



SOL PLAATJE MUNICIPALITY

LAND USE MANAGEMENT SCHEME, 2008

VOLUME 1 SCHEME CLAUSES

TABLE OF CONTENTS

VOLUME 1 – SCHEME CLAUSES

SECTION 1 – GENERAL	5
1. Composition of this scheme	5
2. Responsible authority	5
3. Authority of scheme.....	5
4. Area of jurisdiction.....	6
5. Definitions.....	6
6. Uses of annexures	15
7. Protection of existing buildings.....	15
SECTION 2– BUILDING LINES, BUILDING RESTRICTION AREAS & ACCESS CONTROL	17
8. Building lines and building restriction areas	17
9. Access control	18
10. Access, building lines and building restriction areas in respect of proclaimed roads	18
11. Access, building lines and building restriction areas in respect of land reserved for or used for railway purposes	19
12. Height restrictions pertaining to the “big hole provincial heritage site”	19
SECTION 3– GENERAL CONDITIONS PERTAINING TO USE OF LAND AND BUILDINGS	21
13. Buildings for multiple use	21
14. Erection and use of buildings and use of land	21
15. Saving for special purposes	26
16. Temporary use	27
17. General conditions applicable to all erven	27
18. Conditions applicable to all use zones excluding use zone 1 : residential 1 and use zone 13 : agriculture.....	28
19. Conditions applicable to public garages.....	28
20. Subsidiary dwelling units	28
SECTION 4 – BUILDING RESTRICTIONS: DENSITY, FLOOR AREA RATIO, HEIGHT AND COVERAGE	31
21. Density, floor area ratio, height and coverage	31
SECTION 5 – LOADING AND PARKING REQUIREMENTS	38
22. Loading facilities	38
23. Parking	38
24. Public transportation facilities.....	40
SECTION 6 – GENERAL AMENITY AND AESTHETICS	42
25. Removal of adverse conditions	42
26. Advertisements and hoardings.....	42
27. Provision of public open space.....	43
SECTION 7 – APPLICATION AND APPROVAL PROCEDURES	45
28. Applications for permissions.....	45
29. Applications for consent	45
30. Applications for the amendment of this scheme	46
31. Township establishment.....	47
32. Subdivision of land	48
33. Site development plans	49

SECTION 8 – MISCELLANEOUS 52

34. Consent and or permission granted before the fixed date 52

35. Binding force of conditions 52

36. Entry and inspection of premises 52

37. Register of amendments, consents and conditions 52

38. Serving of notices 52

39. Findings and appeals 53

40. Contravention of the scheme 53

41. Title..... 53

VOLUME 2

SECTION 9 – ANNEXURES..... 54

SECTION 1

GENERAL

SECTION 1 – GENERAL

1. COMPOSITION OF THIS SCHEME

The Scheme consists of the following documents :

1.1. The Map, which consists of :

- 1.1.1. The index sheet, to a scale of 1:160000; and
- 1.1.2. 204 primary sheets, to a scale of 1:10000 and 1:2500.

1.2. The Clauses which are divided into volumes and sections relating to the following matters :

1.2.1. Volume 1 contains the following sections :

- 1.2.1.1. Section 1 - General
- 1.2.1.2. Section 2 - Building lines, building restriction areas & access control
- 1.2.1.3. Section 3 - General conditions pertaining to use of land and buildings
- 1.2.1.4. Section 4 - Building restrictions : density, floor area ratio, height and coverage
- 1.2.1.5. Section 5 - Loading and parking requirements
- 1.2.1.6. Section 6 - General amenity and aesthetics
- 1.2.1.7. Section 7 - Application and approval procedures
- 1.2.1.8. Section 8 - Miscellaneous

1.2.2. Volume 2 contains the following section :

- 1.2.2.1. Section 9 - Annexures

2. RESPONSIBLE AUTHORITY

The Sol Plaatje Local Municipality is the authority which is responsible for the application and execution of the provisions of this Amendment Scheme.

3. AUTHORITY OF SCHEME

- 3.1. This Land Use Management Scheme has been prepared under the provisions of Chapter 5 the Northern Cape Planning and Development Act, Act 7 of 1998.
- 3.2. For the purposes of this Scheme, Section 37 of the Northern Cape Planning and Development Act, Act 7 of 1998 is deemed to refer to Chapter 5, Section 26(e) of the Municipal Systems Act, Act 32 of 2000.
- 3.3. This Scheme supersedes all town planning schemes and town planning regulations in terms of any previous legislation, specifically :
 - 3.3.1. The Kimberley Town Planning Scheme, approved in terms of the Townships Ordinance, Ordinance 33 of 1934;
 - 3.3.2. Galeshewe Town Planning Scheme, 1993 ;
 - 3.3.3. Scheme Regulations in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for that part where it affects the area of jurisdiction of this Scheme.
- 3.4. Nothing contained in this Scheme shall be deemed to grant exemption from any of the Municipal by-laws or any other Act.
- 3.5. Where there is a conflict between this Scheme and any condition registered against any title deed, the most restrictive condition shall prevail.

4. AREA OF JURISDICTION

The area upon which this Scheme is applicable, is indicated on the Maps by the following notation.



5. DEFINITIONS

In the Scheme, except where the context otherwise requires, or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:-


AERODROME	-	includes an airstrip, an airfield and an airport.
AGRICULTURAL INDUSTRY	-	a building designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the processing of fresh produce to manufacture edible products for man and beast but excludes noxious industries.
AGRICULTURAL LAND	-	includes, inter alia, arable, meadow or pasture land, vegetable gardens, poultry farms, pig farms, land used for bee-keeping, nursery gardens, plantations and orchards, but shall not include:- (a) land used as a park; (b) land kept or zoned for the purposes of sport, athletics or recreation or used as a racecourse.
AGRICULTURAL PURPOSES	-	land or buildings designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the use of the land on which the building is sited as agricultural land, and may include a dwelling house for the owner or occupant of the erf and includes farm worker accommodation, but excludes an agricultural industry and an equestrian sports centre.
AMENDMENT SCHEME	-	any alteration or amendment to this scheme through any legislative process shall be referred to as an "Amendment Scheme".
ANNEXURE	-	the document containing special rights, restrictions and conditions applicable to those erven indicated on the Map by the letter "A" .
APPEAL	-	an appeal in terms of the provision of the Northern Cape Planning and Development Act, Act 7 of 1998.
BASEMENT	-	means any storey of a building which is below the level of the ground storey of the building.
BIG HOLE PIVOT POINT	-	the point on the Big Hole viewing deck with the following WGS84/25 Co-ordinate : Y +23825.76 X +3180373.81 Z 1225.719, a point demarcated on Sheet 140 of the Scheme maps.
BUILDING	-	without in any way limiting its ordinary meaning includes any roofed structure, any external stairs, steps or landings of a building, or any gallery, canopy, balcony, stoep, verandah, porch or similar feature of a building, any walls or railings, enclosing any feature mentioned above and any other portion of a building.

BUILDING LINE	- a line indicating the furthest boundary of a building restriction area from a street, or any other boundary of a erf other than a street boundary and which is at a fixed distance from a boundary of the erf.
BUILDING RESTRICTION AREA	- an area wherein no building, except those permitted in the Scheme, may be erected.
BUILDERS YARD	- land which is or buildings which are used for the storage of materials and building equipment : (a) required for or normally used in building operations; (b) derived from demolition or excavation operations; (c) required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes; (d) land or buildings used for the preparations for use of materials thus stored but does not include a builder's yard established for the purpose of temporarily storing such materials in connection with and for the duration of construction or buildings works, in the vicinity of such builder's yard and does not include the storage at a "Shop" or a "Warehouse".
BUSINESS PREMISES	- a building designed for and used as an office or for other business purposes for gain or remuneration including a financial institution, medical, dental and veterinary consulting rooms, but excludes a place of instruction or place of amusement or any building mentioned, whether by way of inclusion in or exclusion from the definition of "institution" or a building designed and used as a shop, place of refreshment, public garage, industrial building or noxious industrial building.
BY-LAWS	- municipal by-laws and regulations which are in force within the Scheme area.
CANTEEN	- a building or a part thereof used for the preparation and supply of food, non- alcoholic beverages, sweets, snacks, refreshments, tobacco products, reading matter, and similar ancillary convenience items for the exclusive use of employees of an enterprise on the same erf.
CEMETERY	- land or structure used for the burying or depositing of human remains.
CHILD CARE CENTRE	- land or buildings used for the care of school going children outside normal school hours with a maximum of 30 children.
CLINIC	- a building designed and used 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' centre and a wellness centre with associated uses.
COMMERCIAL BUILDING	- buildings used for the purpose of carrying on any commercial or business activity other than dwelling units, retail trade or manufacturing and includes distribution centres, wholesale trade, storage, warehousing, cartage and transport and laboratories which relates to the main use which is exercised on the erf but excludes a scrap yard.


CONSENT	-	means written consent in accordance with the provisions of Clause 29 of this Scheme.
CONTROLLING AUTHORITY	-	any other body or institution authorised in terms of provincial or national legislation.
COVERAGE	-	the area of a erf covered by buildings as seen vertically from above, measured over the external walls of the building and is expressed as a percentage of the area of the erf but excludes the following: (a) a structure without a roof or covered by hail net or shade net; (b) roof overhang.
CRECHE	-	Land or a building used for the custody and care of children of pre-school going age with a maximum of 30 children.
DWELLING HOUSE	-	a single free standing dwelling unit.
DWELLING UNIT	-	an interconnected suite of rooms which may not include more than one kitchen, designed for occupation and use by a family. It may also include such outbuildings and servant's quarters as are ordinarily incidental thereto.
EQUESTRIAN SPORTS CENTRE	-	a building and land used solely for the purposes of horse riding and horse riding events and includes Arab racing, competitive trail riding, cross-country, dressage, endurance riding, gymkhana, harness racing, horse racing, marathon driving, polo, puissance, rodeo, showing, show jumping, skijoring, steeple chasing, trotting.
ERF	-	means a piece of land registered in the Office of the Surveyor General and in the Office of the Registrar of Deeds as an erf, stand, lot, farm portion, agricultural holding or plot.
EXISTING BUILDING	-	a building erected in accordance with plans approved by the Municipality and which is otherwise legal, the construction of which:- (a) was completed on or before the fixed date; or (b) begun before but completed after the fixed date; or (c) completed in accordance with the conditions of any permission granted by the Municipality pending the preparation and coming into force of the Scheme.
EXISTING USE	-	a use as defined in Clause 7 of this Scheme.
FAMILY	-	the collective body of persons, or a single person, who live in one dwelling unit and under one head or manager including parents, children, and servants, living together as one household.
FARM STALL	-	a building or structure which does not exceed 20m ² in extent, including storage facilities, where a farmer sells products produced and processed on his farm (not products which are purchased).
FARM WORKER ACCOMMODATION	-	dwelling units or residential buildings for occupancy by bona fide employed farm workers, which are reasonably necessary in connection with the agricultural use on land larger than 5ha and which is zoned "Agriculture".

