.159 **"PARKING GARAGE"** – Means a building, structure or land exclusively used for the parking of motor vehicles not intended for retail trade.
- 20.2.160 **"PLACE OF AMUSEMENT"** – Means land used or a building designed for or used as a public hall, theatre, cinema, music hall, concert hall, billiards saloon, sports arena, skating rink, dance hall, or for other recreational purposes, or for trade- or industrial exhibitions or for pinball games with more than three (3) machines.
- 20.2.170 **"PLACE OF INSTRUCTION"** – Means a building designed for use as a school, college, technical or academic institution, crèche, lecture hall, nursery school, after school care centre, or other educational centre and a hostel in connection therewith and includes a convent or monastery, a library, art gallery and a museum.
- 20.2.171 **"PLACE OF REFRESHMENT"** - Means a drive-in restaurant, café, tea-room or coffee shop, being a building other than a hotel, residential club, or boarding house, designed and used for the preparation or retail sale of meals and refreshments as well as the retail sale of fresh produce, cold drinks, tobacco, reading material and sweets.
- 20.2.172 **"PRIMARY RIGHT"**: Means the uses permitted in terms of Table "A".
- 20.2.173 **"PRIVATE CLUB"** – Means land used or a building designed or used for the private gathering of a group of persons being members of that club with a common objective.
- 20.2.174 **"PRIVATE OPEN SPACE"** – Means land zoned or used as a sport-, play-, rest-and recreational ground or as an ornamental or pleasure garden and a tearoom / restaurant, to which, without permission, the general public has no right of admission.
- 20.2.175 **"PROTECTED AREA"** – Means land or an area described in terms of the relevant Act that will substantially promote the preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife or the preservation of biotic diversity in general with the nature primarily orientated to support sustained economic activities. Such area may comprise private, communal, or state land or any combination thereof which is contractually developed and managed with joint resources for conservation, education, recreation and sustainable resource utilisation purposes.
- 20.2.176 **"PUBLIC OPEN SPACE"** – Means any land zoned for use by the general public as an open space, park, garden, recreation site, sport field or square.
- 20.2.177 **"PUBLIC GARAGE"** – Means a building used for the maintenance, repair or fueling of vehicles and associated purposes, and may include a vehicle workshop, the display and sale of new and used motor vehicles, the cleaning and washing thereof, the sale of spare parts, accessories, fuel and lubricants and may also include a place of refreshment and convenient store as subservient use but excludes spray-painting, panel beating or a scrapyard, provided that the convenience store or place of refreshment, including store rooms, shall not exceed 250m².
- 20.2.178 **"PUBLIC WORSHIP"** – Means a building designed for use or used for religious purposes such as a church, chapel, oratory, prayer house, mosque, synagogue or other place of public devotion, and includes a building designed to be used as a place of religious instruction.

- 20.2.179 **"QUARRYING"** – Means land used for the purposes as described in terms of the definition "Mining and Quarrying purposes".
- 20.2.180 **"RAILWAY TRANSPORTATION SERVICES"** – Means the use of land or a building designed or used for rail and/or incidental or related railway uses.
- 20.2.181 **"RESIDENTIAL BUILDING"** – Means a building, other than a "dwelling unit", group housing, hotel, flat and institution, that is designed for and used as a boarding house, residential club, hostel, residential hotel or rooms to let.
- 20.2.182 **"RESIDENTIAL TAVERN"** - means a building designed for or a portion of a dwelling unit used for the purposes of selling and serving liquor, other beverages and prepared food / snacks, to be consumed on the property, subservient to the residential use of the property remains the primary use of the property. The area used for a tavern shall not exceed a total floor area of 50m² and is further subject to the policy of the local municipality as amended from time to time.
- 20.2.183 **"RESORT"** – Means a place frequented by people for relaxation or recreation - for a specified purpose or quality (i.e. health, holiday, mountain resort). Specialised resorts (i.e. youth camps, church, cultural). Picnic resorts, holiday towns and hotels/motels, rest camps, camping. [Nature, water, historically (i.e. mining towns, trading posts, trek routes, old bridges) orientated].
- 20.2.184 **"RESTAURANT"** – Means a building or part of a building used for the preparation and sale of meals and refreshments, confectionery for consumption on the erf of the property and includes entertainment subsidiary to the main use and can include a place of refreshment, as well as a drive-through restaurant.
- 20.2.185 **"RETAIL TRADE"** – Means any trade other than "Wholesale trade" as defined in this scheme.
- 20.2.186 **"RETIREMENT VILLAGE"** – Means and includes dwelling units and community facilities such as a dining hall, sick-bay, sport and recreation facilities or such other facilities, approved by the local municipality, for occupancy and use by elderly people.
- 20.2.187 **"RURAL GENERAL DEALER"** – means a building or part of a dwelling unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments. The area used for the rural general dealer shall not exceed a total floor area of 30m².
- 20.2.188 **"RIGHTS"** – Means land use rights obtained in terms of this scheme.
- 20.2.189 **"RURAL"** - Means land located outside of urban areas within rural settlements on land not used for bona fide agricultural activities.
- 20.2.190 **"RURAL OCCUPATION"**- Means an informal rural settlement comprising mainly residential dwellings and limited commercial and social components.
- 20.2.191 **"RURAL RESIDENTIAL"**– Means a land use zone that provides for land uses and buildings for residential purposes with a predominantly rural character and includes other associated land uses that support livelihoods

20.2.192 **"RURAL RESIDENTIAL II"**- Means a zone that provides for residential areas or settlements with a predominantly rural character, but with higher densities and settlements that have been or can potentially be earmarked for in-situ upgrading.

20.2.193 **"RURAL MIXED ZONE I"**- Means a zone intended to provide for a range of low impact commercial activities, offices and service industrial uses that will provide local services within rural communities.

20.2.194 **"RURAL MIXED ZONE II"**- This mixed-use zone is intended to provide for a range of medium impact commercial activities, offices and service industrial uses that will provide local services within rural communities.

20.2.195 **"RURAL SETTLEMENT SITE"** - Means a site or an erf within a formal, informal or semi-formal rural settlement that is subject to the development conditions listed within the Land-use Table, including Use Zone 2, "Residential 1 - Rural Settlement", but excluding Use Zone 1, "Residential 1".

20.2.196 **"RURAL GENERAL DEALER"** - Means a building or part of a dwelling unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments. The area used for the rural general dealer shall not exceed a total floor area of 150m².

20.2.197 RURAL SETTLEMENT TYPES:

20.2.197.1 **"FARM SETTLEMENT"** – Means the use of land for homesteads for people living on a commercial farm and is directly associated with the farming activities related to the particular farm, subject to the policy of the local municipality as amended from time to time.

20.2.197.2 **"FORMAL RURAL SETTLEMENT"**– Means a settlement which is planned and surveyed (General Plan). A formal rural settlement can be handled in the same manner as a proclaimed township.

20.2.197.3 **"INFORMAL RURAL SETTLEMENT"**– Means a settlement situated either on private, tribal or state land. Settlement is not planned or surveyed. Management is done by a communal property association or tribal authority or local municipality.

720 either on private, tribal or state land. Settlement is planned and surveyed (mostly not a general plan). Management is done by a communal property association or tribal authority or local municipality.

20.2.198 "Rural Tourism Facility" - Means any land development or building mainly aimed at day visitors, with limited overnight accommodation and may include a day spa, health spa, wedding venue and ancillary facilities such as a chapel and / or restaurant.

20.2.199 **"SCHEDULES"** – Means a supplement(s) to the scheme containing special procedures and/or some areas or properties to which specific rights or provisions are applicable and such schedules may from time to time be amended by the local municipality. Where any discrepancy exists between the Schedules and the provisions of the Clauses and tables, the most prohibitive conditions shall prevail.

20.2.200 **"SCHEME"** – Means this land-use scheme in operation and includes the clauses, map 3A and the annexures.

- 20.2.201 **"SCRAPYARD"** – Means land or buildings used for the dismantling, stacking, storing or preparing for resale of any used material, waste metal, scrap vehicles, scrap machinery or any other scrap material whether or not such dismantling or stacking is done with a view to disposal or re-use of such waste.
- 20.2.202 **"SERVICE INDUSTRY"** – Means a use, which, in the opinion of the local municipality is a small-scale industry, with emphasis on maintenance and repair, as well as retail trade in connection therewith, that shall not cause the deterioration of the amenity of the neighbourhood or cause disturbance in consequence of noise, appearance, odour or activities or any reason whatsoever.
- 20.2.203 **"SHOP"** – Means land used or a building designed or used for the purpose of carrying on retail trade and the necessary accompanying storage and packing and includes any accompanying uses on the same property appurtenant but ancillary to the retail trade being carried on. The following uses are not regarded as appurtenant to a shop: A noxious trade, drive-in-restaurant, place of refreshment, scrapyards, parking garage, public garage, vehicle workshop, filling station and warehouse.
- 20.2.204 **"SITE"** – Shall have the same meaning as "Erf".
- 20.2.205 **"SITE DEVELOPMENT PLAN"** – Means a plan as described in **Schedule 2** to the scheme.
- 20.2.206 **"SOCIAL HALL"** – Means a building designed for use, or used for cultural activities, social meetings, gatherings and recreational purposes, that is not profit seeking in its primary purpose, and includes a non-residential club but excludes a place of amusement.
- 20.2.207 **"SPAZA"** – Means a building designed for or a portion of a residential unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments, where the residential use of the property remains the primary use of the property. The area used for a spaza shall not exceed a total floor area of 30m², and is further subject to the policy of the local municipality as amended from time to time.
- 20.2.208 **"SPECIAL CONSENT"** – Means the consent of the local municipality granted in terms of the provisions of Clause 21.
- 20.2.209 **"SPORT, PLAYGROUNDS AND RECREATION"** – Means any land zoned for use as private or public sport fields, playground and recreation site including any building, structure or facility appurtenant thereto.
- 20.2.210 **"STOREY"** – Means the space in the building between one floor level and the next floor level or ceiling or roof above.
- 20.2.211 **"STREET"** – Means the area or part of any street, road, bridge, subway, avenue, lane, sanitary lane, thoroughfare or right-of-way, as shown on the general plan of a township or in respect of which the public has acquired a right-of-way by prescription or otherwise and "ROAD" shall have a corresponding meaning.
- 20.2.212 **"SURROUNDING OWNERS"** - Means the registered owners of the properties directly adjacent to the subject property as well as properties abutting any streets to which the subject property has direct access within such a radius, with the subject property as centre point, as determined by the local municipality and also such other owners or interested parties as the local municipality may specify.

- 20.2.213 **"TAXI HOLDING AREA"** - Means an area, where mini buses (taxis) hold before proceeding to loading points and where generally there is no passenger activity. A holding area can either be included within or separate from a terminal facility.
- 20.2.214 **"TAXI PARKING AREA"** – Means a demarcated part of a parking lot which may be used by minibuses (taxis) aiming to provide a public transport service; the provision of parking places for taxis shall form part of the parking spaces for the purposes of determining parking provision on any property.
- 20.2.215 **"TAXI RANK"** – Means a place usually within the road reserve at which mini buses (taxis) are allowed to wait and / or stop for passengers boarding or alighting.
- 20.2.216 **"TEMPORARY BUILDING"** – Means a building designated as such by the owner after consulting with the local municipality and which is used, or will be used, for a specified period for a specified purpose, but does not include a building shed.
- 20.2.217 **"TEMPORARY CONSENT"** – Means the temporary consent of the local municipality envisaged in accordance with the provisions of Clause 23 of the scheme.
- 20.2.218 **"TOURISM"** – Means the business of providing services to tourists; the practice of travelling for pleasure; organised touring; accommodation and entertainment of tourists as an industry.
- 20.2.219 **"TRANSPORT USES"** – Means the use of land and/or buildings for the operation of a business consisting of the transportation of goods and/or passengers by rail, air, road and pipelines and includes uses such as stations, transportation amenities and facilities, parking, administrative offices and ancillary uses such as warehouses, container parks, workshops as well as residential uses and amenities for personnel, and may further include any uses such as business, shops or offices which are of service and convenience to passengers, as approved by the local municipality.
- 20.2.220 **"VEHICLE SALES LOT"** – Means land used or a building designed or used for the display and sale of motor vehicles, which are roadworthy and of good outward appearance.
- 20.2.221 **"WHOLESALE TRADE"** – Means the sale of goods or produce in large quantities to other retailers and excludes sales to the general public.
- 20.2.222 **"WRITTEN CONSENT"** – Means consent granted by the local municipality in terms of Clause 22 of the scheme.
- 20.2.223 **"ZONE"** – Means a part of this scheme, as shown on the map, by means of a distinctive notation or edging or other distinctive manner as depicted in Column 2 of Part IV of this scheme, and use zone has the same meaning.

PART III – GENERAL CONDITIONS APPLICABLE TO ALL PROPERTIES

21. CONDITIONS APPLICABLE TO ALL PROPERTIES

21.1 USE OF ALL LAND

Land may only be used in accordance with its approved land-use zone as determined in this land-use scheme.

21.2 EXCAVATIONS (EXCLUDING USE ZONE 20) AND BOREHOLES

21.2.1 Except with the written consent of the local municipality and subject to such conditions as it may impose, neither the owner nor occupant (excluding where the local municipality, government or wholly owned government companies is the owner) shall, or allow any other person to -

- (a) excavate any material from an erf or other land within the jurisdictional area of the local municipality save as may be necessary to prepare such erf or land for building purposes;
- (b) sink any wells or boreholes on such erf or other land within the jurisdictional area of the local municipality or extract any underground water there from, save as may be necessary on land where the local municipality is not the service provider; and
- (c) manufacture or permit the manufacturing of tiles or earthenware, pipes or other articles of similar nature for any purpose whatsoever on the erf or other land within the jurisdictional area of the local municipality unless the erf or land falls within Use Zones 7 and 8.

21.3 PROTECTION OF LAND AND THE ENVIRONMENT

21.3.1 No person may spoil or damage land in any Use Zone so as to impair its use or the purpose for which it was zoned.

21.3.2 No person may develop land without complying with the requirements of the Environment Conservation Act, (Act 73 of 1989) as amended from time to time and without observing the requirements relating to listed activities.

21.4 HANDLING AND DRAINAGE OF STORMWATER

21.4.1 Where, in the opinion of the local municipality, it is impracticable for stormwater to be drained from higher lying erven direct to a public street, the owner of the lower lying erf shall be obliged to accept and permit the passage of such stormwater over the lower lying erf; Provided that the owners of the higher lying erven from where the stormwater is discharged over a lower lying erf, shall be liable to contribute a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find reasonably necessary to lay or construct for the purpose of leading away the water so discharged over the erf, subject to the approval of the pipeline or drain by the local municipality.

21.5 *PLACING AND DEVELOPMENT OF BUILDINGS*

21.5.1 The siting of buildings, including outbuildings erected on the erf, as well as exits and entrances to a public street system shall be to the satisfaction of the local municipality.

21.5.2 No building of any nature shall be erected on that portion of the property which is likely to be inundated by the floodwater of a public stream on an average of 100 years, as determined by the relevant legislation from time to time and the local municipality.

21.6 *BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS*

21.6.1 No building or structure other than boundary walls, fences, garden decorations, pergolas or temporary buildings or structures required in connection with building operations on the property, shall be erected within any building restriction area.