FIXED DATE	-	the date on which the Sol Plaatje Municipality gave notice in the Provincial Gazette that the Sol Plaatje Land Use Management Scheme, 2008 has been adopted.
FLOOD LINE	-	means that area of land that may be inundated with flood waters at least once every 50 years.
FLOOR AREA	-	<p>the sum of the gross area contained in a building at the floor level of each storey; Provided that in the calculation of the floor area the following areas shall not be included:-</p> <ul style="list-style-type: none"> (a) an open roof and the area of external emergency stairs; (b) parking space for the occupants of the building; (c) entrance passages and corridors, (excluding entrance halls and porches), in a dwelling unit and in a residential building where such entrance passages and corridors are not enclosed by walls or windows; (d) accommodation for lift motors and other mechanical or electronic equipment necessary for the proper functioning of the building; (e) housing for servants on the roof of a residential building, hospital or nursing home: Provided that the floor area thus excluded shall not exceed three percent of the allowable floor area of such building; (f) a verandah or balcony in a residential building or institution: Provided that such verandah or balcony is not enclosed except by means of a parapet at most one point one metre (1.1m) high or a wire gauze screen; (g) areas reasonably used for the cleaning, maintenance and care of the building or buildings, except dwelling units for supervisors, watchmen, cleaners and caretakers.
FLOOR AREA RATIO (F.A.R.)	-	<p>the ratio obtained by dividing the floor area of a building by the total area of the erf on which the building is erected, thus:-</p> $\text{F.A.R.} = \frac{\text{Floor area of a building}}{\text{Total area of the erf on which the building is erected.}}$
FUNERAL PARLOR	-	a building designed and used for the preparation of corpses for burials or cremations and includes facilities for associated administrative and religious functions.
GOVERNMENT	-	land and buildings designed and used by the Republic of South Africa for governance purposes.
GROSS LEASABLE FLOOR AREA	-	the floor area designed for occupation and control by a lessee, or which is suitable for such purpose, measured from the middle line of common partitions and the external surface of external walls.

GROUND STOREY	-	means a storey with a floor at ground level or a floor having its entrance directly accessible from ground level by means of a ramp, stairway or similar structure.
GUEST HOUSE	-	temporary accommodation including the serving of meals to patrons, with a maximum 7 bedrooms or suites for a residential guest house and 16 rooms for a commercial guesthouse which is registered at the Municipal Tourism Office and graded in terms of the Tourism Grading Council of South Africa.
HABITABLE ROOM	-	means a room designed or used for human habitation in accordance with standards prescribed in the by-laws but excludes a storeroom, kitchen, pantry, scullery, water closet, bathroom or passage.
HEIGHT	-	Means the vertical dimensions of the building from the natural ground level at the main entrance of the building to the highest point of the building measured in meters or in number of storeys.
HOSPITAL	-	Means a place for the diagnosis and treatment of human illness; with integrated facilities such as operating theatres and live-in accommodation for staff; and includes a clinic and medical consulting rooms.
HOTEL	-	<p>a building designed and used as a temporary residence for transient guests, where lodging and meals are provided, and may include:</p> <ul style="list-style-type: none"> i. A restaurant or restaurants; ii. Associated meeting rooms, conference and entertainment facilities, recreational and service facilities that are subservient and ancillary to the dominant use of the property as a hotel; and iii. Premises which are licensed to sell alcoholic beverages for consumption on the property; but does not include an off-sales facility, <p>which is registered at the Municipal Tourism Office and graded in terms of the Tourism Grading Council of South Africa.</p>
INDUSTRIAL BUILDING	-	a building other than a noxious industrial building, designed for use as or which is used as a factory and includes any office or other building on the same site which is incidental to, or would ordinarily be incidental to, or reasonably necessary in connection with the use of such factory.
INSTITUTION	-	A building designed and used for a welfare or charitable facility such as home for the aged, indigent or handicapped; a hospital, clinic or nursing home, a sanatorium; or any other institution whether public or private and includes all uses ancillary, directly related to and subservient to the main use, but excludes primary office and administrative functions.
LAND	-	land with or without improvements and includes land covered with water.
MAP	-	the map as defined in Section 38(1) Of the Northern Cape Planning and Development Act, (Act 7 of 1998), and as amended from time to time by any approved Amendment Scheme.

MINING	- land and buildings, that under the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and any amendments thereof, are used or designated for mining and / or exploitation of minerals, or for which purpose a permit has been issued under the fore-mentioned Act and includes such uses directly related and appurtenant to the use of the land and buildings for mining purposes and for the purposes of this Scheme mining shall include quarrying.
MUNICIPALITY	- the Municipality of Sol Plaatje.
MUNICIPAL INFRASTRUCTURE	- the conveyance and storage of water, sewerage, stormwater, electricity, roads or any other engineering service required by the municipality.
MUNICIPAL PURPOSES	- any building used for purposes related to the normal operations of the Municipality and includes municipal infrastructure and related activities.
NORTHERN BIG HOLE HEIGHT RESTRICTION AREA	- is defined by the area between north western trajectory 160°00'53" and north eastern trajectory 243°58'10", as measured from the Big Hole Pivot Point and are indicated on the Map by the following notation : 
NOXIOUS INDUSTRY	- panel beating, spray-painting, blood boiling, bone boiling, tallow melting, fat smelting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fellmongering, skin curing, blood drying, gut scraping, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, manure making, manure storing, parchment making, malt making, yeast making, cement works, coke ovens, salt glazing, sintering of sulphur bearing materials, viscose works, smelting of ores and minerals, calcining, puddling and rolling of iron and other metals, conversion of pigiron into wrought iron, reheating, annealing, hardening, forging, converting and carburising iron and other metals, works for the production of, or which employ carbon bisulphide, cellulose lacquers, cyanogen or its compounds, hot pitch of bitumen, pulverized fuel, pyridine, liquid of gaseous sulphur dioxide and sulphur chlorides, works for the production of amyl-acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide and oil refining and works dealing with the processing or refining of petrol or oil or their products, and any other activity listed as noxious in terms of any other legislation i.e. an abattoir in terms of the National Environmental Management Act, Act 107 of 1998.
NURSERY	- a building designed or used for the growing and sale of plants, gardening product, garden furniture and ornaments and includes a tea garden.
OCCUPANT	- in relation to any building, structure or land means and includes any person who actually occupies such building, structure or land.
OFFICES	- a building designed and used for the performance of an administrative, clerical or professional function but excludes financial institutions but excludes medical, dental and veterinary consulting rooms.

OUTBUILDING	-	a building or structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit.
OWNER	-	<p>in relation to a building or land:-</p> <p>(a) the registered owner;</p> <p>(b) the holder of a stand license;</p> <p>(c) a lessee by virtue of a lease which is registered by law;</p> <p>(d) the person who administers the estate of any person mentioned in (a), (b) or (e) above, whether as executor, administrator, guardian or in any other capacity;</p> <p>(e) any person who receives payment from any occupant or other person who would receive payment should such building or land be leased, whether for his own account or as agent for any person who is entitled thereto or who has any interest therein; and</p> <p>(f) a properly authorized agent of such owner as determined in (a) to (e) above.</p>
PARKING AREA	-	land used exclusively for the parking of motor vehicles not being for trade or sale.
PARKING GARAGE	-	land used or a building designed or used exclusively for the parking of motor vehicles not being for trade or sale.
PERMISSION	-	means written permission in accordance with the provisions of Clause 28 of this Scheme.
PLACE OF AMUSEMENT	-	includes a building designed for use or used as a public hall, theatre, cinema, music-hall, concert hall, billiard saloon, sports arena, skating rink, dance hall, or for other recreational purposes or for the purpose of exhibitions of trade or industry and which is carried out with a view to profit.
PLACE OF INSTRUCTION	-	a building designed for use or used as a school, college, technical college, lecture hall, or other educational centre and includes a crèche, a child care centre, a convent, monastery and madressa, a public library, art gallery, museum or gymnasium.
PLACE OF REFRESHMENT	-	includes a restaurant or tea-room and means a building, which is not a hotel, residential club or boarding house, but which is designed and used for the preparation and sale of meals and refreshments, and may include the retail sale of fresh produce, mineral waters, tobacco, alcohol, reading material and sweets.
PLACE OF PUBLIC WORSHIP	-	a building designed for use as and used as a church, chapel, synagogue, mosque, temple or other place for practicing a faith or religion, and includes any building associated therewith and a dwelling unit, but does not include a funeral parlour, cemetery or crematorium with related chapel.
PRIVATE OPEN SPACE	-	any land zoned in this Scheme for use as private grounds for sport, games, rest, recreation site, ornamental garden, resort, golf course and driving range or museum.

PUBLIC GARAGE	-	a building used for anyone or more of the following purposes, for purposes of gain or reward: The maintenance, repair or fuelling of vehicles and associated purposes, and may include the parking or storage of vehicles, the sale of spare parts, accessories, fuels, and lubricants for vehicles and the sale of new and used vehicles, a convenience shop, car wash and automatic teller machine (ATM) but does not include panel beating and spray painting.
PUBLIC OPEN SPACE	-	any land zoned for use by the public as an open space, and includes a park, garden, playground, grounds for sport, recreation site or square.
PUBLIC TRANSPORTATION FACILITY	-	means a taxi rank, taxi stop, bus terminus, bus stop, tram terminus, tram stop.
RAILWAY	-	the use of land and buildings for the conveyance of goods, persons and animals by way of rail transport and includes uses ordinarily incidental to the maintenance and upkeep of trains and railway tracks.
RESIDENTIAL BUILDING	-	a building other than a dwelling house or hotel designed or used for human habitation and includes a boarding house, a residential club, a guest house and a hostel.
RESORT	-	a building designed for and used as a hotel, restaurant, place of refreshment, temporary accommodation, social hall, sport and recreation.
SCRAP YARD	-	land or buildings used for the stacking, storing and preparation for resale of any used material of whatever nature, but excludes a builder's yard.
SHOP	-	a building designed and used for the purpose of carrying on retail trade and includes an industrial building or workshop ordinarily used in connection with, but which sub-ordinate to the conduct of the retail business therein.
SITE	-	in relation to a building includes the area of any building, yard, courtyard or garden occupied in connection therewith.
SITE DEVELOPMENT PLAN (SDP)	-	a plan which shows the proposed development of a property and any salient natural features thereof, as referred to in Clause 33 of this Scheme.
SOCIAL HALL	-	a building designed for use as or used for social meetings, gatherings and recreational purposes and includes as Masonic temple and a non-residential club but does not include a "place of amusement".
SOUTHERN BIG HOLE HEIGHT RESTRICTION AREA	-	is defined by the area between south eastern trajectory 317°08'04" and south western trajectory 1°09'12", as measured from the Big Hole Pivot Point and are indicated on the Map by the following notation : 
SPECIAL BUILDING	-	a building designed for use or used for any use other than one of the uses for which buildings herein defined are designed or used and includes a telecommunications tower.

STOREY	-	means that space within a building which is situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above with a height of not more than 3.5m for a dwelling unit and 6m for any other building, on the ground storey and not more than 3.5m on any storey above: Provided that a mezzanine level which is provided within the ground storey shall not be taken into consideration in the calculation of the number of storeys within a building.
STREET or ROAD	-	includes the whole or part of any street, road, bridge, subway, avenue, lane, sanitary lane, thoroughfare or right of way, shown on the general plan of a township or in respect of which the public has acquired a prescriptive or other right of way.
TAVERN		a part of a dwelling house constructed, designed or adapted for use for social gatherings and for the consumption of liquor on the premises and may include the consumption of non-alcoholic beverages and the preparation and consumption of food, but shall not include the sale of any of the aforesaid items for consumption off the premises, provided that the dominant use shall remain residential for the occupant of the said dwelling and subject to the compliance of health and safety by-laws; provided that the establishment and operation of a tavern shall be subject to a licence in terms of the Liquor Act as amended.
THE ERECTION OF A BUILDING	-	includes the structural alteration of or the making of any addition to a building other than structural alterations which, in the opinion of the Municipality, are of a limited extent such as, amongst others the removal of non-weight bearing internal walls, the erection of removable partitioning and the erection of safes and toilets inside an existing building, or repair work inside or outside a building.
TOWNSHIP	-	means any land laid out or divided into or developed as sites for residential, business or industrial purposes or similar purposes where such sites are arranged in such a manner as to be intersected or connected by or to abut on any street, and a site or street shall for the purposes of this definition include a right of way or any site or street which has not been surveyed or which is only notional in character.
TOWNSHIP ESTABLISHMENT	-	the process of dividing any land into a township which will result in a change of zoning.
TUCKSHOP	-	a building in extent of not more than 20 square metre used for the sale of household consumables but excludes the sale of liquor.
WHOLESALE TRADE	-	trade which is restricted to the sale of goods or products to licensed retailers.
ZONE	-	a portion of the area of this Scheme shown on the Map by means of a distinctive notation or edging or some other distinguishing manner for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings or use of land, and the expressions "Density Zone", "Use Zone" and "Height Zone" mean zones indicating restrictions as to density, use and height of buildings respectively.

6. USES OF ANNEXURES

- 6.1. Special rights, conditions and restrictions which may apply to any erf within a use zone, may be indicated in an Annexure to the Scheme.
- 6.2. The special conditions and restrictions referred to in Clause 6.1 shall-
 - 6.2.1. be in addition to the general conditions, restrictions and other provision of the Scheme; and
 - 6.2.2. prevail should they conflict with any such condition, restriction or provision of this Scheme.
- 6.3. Where an asterisk (*) appears in an Annexure to the Scheme, it indicates that the general provisions of the Scheme apply unless specifically excluded.
- 6.4. An Annexure contemplated in Clause 6.1 shall consist of a sheet of paper filed in alphanumerical sequence in Volume 2, Section 9 of this scheme registering the special rights, conditions and restrictions applying to the erf.

7. PROTECTION OF EXISTING BUILDINGS

- 7.1. All buildings and use of land in contravention to this scheme, which adhered to the provisions of any law or the provisions of any other scheme before the fixed date, can be carried on for a period of 5 years , provided that:
 - 7.1.1. excepting for general maintenance and repair, the municipality shall not permit or approve any building plan for the expansion or intensification of the activity or for any other aspect in relation to the execution or conduct of the activity.
- 7.2. On expiry of the date in Clause 7.1 above, all development shall comply with the provisions of this Scheme.

SECTION 2

**BUILDING LINES, BUILDING
RESTRICTION AREAS &
ACCESS CONTROL**

SECTION 2– BUILDING LINES, BUILDING RESTRICTION AREAS & ACCESS CONTROL

8. BUILDING LINES AND BUILDING RESTRICTION AREAS

- 8.1. For the purposes of this Clause, a sanitary lane shall not be regarded as a street.
- 8.2. No building or structure other than boundary walls or fences or temporary structures erected in connection with building operations shall be erected in the building restriction area as indicated in Table “A”.

**TABLE A
BUILDING LINES ACCORDING TO USE ZONES
[BUILDING LINES ARE LISTED IN METER]**

Use Zone	Along Street Boundary	Along Side Boundary	Along Rear Boundary
Residential 1 : Erven >600m ²	4.5m	2m	2m
Erven <600m ²	3m	2m	2m
Agricultural	10m	5m	5m
Other use zones	4.5m	2m	2m

- 8.3. The Municipality shall be entitled to utilize a side or rear boundary building restriction area for the purposes of municipal infrastructure. No large-rooted trees shall be planted within such areas which are utilised for municipal infrastructure, or within 2 metres thereof. The Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid building restriction area such materials as may be excavated by it during the course of the construction, maintenance or removal of such municipal infrastructure and other works on it, in its discretion, may deem necessary, and shall further be entitled to reasonable access to the said land for aforesaid purpose, subject to any damage done during the process of the construction, maintenance or removal of such municipal infrastructure other works, being made good by the Municipality.
- 8.4. The Municipality may in Use Zone 1 : Residential 1, after receipt of a written application by the owner, as prescribed in Clause 28 of this Scheme, give permission for the erection of a building within the building restriction area, if such relaxation would result in an improvement in the development of the erf; provided that for bona-fida carports and garages the Municipality can only consent to building relaxation up to 50% of the street frontage of the erf. For all other use zones, the Municipality may give permission for the erection of a building within the building restriction area, if such relaxation would result in an improvement in the development of the erf, by the approval of a site development plan.
- 8.5. Provided that, in addition to the building lines stipulated in Table A: Any floodline determined to demarcate a flood area shall be deemed to be a building restriction area where no building shall be erected without the prior approval of the controlling authority.
- 8.6. Buildings lines and building restriction areas applicable on erven adjacent to existing provincial or national roads shall be as specified by the controlling authority and shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant controlling authority.
- 8.7. No material or goods of any nature shall be dumped or stored within the building restriction area along the boundary of any existing street, and such portion shall not be used for any purpose other than laying out and maintaining lawns, gardens, parking or access.

9. ACCESS CONTROL

- 9.1. Entrance to and exit from a erf or land from or to a public street or road where it is prohibited across any boundary line, shall be shown on the Map by the following symbol:



Provided that the Municipality may, on receipt of a written application, allow the relaxation of the access restriction subject to such conditions as it may deem fit, if as a result of exceptional circumstances, and adherence to the access restriction would unreasonably hamper the development of the erf : Provided further that no such relaxation shall be granted in respect of entrance to or exit from a erf from or to a provincial or national road without the approval of the controlling authority.

- 9.2. Entrances to and exits from an erf shall be to the satisfaction of the Municipality in accordance with Table B.

**TABLE B
ENTRANCES TO AND EXISTS FROM ERF**

Use Zone	Access requirement
Residential 1	No limit
Agricultural	No limit
Other use zones	As per approved SDP

- 9.3. Entrances to and exits from an erf abutting onto a provincial or national road shall be to the satisfaction of the controlling authority.

10. ACCESS, BUILDING LINES AND BUILDING RESTRICTION AREAS IN RESPECT OF PROCLAIMED ROADS

- 10.1. For the purposes of this Scheme, a National, Provincial, District or Main Road is demarcated by indicating the centre line of the road on the Map by means of the following symbol:



The status and number of the road will be indicated by the notation "NR-" for a National Road, "PR-" for a Provincial Road, "DR-" for a District Road and "MR-" for a Main Road followed by the road number.

- 10.2. All erven traversed by a proclaimed road is subject to:

- 10.2.1. Entrances to the erf and exits from the erf shall be specified by the controlling authority and shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant controlling authority.
- 10.2.2. Building lines and building restriction areas as specified by the controlling authority and shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant controlling authority.

- 10.3. All erven situated within 50m from the centre line of a proclaimed road are deemed to be subject to:

- 10.3.1. Entrances to the erf and exits from the erf shall be specified by the controlling authority and shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant controlling authority.
- 10.3.2. Building lines and building restriction areas as specified by the controlling authority and shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant controlling authority.

11. ACCESS, BUILDING LINES AND BUILDING RESTRICTION AREAS IN RESPECT OF LAND RESERVED FOR OR USED FOR RAILWAY PURPOSES

11.1. All erven traversed by or adjacent to land reserved for or used for railway purposes are subject to:

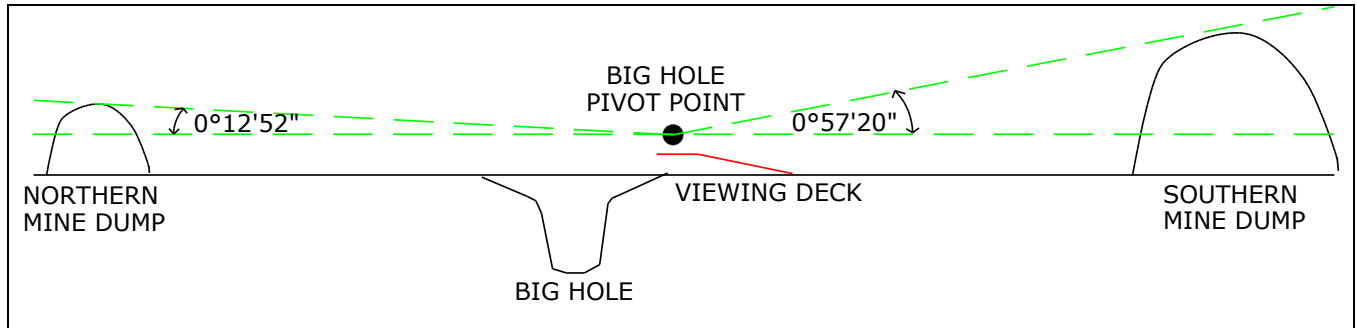
- 11.1.1. Entrances to the erf and exits from the erf shall be specified by the controlling authority and shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant controlling authority.
- 11.1.2. Building lines and building restriction areas as specified by the controlling authority and shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant controlling authority.

12. HEIGHT RESTRICTIONS PERTAINING TO THE "BIG HOLE PROVINCIAL HERITAGE SITE"

12.1. No building or structure of whatever nature may be erected on any erf situated within the Northern Big Hole Height Restriction Area, shall exceed a height forming a greater incline than $0^{\circ}12'52''$, measured from the Big Hole Pivot Point as demonstrated in the sketch in Clause 12.3. below, unless approved by the controlling authority.

12.2. No building or structure of whatever nature may be erected on any erf situated within the Southern Big Hole Height Restriction Area, shall exceed a height forming a greater incline than $0^{\circ}57'20''$, measured from the Big Hole Pivot Point as demonstrated in the sketch in Clause 12.3. below, unless approved by the controlling authority.

12.3. The following sketch demonstrates the building height restriction described in Clauses 12.1 and 12.2 :



SECTION 3

**GENERAL CONDITIONS
PERTAINING TO USE OF
LAND AND BUILDINGS**

SECTION 3– GENERAL CONDITIONS PERTAINING TO USE OF LAND AND BUILDINGS

13. BUILDINGS FOR MULTIPLE USE

Where a building is used, or a proposed building is designed for more than one use, it must, for the purpose of Clauses 14, 21, 23 and 26 of the Scheme, be treated as being used or partly designed for each of those uses but for the purpose of other Clauses, it shall be treated as though it were being used or designed for its predominant use, as determined by the Municipality.