21.6.2 The building lines as defined in Table "D" are applicable to all properties according to the use zones as set out therein. Provided that, in addition to the building lines stipulated in Table "D":

- (a) The local municipality has the right to use a 2m strip next to any two boundaries of a property (street boundary excluded) and in case of a panhandle, an additional servitude, 2m wide across the access portion of the erf for the installation of engineering services, and such strips are to be considered as building restriction areas (no building or other structure shall be erected within the foresaid servitude area and no large rooted trees shall be planted within the area).
- (b) The erection of buildings on distances from boundaries other than street boundaries must comply with the Act on National Building Regulations and Building Standards (Act 103 of 1977) and any amendments thereof.
- (c) The local municipality may, after receipt of an application for written consent from the owner, and subject to such conditions as the local municipality may find expedient –
 - (i) permit the erection of a building in the building restriction area in the case of corner properties or where, due to the slope of the property or adjoining land, or the proximity of buildings already erected, compliance with the building line requirements will hamper development of the property to an unreasonable extent or where the building line is not needed for the installation of services;
 - (ii) during consideration of a site development plan, relax the building restriction area for all erven, if it is of the opinion that such relaxation would result in an improvement of the development potential of the erf and the esthetical quality of the building; and
 - (iii) permit the construction of a swimming pool or tennis court in the building restriction area.

- (d) Where an erf or other land borders on a national or provincial road, or if provided otherwise in the conditions of title, the applicable building line shall be the building line prescribed by the Controlling Authority, or the building line indicated in Table "D", Column 15, whichever is the wider, and such building line shall not be relaxed, modified or amended without the written consent of the Controlling Authority.
- (e) For the purpose of this clause a sanitary and pedestrian alley is not considered to be a street or road.

21.6.3 Access to and exit from a property to any public street or road, shall, where prohibited across a boundary line, be indicated by the following symbol on the scheme map:

Provided that the local municipality may, upon receipt of a written application, permit its relaxation upon such conditions as it may deem fit, if, due to extraordinary circumstances, compliance with such restriction of access, will hamper development of the property to an unreasonable extent; Provided further that no relaxation of a restriction on access to or exit from a property, to a provincial or national road, shall be permitted without the consent of the Controlling Authority.

21.7 SCREEN WALLS AND FENCES

21.7.1 A screen wall or walls shall be erected and maintained to the satisfaction of the local municipality if and when required by it.

21.7.2 Where a property has been fenced, such fence shall be maintained to the satisfaction of the local municipality.

21.8 MAINTENANCE OF BUILDINGS, GARDENS AND SITES

21.8.1 The owner is responsible for the maintenance of the entire development on the property.

21.8.2 Where the amenity of any use zone is detrimentally affected by the condition of any garden, yard, building or any development on a property, the local municipality may, by notice served upon the owner or occupant of the premises on which such condition exists, require him to take, within a period of 28 days or such other period the local municipality in his discretion may deem reasonable from the date of service of the notice, such steps as may be necessary to abate such condition and the measures required to be taken at his expense to abate the condition complained of, shall be set out in such notice.

21.9 EXEMPTION OF EXISTING BUILDINGS

21.9.1 The stipulations of the land use scheme are not applicable to existing buildings other than existing buildings in accordance with Section 43 of the Ordinance. Where such buildings are altered or added to and where such altered use, alteration, rebuilding or construction is in the opinion of the local municipality substantial, the stipulations of this land-use scheme are considered to be binding and valid in respect of those parts that are changed, altered or rebuilt: Provided that additions and constructions that do not exceed 30m² in total (or is of a limited extent such as the removal of non-load bearing internal walls, the erection of moveable partitions, safes and toilets inside an existing

building, or repair work inside or outside a building), are not considered to be substantial.

21.10 BUILDINGS USED FOR MORE THAN ONE PURPOSE

21.10.1 Where a building is used, or a proposed building is designed for more than one purpose, it shall, for the purposes of density; height; coverage; floor area ratio and parking, be deemed to be partially used or to have been partially designed, for each such purpose or use: Provided that for the purposes of this clause if more than 75 % of a building is otherwise designed or used for a single use or a single use is predominant in such building, it shall be dealt with as if used or designed for such predominant use. The local municipality shall, in its discretion when considering a building plan, or upon application for this purpose being made by the person in charge of the erection of a building, or proposing to erect a building, decide which use is predominant.

21.10.2 The local municipality shall notify the applicant, within twenty-eight (28) days or such other period the local municipality in his discretion may deem reasonable, after official receipt of the building plan or application in terms of any decision in terms of sub-clause 21.10.1

24. STRUCTURES WHICH MAY BE ERECTED IN ANY USE ZONE

This land-use scheme does not prohibit the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, boundary walls and fences.

25. ERECTION AND USE OF BUILDINGS OR USE OF LAND

23.1 For the purposes of this clause, the expression “erection and use of a building” includes the use of land and a building, as well as the conversion of a building for that use whether or not it entails the structural alteration thereof.

23.2 The purposes for which buildings and land in each of the use zones:

- a. may be erected and/or used;
- b. may be erected and/or used only with the special consent of the local municipality, permanently or for a specified period;
- c. may be erected and/or used only with the written consent of the local municipality; or
- d. may not be erected and/or used.

23.3 No person shall without consent being granted in terms of Written or Special consent hereof use, or cause or permit to be used, any building or property or part thereof for a purpose other than the purpose for which it was zoned.

23.4 If the use of a building changes because of the rights that have been granted to a property or have already vested in the property, such building and the property shall comply with all the conditions laid down and which are applicable to the use.

23.5 If the use of an existing building changes and it is not in accordance with the rights attached to the property, it shall comply with all the stipulations of the scheme.

23.6 Where the use of land or a building can only be conducted with the permission of the local municipality, the use may not be conducted prior to the consent being given.

23.7 Nothing herein contained shall be deemed to grant exemption from any of the local municipality’s by-laws nor any other Act.

27. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 2

24.1 Subject to the general conditions in this scheme, the following additional conditions will apply to the erven in Use Zone 2 (Residential 2):

- i. The requirements as set out in Table “A” to “D”.
- ii. A site development plan shall be submitted, as set out in Clause 30.
- iii. The erf or any group of erven shall not be subdivided into plots with single dwelling units thereon, before full implementation of the proposals embodied in the site development plan relating to the particular erf or group of erven have been fully implemented or the local municipality has granted written consent thereto. If it is not the intention to develop the whole of the erf or any group of erven simultaneously the grouping of the dwelling units and programming of the development must be shown clearly on the site development plan.
- iv. The internal roads on the property shall be constructed and maintained by the owner as required by the local municipality.

28. CONDITIONS APPLICABLE TO PUBLIC GARAGE AND FILLING STATION ERVEN

25.1 Subject to the general conditions in Clause 8, the following additional conditions will apply to erven used for public garages or filling stations:

- a. The requirements as set out in Table “A” to “D”.
- b. A site development plan shall be submitted, as set out in Clause 30.
- c. No material or equipment of any nature whatsoever may be stored or stacked to a height greater than the height of the screen wall.
- d. No repair work to vehicles or equipment of any nature, shall be performed outside the garage building, except in an area screened off for the purpose to the satisfaction of the local municipality.
- e. No material or equipment of any nature whatsoever shall be stored or stacked outside the garage building, except in an area screened off for the purpose.
- f. The local municipality may relax conditions in Clauses 25.1(c), 25.1(d) and 25.1(e) by written consent.

29. DENSITIES, SUBDIVISION AND OCCUPATION

26.1 Table “C” Columns 8, 9 and 10 stipulates density in terms of the maximum number of dwelling units per netto hectare or per erf, attached to the erf as a primary right, as well as the extent to which it may be relaxed by special consent, or written consent by the local municipality, as the case may be.

26.2 The local municipality will compile a policy on residential densities permissible in different townships and rural villages and/or residential neighbourhoods to

guide decisions with applications for the relaxation of densities by special consent, or written consent by the local municipality, as the case may be.

- 26.3 The local municipality may, upon application being made for its special consent, or its written consent as the case may be, amend the density of an erf in accordance with the local municipality's policy on density and as amended from time to time.
- 26.4 Where a dwelling unit has been erected on a "Residential 1" and "Agricultural" zoned property, the owner may apply in terms of written consent to erect an additional dwelling unit on such property.
- 26.5 The local municipality will not consent to the subdivision of land or an erf if such subdivision does not comply with the density stipulations as set out in Table "C" or any other reasonable conditions the local municipality may require.

Notwithstanding any conditions that are applicable regarding the subdivision of erven in terms of the Ordinance or this scheme, the following further conditions are applicable to panhandle subdivisions:-

- (a) the panhandle shall provide access from a street to the panhandle portion;
 - (b) the panhandle shall not be less than 3m wide along its whole length, unless the local municipality otherwise grants written consent;
 - (c) the area of the panhandle portion, excluding the panhandle, shall be in accordance with the density requirements of this scheme;
 - (d) except with the written consent of the local municipality the slope of the panhandle shall not exceed 1:8;
 - (e) a panhandle shall provide access only to the erf of which it forms a part as well as the property in favour of which a servitude of right of way has been registered over the panhandle, except where the local municipality otherwise determines;
 - (f) the registered owner of the panhandle portion shall, when required by the local municipality, at his own expense pave the panhandle to the satisfaction of the local municipality prior to or simultaneously with the erection of any building on the erf and such roadway shall thereafter be maintained dust free to the satisfaction of the local municipality;
 - (g) the registered owner of the panhandle portion shall, when required by the local municipality, erect screen walls or dense barriers along the boundaries of the panhandle to the satisfaction of the local municipality. The extent, material, design, height, position and maintenance of such screen walls or barriers shall be to the satisfaction of the local municipality.
 - (h) No buildings or structures except such walls and barriers envisaged in sub-clause 13.5(g) shall be erected in the panhandle.
- 26.6 Not more than one household, together with two other persons, or a maximum of eight (8) persons may live on a permanent basis in one dwelling

unit. If the number of persons exceeds above-mentioned, written consent must be obtained.

29. HEIGHT OF BUILDINGS

27.1 Dwelling unit/s or residential buildings in the “Residential 1 and 2” use zone shall not exceed two storeys in height, except in accordance with the written consent of the local municipality, prior to the erection of any new building.

27.2 If a dwelling unit or residential building in the “Residential 1 and 2” use zones exceeds 1 storey and due to the topography of the area may impair on the privacy, aesthetics, or view of adjacent properties a site development plan may be required for approval, by the local municipality.

27.3 Buildings in other use zones excluding those mentioned in Clause 27.1 shall not exceed five (5) storeys in height.

27.4 No building, other than those mentioned in Clause 27.1, may exceed five (5) storeys in height, except in accordance with written consent of the local municipality obtained, prior to the erection of new buildings or additions to existing buildings.

30. COVERAGE OF BUILDINGS

28.1 Table “C”, Columns 11 and 12 contains respectively, the coverage which may be implemented on a property and the extent to which the coverage may be relaxed.

28.2 Coverage of buildings shall not exceed the coverage stipulated in Table “C” except in cases where the written consent of the local municipality had been obtained, and then only on condition that the total number of parking spaces required in terms of Clause 28, read together with Table “B”, Column 7 can be made available.

31. FLOOR AREA RATIOS

29.1 Table “C”, Columns 13 and 14 contains the floor area ratio as a ratio of the area of an erf and the extent to which the floor area ratio may be relaxed.

29.2 The floor area ratio shall apply to all new buildings and/or additions or alterations to existing buildings as set out in Table “C”, Columns 13 and 14.

29.3 The floor area ratio may not be exceeded except with special consent of the local municipality obtained in terms of Special Consent read together with Table “C”, prior to the erection of new buildings or additions to existing buildings.

32. SITE DEVELOPMENT PLANS

30.1 A site development plan shall be prepared for all erven on which buildings are erected or extended in Use Zones 3 to 10, 13, 15 and 17 to 19.

30.2 A site development plan shall be submitted to the local municipality prior to submission of any building plans. No building may be erected on the erf

before approval of such site development plan by the local municipality and the entire development on the erf shall be in accordance with the approved site development plan; Provided that the plan may from time to time be amended with the written consent of the local municipality; Provided further that alterations or additions to buildings, which in the opinion of the local municipality, will have no influence on the overall development of the erf, may be exempted from written consent procedures as referred to supra.

30.3 The local municipality shall use its best endeavours to consider a site development plan, submitted in terms of Clause 30.2 hereof, within 60 (sixty) days after submission thereof.

32. PARKING AND LOADING ZONES

31.1 The parking requirements are indicated in Column 7, Table "B":

- a. Effective parking and maneuvering space for the various use zones and uses shall be provided, laid out, constructed and maintained on all properties in accordance with the requirements stipulated in Table "B", to the satisfaction of the local municipality by and at the cost of the person who intends to erect a building.
- b. The number of parking spaces to be provided according to Table "B", shall be determined by the local municipality and shall be applicable to all existing and/or new buildings (excluding a single dwelling unit) and to extensions to existing buildings (excluding a single dwelling unit).
- c. The local municipality may consent to a maximum of thirty (30) percent of the required parking and maneuvering space, as stipulated in Table "B", not being provided on the property: Provided that the owner shall in this event be liable for payment of a cash contribution to the local municipality in lieu of the provision of parking spaces for all parking spaces required to be supplied on the property in terms of sub-clause 31.1(a). Such contribution for parking shall be used solely for the provision of parking areas
- d. The owner of a building in respect of which parking spaces are required in terms of sub-clause 31.1(a) shall keep such parking spaces in a proper condition for such purposes to the satisfaction of the local municipality.

31.2 Loading areas shall be provided as follows:

31.2.1 The local municipality may, upon application being made for approval of building plans submitted in terms of the National Building Regulations and Building Standards Act (Act 103 of 1977) and any amendments thereof, require the owner to in terms of Clause 30 submit proposals for the provision on the property of appropriate and sufficient facilities for loading and off-loading of goods, which proposals shall, indicate positions for parking, stopping or fueling of service vehicles.

31.2.2 No owner or occupant of a building in respect whereof proposals in terms of this clause are required, may undertake or permit the loading, off-loading, parking or fueling of vehicles otherwise than in accordance with a written approval from the local municipality and in accordance with the conditions imposed in this regard.

31.3 In every "Business 1 and 2" and "Industrial 1 and 2" use zone there shall be provided, if required by the local municipality, over and above parking, one loading area per erf, regardless of the size of the building erected thereon. Additional loading areas may be required by the local municipality depending on the size of the development.

34. USE OF ANNEXURES

32.1 Special rights, conditions and restrictions applicable to any property within any use zone, may be stipulated in an Annexure to this land-use scheme.

32.2 The special conditions and restrictions referred to in Clause 32.1 shall:

- (a) apply in addition to the general conditions, restrictions and other provisions of this land-use scheme; and
- (b) prevail, in case of conflict between such special condition and any other condition, restriction or provision of this land-use scheme.

32.3 An Annexure contemplated in Clause 32.1 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 applicable to the property, as well as the name and number of the scheme in terms whereof the Annexure was prepared; and
- (b) a diagram of the property concerned which diagram shall correspond with the layout shown on the map.