14. ERECTION AND USE OF BUILDINGS AND USE OF LAND

14.1. This Clause does not prohibit the erection of access structures [other than entrance halls], pergolas, garden ornaments and boundary walls.

14.2. For the purpose of this Clause “the erection and use” of a building will also mean the transformation of the building for a specific use, whether such transformation will cause structural changes to the existing building or not.

14.3. For the purpose of this Clause “the erection and use of a building” includes the use of land.

14.4. Except for the provision of Clause 6, the purposes for which buildings :

14.4.1. may be erected and/or used;

14.4.2. may be erected and/or used only with the consent, in terms of Clause 29 of this Scheme, of the Municipality; and

14.4.3. may not be erected and/or used;

are shown respectively in columns [3], [4] and [5] of Table C.

TABLE C :

ERECTION AND USE OF BUILDINGS AND USE OF LAND


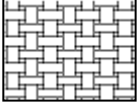


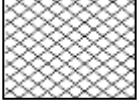
Use Zone		Notation as shown on the Map	Primary Land Use Right	Secondary Land Use Rights	Prohibited uses
			May be erected and/or used	May be erected and/or used with the Consent of the Municipality	Buildings which may not be erected
(1)	(2)	(3)	(4)	(5)	(5)
1	Residential 1		Dwelling houses	Place of public worship, place of instruction, social hall, residential guest house, tuck shop, medical, dental and veterinary consulting rooms.	Buildings not under columns (3) and (4)
2	Residential 2		Dwelling units	Place of worship, place of instruction	Buildings not under columns (3) and (4)
3	Residential 3		Dwelling units, residential building, hotel, guest house	Place of public worship, place of instruction, institution, mobile home accommodation, social hall	Buildings not under columns (3) and (4)
4	Business 1		Hotels, guest houses, places of refreshment, shops, business premises, dwelling units, residential building, place of amusement, places of worship including funeral parlours with chapels, places of instruction, dry cleaners, public garages, parking, car wash, social halls.	Buildings not under columns (3) and (5)	Noxious industrial buildings, scrap yards, panel beating and spray painting workshops
5	Business 2		Places of refreshment, shops, dwelling units, business premises (excluding warehouses), dry cleaners, hotel and guest houses.	Buildings not under columns (3) and (5)	Noxious industrial buildings, scrap yards, panel beating and spray painting workshops, industrial buildings (excluding dry cleaners), warehouses, public garages,

TABLE C :

ERECTION AND USE OF BUILDINGS AND USE OF LAND

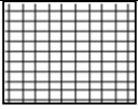

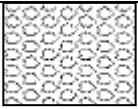
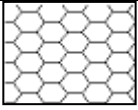


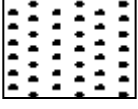
Use Zone		Notation as shown on the Map	Primary Land Use Right	Secondary Land Use Rights	Prohibited uses
			May be erected and/or used	May be erected and/or used with the Consent of the Municipality	Buildings which may not be erected
(1)	(2)	(3)	(4)	(5)	
6	Business 3		Offices, canteen, medical, dental and veterinary consulting rooms.	Dry cleaners, shops, residential buildings, hotel	Buildings not under columns (3) and (4)
7	Commercial		Commercial buildings, canteen	Staff accommodation, industrial buildings ancillary to and directly related to, but subordinate to the main use according to column (3), special buildings, public garages, places of instruction, places of amusement, scrap yard and salvage building, restaurant, builder's yard	Buildings not under columns (3) and (4)
8	Industrial		Commercial buildings, industrial buildings, business premises, public garages, builder's yard, canteen	Staff accommodation, noxious industrial buildings, scrap yards and salvage building, crematorium	Buildings not under columns (3) and (4)
9	Institutional		Institutions, dwelling units, places of public worship, places of instruction, canteen	Social hall, special buildings, place of refreshment	Buildings not under columns (3) and (4)
10	Educational		Places of instruction, social hall, places of worship	Dwelling units, institutions, places of refreshment, special buildings	Buildings not under columns (3) and (4)
11	Amusement		Places of amusement, social hall	Places of instruction, special buildings, places of refreshment	Buildings not under columns (3) and (4)
12	Municipal		Municipal purposes	Dwelling units, places of public worship, places of instruction, social hall, institutions, special buildings, agricultural buildings	Buildings not under columns (3) and (4)

TABLE C :

ERECTION AND USE OF BUILDINGS AND USE OF LAND

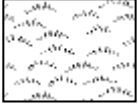
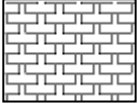
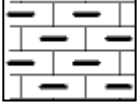


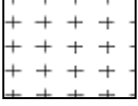
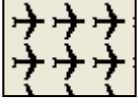
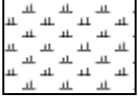

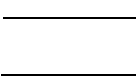


Use Zone		Notation as shown on the Map	Primary Land Use Right	Secondary Land Use Rights	Prohibited uses
			May be erected and/or used	May be erected and/or used with the Consent of the Municipality	Buildings which may not be erected
(1)	(2)	(3)	(4)	(5)	
13	Agricultural		Agricultural buildings	Staff accommodation, aerodrome, guest house, resort, kennels, cattery, auction of live stock, nursery and farm stall, special buildings, agricultural industry, Equestrian Sports Centre	Buildings not under columns (3) and (4)
14	Public Garage		Public garage	Special buildings	Buildings not under columns (3) and (4)
15	Parking		Parking garages, parking areas	Rest rooms, public convenience, car wash	Buildings not under columns (3) and (4)
16	Public Open Space		Public open spaces	Special buildings	Buildings not under columns (3) and (4)
17	Private Open Space		Resort, golf course and related facilities, golf driving range, formal garden, sports arena and stadium, sports club, caravan park	Places of public worship, place of instructions, place of amusement, special buildings Equestrian Sports Centre	Buildings not under columns (3) and (4)
18	Cemetery		Cemeteries, funeral parlour	Crematorium	Buildings not under columns (3) and (4)
19	Aerodrome		Aerodrome	Buildings not under columns (3) and (5)	Noxious industries
20	Government		Government purposes	Buildings not under columns (3) and (5)	Buildings not under columns (3) and (4)
21	Railways		Railway purposes		Buildings not under columns (3) and (4)

TABLE C :**ERECTION AND USE OF BUILDINGS AND USE OF LAND**

Use Zone		Notation as shown on the Map	Primary Land Use Right	Secondary Land Use Rights	Prohibited uses
			May be erected and/or used	May be erected and/or used with the Consent of the Municipality	Buildings which may not be erected
(1)	(2)	(3)	(4)	(5)	
22	Existing Public Road		Street or road		Buildings not under columns (3) and (4)
23	Mining		Mining purposes and buildings necessary for the use of the mine		Buildings not under columns (3) and (4)
24	Special		As shown in relevant annexure	As shown in relevant annexure	Buildings not under columns (3) and (4)

14.5. The Municipality may, subject to the provisions of Clause 29 of this Scheme, where any application is made for the consent for the erection and use of a building in terms of column 4 of Table "C", give or withhold its consent, and shall, in giving its consent, be entitled to impose such conditions, including a condition requiring the payment of an amount of money, as it may deem fit : Provided that :

14.5.1. Due consideration be given to the question of whether the proposed use will not harm the general amenity of the neighbourhood.

14.5.2. Any consent granted in terms of the provisions of Clause 29 of this Scheme, shall be exercised in conjunction with and supplementary to the uses specified in column 3 of Table "C" and shall not override or replace the uses specified in column 3 of Table "C".

14.5.3. Where the use has been lawfully approved as consent in terms of column 4 of Table "C", it must be continually exercised. Should the use be terminated for a period of six (6) months or longer, the consent shall lapse.

14.6. Where the use of land or a building can only be conducted with the consent of the Municipality, the use may not be conducted prior to the consent being given.

14.7. Where, in the opinion of the Municipality the erf is situated on land which may be subject to detrimental soil conditions, the Municipality may request that building plans submitted to the Municipality shall indicate measures in accordance with recommendations contained in a relevant engineering geological report to limit possible damage to the structure and buildings or alternatively such measures as indicated by a competent professional engineer.

15. SAVING FOR SPECIAL PURPOSES

15.1. Without prejudice to any powers of the Municipality derived from any law, or to the remainder of this Scheme, nothing in the foregoing provisions of this Scheme, shall be construed as prohibiting or restricting the following:

- 15.1.1. The exploration of minerals on any land not included in a confirmed township.
- 15.1.2. The occasional use of a place of worship, place of instruction or institution or as a place of amusement or social hall.
- 15.1.3. The letting by any occupant of a dwelling house, of any part of a dwelling house, otherwise as a separate tenement, provided that the occupation of rooms in a dwelling house by borders or lodgers shall be subject to compliance with the following further conditions :
 - 15.1.3.1. Every room shall have an entrance inside the dwelling house; and
 - 15.1.3.2. Not more than five (5) lodgers or boarders shall be permitted in any dwelling house.
- 15.1.4. The use of streets earmarked in terms of the Municipality's bylaws for Street Traders for such use.
- 15.1.5. The use of land for agricultural purposes: Provided that agricultural buildings or buildings ordinarily used in connection with a market garden or nursery may be erected on any land in one ownership, provided that such buildings may only be erected and used by consent of the Municipality in terms of the provisions of Clause 29 of this Scheme, where such land is less than five (5) hectares in extent, except such land zoned specifically for agricultural purposes under the Scheme.
- 15.1.6. The practice, subject to the compliance with the bylaws, by any occupant of a dwelling unit of a profession or vocation which does not involve either of the following :
 - 15.1.6.1. the use of an building as a shop, public garage, industrial building or a noxious industry; or
 - 15.1.6.2. the public display of goods whether in a window or otherwise; or
 - 15.1.6.3. the display of any notice or sign other than a notice or sign ordinarily displayed on a dwelling unit to indicate the name or profession or vocation of the occupant; or
 - 15.1.6.4. an interference with the neighbourhood.
 - 15.1.6.5. the employment of more than two (2) persons to assist in the practice of such profession or vocation: Provided that the occupant may employ more than two (2) employees with the consent of the Municipality subject to the compliance with Clause 29 of this Scheme.
 - 15.1.6.6. external or internal alterations to the area used for the occupant's profession or vocation: save and except for such alterations as are residential in character and to the satisfaction of the Municipality.
 - 15.1.6.7. the storage or keeping on the site of such dwelling unit of anything whatsoever which, in the opinion of the Municipality, is unsightly or undesirable because of its effects on the amenities of the neighbourhood.

- 15.1.6.8. a vocation or profession of such a nature that would cause, in the opinion of the Municipality, an undue increase in traffic in the neighbourhood.
- 15.1.6.9. the total area of the dwelling unit applied by the occupant of the dwelling unit, in the exercising of the profession or vocation, shall not exceed 20% of the floor area of the dwelling unit: Provided that with the consent of the Municipality, in terms of Clause 29 of this Scheme, the floor area may be increased up to a maximum of 50% of the floor area of the dwelling unit.

16. TEMPORARY USE

- 16.1. Notwithstanding the afore going provisions of this Scheme, the Municipality may, subject to the provisions of Clause 29 of this Scheme, consent to the temporary use of a erf for purposes prohibited in terms of Table "C" of this Scheme, provided that:
 - 16.1.1. such consent granted under this Clause shall be for a period determined by the Municipality which shall in any case not exceed 24 calendar months;
 - 16.1.2. the Municipality may impose any condition deemed fit by it.

17. GENERAL CONDITIONS APPLICABLE TO ALL ERVEN

The following conditions shall be applicable to all erven:

- 17.1. Permission in terms of Clause 28 shall be required for any alteration to or development affecting an erf listed in the heritage register as compiled and gazetted in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999).
- 17.2. Except with the permission in terms of Clause 28 of the Municipality and subject to such conditions as it may impose, nobody shall:
 - 17.2.1. save and except to prepare the erf for building purposes, excavate therefrom any material;
 - 17.2.2. sink any wells or boreholes thereon or subtract any subterranean water therefrom.
- 17.3. Where it is, in the opinion of the Municipality, impracticable for stormwater to be drained from higher lying erven direct to a public street system, the owner of the lower lying erf shall be obliged to accept and/or permit the passage over the erf of such stormwater : Provided that the owners of any higher lying erven from which stormwater is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of the lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- 17.4. The siting of buildings, including outbuildings, erected on the erf, and entrances to and exists from the erf shall be to the satisfaction of the Municipality.
- 17.5. A screen wall shall be erected as and when required by the Municipality to its satisfaction.
- 17.6. If the erf is fenced, the fence shall be erected and maintained to the satisfaction of the Municipality.

- 17.7. The registered owner of the erf is responsible for the maintenance of the whole development on the property. If the Municipality is of the opinion that the erf, or any portion of the development, is not being satisfactorily maintained, the municipality shall be entitled to undertake such maintenance at the cost of the registered owner.
- 17.8. The external appearance and elevational treatment of all buildings must conform to a good standard of architecture and shall be to the satisfaction of the Municipality.
- 17.9. Only buildings conforming to the National Building Regulations shall be erected on an erf.
- 17.10. No erf situated in any use zone shall be used for the parking of trucks, trailers or similar vehicles, which are not used exclusively in connection with agricultural operations carried out on the erf concerned.

18. CONDITIONS APPLICABLE TO ALL USE ZONES EXCLUDING USE ZONE 1 : RESIDENTIAL 1 AND USE ZONE 13 : AGRICULTURE

- 18.1. A site development plan, shall be submitted to the Municipality for approval prior to the submission of building plans. No building shall be erected on the erf before such site development plan has been approved by the Municipality and the whole 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 approval of the Municipality: Provided further that amendments or additions to buildings which in the opinion of the Municipality will have no influence on the total development of the erf, shall be deemed to be in accordance with the approved site development plan.

19. CONDITIONS APPLICABLE TO PUBLIC GARAGES

Subject to Clause 19 the following additional conditions will apply to public garages :

- 19.1. A screen wall of which the extent, design, material, height, position and maintenance shall be to the satisfaction of the Municipality shall be erected.
- 19.2. No material of any nature whatsoever shall be erected or stacked higher than the height of the screen wall.
- 19.3. No repair work to vehicles or equipment of any nature shall be carried out outside buildings except where such site is screened to the satisfaction of the Municipality.

20. SUBSIDIARY DWELLING UNITS

20.1. Notwithstanding the provisions of Clause 21 of this Scheme, the Municipality may, on application by the owner of the erf in Use Zone 1: Residential 1 and Use Zone 13: Agriculture (where the agricultural zoned land is smaller than five (5) hectares), consent in terms of the provisions of Clause 29 of this Scheme to:

- 20.1.1. a dwelling house being subdivided in such a way as to accommodate no more than two (2) families; or
- 20.1.2. the erection and use of a maximum of one (1) subsidiary dwelling unit on an erf subject to the following conditions :
 - 20.1.2.1. the floor area of the subsidiary dwelling unit shall not exceed 80% of the floor area of the main dwelling unit;
 - 20.1.2.2. the subsidiary dwelling unit may be attached to or detached from the main dwelling house;

- 20.1.2.3. one (1) parking bay shall be provided for every subsidiary dwelling unit to the satisfaction of the Municipality;
 - 20.1.2.4. access to, siting and design of the subsidiary dwelling unit shall be to the satisfaction of the Municipality; and
 - 20.1.2.5. the screening of the subsidiary dwelling units shall be to the satisfaction of the Municipality;
- 20.2. Notwithstanding the provisions of Clause 21, the Municipality may, on application by the owner of the erf in Use Zone 13 : Agriculture (where the agricultural zoned land measures five (5) hectares or more), consent in terms of the provisions of Clause 29 of this Scheme to:
- 20.2.1. a dwelling house being subdivided in such a way as to accommodate no more than three (3) families; or
 - 20.2.2. the erection and use of a maximum of two (2) subsidiary dwelling units on an erf subject to the following conditions :
 - 20.2.2.1. the subsidiary dwelling unit may be attached to or detached from the main dwelling house;
 - 20.2.2.2. one (1) parking bay shall be provided for every subsidiary dwelling unit to the satisfaction of the Municipality;
 - 20.2.2.3. access to, siting and design of the subsidiary dwelling unit shall be to the satisfaction of the Municipality; and
 - 20.2.2.4. the screening of the subsidiary dwelling units shall be to the satisfaction of the Municipality.

SECTION 4

**BUILDING RESTRICTIONS :
DENSITY, FLOOR AREA,
HEIGHT AND COVERAGE**

SECTION 4 – BUILDING RESTRICTIONS: DENSITY, FLOOR AREA RATIO, HEIGHT AND COVERAGE**21. DENSITY, FLOOR AREA RATIO, HEIGHT AND COVERAGE**

21.1. The total density, floor area ratio, height and coverage of buildings and structures shall not exceed the restrictions as set out in Table “D”.

21.2. For the purposes of the Scheme the height of a storey shall be as defined in Section 1 : Provided that :

21.2.1. Any chimney, ornamental tower, tower-like projection or similar architectural feature, or lift servicing room or room wherein mechanical, electrical or electronic equipment is installed, shall not be taken into account; and

21.2.2. Basements shall not be included in height.

TABLE D :**DENSITY, FLOOR AREA, HEIGHT AND COVERAGE**

Use Zone	Use Zone	Density	Floor Area Ratio	Height	Coverage
1	Residential 1	1 dwelling unit per erf	-	2 storeys	Erven 600m ² and smaller: 60% Erven larger than 600m ² : 50%
2	Residential 2	40 dwelling units per hectare	-	2 storeys	60%
3	Residential 3	-	3.0	-	60%
4	Business 1	-	6.0	-	90%
5	Business 2	-	3.0	-	60%
6	Business 3	-	1.5	3 storeys	60%
7	Commercial	-	1.5	-	80%
8	Industrial	-	1.5	-	80%
9	Institutional	-	6.0	-	50%
10	Educational	-	2.0	4 storeys	50%
11	Amusement	-	2.0	4 storeys	50%
12	Municipal	-	3.0	-	60%
13	Agricultural	-	-	3 storeys	50%
14	Public Garage	-	1.5	2 storeys	60%
15	Parking	-	3.0	-	60%
16	Public Open Space	-	-	1 storey	10%
17	Private Open Space	-	2.5	5 storeys	50%
18	Cemetery	-	0.4	2 storeys	20%
19	Aerodrome	-	0.4	-	40%
20	Government	-	2.0	-	60%
21	Railways	-	0.6	2 storeys	30%

TABLE D :**DENSITY, FLOOR AREA, HEIGHT AND COVERAGE**

Use Zone	Use Zone	Density	Floor Area Ratio	Height	Coverage
22	Existing Public Road	-	-	-	-
23	Mining	-	0.6	-	20%
24	Special	As per annexure	As per annexure	As per annexure	As per annexure

21.3. The municipality may consent, in terms of the provisions of Clause 29 of this Scheme, to an increase in :

- 21.3.1. Height, by a maximum of a two(2) storey;
- 21.3.2. Coverage, by a maximum of 10%; and
- 21.3.3. Floor area ratio, by a maximum of 20%.

21.4. The following erven, zoned "Residential 2", shall have a density of **20** dwelling units per hectare :

78	R/E	3773		8258		14367		16479
91	R/E	3918		8829		14375		16605
417		3921		9213	R/E	14376		16606
418		4148	R/E	9276		14385		16607
419	R/E	4165	R/E	9687		14386		16608
420		4175		9944		14387		16609
421		4384	R/E	9945		14388		16656
422		5570		9946	R/E	14393	R/E	18553
423		5572	R/E	9947		14395		18555
425	R/E	5619	R/E	9948	R/E	14396		18556
427		5620	R/E	9949		14397		18625
428		5621		9950		14398	R/E	18654
429		5622	R/E	9951		14399	R/E	19166
430	R/E	5623	R/E	9953	R/E	14400	R/E	19167
433		5624	R/E	9976	R/E	14401	R/E	19168
434		5625		9978		14402	R/E	19293
435		5626	R/E	9984		14410		19370
436		5627	R/E	9985	R/E	14411	R/E	19603
437		5628	R/E	9987		14412		19604
438		5629	R/E	10109		14414	R/E	19605
439		5630		10110		14423		19606
452		5631	R/E	10111	R/E	14424		19607
453		6807		10112		14690		19608
455		6808		10113		14782	R/E	19609
600		7165		11485	R/E	14829	R/E	19610
638		8042		11490		14847		19611
806	R/E	8213		11863		14848	R/E	19612
895		8214		12288	R/E	14956	R/E	19613
1128		8216		12886	R/E	15041		19615
1150	R/E	8217		13792		15042		19618
1191		8249		13805		15043		19619
1839		8250	R/E	14003	R/E	15047	R/E	19659
2164	R/E	8251	R/E	14323		15076		19660
2306	R/E	8253		14335		15077		19661
2375	R/E	8254		14347		15078		19662
2517	R/E	8255	R/E	14356		15079		19663
3379		8257	R/E	14358		15427		19664