32.4 The number of the Annexure concerned shall be inscribed inside a double circle within or adjacent to the figure of the relevant property on map 3A and, if adjacent to such figure, shall be joined thereto by means of a line.

34.5 The local municipality shall not, except as provided for in any of the conditions contained in an Annexure, grant any consent in terms of this land-use scheme.

35. CRITERIA FOR THE CONSIDERATION OF APPLICATIONS

33.1 Subject to the provisions of Clauses 34, 35 and 36 hereof, the local municipality may, when application is made for its special, written or temporary consent in terms of this scheme refuse or grant such consent subject to such conditions as it may think fit, with due consideration of:

- (a) the amenities of the area;
- (b) health and safety of the area;
- (c) the character of other uses in the area;
- (d) the need and desirability of the use concerned; and
- (e) the Integrated Development Plan (IDP) and the Municipal Spatial Development Framework and any review thereof.

33.2 The local municipality may upon the granting of any consent contemplated in clauses 34 and 35 of this scheme, impose conditions regarding the payment of contributions for the provision of services, open spaces and parks.

35. SPECIAL CONSENT OF THE LOCAL MUNICIPALITY

34.1 (a) Any owner (hereinafter referred to as “the applicant”) intending to apply to the local municipality for special consent for:

- i. the erection and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the special consent of the local municipality in terms of Column 4, Table “A”;
- ii. an increase in the density of an erf (see Column 10, Table “C”); and
- iii. an increase in the floor area ratio (See column 14 Table “C”).

shall submit such application to the local municipality in writing, in the prescribed manner.

- (b) An application shall include a report to the local municipality, containing full particulars on the criteria referred to in Clause 33.1, as well as particulars appearing in notices as set out in Clause 34.1(d) or any other relevant particulars which may be required by the local municipality.
- (c) The applicant shall:

- (i) At his own expense publish a notice twice (for two consecutive weeks) in a local newspaper/s, circulating in the area of the application;
 - (ii) such notice shall be in any two of the official languages of which one should be in English;
 - (iii) display a notice, referred to in sub-clauses 34.1(c)(i) and (ii) and maintain same, for a period of not less than 14 consecutive days from date of first publication, in a conspicuous position, visible from the street on each separate portion of the land to which such consent will apply.
 - (iv) Refer the application to any other person or body that may be required by the local municipality.
- (d) The notice referred to:
- (i) in sub-clause 34.1(c)(i) and (iii) shall contain the name and address of the applicant; the description, address and locality of the property as well as particulars of the existing zoning and the purpose for which the land and buildings will be used and shall state that it lies for inspection at the local municipality offices and that any objection to or representation in connection with such application shall be lodged simultaneously with the local municipality and the applicant within a period of 28 days calculated from the day when the notice was first published and displayed on the site; and
 - (ii) the notice in sub-clause 34.1(c)(iii) shall not be less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.
- (e) The applicant shall within twenty-eight (28) days from the date of the first publishing and posting up of the notice on site as mentioned in sub-clauses 34.1 (c)(i) and (iii), lodge the application with the local municipality, failing which shall be deemed as non-compliance with the application procedures, save that the local municipality shall have the right to condone filing outside the 28 days time period, on good cause shown.
- (f) The applicant shall lodge, simultaneously with the application, an affidavit confirming that the notice referred to in sub-clause 34.1(c)(iii), was properly displayed and maintained.
- (g) The applicant shall submit proof that the application referred to in sub-clause 34.1(c)(i), was published twice.

- 34.2 The local municipality shall consider and hear any objection or representation received within the aforementioned period of twenty- eight (28) days, at a hearing arranged by the local municipality within a reasonable time period.
- 34.3 A reasonable time period referred to above shall be deemed to be 90 days calculated as from lapsing of 28 days referred to in paragraph 34.2 above.
- 34.4 Should any objection to, or representation against, the application be received by the local municipality, it shall set a time and place for the hearing of such objection or representation in a manner complying with the requirements of the administrative justice, and shall give written notice thereof, by registered post or by electronic communication or facsimile, at least 14 days prior to the hearing, to the applicant and/or his duly Authorised agent and all objectors.
- 34.5 Where the objections or representations contemplated in Clause 34.2 of more than one person are contained in one document, it shall be deemed sufficient compliance with the provisions of Clause 34.4 if the person who has lodged the document or is a signatory thereto is notified as contemplated in the latter clause.
- 34.6 The local municipality shall after due consideration of any objections and the criteria stipulated in Clause 33 hereof, in writing notify the applicant and every person who has lodged an objection or had made representations, of such decision.
- 34.7 The decision of the local municipality shall (where any objection to this application was received) not come into operation before expiry of fifty -six (56) days calculated from the date of notification of the parties in writing envisaged in Clause 34.6 hereof.
- 34.8 The applicant may note an appeal in terms of the provisions of the Ordinance if the application is refused by the local municipality.
- 34.9 Every applicant shall, after approval by the local municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in the month, during which the applicant was notified of such an approval as envisaged in Clause 34.6, to the satisfaction of the local municipality, submit an affidavit in confirmation of *inter alia* the fact that the conditions pertaining to such approval and use, are fully complied with.
- 34.10 Granting of special consent for a noxious industry shall be considered: Provided that there is proof of compliance with the Environment Conservation Act (Act 73 of 1989) and a certificate be issued by the Medical Officer of Health of a local municipality certifying that the process proposed to be used in connection with any of the industries or factories listed in

Schedule 1 of this scheme, will effectively eliminate any nuisance or health hazard in the vicinity of the property due to:

- (a) vapours, smoke or odours;
- (b) fluids or effluent originating on the property; and in the event of it being proposed to dispose of such materials by land treatment, the nature, slope and surface of the land concerned, as well as its location in relation to streams or water courses shall be disclosed; and
- (c) solid waste matter.

36. WRITTEN CONSENT OF THE LOCAL MUNICIPALITY

35.1 Any owner (hereinafter referred to as “the applicant”) intending to apply to the local municipality for consent to:

- 35.1.1 erect and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the written consent of the local municipality (see Column 5, Table “A”).
 - 35.1.2 the carrying on of a household enterprise from a dwelling unit in a “Residential 1” or “Agricultural” use zone in terms of Clause 24;
 - 35.1.3 the use of a dwelling unit for a spaza or kiosk (see Column 5, Table “A”);
 - 35.1.4 relaxation of height;
 - 35.1.5 relaxation of coverage;
 - 35.1.6 relaxation of building lines;
 - 35.1.7 amendment of a site development plan (see Clause 30);
 - 35.1.8 relaxation of lines of no access; and
- shall do so in writing in the prescribed manner (where applicable) to the local municipality.

35.2 An application shall include a report to the Local Municipality, containing full particulars on the criteria referred to in Clause 33.1 of the proposed uses, as well as:

- (i) the name and address of the applicant;
- (ii) the description, address and the locality of the subject property;
- (iii) existing zoning of the property; and
- (iv) a complete description of the proposed use of the land and/or building.

35.3 No written consent shall be granted in terms of this clause until the applicant has, to the satisfaction of the local municipality, obtained the written comments of the surrounding owners, as envisaged in Clause 35.4.

- 35.4 The applicant shall:
- (i) procure a form, as prescribed by the local municipality for the consent referred to in Clause 35.3, to be completed by every occupant or owner of land or his duly authorized agent, who resides or conducts or owns a business undertaking on any property situated within a radius of 50m or such other distance as determined by the local municipality from the closest point of the property in respect of which an application is made; and
 - (ii) supply full particulars and a description of the nature and extent of the intended use; relaxation required; the property description; the owner; and record therein that none of the persons referred to in sub-clause 35.4(i), notwithstanding their being aware of their right in terms of Clause 35.5 to object or to make representations against the application, has any objection thereto and such form shall be signed by, and disclose the name, street address and telephone number of, every person mentioned in sub-clause 35.4(i).
- 35.5 The local municipality shall consider any objection received and hear any representation made at a hearing arranged by the local municipality within a reasonable time period for which purpose the provisions of Clauses 34.3, 34.4 and 34.5 and 34.6 shall apply *mutatis mutandis*.
- 35.6 The local municipality shall notify in writing, the applicant, and if applicable to the objectors within a reasonable time of its decision.
- 35.7 Every applicant shall, after approval by the local municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in the month, during which the applicant was notified of such an approval as envisaged in Clause 22.6, to the satisfaction of the local municipality, submit an affidavit in confirmation of *inter alia* the fact that the conditions pertaining to such approval and use, are fully complied with.

37. TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY

Notwithstanding any other provision of this scheme, the local municipality may, upon receipt of a written request, give its consent to the temporary use of any land or building within any use zone, for any of the following purposes:

- 37.1 The erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; Provided that such consent shall ipso facto lapse upon completion of the permanent structure or on the expiry date thereof as determined by the local municipality.
- 36.2 The occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall.

- 36.3 The use of land or buildings thereon for state or municipal purposes.
- 36.4 The use of land or the erection of buildings necessary for the purpose of informal retail trade.
- 36.5 Any temporary consent granted in terms of this clause shall not be granted for any period in excess of 12 months, which period may however be extended by the local municipality for further periods of 12 months each, subject to a maximum period of 3 years in aggregate in cases falling within the ambit of Clauses 36.1, 36.2 and 36.3.

38. CONSENT FOR THE PRACTICE OF A HOUSEHOLD ENTERPRISE

37.1 In addition to any conditions imposed by the local municipality in the granting of a special or written consent, the exercise of a household enterprise, from a dwelling unit, shall be subject to the following:

- a. No title condition applicable to the property may be transgressed.
- b. The applicant may practice his occupation in any trade form subject thereto that he is personally on a day-to-day basis in charge of the enterprise and holds the majority interest in the business.
- c. The residential character and function of the dwelling unit must be maintained, and not more than 20% of the floor area of the dwelling unit, outbuildings excluded, or a maximum floor area of 75m² may be used for such practice.
- d. Should more than the prescribed number of persons be accommodated on the premises where the household enterprise is conducted or, if more than 20% of the dwelling unit, outbuildings excluded or more than the maximum floor area of 75m², is to be used for the household enterprise, the special consent of the local municipality must be obtained in terms of Clause 34.
- e. For the purposes of this clause, an agent or representative of the applicant will be considered an employee of such applicant.
- f. The necessary building plans to indicate the change in use must be submitted if required by the local municipality. Parking is to be provided to the satisfaction of the local municipality in accordance with Table "B".
- g. No goods may be displayed in public, in a window or in any other manner.
- h. No notice or sign except such notice or sign as is normally displayed at the dwelling unit, to reflect the name of the applicant and the nature

of the household enterprise, may be displayed provided that the size of such notice shall not exceed 600mm by 450mm.

- (i) The amenity of the area may not be prejudiced.

40. CONSENT FOR SPECIFIC PURPOSES

Without prejudice to any powers of the local municipality derived from any law, or the remainder of this scheme, nothing in the foregoing provisions of this scheme shall be construed as prohibiting or restricting the following:

- 38.1 the exploitation of minerals on any land not included in a proclaimed township;
- 38.2 the letting of a dwelling unit for occupancy of only one family; and
- 38.3 the letting of not more than two rooms of a dwelling unit.

41. CONVERSION RIGHTS

39.1 Where land is already zoned as “Mining 1 and Quarrying” or “Mining 2”, the Mining Rights holder shall consequent upon complying with any relevant requirements prescribed in terms of Mining and Environmental legislation such as The Environmental Conservation Act, 1989 (Act No. 73 of 1989) with its amendments, and The Mineral and Petroleum Resources Development Act 2002 (Act No. 28 of 2002); such rights holder shall have the right to convert the zoning to “Mining 1 and Quarrying”.

39.2 The mining company must provide the local municipality with:

- a) Written notification; and
- b) Maps indicating the area of which the status has changed as indicated above.

39.3 Upon delivery of the documentation in paragraph 39.2, “Mining and Quarrying Purposes” rights shall commence forthwith.

41. REGISTER OF SPECIAL AND WRITTEN CONSENT APPROVALS AND RELEVANT CONDITIONS

40.1 The local municipality shall keep a complete register of amendments, special and written consents approved by it in terms of this land-use scheme, or granted through the verdict of appeals, as well as conditions imposed in such approvals. Such register together with the land-use scheme will be available for inspection at any reasonable time to any interested person or body.

44. BINDING FORCE OF CONDITIONS

Where consent to erect a building, or to execute any works, or to use any building or land for a particular purpose, in terms of this land-use scheme is granted, subject to conditions, such conditions shall have the same legal force as if incorporated in this land-use scheme and shall be regarded as though they were part of this scheme.

45. ENTRY UPON AND INSPECTION OF PROPERTIES

42.1 The local municipality may, through its authorized officials, enter upon any property at all reasonable times to conduct any inspection which the local municipality or its representative may consider necessary or desirable for the application of this scheme.

42.2 No person shall in any manner hinder, obstruct or interfere with the execution of any duties by any authorized officer of the local municipality, or in so far as it may fall within his power, permit such official to be hindered, obstructed or interfered with.

46. SERVING OF NOTICES

43.1 Any directive, notice or other document which in terms of this scheme, requires or is authorized to be served, shall be signed by the Municipal Manager or another official authorized thereto by the local municipality, and shall be served in any of the following ways:

- a. On the person concerned, in person, or on his authorized representative.
- b. If service cannot be effected in the manner contemplated in sub-clause 43.1(a), at his residence or place of business or place of employment, on a person apparently not less than 16 years of age and apparently residing or employed there.
- c. If no such person can be found on the property mentioned in sub-clause 43.1(b), by affixing such directive, notice or other document at a conspicuous place on the premises and by dispatching a copy of such directive, notice or other document by pre-paid registered post to the last known place of residence, business, employment or post box of the person concerned.
- d. If such person upon whom a notice is to be served has chosen a domicilium et executandi, on such domicilium.

43.2 Where any service is effected in accordance with the provision of sub-clause 43.1(c), such service shall be deemed to have been effected at the time when a letter containing such directive, notice or other

document would have been delivered in the ordinary course of postal deliveries and proof that such directive, notice or other document was properly addressed and registered, shall be deemed sufficient proof of service thereof.

- 43.3 Any directive, notice or other document which in terms of the provisions of this land-use scheme is required to be given to the owner or occupant of any particular premises, may be addressed to the “owner” or “occupant” of such premises in respect whereof the directive, notice or other document is given, without any further name or description, and shall be deemed to be in compliance with the provisions of this clause.