16479		21591		23818		24778		29651	
16605		21592	R/E	23819		24790		29652	
16606		21593		23820		24798		29668	R/E
16607		21594		23821		24799		29713	
16608		21595		24574		24800		29714	
16609		21596		24575		24801		29715	
16656		21597		24576		24802		29716	
18553	R/E	21598		24577		24803		29717	
18555		22170	R/E	24578		24804		29718	
18556		22171		24596	R/E	24805		29719	
18625		22172		24597	R/E	24806		29720	
18654		22173		24598	R/E	24807		29721	
19166		22174		24601	R/E	24808		29722	
19167		22175		24634		24810		29723	
19168		22176		24635		24813	R/E	29724	
19293	R/E	22177		24636		24823		29725	
19370	R/E	22178		24637		24824		29726	
19603		22186		24638		24861		29727	
19604		22187		24639		24862		29728	
19605		22188		24640		24863		29731	R/E
19606		22189		24641		24891		29757	
19607		22190		24642		25275		29891	
19608		22191		24643		25278		29892	
19609		22196		24644		25279		29893	
19610		22197	R/E	24645		25287		29894	
19611		22203		24646		25288		29895	
19612		22204		24647		25290		29896	
19613		22205		24648		29585	R/E	29897	
19615		22206		24649		29586		29898	
19618		22217		24650		29587		29899	
19619		22218		24651		29588		29900	
19659		22252		24652		29589		29901	
19660		22279		24653		29590		29902	
19661		22280		24654		29596		29904	
19662		22281		24655		29597		29905	
19663		22282		24656		29598		29906	
19664		22283		24657		29599		29907	
19665		22581	R/E	24658		29600		29908	
19666		22582	R/E	24659		29601		29909	
19667		22583		24660		29602		29910	
19668		22584		24661		29603		29911	
19669		22585		24662		29604		29912	
19676		22586		24688		29610		29919	
19743		22587		24689		29611		29920	
19750		22588		24690		29612		29921	
19765		22589		24691		29613		29922	
21587	R/E	22590		24703	R/E	29620		29923	
21588		22591		24713		29621		29924	
21589		22592		24714		29622		29930	R/E
21590		22593		24715		29623		29931	
21591		22594		24716		29624		29932	
21592	R/E	22595		24728		29633	R/E	29933	
21593		22596		24729		29635		29934	
21594		22597		24730		29636		29935	
21595		22598		24731		29637		29936	
21596		22599		24732		29640		29937	
21597		23305		24733		29641		29938	
21598		23802	R/E	24734		29642		29940	R/E
22170	R/E	23803		24735		29647		29944	
22171		23804		24736		29648		29946	
22172		23805		24776	R/E	29649		29960	
22173		23816	R/E	24777		29650		29961	

29962	30461	30753	31308	31556
29967	30462	30754	31309	31557
29968	30463	30758	31310	31590
29973	30464	30759	31311	31591
30014	30465	30760	31312	31610
30015	30466	30761	31313	31663
30016	30467	30766	31314	31664
30017	30468	30773	31315	32180
30018	30469	30783	R/E 31316	32181
30019	30470	30834	31317	32198
30020	30471	30835	31318	32199
30021	30472	30836	31319	32200
30022	30473	30837	31320	32215
30023	30474	30838	31321	32216
30024	30477	30839	31324	32217
30025	30480	30844	31339	32218
30028	30481	30845	31340	32219
30033	30482	30890	31341	32220
30034	30483	30891	31342	32221
30035	30484	30892	31343	32222
30036	30485	30893	31344	32223
30037	30486	30894	31345	32224
30038	30487	30896	31346	32225
30039	30488	30897	31356	32226
30040	30489	30898	31357	32227
30041	30490	30899	31358	32228
30042	30491	30900	31359	32229
30043	30492	30902	31360	32230
30044	30505	30903	31361	32231
30357	30506	30904	31362	32232
30358	30507	30905	31363	32233
30359	30508	30906	31364	32234
30360	30509	30907	31365	32235
30361	30510	30908	31366	32236
30362	30511	30909	31367	32237
30363	30512	30910	31368	32238
30365	30513	30911	31369	32239
30366	30514	30912	31374	32240
30367	30515	30966	31376	32241
30368	30516	30978	31380	32242
30369	30517	30991	31381	32243
30370	30518	30995	31382	32244
30371	30519	30996	31383	32245
30372	30522	30997	31384	32246
30373	30695	30998	R/E 31385	32248
30389	30696	31010	R/E 31386	32249
30390	30697	31291	31387	32250
30391	30714	31292	31388	32251
30392	30716	31293	31389	32252
30393	30718	31294	31391	32253
30394	30721	31295	31392	32254
30395	30722	31296	31393	32255
30396	30723	31297	31394	32256
30397	30724	31298	31395	32257
30398	30725	31299	31396	32258
30399	30726	31300	31420	32259
30400	30728	31301	31421	32260
30454	30729	31302	31519	32261
30457	30730	31304	31551	32324
30458	30739	R/E 31305	31553	32465
30459	30748	31306	31554	32470
30460	30750	31307	31555	R/E 33749

33755	34459	35612	35820	36300
33837	34468	35613	35821	36301
33838	34469	35614	35822	36302
33839	35136	35615	35823	36314
33840	35137	35616	35954 R/E	36315
33841	35138	35652	35955	36356
33842	35139	35653	35956	36377
33843	35140	35654	35957	36378
33845	35141	35655	35958	36379
33846	35142	35656	35959	36380
33854	35143	35657	35961 R/E	36381
33860	35144	35658	35962	36388
33861	35146	35659	35963	36398
33862	35147	35660	35964	36405
33863	35148	35661	35965	36406
33864	35171	35662	36024	36407
33865	35173	35711	36025	36408
33866	35528	35712	36026	36409
33867	35529	35713	36027	36410
33889	35530	35714	36028	36411
33901	35531	35715	36029	36412
33902	35555	35716	36030	36413
33911	35556	35717	36031	36414
33912	35557	35718	36032	36415
33941	35558	35719	36033	36416
33942	35559	35720	36034	36419
33943	35560	35721	36035	36420
33944	35561	35722	36036	36421
33945	35562	35723	36037	36423
33946	35563	35724	36038	36426
33947	35564	35725	36039	36427
33948	35567	35726	36040	36429 R/E
33949	35568	35727	36041	36430
33950	35569	35728	36042	36431
33951	35570	35729	36129	36432
33952	35571	35730	36130	36433
33953	35572	35731	36149	36449
33954	35573	35732	36169	36450
33955	35574	35733	36170	36451
33956	35575	35734	36171	36452
33969	35576	35759	36172	36453
34412	35577	35760	36173	36454
34413	35578	35761	36237 R/E	36455
34414	35579	35762	36238	36456
34415	35580	35763	36239	36457
34418	35581	35771	36240	36458
34419	35582	35784	36241	36459
34420	35583	35802	36242	36460
34421	35584	35803	36243	36461
34422	35585	35804	36245	36462
34423	35586	35809	36246	36463
34426	35587	35810	36247	36464
34427	35588	35811	36248	36465
34428	35589	35812	36263	36466
34429	35590	35813	36276	36467
34443	35591	35814	36280	36469
34444	35592	35815	36287	36495
34445	35593	35816	36288	36496
34446	35594	35817	36291	36499
34447	35604	35818	36292	36501
34457	35610	35819	36298	36510
34458	35611		36299	36534

36535	36678	36692	36706	
36536	36679	36693	36707	
36537	36680	36694	36708	
36551	36681	36695	36710	
36669	36682	36696	36802	R/E
36670	36683	36697	36803	
36671	36684	36698	36804	
36672	36685	36700	36805	
36673	36687	36701	36806	
36674	36688	36703	36807	
36675	36689	36704		
36676	36691	36705		

21.5. The following erven, zoned "Residential 2", shall have a density of **30** dwelling units per hectare:

589		31476	36085	36273
1503	R/E	31477	36143	36274
2163	R/E	31478	36145	36275
4944		31520	36146	36277
4952		31521	36147	36278
14029	R/E	31522	36257	36279
16293		31523	36258	36282
22567	R/E	31524	36259	36283
22963		31525	36260	36284
22972		31526	36261	36285
22973		31527	36262	36286
22974		31529	36264	36289
30932		31530	36265	36290
31018	R/E	31531	36266	36293
31019	R/E	31532	36267	36294
31020	R/E	31533	36268	36295
31021	R/E	31534	36269	36296
31022	R/E	31535	36270	36448
31474		35551	36271	36547
31475		35699	36272	36853

SECTION 5

**LOADING AND PARKING
REQUIREMENTS**

SECTION 5 – LOADING AND PARKING REQUIREMENTS**22. LOADING FACILITIES**

22.1. The loading and off-loading shall take place only within the boundaries of the erf to the satisfaction of the municipality, unless the municipality has provided loading facilities in the street reserve.

23. PARKING

23.1. Effective, paved parking, together with the necessary manoeuvring area as set out in Table "E", shall be provided on the erf to the satisfaction of the Municipality :

TABLE E : PARKING

Use Zone	Minimum parking requirement
Dwelling units, excluding dwelling units in Residential 1, but including mobile homes	<ul style="list-style-type: none"> • 1 parking space per dwelling unit of 3 or less habitable rooms; • 2 parking spaces per dwelling unit of 4 or more habitable rooms; • In addition to the above, 1 parking space for every 3 dwelling units for visitors
Hotels and Residential Buildings (excluding guest houses)	<ul style="list-style-type: none"> • 1 parking space per bedroom or suite, plus ten (10) parking spaces per 100 square metres public room floor area.
Guest houses	<ul style="list-style-type: none"> • 1 parking space per bedroom or suite; plus • 1 parking space for staff; and • 1 parking space for visitors.
Shops, places of refreshment and restaurants	<ul style="list-style-type: none"> • 6 parking spaces per 100m² of gross leasable floor area
Offices and business premises but excluding medical, dental and veterinary consulting rooms	<ul style="list-style-type: none"> • 4 parking spaces per 100m² of gross leasable floor area
Medical, dental and veterinary consulting rooms	<ul style="list-style-type: none"> • 6 parking spaces per 100m² of gross leasable floor area
Place of public worship, excluding mosques	<ul style="list-style-type: none"> • 1 parking space for every 3 seats
Mosques and funeral parlours	<ul style="list-style-type: none"> • 10 parking spaces per 100m² of gross leasable floor area
Places of instruction and places of amusement	<ul style="list-style-type: none"> • 4 parking spaces per 100m² of gross leasable floor area for public and private schools; • 1 parking bay per class room plus 1 parking bay for every 10 children for crèches and child care centres.

TABLE E : PARKING

Use Zone	Minimum parking requirement
Social halls	<ul style="list-style-type: none"> • 10 parking spaces per 100m² of gross leasable floor area
Industrial and commercial buildings	<ul style="list-style-type: none"> • 1 parking space per 100m² of gross leasable industrial or commercial floor area; plus • 4 parking spaces per 100m² of gross leasable office floor area.
Institutional	<ul style="list-style-type: none"> • 1 parking space per bed, plus • 4 parking spaces per 100m² of gross leasable office floor area • 6 parking spaces per 100m² of gross leasable medical and dental consulting floor area
Public garages	<ul style="list-style-type: none"> • Workshop floor area : 10 parking spaces per 100m² of gross leasable floor area, plus • Car wash floor area : 4 parking spaces per car wash bay; plus • Storage of good, sale of spare parts floor area : 2 parking spaces per 100m² of gross leasable floor area • Sale of new and used vehicles floor area : 2 parking spaces per 100m² of gross leasable floor area
Sports arena and sport stadium	<ul style="list-style-type: none"> • 1 parking space for every 4 seats
Any other uses of use zones	<ul style="list-style-type: none"> • As required by the Municipality

23.2. For the purposes of this Scheme, a parking bay shall conform to the following minimum dimensions :

Type of parking	Parking bay length	Parking bay width	Width of isle
Perpendicular	5,0m	2,5m	6,0m
Angled	5,0m	2,5m	4,0m
Parallel	6,0m	2,5m	3,5m

23.3. Provided that:

23.3.1. The entrances to and exits from, as well as the dimensions, lay-out, positioning and maintenance of the parking area shall be to the satisfaction of the Municipality.