45. POWERS OF LOCAL MUNICIPALITY IN CASE OF CONTRAVENTION OF LAND-USE SCHEME

- 44.1 Where any person, in conflict with any provision of the land-use scheme in operation –
- a. Undertakes or proceeds with erection or alteration of or addition to a building or causes it to be undertaken or proceeded with;
 - b. Performs, undertakes or proceeds with any other work or causes it to be performed, undertaken or proceeded with;
 - c. Uses any land or building or causes it to be used;

The local municipality shall direct such person in writing:

- i. to discontinue such erection, alteration, addition or other work or to discontinue such use or cause it to be discontinued; and
 - ii. at his own expense to:
 - a. remove such building or other work or cause it to be removed;
 - b. to cause such building or other work or such use to comply with the provisions of the scheme.
- 44.2 Any person who contravenes the provisions of this scheme or fails to comply with an instruction issued in terms of Clause 44.1 commits an offence.
- 44.3 If a person fails to comply with a directive issued in terms of Clause 44.1, the local municipality may irrespective of the fact that such a person has criminally been charged or prosecuted, remove the building or other works at the expense of such a person, obtain a court order to remove the building or other work or cause, the building or other work to comply with the provisions of its land-use scheme and to recover all expenditure incurred in connection therewith, from such person.
- 44.4 Whenever any person is required to perform any act to the satisfaction of the local municipality:
- (a) the local municipality shall have the right to inspect the property or works under question to satisfy itself of compliance;

- (b) in case where the local municipality is not satisfied that compliance is taking place it shall:
 - (i) send a notice to such a person informing the person of non-compliance, giving such a person 14 days or such an extended period as may be required to ensure compliance; and
 - (ii) failing which the stipulations of Clause 44.2 and 44.3 shall apply mutatis mutandis to this clause.

44.5 any act or omission, being an offence in terms of clause 44.2 above, is triable in a Magistrates' Court created in terms of the MAGISTRATES COURTS ACT 1944 (Act 32 of 1944) and upon conviction, is punishable with a fine not exceeding R 5 000,00.

45 Agricultural Overlays

- 45.1. Agricultural Land Categories Overlay Maps: The Agricultural Land Zoning System, which categorize land in terms of its agricultural potential by the Department of Agriculture should be used in managing land use in Agricultural areas.
- 45.2. Within each of these zones, permitted or preferred land uses are identified that will not compromise the value and production of the land. It is proposed that these zones be used as overlays in the land use scheme, since it is not according to cadastral. The overlay will cover the following agricultural zones:
- 45.3. Agriculture only (high potential unique agricultural land that is irreplaceable and threatened): A zoning overlay intended to provide for land and buildings where the primary activity is extensive agricultural production of crops, plantations, mostly free-roaming livestock, poultry, etc. or products for the commercial market.
- 45.4. This zone comprises high value agricultural land with high production value for grazing land and it can support arable cropping systems. Limited changes to land use will be supported, and only if this takes place on the lowest potential areas and where the activity will complement existing farming practices without impacting negatively on the existing farming practices or the surrounding activities.
- 45.5. Any proposed changes of land use will require a detailed natural resources/agricultural study. Motivations may include arguments that the property is too small to be agriculturally viable.
- 45.6. Moderate to high potential agriculture (i.e. including Primary and Threatened agricultural land areas): This zoning overlay is intended to protect agriculture as the primary use of land and to serve as a buffer for higher agricultural potential. Although it might include less arable land for crop production, this zone is more suitable for extensive grazing and production of fodder crops. Changes to land use may be considered, but only if this takes place on the lowest potential areas and where the activity will not negatively impact existing agricultural land uses. Changes to land use may also be considered particularly if it is supplementary or adds to the viability of the farming unit as a whole and is placed in lower potential agricultural land.
- 45.7. Any proposed changes of land use will require a detailed natural resources/agricultural study. Motivations may include arguments that the property is too small to be agriculturally viable.
- 45.8. It is imperative that the Limpopo province Department of Agricultural Land Categories (Management Layer) is referred to and an applicant must submit an application to the municipality as the controlling authority with proof that an authorization or permission has been sought and secured from the Department of Agriculture before the application can be processed for further detail by the municipality regarding the optimal land use in such instances. The procedure for the application is as follows:
 - a) Applicant must submit the application to the municipality in the prescribed form and having paid the correct application fee as determined by the municipality from time to time.

- b) In addition to the development rules that apply to the base land use zone, the provisions of this ALCMO, as adopted shall apply.
- c) The Municipality may consider any appropriate use as a consent use in terms of the overlay provided that: -
 - (i) It considers such use to be desirable or will not be detrimental to the agricultural potential of the area;
 - (ii) The Municipality may require the termination of the consent use right if the use further degrades or compromises the agricultural potential of the Erf.
 - (iii) High potential (high value agricultural land should be identified, protected and preserved through the various available pieces of national, provincial and municipal legislation, and policies.
 - (iv) The conversion of high potential to non-agricultural land use should not be permitted unless there are exceptional circumstances to justify the conversion.
 - (v) Every effort should be made to limit degradation of the natural agricultural resources in accordance with Conservation of Agricultural Resources Act, 1983 (No. 43 of 1983).
 - (vi) The Municipality will encourage land uses that are supportive of agricultural activities or uses that do not contribute to the further loss of the agricultural potential of the land.
- b) A land development application to the Municipality in accordance with the provisions of Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning must be submitted.
- b) In the case of an application that proposes an activity that is also regulated by other laws, the applicant must refer and satisfy the requirements stipulated in SPLUMA, 2013 section 30 (1) – (3) read together with section 33 (1) and (2) of the Act.
- c) An application to the municipality that should be disposed in terms of the alignment of authorisations must also in addition to satisfying the requirements in subsection (b) above comply with section 17 of the Spatial Planning and Land Use Management Regulations: Land use Management and General Matters, 2015
- d) The municipality has the final decision as the authority of first instance.
- e) Upon receipt of Council Approval, a lease diagram must be registered with the Surveyor General to depict the area of the proposed development
- f) The applicant shall lodge with the Municipality, a copy of the registered lease diagram and details of the land use which shall be captured and correctly depicted on the Land Use Scheme Map.

45.9. Low agricultural potential (secondary and mixed uses): This zoning overlay serves to promote activities to optimize agricultural production on land with low agricultural

potential. It should also promote non-agricultural activities compatible with current and potential, local and surrounding agricultural activities on land which cannot be used productively. A preferred alternative on land that cannot be used productively would be intensive agricultural uses or agricultural uses, which are not dependent on the resource base. Changes to land use may be considered as long as it does not conflict with the surrounding agricultural activity and is placed on the lowest potential agricultural land.

45.10. Agro-Biodiversity (Restricted Agriculture) Overlay

45.10.1. Statement of Land Use Scheme Intent: This is a designation (zone) that highlights the importance of both sustainable agriculture and biodiversity conservation, because it is deemed to have high to moderate agricultural potential and high biodiversity value. The designation encourages indigenous biodiversity throughout the agricultural landscape wherever possible and links these areas through “corridors” with formal protected areas. In principle, rangeland can be utilised to provide viable habitats or to link areas to enable species to maintain genetic interaction between populations that would otherwise be isolated. This would involve protecting indigenous vegetation and maintaining it in a good state and/or re-establishing natural species, the removal of alien plant species, buffering wetlands and watercourses, management of pesticide, herbicide and fertiliser applications, control of surface runoff and prevention of soil erosion and degradation (in accordance with CARA (Act 43, of 1983). Since the most significant contribution towards facilitation of these concepts will rely on uncultivated land, the ploughing of any additional virgin land will, in principle not be supported and the area should thus be retained as extensive grazing. A limited level of resource harvesting may be permitted on a sustainable basis.

45.10.2. Additional Controls: Applications for the subdivision of land and /or the change of land use, not exempt from the provisions of the Subdivision of Agricultural Land Act No. 70 of 1970, shall require the authorization and permission of the National Department of Agriculture in terms of the Subdivision of Agricultural Land Act No.70 of 1970 prior to approval by the Municipality. The agricultural management overlay, indicating the Limpopo province Land Categories, should be referred to for further detailed information and guidance. Buildings and infrastructure must not negatively impact on existing or potential local or surrounding agricultural activities, or on biodiversity, and must be placed on the lowest potential agricultural land on the property or on existing transformed areas. Any permitted or discretionary development must be adhering to the principle of clustering. Discretionary use applications, including breaking virgin land for the purposes of infrastructure development, must align with both Agricultural and Biodiversity Management Overlays and will require detailed natural resource/agricultural and biodiversity assessments.

46. GUIDELINES FOR DEVELOPMENT IN MINING AREAS

46.1. Mining Overlays

- 46.1.2. Mining Land Categories Overlay Maps: The Mining Land Zoning System, which categorize land in terms of its mining potential by the Department of Mining and Energy (DME) should be used in managing land use in Mining areas.
- 46.1.3. Mining land development applicants shall obtain consent or permit or license or permission and proof from the Department of Mining and Energy (DME) prior to submission of an application with the Municipality for a decision to approve or not by the Municipality.
- 46.1.4. Any application for mining land development use shall comply and meet the specifications as stipulated in Fetakgomo Tubatse Local Municipality Spatial Planning and Land Use Management By-law.
- 46.1.5. In the event where the Municipal Planning Tribunal or Authorised Official does not approve a mining land use application submitted to the Department of Mining and Energy (DPME), the Municipality as the Controlling Authority shall exercise alignment of authorisations as stipulated in SPLUMA, 2013 section 30 (1) – (3) read together with section 33 (1) and (2) of the Act.
- 46.2. Mining companies or entities that had licenses issued prior to the approval of this Land Use Scheme should retrospectively submit their drawings/diagrams so that the details can be corrected captured in this Land use Scheme
- 46.3. Upon receiving a mining license or permit from the Department of Mining and Energy (DME), the applicant shall lodge with the Municipality, a copy of the registered lease diagram and details of the mining land use and activities which shall be captured and correctly depicted on the Land Use Scheme Map.

47. GUIDELINES FOR DEVELOPING ON TRADITIONAL COUNCIL LAND

- 47.1 All allocation of land in traditional council areas shall be done in accordance with the indigenous laws and customs of the relevant traditional council, but also in line with the provisions of this Scheme.
- 47.2 If land that is occupied in an unstructured manner by a traditional community or indigent households is included in the land use scheme, the community accepted land use patterns and land use management practices must not be unduly disturbed.
- 47.3 The applications for planning approvals for land development in a area occupied in “an unstructured manner” by the traditional communities or indigent households, will be in accordance with the provisions of this Scheme.
- 47.4 Where an applicant wishes to obtain a site for residential purposes, the applicant must obtain consent from the Traditional Council by following the necessary application procedure as required by the relevant Traditional Council.
- 47.5 For non-residential uses, the applicant must submit the consent obtained from the Traditional Council, together with the prescribed application form and supporting documents for consideration, and to enter into an agreement thereof.
- 47.6 The following should be considered by the Traditional Council when allocating a site.
 - The zoning of the land as per the Scheme;
 - The management overlays of the scheme;
 - The location of the site in relation public facilities and infrastructure;

- The location of the site in relation to road infrastructure and accessibility of the site, both by foot and vehicle;
- Protection of agricultural land from settlement
- Ensuring that applicants are not allocated on flood prone areas
- Protection of the natural environment and cultural resources. People may not be allocated sites on wetlands, protected forests, heritage sites etc.
- Ensuring that the applicant will have easy access to grazing land
- Reservation of land for future uses/public facilities

PART IX –PROMOTION & SPECIAL MECHANISM FOR LAND DEVELOPMENT

The purpose of Part IX of the Land Use Scheme is to elaborate on innovative mechanisms that can be utilised in the land development process to further a specific vision as identified by the Fetakgomo Tubatse Local Municipality. These tools, which can be either incentives or disincentives, promote the new perspective of good urban management and strategic planning with the aim of achieving a sustainable and responsive incremental rural and urban or township form.

52. SPECIAL DEVELOPMENT ZONES

- a. For the purposes of strategic intervention in the land development and investment process, the Municipality may, from time-to-time designate a Special Development Zone, which includes a number of erven or sites with their individual land use zonings. The Special Development Zone, which will need to be approved and advertised, shall have a specific function and include a number of developmental tools so as to achieve desired objectives. The Special Development Zone shall comprise the following, in order to be advertised:
 - b. A geographical delineation of the Special Development Zone, ensuring that the boundaries are cadastrally based or geographically identifiable;
 - c. Statement of policy and intention that elaborates on the given developmental perspective and which will be used by the Municipality in the assessment of land development applications within the Special Development Zone;
 - d. A consultation result, which elaborates on the consultation process with interested and affected parties within the proposed Special Development Zone, as well as their response and uptake;
 - e. Background information, development standards and proposed land management tools that will be in force in the Special Development Zone;
 - f. **A monitoring and assessment mechanism along with the Municipality's** investment commitment for the public areas and facilities within and supporting the Special Development Zones, including proposed achievement timeframes.

- g. A resolution adopting a Special Development Zone containing the minimum elements detailed in (46.1) -(46.5) above shall be passed at a meeting of the Municipality and follow the process detailed below:
 - a) After the passing of a resolution by the Municipality, the Special Development Zone shall be advertised in the Provincial Gazette and the Local Newspaper and shall simultaneously be open for inspection at the Municipality office during normal working hours for not less than twenty eight days (28)
 - b) Further, the Municipality shall notify all land owners within the Special Development Zone on or before the date of advertisement;
 - c) Representations, comments or objections on the said Special Development Zone or any proposal contained therein may be lodged, in writing, with the Municipality on or before a certain date. Such date shall not be less than twenty eight (28) days after the date of the closure of the advertisement period in (46.7. (a) and (b)) above;
 - d) The Municipality shall consider each representation, comment or objection received within the stipulated period and approve or amend the Special Development Zone, stipulating the date of commencement via a notice in the Provincial Gazette;
 - e) The Municipality may at any time amend a Special Development Zone, subject to compliance with the procedures set out in sub-clauses (46.6), (46.7), and (46.8) of this clause;
 - i. After a Special Development Zone has been approved by Municipality it shall be deemed to be the overriding process for the erven falling within its boundaries;
 - ii. The Municipality may revoke a Special Development Zone by passing a Municipality resolution.

53. INCLUSIONARY HOUSING

- i. Inclusionary Housing shall be provided in terms of the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Fetakgomo Tubatse Local Municipality By-Law on Municipal Land Use Planning, 2017, as set out further in the Spatial Development Framework (SDF) / detailed policy to be fully determined by the Municipality, which shall be addressing the methodology for levying Inclusionary Housing contributions and the calculation thereof.

54. MEDIUM DENSITY HOUSING

- i. Any person wishing to develop a site for medium density housing shall first apply to the Municipality for approval in principle for the development and shall provide a layout plan showing the position of buildings, roads and access points, parking areas, common land and, where provided, recreation facilities and private open areas. Such

application would include, where considered necessary by the Municipality, an integrated environmental management report prepared by a person qualified in this field.

ii. The approval in principle having been granted, the applicant shall subsequently submit to the Municipality for its approval:

iii. a layout plan or plans showing:

- a) the position, dimensions and materials to be used in the construction of all roads, drive-ways, parking areas, squares and pedestrian access ways, if any;
- b) the boundaries of all dwelling unit curtilages, private open areas and common open spaces;
- c) the position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;
- d) the proposed landscaping of the site;
- e) the proposed public open space;
- f) the proposed common open spaces;
- g) the position and extent of all utility areas.

iv. A set of sketch drawings prepared by an architect at a scale of 1: 100 showing the plans, sections and elevation of each type of structure within the proposed development and particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs; together with both front and rear elevations of each typical group of dwelling units at a scale of 1: 100 or 1: 200;

v. A table indicating:

- a) the total area of the site;
- b) the total number of dwelling units;
- c) the total floor area;
- d) the total number of car parking spaces provided for visitors and for residents;
- e) the extent of the usable common land, the smallest private open area, the smallest dwelling unit curtilage and the smallest utility space;
- f) the areas of public open space and other public areas; and
- g) any other documents which the Municipality may reasonably require.

vi. The following minimum areas per dwelling unit shall apply to a Medium Density Housing site where the developer intends providing common land:

- a) Private Open Area - 30m²
- b) Usable Common Land - 50m²
- c) Utility Area - 15m²
- d) The minimum floor area of a garage or carport shall be 18 m²
- e) Where the developer does not intend providing common land but only private open space, then the following minimum areas shall apply:
- f) Private Open Area - 100m²
- g) Utility Area - 15m²

vii. Where, in the opinion of the Municipality, a road within a Medium Density Housing site should serve the public, the Municipality may require the road to be registered as a public road, provided that, for

the purpose of bulk and coverage calculation, the area of the public road shall be included in the gross site area.

- viii. The minimum width of a road carriageway within a Medium Density Housing site shall be 3 metres where the carriageway is one-way and 5.5 metres where the carriageway is two-way.
- ix. Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Municipality.
- x. In the event of the individual dwelling unit curtilages (which shall not be less than 200m² in extent) being transferred in freehold or registered leasehold title, the Municipality shall require that:
 - a) the common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and
 - b) no co-owners shall be entitled to require the partition of the common land according to the proportion of his/her share;
 - xi. A Home Owners Association shall be established. Such Association shall administer and maintain the common land, control the external appearance of buildings within the Medium Density Housing site and deal with any other matter pertaining to the Medium Density Housing site which is of common interest to its members. The affairs of the Association shall be regulated by a memorandum and Articles of Association which shall have be submitted to the Municipality who shall have certified that it has no objection to these documents;
 - xii. No dwelling unit curtilage within the Medium Density Housing site or within any portion of the site specified by the Municipality shall be transferred or separately registered before the whole Medium Density Housing site within which the curtilage is situated has been developed to the satisfaction of the Municipality.

55. USE OF HOTELS FOR CERTAIN PURPOSES

49.1 The Municipality may permit anyone or more of the following shops or activities, viz:- Hairdressing salons; Bookshops or newsagents; Florists; Curio shops; Theatre Booking agents; Bank agents; Travel agents; Vending machines; to be established:-

- a) In any hotel graded by the Hotel Board as a five-star, four-star or three-star hotel, or which, according to the nature of the accommodation and service provided therein, and its situation, is in the opinion of the Municipality, likely to be graded as such;
- b) by Consent Use in any hotel other than those referred to in sub-paragraph (49.1) hereof;
- c) provided that no external advertising of any shop or activity shall be permitted and access thereto shall be gained only from within the hotel.
 - i. The Municipality may, by Consent Use and when it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorise, in terms of this scheme, the establishment of a bottle store in any licensed hotel premises.

- ii. The Municipality may, by Consent Use and when it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorise, in terms of this scheme, institutional or educational uses

PART IX – PROMOTION & SPECIAL MECHANISM FOR LAND DEVELOPMENT

This chapter presents land use scheme development mechanisms applicable to managing heritage, environmental considerations and control areas in the municipality.

56. HERITAGE

- a. All properties are subject to the National Heritage Resources Act (NHRA of 1999). In checking for heritage controls which may be applicable, the following are factors which should be considered:
- b. In terms of the National Heritage Resources Act: No person may destroy, damage, deface, excavate, alter, remove from its original position, subdivide or change the planning status of any heritage site without a permit issued by the heritage resources authority responsible for the protection of such site.
- c. The National Heritage Resources Act provides for the designation of heritage areas by a planning authority together with the provincial heritage resources authority. Such properties are either gazette or part of a heritage area or an individual heritage site.
- d. In terms of the National Heritage Resources Act: No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.
- e. Development shall meet the following criteria set out in the National Heritage Resources Act:
 - a)** The construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
 - b)** The construction of a bridge or similar structure exceeding 50 m in length;
 - c)** Any development or other activity which will change the character of a site - exceeding 5 000 m² in extent; or involving three or more existing erven or subdivisions thereof; or involving three or more erven or divisions thereof which have been consolidated within the past five years; or the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority; or the re-zoning of a site exceeding 10 000 m² in extent; or any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.

d) In terms of the Act, an applicant must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development. The heritage resources authority will then advise whether an impact assessment report is required.

f. Architectural, historic and important buildings, cultural and heritage sites and objects

- g. Recognising the unique value of the architectural and historical heritage, the Local Authority will prepare (and update as and when necessary) a comprehensive list of objects and buildings which are important for their architectural, historic or artistic contribution to the general environment. This list shall form part of the Annexures to the Land Use Scheme. The Municipality wishes to control the demolition and development of the identified items to ensure their proper conservation, and is desirous of providing encouragement and incentives through the relaxation of any provisions of the town planning scheme by special consent, where such relaxations are in keeping with the conservation objectives.
- h. No person shall demolish all or part of an Important Building without the prior written approval of the Municipality, who shall first consult the local Historical Society and the National Monuments Council.
- i. Before approving plans for alteration or redecoration of any Important Object, which is listed in Annexure to, the Municipality must ensure that a permit has been obtained from the National Monuments Council.
- j. Before approving any rezoning, subdivision or special consent application for a property on which an Important Object (Annexure) is located, the Municipality must first consult the local Historical Society and the National Monuments Council.
- k. Any person aggrieved by a decision of the Municipality under this clause may appeal in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).
- l. Notwithstanding any other provision of the scheme, the Municipality may, by Special Consent, relax any provision of this scheme in respect of the site upon which an Important Building or Object stands and the Important Building or Object itself, provided that it can be shown to the Municipality's satisfaction that such relaxation is necessary, and will:
 - m. ensure the conservation of either the architectural, historic or artistic value of the Important Building or Object;
 - n. not reduce the architectural, historic or artistic value of the Important Building or Object; and,
 - o. not unduly interfere with the amenities of the neighbourhood existing or as contemplated by the Scheme, provided further that:
 - p. the Municipality's approval and not its special consent shall be required where the proposed relaxation does not involve a change in land use and will affect the adjoining property only; and
 - q. the written consent of the registered owner of such adjoining property has been obtained.

57. ENVIRONMENTAL CONSIDERATIONS & CONTROL AREAS

- a. Environmental Requirements Applicable to all Land Use Zones
- b. Except as provided in 52.3 and 52.4 below, no development shall be permitted in environmentally sensitive areas including, but not limited to, flood plains, watercourses and wetlands, except within land set aside for Utilities and Services and Existing and Future Roads.
- c. Notwithstanding the wetlands identified in terms of this Land Use Scheme, the following provisions shall apply:
- d. Any developments within or adjacent to wetlands and watercourses, either identified or not identified in terms of this Land Use Scheme shall be subject to any environmental authorisation and/or water use licence processes in terms of applicable legislation.
- e. No building or infrastructure shall be erected on any portion of land which in the opinion of the Municipality is in a wetland or watercourse area as defined in this Land Use Scheme, unless Environmental Authorisation has been issued for these activities.
- f. Where an erf may have a wetland, the Municipality may require the owner / applicant to appoint an independent wetland specialist to delineate the extent of the wetland using soil hydromorphic characteristics and establish appropriate buffers, and to indicate the delineation and buffers on the site plan or building plan.
- g. In considering any application for development of land situated within a land use scheme area it shall be the duty of the Municipality to ensure wherever it is considered appropriate, that adequate provision be made for protection of environmentally sensitive areas, by means of conditions qualifying approval of such development. Where possible, areas are to be set aside for conservation purposes, such areas being clearly indicated on a site plan.
- h. Environmental Requirements Applicable to “Listed Activities”
- i. Notwithstanding the provisions of this Land Use Scheme, any development or land use activity which is included as a “Listed Activity” in terms of the Environmental Impact Assessment Regulations of the National Environmental Management Act No. 107 of 1998 as amended shall be subject to an Environmental Impact Assessment as part of an application to obtain Environmental Authorisation from the relevant authority.
- j. An Environmental Impact Assessment shall be undertaken in the manner prescribed in the Environmental Impact Assessment Regulations of the National Environmental Management Act No. 107 of 1998 as amended
- k. Environmental authorisation shall be obtained from the relevant authority prior to the submission of any application for development to the Municipality.
- l. The Municipality shall at its discretion, include all conditions or part thereof contained in the Environmental Authorisation in its conditions of approval issued
- m. Environmental Requirements Applicable to Environmentally Sensitive Areas

- n. Notwithstanding the provisions of this Land Use Scheme, the Municipality, shall at its discretion, request an applicant to provide an environmental screening report for any development or land use activity on any site or portion thereof which it considers to be an environmentally sensitive area or in an area identified as being critical for biodiversity conservation.
- o. The environmental screening report as mentioned above must be undertaken by a person that has the necessary knowledge and experience in environmental management, natural resources or ecology, and should include:
 - p. information about the project including the spatial extent, timing, frequency and duration of the project;
 - q. the identification of relevant environmental legislation, regulations, policies and plans relevant to the proposed development and identification of those activities that require licensing or authorisation before they can proceed;
 - r. an understanding of the ecological context based on existing ecological information, data gathering, literature searches, site visits and preliminary ecological surveys, and any baseline studies already carried out;
 - s. identify project activities likely to cause damage, stress, disturbance or impact on ecosystems processes;
 - t. identify the factors affecting the integrity of the relevant ecosystems and the conservation status of relevant habitats and species; and, ecological features likely to be significantly affected and therefore requiring further study;
 - u. identify other significant activities, e.g. access roads, associated with the project/proposal that could result in significant cumulative effects; and,
 - v. potential strategies to avoid and/or minimise any negative environmental impacts and the identification of opportunities for enhancing biodiversity and promoting Provincial biodiversity objectives
- w. The Environmental Screening Report shall be included as part of an application submitted to the Municipality else such application shall be deemed incomplete.
- x. Open space Use Zones and Definitions
- y. It is recognized that land for passive and active recreational activities is not the same as land which is reserved / preserved as open space for the protection of ecologically sensitive systems or for the intrinsic ecosystem services which it provides.
- z. For the above reason the following land uses within the Public Open Space and Private Open Space zonings shall be defined.
 - aa. The following environmental / open spaces have been defined:
 - a) **Social Open Space:** Open space for parks / landscaped / horticulturally transformed areas, and for active and passive recreation activities.
 - b) **Ecological Open Space:** Open space for the conservation and/or protection of natural areas.
 - c) **Protected Area:** Formally proclaimed areas in terms of the National Environmental Management Act.

- bb. When a site is rezoned or a township is established the appropriate open space category as defined above must be allocated to the applicable open space zoning.
- cc. Recycling facilities are not permitted within an “Open Space” zoning.
- dd. If any structure is ***permitted in an “Open Space” zoning, these can only*** be erected in terms of an approved Site Development Plan.
- ee. Environmental Control Areas
- ff. An Environmental Control Area is an area defined by the Municipality within which any development shall be subject to a Site Development Plan or any other requirement as determined by the Municipality
- gg. Catchment Management and Wetland Protection
- a) Flood line information: Any information in relation to flood lines, wetlands and riparian zones shall be taken into consideration during the development of a site. Such information shall be clearly indicated on the Site Development Plan.
- b) Restrictions on development within floodplains, riparian zones and wetlands
- c) No development shall be permitted within the area which is subject to flooding by a 1:100 year flood or within the riparian zone and a buffer area of 30 metres from the edge of the riparian zone or river bank where this is clearly identifiable, whichever is the greater.

51.5 GUIDELINES FOR LAND DEVELOPMENT IN BIODIVERSITY AREAS

- 51.5.1 Critical Biodiversity Areas are identified by means of an overlay, referred to as the Biodiversity Management Overlay Map. The Critical Biodiversity Areas map identifies the minimum biodiversity network required to meet the conservation targets; support biodiversity features and ecosystem functioning; and ensure the persistence and maintenance of biodiversity patterns and ecological processes.
- 51.5.2 Development or land uses within these identified areas needs to accommodate and support the biodiversity network, and in this regard the following development control measures must be implemented as per the CBA map category:
- 51.5.3 Critical Biodiversity Areas
- 51.5.4 Terrestrial CBA (Irreplaceable): On Agricultural zone, the expansion of agriculture (crop & intensive animal production, excluding development footprint requires a biodiversity assessment and may not occur without authorisation from Limpopo’s province Department of Agriculture, Department of Land Reform and Rural Development and permission from the DEAT.
- 51.5.5 Terrestrial landscape corridors
- 51.5.6 The integrity of the landscape corridors should be maintained as an un-fragmented unit, i.e. natural vegetation. If the cannot be maintained, it requires a biodiversity assessment and may not occur without permission from DEAT.

- 51.5.7 Terrestrial local corridors
- 51.5.8 The integrity of the local corridors should be maintained, i.e. largely natural vegetation. If the integrity cannot be maintained, alternative viable corridors, which provide the similar linkage services, must be identified.
- 51.5.9 Environmental Sensitive Areas (ESA): specific areas
- 51.5.10 Hardening of surfaces requires a biodiversity assessment and may not occur without authorisation from agriculture and permission from DEAT.
- 51.5.11 River CBA
- 51.5.12 Indigenous riparian vegetation may not be cleared.
- 51.5.13 A minimum buffer of 30m of natural vegetation must be maintained from the edge of the riparian vegetation, or where such does not occur 50m from the bank of the watercourse.
- 51.5.14 A minimum buffer of 100m must be maintained between hard surfaces and the riparian vegetation or where such does not occur the bank of the watercourse, where such buffer is maintained as undisturbed soil.
- 51.5.15 Wetland CBA
- 51.5.16 The transformation of land or development of land within a 100m of a wetland CBA, must trigger a wetland assessment, undertaken by a qualified wetland specialist, to determine an appropriate wetland buffer. The wetland report must comply with the Guideline: Environmental Impact Assessments.
- 51.5.17 The transformation of land or development of land within a 100m of a wetland CBA may not occur without DEAT approval of the determined buffer.
- 51.5.18 River Environmental Sensitive Areas (ESA)
- 51.5.19 Indigenous riparian vegetation may not be cleared
- 51.5.20 Fish Environmental Protection Areas (FEPA) sanctuaries
- 51.5.21 Indigenous riverine vegetation must not be cleared.
- 51.5.22 No introduction of exotic, extralimital or invasive species into the river.
- 51.5.23 A minimum buffer of 100m must be maintained between hard surfaces and the riverine vegetation or where such does not occur the bank of the watercourse, where such buffer is maintained as vegetated undisturbed soil.
- 51.5.24 Protected Areas and Buffers
- 51.5.25 Protected Area requires a specified buffer based on its location within the landscape, its interaction with surrounding land uses, its Protected Area values, its conservation requirements, and its conservation tourism requirements. The following development control measures must be implemented as per the CBA map category:
- 51.5.26 Biodiversity Management Overlay: Protected Areas and Buffers
- 51.5.27 Surrounding land use, through noise, visual, light, and water pollution and other aspects such as animal human conflicts and fragmentation of the natural landscape, may have a significant negative effect on the conservation value and operation of a Protected Area. The function of a

buffer is to reduce or mitigate these negative influences and to better integrate the Protected Areas into their surrounding landscapes.