- 23.3.2. The Municipality may consent, in terms of the provisions of Clause 29 of this Scheme, to the provision of the required parking on a permanent basis on an adjacent or neighbouring erf or any other erf determined by the Municipality. Where the Municipality is of the opinion that adequate public parking exists on such nearby erf, it can waive or relax the provisions of Table "E" on payment of a monetary contribution to the Municipality, which must take into consideration the cost of land, municipal infrastructure and the parking construction.
- 23.3.3. The levying of a parking fee for the hire of parking spaces, provided in terms of this Clause, shall not be regarded as a business.
- 23.3.4. The Municipality may relax Clause 23.2 on approval of a site development plan in terms of Clause 33 of this Scheme.

24. PUBLIC TRANSPORTATION FACILITIES

Public transportation facilities shall be provided to the satisfaction of the Municipality.

SECTION 6

**GENERAL AMENITY AND
AESTHETICS**

SECTION 6 – GENERAL AMENITY AND AESTHETICS

25. REMOVAL OF ADVERSE CONDITIONS

25.1. The owner is responsible for the maintenance of the erf. Where the amenity of any use zone is being adversely affected by the condition of any garden, courtyard, building or development on any erf, the Municipality may serve a notice on the owner or occupant of the premises on which the injurious conditions exist, requiring him/her to take action to abate the injurious condition[s]. The said notice can prescribe remedial actions to be taken and can also specify a time limit within which the actions must be effected. In addition to any judgement in terms of Clause 40 of this Scheme, the Municipality may undertake any measures to abate such conditions at the cost of the owner.

26. ADVERTISEMENTS AND HOARDINGS

26.1. No advertising hoarding may be erected and no advertisement displayed without the consent, in terms of Clause 29 of this Scheme, of the Municipality: Provided that the Municipalities consent given in terms of this Clause, shall in no way be deemed to constitute an exemption from the municipal by laws, if any, relating to the erection and display of advertising hoardings and advertisements.

26.2. In addition to the requirement referred to Clause 29 of this Scheme, an owner applying for consent in terms of Clause 26.1 shall together with the application submit the following documents for consideration by the Municipality :

26.2.1. A coloured drawing or any similar indications sufficient to enable to the Municipality to consider the appearance of the proposed hording or advertisement;

26.2.2. A description of the material to be used in connection with the proposed hording or advertisement;

26.2.3. A coloured drawing or any similar indication of the hording or advertisement in relation to the area in which it will be erected and where an advertisement is to be fixed to a building, the relation of the advertisement to the building on which it is to be fixed;

26.2.4. The drawing so referred to above shall be made on suitable and durable material to a scale of no less than 1:10, except that if the proposed advertisement or hording is big enough to necessitate a smaller scale, the scale shall be 1:25 or 1:50.

26.3. In Use Zones 1, 2 and 3 no consent shall be given for the erection of such hoardings or advertisements, and not such hoardings and advertisements shall be erected : Provided that the provisions of this Clause shall not apply to a plate or board, not more than 60 cm x 45 cm, affixed to a fence or access door or gate of a dwelling unit, and in the case of the residential building, to the wall of the entrance foyer or the access door of a flat or to the display of an advertisement solely relating to an amusement, a meeting, an auction or a sale to be held on or in connection with the premises where such advertisement is displayed.

27. PROVISION OF PUBLIC OPEN SPACE

27.1. Where the Municipality on approval of an application to subdivide land or establish a township, imposes a condition requiring the applicant to provide land for open spaces or parks, the area of that land shall be determined in accordance with the formula –

$a \times 24m^2 + b \times 18m^2$, in which formula –

27.1.1. “a” represents the number of residential units which may be erected on land which, in terms of the town-planning scheme concerned, is to be zoned “Residential 1” or “Residential 2”;

27.1.2. “b” represents the number of residential units which may be erected on land which, in terms of the town-planning scheme concerned, is to be zoned “Residential 3”.

27.2. In calculating the number of residential units which may be erected, a residential unit shall be deemed to have a floor area of 99.1m².

27.3. Where the Municipality, when approving an application to subdivide land or establish a township, imposes a condition requiring the applicant to pay an endowment in cash or to make provision for a park or open space, the value of a “Residential 1” zoned land in the subdivision or township or, if there is no such land in the subdivision or township, the value of the “Residential 1” zoned land in the vicinity of the land, shall be used as a basis for the determination of the value of the area calculated according to the formula in Clause 27.1, but taking into account the cost of the provision of engineering services in respect of such land and other contributions, and for this purpose the value of the land excludes the value of improvements.

SECTION 7

**APPLICATION AND
APPROVAL PROCEDURES**

SECTION 7 – APPLICATION AND APPROVAL PROCEDURES

28. APPLICATIONS FOR PERMISSIONS

Applicable : Clause 8.4 – erection of buildings within building restriction areas
Clause 17.1 – alterations to Heritage buildings
Clause 17.2 – excavations and boreholes

28.1. Any owner intending to apply to the Municipality for permission in terms of the provisions of this Scheme shall submit such application in writing in the manner hereafter described:

28.2. The submission of the following : (the quantity of which to be determined by the Municipality)

- a. An application form;
- b. A power of attorney (if the applicant is not the owner);
- c. An authorising resolution where the owner is not a natural person;
- d. A copy of the registered title deed;
- e. A memorandum clearly setting out the facts of the application and motivating the need and desirability thereof;
- f. Plans indicating the locality and surrounding land use.
- g. A certificate from the Municipality certifying the current zoning and consents granted;
- h. Plans and drawings showing details of the proposal;
- i. Signatures of adjacent property owners; and
- j. Fees payable as prescribed by the Municipality.

28.3. The Municipality shall notify the owner of its decision in writing.

28.4. The owner who may be aggrieved by the decision taken by the Municipality, may appeal against the decision of the Municipality in terms of the Northern Cape Planning and Development Act, Act 7 of 1998.

28.5. The decision of the Municipality shall not come into effect until the expiration of twenty one (21) days from the date of notification of the decision to the owner and any objector, or if an appeal has been noted in terms of the provisions of the Act, until such an appeal has been disposed of.

29. APPLICATIONS FOR CONSENT

Applicable : Clause 14.4.2 - Erection and use of building (Column 4, Table “C”)
Clause 15.1.5 - Use of Agricultural land
Clause 15.1.6.5 - Additional employees
Clause 15.1.6.9 - Additional floor area for area used in home for vocation
Clause 16 - Temporary use
Clause 20.1 - Subsidiary dwelling unit
Clause 20.2 - Density on Agricultural land
Clause 21.3 - Increase height / coverage / floor area ratio
Clause 23.3.2 - Reduction of parking
Clause 26.1 - Advertisement and hoardings

29.1. Any owner intending to apply to the Municipality for its consent in terms of this Scheme shall do so in writing in the manner as described herein.

29.2. In addition to any legislative requirement in terms of any applicable act, the following documents shall be submitted (the quantity of which to be determined by the Municipality) :

- a. A locational plan showing the site relative to the surrounding area;
- b. A plan showing the zoning of the surrounding area;
- c. A plan showing the actual and existing uses surrounding the site;
- d. A copy of the title deed (s) and survey diagram(s) of the land;
- e. A copy of any deed of servitude relating to the land;

- f. A copy of any mortgage bond(s) relating to the land together with the bond holder's consent, if applicable;
- g. The owner's consent and / or power of attorney, if applicable;
- h. Documents regarding any public involvement process which have been initiated with regard to this application and any social compacts, if applicable;
- i. If the applicant is a company, closed corporation , or other legal entity other than a natural person, a copy of a valid authorising resolution;
- j. A certificate from the Municipality certifying the current zoning and consents granted;
- k. Fees payable as prescribed by the Municipality

29.3. The owner shall at his/her own expense give notice of his/her intended application in the manner prescribed by the Municipality and shall submit proof thereof to the Municipality.

29.4. The Municipality shall take into consideration any objection and representation received within the specified time period, the adherence to approved Policy and the enhancement of the amenities of the neighbourhood.

29.5. The Municipality shall notify the owner and any person from whom any objection or representation was received, of its decision in writing.

29.6. Any person who may be aggrieved by the decision taken by the Municipality, may appeal against the decision of the Municipality in terms of the relevant legislation.

29.7. Where an application has been approved by the Municipality, such approval shall not come into effect until the expiration of twenty one (21) days from the date of notification of the decision to the owner and any objector, or if an appeal has been noted in terms of the provisions of any relevant legislation, until such an appeal has been disposed of.

30. APPLICATIONS FOR THE AMENDMENT OF THIS SCHEME

30.1. Any owner intending to apply to the Municipality for its consent to amend this Scheme in terms of this Scheme shall do so in writing in the manner as described herein.

30.2. In addition to any legislative requirement in terms of any applicable act, the following documents shall be submitted (the quantity of which to be determined by the Municipality)

- a. A locational plan showing the site relative to the surrounding area;
- b. A plan showing the zoning of the surrounding area;
- c. A plan showing the actual and existing uses surrounding the site;
- d. A site plan indicating all present and future buildings, as well as parking;
- e. A copy of the title deed (s) and survey diagram(s) of the land;
- f. A copy of any deed of servitude relating to the land;
- g. A copy of any mortgage bond(s) relating to the land together with the bond holder's consent, if applicable;
- h. A copy of any certificate of mineral rights and cession thereof, together with the mineral rights holder's consent, if applicable;
- i. A copy of environmental authorisation issued in terms of the relevant Environmental legislation, if applicable;
- j. The owner's consent and / or power of attorney, if applicable;
- k. Documentation regarding the anticipated provision of community facilities and the responsibility of public authorities in this regard;
- l. Documents regarding the anticipated provision of engineering or road services and responsibilities of public authorities in this regard;
- m. Documents regarding any public involvement process which have been initiated with regard to this application and any social compacts, if applicable;
- n. If the applicant is a company, closed corporation , or other legal entity other than a natural person, a copy of a valid authorising resolution;
- o. A floodline certificate indicating whether the land or any portion is or is not subject to a 1 in 50 flood;
- p. A traffic impact assessment based on the capacity of the surrounding road network to cope with any additional demand generated by the development;
- q. An environmental assessment based on the potential impact that the proposed application will have relative to the surrounding environmental context;

- r. A geotechnical report;
- s. A certificate from the Municipality certifying the current zoning and consents granted;
- t. Draft Amendment Scheme Map and Annexure;
- u. Fees payable as prescribed by the Municipality.

30.3. The owner shall at his/her own expense give notice of his/her intended application in the manner prescribed by the Municipality and shall submit proof thereof to the Municipality.

30.4. The Municipality shall take into consideration any objection and representation received within the specified time period, the adherence to approved Policy and the enhancement of the amenities of the neighbourhood.

30.5. The Municipality shall notify the owner and any person from whom any objection or representation was received, of its decision in writing.

30.6. Any person who may be aggrieved by the decision taken by the Municipality, may appeal against the decision of the Municipality in terms of the relevant legislation.

30.7. The Municipality shall place a notice in the Northern Cape Provincial gazette within twenty eight (28) days from date of approval of the application or if an appeal has been noted in terms of the provisions of any relevant legislation, within twenty eight (28) days from such date that the Appeal Tribunal advises the Municipality of their decision.