- 51.5.28 In the absence of a specified buffer, the generic buffer is set out as being 5km as taken from the EIA Regulation, 2014 which identifies that land uses within 5km of a Protected Area may impact negatively on this Protected Area. This generic buffer is not always user friendly or in some of the urban areas practical. Broad guidelines have thus been set out to provide further guidance for municipalities.
- 51.5.29 World Heritage Site and Nature Reserves¹: No person may fly over a nature reserve or world heritage site at a level of less than 2 500 feet above its highest point, except for (i) the taking off and landing from a landing field designated by the management authority (ii) conservation management activities or for activities determined by the management authority.
- 51.5.30 Protected Area: Buffer²
- 51.5.31 Compliance with Protected Area specific buffers, where such have been developed.
- 51.5.32 Where specific buffers have not been development, the general guidelines and management controls set out below and, in the section, 'buffering of protected areas' should be utilised.
- 51.5.33 The values and the spatial planning within a Protected Area is set out in Management Plans, available from DEAT. This will provide the municipalities the context for the Protected Area and help identify the resultant buffer requirements.
- 51.5.34 Comments and input should always be sort from DEAT with regards to the planning around Protected Areas.
- 51.5.35 The precautionary principle should be utilised with regards to planning new land uses and to expansion of developments.
- 51.5.36 Sensitive Habitat and Ecosystems
- 51.5.37 Sensitive Habitat or ecosystems are sensitive to development impacts and land uses must be controlled. These are not necessarily mapped in their entirety but if they occur on land within the scheme, the following standard biodiversity requirements should be taken into account.
- 51.5.38 Biodiversity Management Overlay: Sensitive Habitat and Ecosystems
- 51.5.39 Wetlands
- 51.5.40 Modification of the wetland (determined as being to the outer temporary zone) may not occur without an Environmental Authorisation and water use license. Where modification includes hardening of surfaces, clearing of indigenous vegetation, dredging, infilling, draining, etc.
- 51.5.41 To maintain the ecological and hydrological functioning of the wetland a buffer of vegetated (preferably natural vegetation) land must be maintained around the wetland. Although a standard wetland buffer width of 30 metres or 32 metres has been applied to wetlands in the province, this

¹ Bush Fellows Game Reserve; Schiunsdraai Nature Reserve (Birding, Boating, fishing, braai facilities. Wildlife includes crocodile, kudu, impala, eland, and warthog. Accommodation available at Kwarihoek Bush Camp)

² Initiation Schools are an example in the Rahlagane and Matlala traditional areas

is not considered best practise as such does not consider site specific conditions and development type. Wherever possible, instead of the standard buffer, a site-specific buffer should be determined and implemented, which maximised the functioning of the wetland and the corresponding ecosystem services.

51.5.42 Storm water runoff should not be discharge directly into the wetland system but should filter through at a minimum the vegetated buffer.

51.5.43 Alien invasive vegetation should be removed/cleared from the wetland and buffer. Preferably by mechanical means or if a chemical are utilised, such must have been determined to be non-toxic to aquatic species.

51.5.44 River

51.5.45 Indigenous riparian vegetation should not be cleared and should be maintained for erosion and sedimentation control as well as to provide a river corridor for movement of species.

51.5.46 A minimum buffer of 20m of undisturbed vegetated soil, must be maintained between hard surfaces and the riverine vegetation or where such does not occur the bank of the watercourse.

51.5.47 Storm water runoff should not be discharge directly into the river system, without settling and polishing of the runoff water occurring either through soft or engineering structures.

Alien invasive vegetation should be removed/cleared from the riparian area. Preferably by mechanical means or if chemical are utilised, such must have been determined to be non-toxic to aquatic species

51.6 Forests

51.7 Removal of trees may not occur without a permit in terms of the National Forestry Act.

51.8 Power lines and Stay wires

51.9 The installation of power lines and masts with stay wires within know bird flight path areas, such as wetland systems and rivers, and/ or within known roosting, nesting and foraging areas of birds vulnerable to line collisions, such as cranes, bustards, storks, vultures and water birds, requires an avifaunal assessment.

51.10 Placement of lines should first avoid such areas, and only if this has been determined to not be possible should marking of the lines be considered as a possible mitigation measure.

51.11 A biodiversity / environmental assessment should be undertaken for the transformation of, or development on areas identified as being sensitive/ biodiversity priority areas. These areas include the critical biodiversity areas and ecological support areas identified on the Limpopo province CBA Map, as well as the above wetlands, rivers, estuaries and forest areas.

51.12 PROMOTION OF ENERGY EFFICIENCY GUIDELINES

51.12.1 The assessment of applications shall be done in accordance with the policy guidelines and criteria as adopted by the Municipality. Developers should be encouraged to consider alternative forms of energy, renewable

sources of energy and building design paradigm that embraces energy efficiency.

51.12.2 The visual impact of the energy efficiency measures shall be indicated on the Site Development Plan and the design materials / screening shall be specified.

51.13 AESTHETICS MANAGEMENT WITHIN PRECINCT PLANS WHERE URBAN AND RURAL/TOURISM ARCHITECTIURAL DESIGN GUIDELINES HAVE BEEN DETERMINED

51.13.1 The owner of any land upon which a building is to be erected shall, prior to the commencement of the erection of the building, submit to the Municipality for its approval of the external appearance of the building:

- a) Drawings or any similar indication enough to enable the Municipality to consider the proposed external appearance;
- b) A description of the materials to be used in relation to the external appearance;
- c) A plan to a scale of 1:500 showing the position of buildings on the site, and the relationship between such buildings and buildings on adjoining sites.

51.13.2 In considering particulars submitted to it for approval in terms of sub-clause (7.11.1) the Municipality shall have regard to whether, on account of the character of the locality or of the buildings erected, or to be erected, thereon, the external appearance of the building would adversely affect the visual aspect of the environment.

51.13.3 The Municipality shall either approve or disapprove of the proposed external appearance of the building, in accordance with the stipulated standards detailed where Urban Design guidelines have been determined.

51.14 OVERLAY ZONES

51.14.1 Purpose of Overlay Zones

51.14.2 The Municipality may adopt, review or amend overlay zones for specific areas in the Municipality in accordance with the procedures stipulated in this Land use Scheme to -

- a) give expression, in a planning context, to the local needs and values of the communities concerned; and
- b) promote particular types of development, urban form, landscape character, environmental features or heritage values.

51.14.3 The Municipality must determine development parameters for each area of an overlay zone.

51.14.4 Procedures for Establishing Overlay Zones

51.14.5 An overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this land use scheme in accordance with section Fetakgomo Tubatse Local municipality By-Law on Municipal Land Use Planning

51.14.6 Subdivision Area Overlay Zone

51.14.7 General purpose of Sub-divisional Area Overlay Zone

- 51.14.8 The sub-divisional area overlay (SAO) zoning designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of this Land use scheme. The SAO zoning confirms the principle of development and acceptance of future subdivision of land; but not the detailed layout, which will be determined when an actual application for subdivision is approved.
- 51.14.9 Use of the property
- 51.14.10 Land zoned as a sub-divisional area may be subdivided as contemplated in the Fetakgomo Tubatse Local municipality By-Law on Municipal Land Use Planning.
- 51.14.11 Development parameters
- 51.14.12 When a property is rezoned to a sub-divisional area, the conditions of approval imposed in terms of the Municipal Planning By-law will apply.
- 51.14.13 Any existing use or development on a property which is lawful at the time that the property is rezoned to sub-divisional area may continue as long as the sub-divisional area zoning remains in place, provided that –
- a) The Municipality may approve extensions to existing lawful development if these are ancillary to the existing, lawful uses; and
 - b) Once a subdivision is confirmed, all future development on the subdivision concerned must comply with the development rules of the base zoning on the confirmed land units, any overlay zonings which may be applicable, and any conditions imposed in terms of this Land use scheme.
- 51.14.14 When the municipality approves a sub-divisional area overlay zone, it must impose conditions making provision for at least –
- a) density requirements;
 - b) main land uses and the extent of such uses; and
 - c) a detailed phasing plan or a framework including – main transport routes; main land uses; bulk infrastructure; requirements of organs of state; public open space requirements; and physical development constraints.
- 51.14.15 Special Planning Area Overlay Zone
- 51.14.16 General purpose of special planning area overlay zone
- 51.14.17 The general purpose of a package of plans is to provide for a mechanism to plan and manage the development of large or strategic environmental, agricultural, rural or urban development areas which also provides for a greater degree of flexibility. The package of plans mechanism is a phased process of negotiation, planning and approvals, where appropriate levels of planning detail are approved together with conditions for those approvals.
- 51.14.18 A special planning area overlay zone is generally created in respect of an application which involves a mixed-use development proposal or where the development does not generally comply with the development parameters of the applicable land uses of this zoning scheme.
- 51.14.19 Use of the property

- a) Primary uses are as stipulated in the conditions of approval imposed in terms of the Municipal Spatial Planning and Land Use Management By-Law.
- b) Consent uses are as stipulated in the conditions of approval imposed in terms of the Municipal Spatial Planning and Land Use Management By-Law.

51.14.20 Development parameters

- a) The Municipality must require a package of plans as set out in the Schedule to be submitted for areas zoned as special planning area overlay zones.
- b) The applicant must, during pre-application discussions with the Municipality, ascertain whether a package of plans procedure has to be followed.
- c) The development parameters of the lowest order package of plans as contemplated in Schedules and as approved by the Municipality are the development parameters of the special planning overlay zone applicable to the property concerned.

51.14.21 The package of plans consists of the following components that are listed in a hierarchy from higher-order to lower-order plans, and the lower-order plans must be in compliance with the higher-order plan:

51.14.21.1 Contextual framework

- a) The contextual framework lays down broad land use policy for the development and the surrounding area.
- b) It may include principles or heads of agreement summarising the general obligations of the Municipality and the developer in relation to the development.
- c) The contextual framework may be prepared by the Municipality, or by a land owner or development agency under supervision of the Municipality and may not be in conflict with a spatial development framework or structure plan approved by the Municipality.

51.14.21.2 Development framework

- a) The development framework must identify overall policy, broad goals, and principles for development within the development.
- b) The development framework must identify the range of uses, general spatial distribution of uses, major transport and pedestrian linkages, infrastructure and any limits to development within the development, including but not limited to density and floor space.

51.14.21.3 Precinct plans

- a) Precinct plans apply to specific areas within the development framework that have common features, functional relationships or phasing requirements.
- b) There may be several precinct plans that make up a development area.
- c) A precinct plan must describe in more detail the development objectives and intentions for a specific area in the development, as well as principles for urban form, land use, pedestrian links, traffic movement, floor space and environmental management.

51.14.21.4 Subdivision plans

- a) Subdivision plans, if required, must be processed in terms of planning law to establish new cadastral boundaries and to facilitate the transfer of land units.

- b) Subdivision plans may be approved at any stage after the development framework has been approved, and the provisions of relevant sections apply to such plans.

51.14.21.5 Site development plans

- a) Site development plans depict more detailed design and development provisions for one or more land units within a development.
- b) (These provisions may include (but are not limited to) details relating to land use, floor space, building lines, height, parking requirements, municipal services and landscaping, as well as details relating to the position and appearance of buildings, open space, pedestrian links and traffic movement.
- c) A site development plan may be required before or after a subdivision plan and must provide for the information as required for a site development plan or additional information requested by the Municipality in terms of this land use scheme.

51.14.21.6 Building plans

- a) Building plans contain detailed specifications as required by the National Building Regulations.
- b) Building work may only commence once building plans have been approved by the Municipality.

51.14.22 The Municipality may require all or only some of the components of the package of plans to be applied in respect of a development.

51.14.23 The Municipality may require that the area covered by a contextual framework must extend beyond the land under consideration if, in its opinion, the proposed development will have a wider impact, and the Municipality may determine the extent of that area.

51.14.24 In approving a package of plans, the Municipality must determine the total floor space or density permitted within the development which must be imposed as a condition of approval.

51.14.25 The allocation of floor space must consider the carrying capacity of internal and external infrastructure including roads and utility services, and any urban design principles approved by the Municipality as part of a rezoning or contextual framework.

51.14.26 The approved floor space may remain as “floating floor space” assigned to the overall development for later allocation or may be assigned to precincts when a precinct plan is approved; and in either case must be allocated to individual subdivisions or site development plans.

51.14.27 When a special planning area overlay zone and a package of plans is required in terms of this zoning scheme, the relevant components must be submitted to the Municipality for its approval before any development on a land unit can commence, provided that –

- a) the development may not be refused if it is consistent with the development parameters of a base zone, overlay zone, or condition of approval; and
- b) the Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form,

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

51.14.28 The general provisions contained in this zoning scheme apply with respect to site development plans.

PART X: INCREMENTAL INTRODUCTION OF LAND USE MANAGEMENT IN AREAS UNDER TRADITIONAL LEADERSHIP AND RURAL/COMMUNAL LAND AREAS

- 53 Incremental introduction of land use management and regulation in areas under traditional leadership.
- a) Most of the areas included under “incremental land use management areas” have never been subject to formal land use management processes and include many traditional villages.
 - b) This also includes informal settlements in the peri-urban or peri-township and rural/communal areas
- 53.1 While the general approach is to be more flexible towards land uses in these areas, and where possible, to make use of indigenous land use management processes, certain land uses still require formal management and environmental authorisation (e.g. a filling station). This section of the scheme can be revised over time as land use management becomes more accepted within these areas.
- 53.2 Demarcation of incremental land use zones
- 53.3 Geographic areas where land use management will be incrementally introduced are demarcated in the following manner on the scheme maps:
- a) Land uses should not be allocated outside of these areas without prior approval of the Municipality.
 - b) Incremental land use management areas are divided into the following land use zones: Residential; Business; Industrial; Educational; Cemetery; Utilities; Agriculture; Public Open Space; Government; Filling station/ Public Garage and Commonage.
- 53.4 Role and responsibilities within incremental land use management areas
- 53.5 This scheme takes the approach that traditional authorities in Fetakgomo Tubatse Municipality have exercised a land use function in the past through the allocation of land.
- 53.6 This scheme acknowledges this function, but seeks to establish the following rules:
- a) The Local municipality may enter into an agreement with a traditional Council as contemplated by section 17 (1) and (2) of the Spatial Planning and Land Use Regulations: Land Use Management and General Matters, 2015 read in conjunction with the Section 29 (1) – 3 of the SPLUMA Act for purposes of implementing this Land Use Scheme
 - b) Applicants shall obtain consent or permission and proof from the Traditional Council prior to the submission of an application with the Municipality for a decision to approve or not by the Municipality.
 - c) Any application for rural land use shall comply and met the specifications as stipulated in Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning.
 - d) In the event where the Municipal Planning Tribunal or Authorised Official does not approve a land use application submitted with the consent and permission from the Traditional Authority, the Municipal Planning Tribunal or Authorised

Official will furnish reasons thereof to the relevant Traditional Authority if requested and as deemed fit and necessary by the Municipality.

54 Rules for the allocation of land uses

54.1 General rules for the allocation of all land uses include the following:

- a) An applicant who wishes to amend the use of communal land given that such amendment will have a high impact on the community must apply to the Municipality for the amendment of the land use in the manner provided for in Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning.
- b) Any application for traditional use shall comply and meet the specifications as stipulated in Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning.
- c) For any applicant who wishes to amend the use of communal land and if such an amendment will have a high impact on the community and will result in the development of the land must apply to Fetakgomo Tubatse Local municipality for the amendment of the land use in the manner provided for in the Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning.
- d) An applicant who wishes to make a land development application on land held by the Traditional Council shall approach the Traditional Council to lodge a notice to apply for land to be developed by completing an appropriate form stating the description of the property, location, extent, purpose of intended use
- e) An application request submitted to a Traditional Council as contemplated in terms of sub-clauses 54.1 (d) means that the Traditional Council shall upon receipt of such a notice to submit an application, submit such application to Fetakgomo Tubatse Local Municipality for comments before the applicant can be notified of the outcome of the land application, whether it is supported or not and in such response the municipality shall determine the extent of the land to be allocated or highlight any other considerations as deem fit and necessary as the authority of first instance;
- f) The applicant shall after having been informed by the Traditional council of the outcome submit a land development application to the Municipality in accordance with the provisions of Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning.

54.2 In the event that earmarked land for allocation is depleted, the Traditional Authority should notify the Development Planning Department of Fetakgomo Tubatse Local Municipality. The Municipality will update the scheme maps to allow for future areas that can be allocated.

54.3 Any person who causes any development of land on land held by the Traditional Council i.e. subdivision, consent use etc., without obtaining prior permission for such development from the traditional Authority shall be guilty of an offense and liable upon conviction to such fine and or imprisonment as stipulated in the Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning and as amended from time to time.

55 Rules for the allocation of residential stands.

55.1 Where an applicant wishes to obtain a residential site, the applicant shall apply to the Local Traditional Leader for allocation of a site as stipulated in sub-clauses 53.6

55.2 Where the applicant wishes to obtain a new residential site, it may only be allocated within areas earmarked for "Rural Residential", as depicted on this Land Use Scheme, Municipal Local Spatial Development Framework or Traditional Council Management Overlay (TCMO) or the Informal and Incremental Overlay Zone (IIOZ).

- 55.3 Where the applicant wants to take over a site from a current occupant, the applicant must produce a letter of removal received from the previous area resident for background check purposes.
- 55.4 Community dialogues must be conducted with prospective neighbours so that they are aware of the new occupant and welcome the applicant into the neighbourhood.
- 55.5 The new residential site must be geo-referenced with proper polygons and submitted within 60 days from the date of the allocation of the site for incorporation into the Land Use Scheme map(s) and the Municipal GIS systems.
- 56 Non-Residential Uses (excluding Extractive Industries)
- 56.1 Application for non-residential uses shall be undertaken as follows:
- a) Where an applicant wishes to obtain a non-residential site (excluding extractive industries), the applicant shall to apply to the Local Traditional Leader for allocation of a site as stipulated in sub-clauses 53.6.
 - b) Where the applicant wishes to obtain a non-residential site, it may only be allocated within areas earmarked for “Non-Residential Uses”, as depicted on this Land Use Scheme, Municipal Local Spatial Development Framework or Traditional Council Management Overlay (TCMO) or the Informal and Incremental Overlay Zone (IIOZ).
 - c) A land development application to the Municipality in accordance with the provisions of Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning.
 - d) Upon receipt of Council Approval, a lease diagram must be registered with the Surveyor General to depict the area of the proposed development;
 - e) The applicant shall lodge with the Municipality, a copy of the registered lease diagram and details of the land use which shall be captured and correctly depicted on the Land Use Scheme Map.
- 57 Non-Residential Uses (Extractive Industries)
- a) Where an applicant wishes to obtain a non-residential site (excluding extractive industries), the applicant shall to apply to the Local Traditional Leader for allocation of a site as stipulated in sub-clauses 53.6
 - b) Where the applicant wishes to obtain a non-residential site, it may only be allocated within areas earmarked for “Non-Residential Uses”, as depicted on this Land Use Scheme, Municipal Local Spatial Development Framework or Traditional Council Management Overlay (TCMO) or the Informal and Incremental Overlay Zone (IIOZ).
 - c) A land development application to the Municipality in accordance with the provisions of Chapter 6 of Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning.
 - d) Upon receipt of Council Approval, a lease diagram must be registered with the Surveyor General to depict the area of the proposed development
 - e) The applicant shall lodge with the Municipality, a copy of the registered lease diagram and details of the land use which shall be captured and correctly depicted on the Land Use Scheme Map.
 - f) In addition to the consent from the land owner being obtained, the provisions of the Mineral and Petroleum Resources Development Act (No. 28 of 2002) shall further be adhered to.
- 58 Approval of Building Plans
- 58.1 In accordance with the National Building Regulations and Building Standards Act, 1977 (No. 103 of 1977), all buildings not constructed in a traditional manner shall requires building plans to be submitted to the Municipality for Council’s approval before construction of the building may commence.

- 58.2 The procedure to obtain approval for building plan shall be undertaken in terms of Section provisions of Fetakgomo Tubatse Local Municipality By-law on Municipal Land Use Planning.
- 59 Rules for the demarcation of sites in areas under traditional leaders (in terms of erf/property sizes)
- a) The Traditional Authority must submit a formal request for a new/extension demarcation of site to the Local Municipality.
 - b) The Municipality must process the request and assist the Traditional Authority
 - c) Application procedure is be following in demarcating the requested sites
 - d) The Municipality is responsible for the appointment of a competent service provider to undertake the demarcation of sites application process.
 - e) Submission of an application prepared by a Professional Town Planner recognized by South African Council for Planners (SACPLAN) is compulsory.
 - f) An application must be lodged in terms of the the Fetakgomo Tubatse Local Municipality By-Law and other relevant legislation
 - g) The application shall be accompanied by supporting documents such as Motivational Memorandum, Zoning certificate, locality Maps, Series Maps, Title Deed or proof of ownership, Site Development Plan, Layout Plan with contour survey plan, Specialists Studies i.e. Environmental Impact Assessment, Geotechnical Study, Civil Engineering Study, Ecological Study (if necessary), Heritage Study, community resolution, etc.
 - h) No application must be approved without supporting documents requested by the Local Municipality.
 - i) The responsible official will use this Land Use Scheme, Fetakgomo Tubatse Spatial Planning and Land Use Management By-law and other relevant legislations/policies to identify all outstanding documents which could be required in order to assess the application properly
 - j) Authorized official shall assess and comment on the application and assist in determining conditions of approval
 - k) The Authorised official or MPT may refuse or approve an application
 - l) Appeal may be lodged provided that the applicant is not satisfied with the Council decision
 - m) After the consent has been granted Building plans and site development plans must be submitted to the Municipality prior to the erection or commencement of any building work.

SCHEDULE 1

NOXIOUS INDUSTRIES

The use of buildings or land for any of the following purposes:

- (1) Asbestos-processing
- (2) The burning of building bricks
- (3) Chromium-plating
- (4) Cement production
- (5) Carbonization of coal in coke ovens
- (6) Charcoal-burning
- (7) Converting, reheating, annealing, hardening or carburizing, forging or casting of iron or other metals
- (8) Crushing or screening of stone or slag or plants for the preparation of road-surfacing material
- (9) Distilling, refining or blending of oils
- (10) Galvanizing
- (11) Lime and dolomite-burning
- (12) Lead-smelting
- (13) Pickling and treatment of metal in acid
- (14) Recovery of metal from scrap
- (15) Smelting, calcining, sintering or other reduction of ores or minerals
- (16) Salt glazing
- (17) Sintering of sulphur-bearing materials and viscose works

The use of buildings or land for the production of or the employment in any process of:

- (1) Carbon bisulphide, cellulose lacquers, hot pitch bitumen, pyridine, or pulverised fuel (except when used for a spray-painting trade)
- (2) Cyanogen or its compounds
- (3) Liquid or gaseous sulphur dioxide
- (4) Sulphur chlorides or calcium carbide

The use of buildings or land for the production of:

- (1) Amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, hexamine, iodoform, B-naphthol, 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)
- (2) Paint or varnish manufacture (excluding mixing, milling and grinding)
- (3) Rubber from scrap
- (4) Ultra marine, zinc chloride and oxide

For the purpose of:

- (1) An abattoir, animal bristle sterilizing and storing, and animal charcoal manufacture
- (2) A bacon factory, a brewery or distillery, blood-albumen making, blood-boiling, bone-boiling, -steaming, -burning, -storing, or bone- grinding, breeding of maggots from putrescible matter
- (3) Candle-making, catgut manufacture, boiling of chitterlings of pigs or other animals which are not subsidiary to a retail business or trade
- (4) 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)
- (5) Fellmongery, fat-smelting or -extracting, fish-curing (other than a subsidiary to the business or trade as a fishmonger), fish-skin dressing or scraping, fish-canning
- (6) Glue-making, gut-cleaning or -scraping
- (7) A knacker's yard
- (8) Leather-dressing
- (9) 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 of storing of manure from bones, fish, fish offal, blood, spent hops, beans or other putrescible animal or vegetable matter, manufacturing of malt
- (10) Parchment-making, a paper mill
- (11) Size-making, skin-drying, -storing and -curing, soap-boiling, a slaughter house, a sugar-mill or -refinery
- (12) Tallow-melting or -refining, tanning, tripe-boiling or -cleaning
- (13) Wool-scouring, wattle-bark grinding or extracting, or
- (14) Yeast-making.

SCHEDULE 2

SITE DEVELOPMENT PLAN

Site Development Plan means a plan on a scale of 1:500 or such other scale as the local municipality may approve, showing the proposed development and any salient features of a property. Such site development plan shall at least indicate the following where applicable:

- (a) entrances to the property and entrances for emergency vehicles (emergency exists shall be shown);
- (b) building lines, servitudes and other limitations (e.g. flood lines), side spaces, back spaces, road widenings and corner splays. Topographical features, outcrops of rock, trees, bushes and the like. Earthworks, berm walls and their proposed treatment;
- (c) internal roads (also for pedestrians with a maximum fall of 1 in 8) and kerb lines;
- (d) parking areas (visitors, open and covered), type of paving material (show slope gradient) and kerb lines shall be shown;
- (e) open areas (walking trails, recreation area, private gardens, children's playgrounds and the like);
- (f) siting of all buildings (distinctively marked and recognizable respectively). Also existing buildings or buildings to be demolished. Distances between buildings and from property boundaries shall be shown;
- (g) municipal sewers, connections, internal layout, stormwater, catchment pits and stormwater layout or method of disposal. (For group housing the services shall be shown on separate drawings);
- (h) phasing of development (especially group housing);
- (i) the following town planning control factors shall be shown on the plan in tabular form (for group housing only the areas of the units and the number of units per hectare shall be shown):

CONTROL FACTOR	REQUIRED/ PERMISSIBLE	SUPPLIED
----------------	--------------------------	----------

Coverage Floor area Floor area ratio

Parking

-
- (j) erf boundaries and other cadastral information (proposed subdivisional lines in case of group housing) and proposed road closures and/or park closures;
 - (k) contours and ground level heights (1,0 metre contour intervals);
 - (l) street names, adjoining properties (buildings in outline) and true north position;
 - (m) position, height, material and trim of fences, boundary walls, screen walls, retaining walls and gates;
 - (n) loading and offloading areas;
 - (o) surfaces (tar) of existing roads and new roads (show kerbstone lines accurately);
 - (p) the positions of firehose valves and firehose reels; and
 - (q) landscaping.

SCHEDULE 3

ACTIVITIES NOT PERMITTED IN A DWELLING-PLACE

The following activities are not permitted in terms of a written consent in any dwelling-place:

- (1) A funeral undertaking; a visitors' information bureau; a building society agency; a bank agency; kennels; an escort agency; a tow-in service; an institution; a motor workshop; a car wash; a place of instruction for more than 10 persons; a panel-beater; a parcel delivery service; a radio control/telephone exchange; a travel agency; a shooting range; a blasting contractor; a butcher; a spray-painter; a taxi business; a pet salon; a fish-fryer; hiring and selling of vehicles and/or trailers; a place of amusement; manufacturing of concrete products; a packaging contractor; a place of refreshment; a transport undertaking; hairdressers with more than one hairdresser; beauticians with more than one beautician; slimming clinics; fire fighting business; security company and vehicle tracing agents; brokers with more than 3 personnel; a builder's yard and/or storage of building equipment.

Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"					TABLE "D"		TABLE "E"																		
		Uses Permitted	Uses/Rights permitted only with the special consent of the local municipality (Clause 34)	Uses/Rights permitted only with the written consent of the local municipality (Clause 35)	Uses/rights not permitted	Parking spaces G.I.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare		Maximum coverage permitted as % of erf			Maximum F.A.R		Building Lines																		
							Existing rights	Relaxation in terms of clause 35	Relaxation in terms of Clause 34	Existing right	Relaxation in terms of Clause 35	Existing right	Relaxation in terms of Clause 34	Street (m)	Side (m)	Rear (m)																
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17																
3. Residential 2		Dwelling Unit		Additional Dwelling Unit	Other uses not permitted in Columns 3, 4 & 5 (Also refer to schedule 3)	1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors	30 units/ha	None	44 units/ha	60%	70%	1.2	1.4	5m	2m	2m																
		Group Housing																														
		Overnight Accommodation															1 dust free per bedroom and 6 per 100m ² public room area															
		Residential Buildings															1 dust free per bedroom															
		Retirement Village															1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors															
		Bed & Breakfast															1 dust free per bedroom															
		Commune															1 per bedroom															
		Conference Facility															8 per 100m ² G.L.F.A															
		Guesthouse															1 dust free per mobile dwelling unit, and if required by the local municipality additional parking for visitors															
		Institution															8 per 100m ² G.L.F.A															
		Mobile Dwelling Unit															1 dust free per mobile dwelling unit, and if required by the local municipality additional parking for visitors															
		Place of Instruction															8 per 100m ² G.L.F.A															
		Place of Public Worship															8 per 100m ² G.L.F.A															
		Social Hall															8 per 100m ² G.L.F.A															
		4. Residential 3																Dwelling Unit		Additional Dwelling Unit	Other uses not permitted in Columns 3, 4 & 5 (Also refer to schedule 3)	1 covered and one dust free per dwelling unit and if required by the local municipality, additional parking for visitors	44 units/ha	65 units/ha	More than 64 units/ha	60%	85%	1.5	2	5m	2m	2m
Flats																																
Group Housing																																
Retirement Village																																
Overnight Accommodation	1 dust free per bedroom and 6 per 100m ² G.L.F.A																															
Residential Buildings	1 dust free per bedroom																															
Conference Facility	8 per 100m ² G.L.F.A																															
Hotel	1 dust free per bedroom plus 6 per 100m ² G.L.F.A																															
Institution	8 per 100m ² G.L.F.A																															
Place of Instruction	8 per 100m ² G.L.F.A																															
Place of Public Worship	8 per 100m ² G.L.F.A																															
Social Hall	8 per 100m ² G.L.F.A																															
5. Rural Residential			Dwelling unit in Lifestyle Estate			Other uses not permitted in Columns 3, 4 & 5	-	1 per erf/ farm portion	-	-	-	-	-	-	5m	2m		2m														
			Dwelling unit in Wildlife Estate				-	1 per erf/ farm portion	-	-	-	-	-	-	-	-		-														

Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"					TABLE "D"		TABLE "E"			
		Uses Permitted	Uses/Rights permitted only with the special consent of the local municipality (Clause 34)	Uses/Rights permitted only with the written consent of the local municipality (Clause 35)	Uses/rights not permitted	Parking spaces G.I.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare		Maximum coverage permitted as % of erf			Maximum F.A.R		Building Lines			
							Existing rights	Relaxation in terms of clause 35	Relaxation in terms of Clause 34	Existing right	Relaxation in terms of Clause 35	Existing right	Relaxation in terms of Clause 34	Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
6. Business 1		Dwelling Unit			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit and if required by local municipality, additional parking for visitors	44 units/ha	-	64 units/ha	90%	100%	3.0	>3.0	2m	2m	2m	
		Flats															
			Residential Building				1 dust free per bedroom										
			Hotel				1 dust free per bedroom plus 6 per 100m ² public room area										
			Institution				8 per 100m ² G.L.F.A										
			Multi-Purpose centre				8 per 100m ² G.L.F.A										
			Offices/medical Consulting Rooms				4 per 100m ² G.L.F.A										
			Parking Garage				-										
			Place of Instruction				8 per 100m ² G.L.F.A										
			Place of public worship				8 per 100m ² G.L.F.A										
			Restaurant				4 per 100m ² G.L.F.A										
			Shops				4 per 100m ² G.L.F.A										
			Social Hall				8 per 100m ² G.L.F.A										
			Tavern				4 per 100m ² G.L.F.A										
			Vehicle sales lot				4 per 100m ² G.L.F.A										
					Bakery		4 per 100m ² G.L.F.A										
					Commercial Use		4 per 100m ² G.L.F.A										
					Conference Facility		8 per 100m ² G.L.F.A										
					Dry Cleaner		4 per 100m ² G.L.F.A										
					Filling Station												
				Funeral Parlour		4 per 100m ² G.L.F.A											
				Informal Business		-											
				Place of Amusement		4 per 100m ² G.L.F.A											
				Public Garage		40% of uncovered site area must be paved. Workshop floor area: 6 per 100m ² G.L.F.A. Lubrication bay, wash-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showroom: 2 spaces per 100m ² of floor area											
				Public Phone Shop		-											
				Service Industry		2 per 100m ² G.L.F.A											
				Telecommunication Mast		-											
				Wholesale Trade		4 per 100m ² G.L.F.A											
7. Business 2		Dwelling Unit/s			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit and if required by the local municipality, additional parking for visitors	44 units/ha	-	64 units/ha	60%	80%	1.8	>1.8	2m	2m	2m	
		Flats															
			Residential Building				1 dust free per bedroom										
			Multi-Purpose Centre				8 per 100m ² G.L.F.A										
			Offices/Medical Consulting Rooms				4 per 100m ² G.L.F.A										
			Restaurant				6 per 100m ² G.L.F.A										

		Shops			6 per 100m ² G.L.F.A												
		Tavern			6 per 100m ² G.L.F.A												
			Bakery		6 per 100m ² G.L.F.A												
			Dry cleaner		6 per 100m ² G.L.F.A												
			Informal business		-												
			Place of amusement		8 per 100m ² G.L.F.A												
			Place of Instruction		8 per 100m ² G.L.F.A												
			Place of public worship		8 per 100m ² G.L.F.A												
			Public phone shop		-												
			Service Industry		2 per 100m ² G.L.F.A												
			Social Hall		8 per 100m ² G.L.F.A												
			Telecommunication Mast		-												



Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"					TABLE "D"		TABLE "E"			
		Uses Permitted	Uses/Rights permitted only with the special consent of the local municipality (Clause 34)	Uses/Rights permitted only with the written consent of the local municipality (Clause 35)	Uses/rights not permitted	Parking spaces G.I.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare		Maximum coverage permitted as % of erf			Maximum F.A.R		Building Lines			
							Existing rights	Relaxation in terms of clause 35	Relaxation in terms of Clause 34	Existing right	Relaxation in terms of Clause 35	Existing right	Relaxation in terms of Clause 34	Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
8. Business 3		Dwelling Unit/s			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit and if required by the local municipality, additional parking for visitors	30 units/ha	44 units/ha	64 units/ha	60%	70%	0.8	1.4	3m	2m	2m	
		Flats															
			Offices/Medical Consulting Rooms				4 per 100m ² G.L.F.A										
				Conference Facility			8 per 100m ² G.L.F.A										
				Kiosk			3 per 100m ² G.L.F.A										
				Fitness Centre			8 per 100m ² G.L.F.A										
		Telecommunications Mast			-												
9. Industrial 1		Bakery			Other uses not permitted in Columns 3, 4 & 5	2 per 100m ² G.L.F.A	-	-	-	80%	100%	1.2	2.0	5m	2m	2m	
		Commercial Use				1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area											
		Dry Cleaner				2 per 100m ² G.L.F.A											
		Funeral Parlour including a Crematorium				2 per 100m ² G.L.F.A											
			Industries				1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area										
			Kiosk (only own employees)				-										
			Public garage				40% of uncovered site area must be paved. Workshop floor area: 6 per 100m ² . Lubrication bay, wash-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showrooms: 2 spaces per 100m ² of floor area										
			Service industries				1 per 100m ² G.L.F.A, as well as an additional 1 per 100m ² office floor area										
			warehouse				1 per 100m ² G.L.F.A										
				Builders yard				-									
					Dwelling unit related to but subordinate to the main use												
			Panel beater			1 per 100m ² G.L.F.A, as well as an additional 1 per 100m ² office floor area											
			Public phone Shop			-											
			Scrap Yard			1 per 100m ² G.L.F.A, as well as an additional 1 per 100m ² office floor area											
		Telecommunication Mast			-												
10. Industrial 2		Bakery			Other uses not permitted in Columns 3, 4 & 5	2 per 100m ² G.L.F.A	-	-	-	80%	100%	1.2	2.0	5m	2m	2m	
		Builders yard				1 per 100m ² G.L.F.A											
		Commercial Use				1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area											
		Dry Cleaner				2 per 100m ² G.L.F.A											
		Funeral Parlour including a				2 per 100m ² G.L.F.A											

		Crematorium				1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area													
		Industries				-													
		Kiosk (only own employees)				-													
		Panel Beaters				1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area													
		Public garage				40% of uncovered site area must be paved. Workshop floor area: 6 per 100m ² . Lubrication bay, wash-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showrooms: 2 spaces per 100m ² of floor area													
		Service industries				1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area													
		Scrap yard				1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area													
		warehouse				2 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area													
				Dwelling unit related to but subordinate to main use			-												
				Noxious industries [also refer to Schedule 1]			1 per 100m ² G.L.F.A, as well as an additional 8 per 100m ² office floor area												
				Public phone shop			-												
				Telecommunication Mast			-												


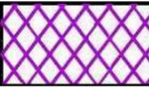
Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"					TABLE "D"		TABLE "E"				
		Uses Permitted	Uses/Rights permitted only with the special consent of the local municipality (Clause 34)	Uses/Rights permitted only with the written consent of the local municipality (Clause 35)	Uses/rights not permitted	Parking spaces G.I.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare		Maximum coverage permitted as % of erf			Maximum F.A.R		Building Lines				
							Existing rights	Relaxation in terms of clause 35	Relaxation in terms of Clause 34	Existing right	Relaxation in terms of Clause 35	Existing right	Relaxation in terms of Clause 34	Street (m)	Side (m)	Rear (m)		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17		
11. Institutional		Dwelling Unit/s related the main use			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit	-	-	-	60%	100%	1.0	1.2	5m	2m	2m		
		Institutions				8 per 100m ² G.L.F.A												
		Place of instruction				8 per 100m ² G.L.F.A												
		Place of Public Worship				8 per 100m ² G.L.F.A												
			Place of Amusement				8 per 100m ² G.L.F.A											
				Place of refreshments			2 per 100m ² G.L.F.A											
			Social Hall				8 per 100m ² G.L.F.A											
	Telecommunications Mast				-													
12. Educational		Dwelling Unit/s related the main use			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit	-	-	-	60%	100%	1.8	1.2	5m	2m	2m		
		Place of instruction				8 per 100m ² G.L.F.A												
		Place of Public Worship				8 per 100m ² G.L.F.A												
			Institutions				8 per 100m ² G.L.F.A											
				Place of refreshments			2 per 100m ² G.L.F.A											
	Telecommunications Mast				-													
13. Municipal		Dwelling Unit			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit	-	-	-	-	-	-	-	5m	2m	2m		
		Aerodome				-												
		Agricultural Use				-												
		Camping site				-												
		cemetery				-												
		Community hall				-												
		Dumping site				-												
		Multi-purpose centre				-												
Municipal purposes				-														

		Nature conservation purposes				-											
		Parking				-											
		Recreation				-											
		Reservoir				-											
		Sewerage Farm				-											
				Informal Business		-											
			Telecommunication Mast			-											
			Taxi Rank			-											
14. Agricultural		Dwelling Unit			Other uses not permitted in Columns 3, 4 & 5	1 covered and 1 dust free per dwelling unit	1 per erf/portion	2 per erf/portion	-	30%	50%	0.3	0.5	5m	2m	2m	
		Agricultural Use				-											
		Farm Settlement				-											
			Animal care centre			2 per 100m ² G.L.F.A											
			Art Dealer & Gallery			6 per 100m ² G.L.F.A											
			Bed & Breakfast			1 per 100m ² G.L.F.A											
			Bed & Breakfast			1 dust free per bedroom											
			Guest House			1 dust free per bedroom											
			Farm Stall			6 per 100m ² G.L.F.A											
				Household enterprise		2 per 100m ² G.L.F.A											
			Institution			8 per 100m ² G.L.F.A											
			Nursery			In accordance with local municipality's policy											
			Place of Instruction			8 per 100m ² G.L.F.A											
			Place of public worship			8 per 100m ² G.L.F.A											
			Place of refreshment			8 per 100m ² G.L.F.A											
			Recreation			In accordance with local municipality's policy											
				Rural General Dealer		2 per dealer											
			Social Hall			8 per 100m ² G.L.F.A											
			Tea Garden			6 per 100m ² G.L.F.A											
			Telecommunications Mast														
15. Public Garage		Parking Garage			Other uses not permitted in Columns 3, 4 & 5	-	-	-	-	90%	100%	1.0	2.0	5m	2m	2m	

		Filling Station				70% of uncovered area must be paved	-	-	-	60%	80%	0.6	0.6	5m	2m	2m
		Public Garage				40% of uncovered site area must be paved. Workshop floor area: 6 per 100m ² . Lubrication bay, was-bay or tune-up bay: 4 spaces per bay. Floor area for storage and sale of spares, car showrooms: 2 spaces per 100m ² of floor area										
			Dwelling unit for caretaker			-										
			Place of refreshment			2 per 100m ² G.L.F.A										
16. Public Open Space		Camping site			Other uses not permitted in Columns 3, 4 & 5	In accordance with municipality's policy	-	-	-	-	-	-	-	5m	2m	2m
		Gardens				-										
		Parks				-										
		Place of refreshment				-										
		Playgrounds				-										
		Public open space				-										
		Public Sport Grounds				-										
		Recreation				-										
		Squares				-										
			Informal Business			-										
			Place of Amusement			-										
			Municipal Purposes			-										
			Telecommunication Mast			-										

Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"					TABLE "D"		TABLE "E"			
		Uses Permitted	Uses/Rights permitted only with the special consent of the local municipality (Clause 34)	Uses/Rights permitted only with the written consent of the local municipality (Clause 35)	Uses/rights not permitted	Parking spaces G.I.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare		Maximum coverage permitted as % of erf			Maximum F.A.R		Building Lines			
							Existing rights	Relaxation in terms of clause 35	Relaxation in terms of Clause 34	Existing right	Relaxation in terms of Clause 35	Existing right	Relaxation in terms of Clause 34	Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
17. Private Open Space		Camping Site			Other uses not permitted in Columns 3, 4 & 5	In accordance with municipality's policy	-	-	-	-	-	-	-	5m	2m	2m	
		1 Dwelling unit for caretaker				-											
		Private Open Space					-										
		Recreation					In accordance with municipality's policy										
			Informal Business					-									
			Private Club					In accordance with municipality's policy									
				Nursery				In accordance with municipality's policy									
		Place of Refreshment				2 per 100m ² G.L.F.A											
18. Government		Government uses			Other uses not permitted in Columns 3, 4 & 5												
19. Protected Areas		All declared Provincial Nature Reserves: <ul style="list-style-type: none"> Dwelling Units used for permanent staff Accommodation and related facilities for visitors Offices subservient to the main use Restaurant Business/trade related to conservation/ tourism for convenience of staff & visitors Other uses as permitted in terms of relevant declaration legislation 			Other uses not permitted in Columns 3, 4 & 5	In accordance with municipality's policy	-	-	-	-	-	-	-	5m	2m	2m	
		All declared Private Nature Reserves: <ul style="list-style-type: none"> Dwelling units used for permanent staff Accommodation & related facilities for visitors Offices subservient to the main use Restaurant Business/Trade related to conservation/ tourism for convenience of staff & visitors Other uses as permitted in terms of relevant declaration legislation 				In accordance with the policy of the Department of Environmental Affairs and Tourism or relevant Environmental Management Authority or local municipality											

		All other protected Areas as defined in par. 8.2.89: Uses as permitted in terms of relevant declaration legislation		Place of Refreshment		In accordance with the policy of the Department of Environmental Affairs and Tourism or relevant Environmental Management Authority or local municipality											
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Use Zone	Notation on Map (A Series)	TABLE "A"				TABLE "B"	TABLE "C"					TABLE "D"		TABLE "E"			
		Uses Permitted	Uses/Rights permitted only with the special consent of the local municipality (Clause 34)	Uses/Rights permitted only with the written consent of the local municipality (Clause 35)	Uses/rights not permitted	Parking spaces G.I.F.A. = Gross Leasable Floor Area	Number of dwelling units per erf or per netto hectare		Maximum coverage permitted as % of erf			Maximum F.A.R		Building Lines			
							Existing rights	Relaxation in terms of clause 35	Relaxation in terms of Clause 34	Existing right	Relaxation in terms of Clause 35	Existing right	Relaxation in terms of Clause 34	Street (m)	Side (m)	Rear (m)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
20. Resort		Camping site			Other uses not permitted in Columns 3, 4 & 5		-	-	-	-	-	-	-	5m	2m	2m	
		Curlo Site				2 per 100m ² G.L.F.A											
		Dwelling Units used for permanent staff				1 dust free per dwelling unit-											
		Dwelling units used for temporary accommodation of resort visitors				1 dust free per dwelling unit											
		Offices related to, but subservient to the main use				In accordance with the local Municipality's policy											
		Recreation				In accordance with the local Municipality's policy											
		Resort				-											
		Restaurant					6 per 100m ² G.L.F.A										
			Conference facility				6 per 100m ² G.L.F.A										
				Place of amusement			6 per 100m ² G.L.F.A										
				Shops for convenience of staff & visitors			4 per 100m ² G.L.F.A										
				Public phone shop			-										
		Telecommunication Mast			-												
21. Mining 1 & Quarrying		Kiosk			Other uses not permitted in Columns 3, 4 & 5												
		Mining Purposes															
		Offices related to, but not sub-ordinate to the main use															
		Quarrying purposes															
		Social hall															
			Dwelling units only for key staff														
			Residential building														
	Telecommunication Mast																