30.8. The approved amendment scheme shall come into effect upon the date on which the notice referred to in Clause 30.7 appears in the Northern Cape Provincial Gazette.

31. TOWNSHIP ESTABLISHMENT

31.1. Any owner intending to apply to the Municipality for its consent to establish a township in terms of this Scheme shall do so in writing in the manner as described herein.

31.2. In addition to any legislative requirement in terms of any applicable act, the following documents shall be submitted (the quantity of which to be determined by the Municipality)

- a. A plan showing the zoning of the surrounding area;
- b. A plan showing the actual and existing uses surrounding the site;
- c. A township layout plan indicating at least the following :
 - i. contour lines, the values of which shall be based on the datum plane of national geodetic bench marks based on sea-level as datum plane;
 - ii. existing buildings in the proposed township;
 - iii. streets, squares and open spaces in the proposed township;
 - iv. the widths and names of streets;
 - v. adjoining existing and adjoining proposed streets and roads with their names;
 - vi. adjoining erven in existing townships or proposed townships in respect of which applications have been submitted. or notice has been given in terms of any relevant legislation;
 - vii. water courses, railways, pipe lines, power lines, existing public roads and all servitudes in or abutting the proposed township;
 - viii. by means of a distinctive notation, the sites in the proposed township proposed to be reserved for specific purposes;
 - ix. the boundaries of the proposed township;
 - x. a table indicating the total number of erven in the proposed township, the number of erven for specific purposes and their numbers, the minimum size of the erven, the ruling size of the erven, the minimum and maximum gradient of the streets, the total length of the streets within the township, the area of streets as a percentage of the total area of the township and the area of parks and open spaces, if any, as a percentage of the total area of the township;
 - xi. a locality plan. as an inset on the plan of the township, accurately drawn to a scale of not less than 1:50000 or such other scale which the Municipality may approve; and
 - xii. the boundaries of a demarcated noise zone.

- e. A copy of the title deed (s) and survey diagram(s) of the land;
- f. A copy of any deed of servitude relating to the land;
- g. A copy of any mortgage bond(s) relating to the land together with the bond holder's consent, if applicable;
- h. A copy of any certificate of mineral rights and cession thereof, together with the mineral rights holder's consent, if applicable;
- i. A copy of environmental authorisation issued in terms of the relevant Environmental legislation, if applicable;
- j. The owner's consent and / or power of attorney, if applicable;
- k. Documentation regarding the anticipated provision of community facilities and the responsibility of public authorities in this regard;
- l. Documents regarding the anticipated provision of engineering (civil and electrical) or road services and responsibilities of public authorities in this regard;
- m. Documents regarding any public involvement process which have been initiated with regard to this application and any social compacts, if applicable;
- n. If the applicant is a company, closed corporation , or other legal entity other than a natural person, a copy of a valid authorising resolution;
- o. A floodline certificate indicating whether the land or any portion is or is not subject to a 1 in 50 flood;
- p. A traffic impact assessment based on the capacity of the surrounding road network to cope with any additional demand generated y the development;
- q. An environmental assessment based on the potential impact that the proposed application will have relative to the surrounding environmental context;
- r. A geotechnical report;
- s. A certificate from the Municipality certifying the current zoning and consents granted;
- t. Draft Amendment Scheme Map and Annexure;
- u. Fees payable as prescribed by the Municipality.

31.3. The owner shall at his/her own expense give notice of his/her intended application in the manner prescribed by the Municipality and shall submit proof thereof to the Municipality.

31.4. The Municipality shall take into consideration any objection and representation received within the specified time period, the adherence to approved Policy and the enhancement of the amenities of the neighbourhood.

31.5. The Municipality shall notify the owner and any person from whom any objection or representation was received, of its decision in writing.

31.6. Any person who may be aggrieved by the decision taken by the Municipality, may appeal against the decision of the Municipality in terms of the relevant legislation.

31.7. The Municipality shall place a notice in the Northern Cape Provincial gazette within twenty eight (28) days from date of approval of the application or if an appeal has been noted in terms of the provisions of any relevant legislation, within twenty eight (28) days from such date that the Appeal Tribunal advises the Municipality of their decision.

31.8. The approved township and amendment scheme shall come into effect upon the date on which the notice referred to in Clause 31.7 appears in the Northern Cape Provincial Gazette.

32. SUBDIVISION OF LAND

32.1. Any owner intending to apply to the Municipality for its consent to subdivide in terms of this Scheme shall do so in writing in the manner as described herein.

32.2. In addition to any legislative requirement in terms of any applicable act, the following documents shall be submitted (the quantity of which to be determined by the Municipality) :

- a. A plan showing the zoning of the surrounding area;
- b. A plan showing the actual and existing uses surrounding the site;
- c. A subdivision layout plan indicating at least the following :
 - i. contour lines, the values of which shall be based on the datum plane of national geodetic bench marks based on sea-level as datum plane;
 - ii. existing buildings in the proposed subdivision;

- iii. adjoining existing and adjoining proposed streets and roads with their names;
 - iv. adjoining erven in existing townships or proposed townships in respect of which applications have been submitted or notice has been given in terms of any relevant legislation;
 - v. water courses, railways, pipe lines, power lines, existing public roads and all servitudes in or abutting the proposed subdivision;
 - vi. the boundaries of the proposed subdivision; and
 - vii. a locality plan, as an inset on the plan of the township, accurately drawn to such scale which the Municipality may approve.
- e. A copy of the title deed (s) and survey diagram(s) of the land;
 - f. A copy of any deed of servitude relating to the land;
 - g. A copy of any mortgage bond(s) relating to the land together with the bond holder's consent, if applicable;
 - h. A copy of environmental authorisation issued in terms of the relevant Environmental legislation, if applicable;
 - i. The owner's consent and / or power of attorney, if applicable;
 - j. Documents regarding the anticipated provision of engineering (civil and electrical) or road services and responsibilities of public authorities in this regard;
 - k. If the applicant is a company, closed corporation , or other legal entity other than a natural person, a copy of a valid authorising resolution;
 - l. A floodline certificate indicating whether the land or any portion is or is not subject to a 1 in 50 flood;
 - m. A traffic impact assessment based on the capacity of the surrounding road network to cope with any additional demand generated by the development, if required by the Municipality;
 - n. An environmental assessment based on the potential impact that the proposed application will have relative to the surrounding environmental context, if required by the Municipality;
 - o. A geotechnical report, if required by the Municipality;
 - p. A certificate from the Municipality certifying the current zoning and consents granted;
 - q. Fees payable as prescribed by the Municipality.

32.3. The owner shall at his/her own expense give notice of his/her intended application in the manner prescribed by the Municipality and shall submit proof thereof to the Municipality.

32.4. The Municipality shall take into consideration any objection and representation received within the specified time period, the adherence to approved Policy and the enhancement of the amenities of the neighbourhood.

32.5. The Municipality shall notify the owner and any person from whom any objection or representation was received, of its decision in writing.

32.6. Any person who may be aggrieved by the decision taken by the Municipality, may appeal against the decision of the Municipality in terms of the relevant legislation.

32.7. The approved subdivision shall come into effect upon the date of the registration of the subdivision at the Deeds Office.

33. SITE DEVELOPMENT PLANS

33.1. Any owner intending to apply to the Municipality for the approval or amendment of a Site Development Plan (SDP) shall do so in writing in the manner as described herein.

33.2. The application shall be submitted in writing in the manner hereafter described and shall contain, but not be limited to the following: (the quantity of which to be determined by the Municipality)

- a. An application form;
- b. A power of attorney (if the applicant is not the owner);
- c. An authorising resolution where the owner is not a natural person;
- d. A copy of the registered title deed;

- e. A certificate from the Municipality certifying the current zoning and consents granted;
- f. Site Development Plan (as per Clause 33.3); and
- g. Fees payable as prescribed by the Municipality.

33.3. The site development plan shall be drawn to a scale of 1:100, or such other scale as may be approved by the Municipality and shall show at least the following:

- a. The siting, height, coverage, number of dwelling units per hectare, and where applicable the floor area ratio of all buildings and structures (actual and proposed);
- b. open spaces, children's playgrounds, screen walls or other acceptable methods of screening and landscaping;
- c. vehicular entrances and exits to and from the erf (as well as any proposed subdivision of the erf) to any existing or proposed public street;
- d. the proposed subdivisional lines, if the erf is to be subdivided;
- e. access to buildings and parking areas, roads and road widths;
- f. building restriction areas (if any);
- g. parking layout and dimensions and, where required by the Municipality, vehicular and pedestrian traffic system;
- h. the elevational and architectural treatment of all buildings and structures; and
- i. the grouping of the dwelling units and the programming of the development of the erf if it is not proposed to develop the whole erf simultaneously.
- j. contours with values and floodlines.
- k. refuse and clothe line areas
- l. steps to be taken to control stormwater runoff.
- m. the north point.

33.4. After the submission of the application has been registered by the Municipality, the owner shall obtain the approval of all departments, bodies and persons as listed by the Municipality, such approvals to be indicated on the site development plan

33.5. The Municipality shall notify the owner of its decision.

SECTION 8

MISCELLANEOUS

SECTION 8 – MISCELLANEOUS

34. CONSENT AND OR PERMISSION GRANTED BEFORE THE FIXED DATE

34.1. The Municipality may in its discretion permit, the erection of a building or the execution of works, for which consent and or permission was granted, but which work had not been commenced with prior to the fixed date, pending the preparation and approval of this Scheme, subject to such conditions as the Municipality may impose.

35. BINDING FORCE OF CONDITIONS

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

36. ENTRY AND INSPECTION OF PREMISES

36.1. The Municipality shall have the power, through its duly authorised officers, to enter into and upon any erf or building at any reasonable time for the purpose of any inspection which the Municipality may deem necessary or desirable for the purpose of the Scheme.

36.2. Subject to the provisions of any other Act, no person shall in any way hinder, distract, or interfere with any authorized officer of the Municipality, or permit such officer to be hindered, distracted or interfered with in the exercising of the powers hereby conferred upon him.

37. REGISTER OF AMENDMENTS, CONSENTS AND CONDITIONS

37.1. The Municipality shall keep a complete register of amendments, permissions and consents approved by it in terms of this Scheme, or granted through the verdict of appeals, as well as conditions imposed in such approvals. Such register, together with the Scheme, will be available for inspection at any reasonable time to any interested person or body.

38. SERVING OF NOTICES

38.1. Any order, notice or other document required or authorised to be served under the Scheme, may be signed by the Municipal Manager or other official authorised thereto, and may be served in any of the following manners:

38.1.1. To the owner concerned personally or to his duly authorised representative or to the occupant; or

38.1.2. by means of registered mail to the owner or his duly authorised representative or the occupant at his last known address; or

38.1.3. at the owners residence or place of business or employment to some person appearing to be not less than sixteen [16] years of age and apparently residing at or employed there, or, if there is no such person on the premises, by fixing such notice, order or document on some conspicuous part of the premises; or

38.1.4. if such person has stated his domicilium citandi et executandi at such domicilium.

38.2. Any order, notice or other document which in terms of the provisions of the Scheme, is required to be served upon the owner of an erf, may be addressed to the “owner” or “occupant” without any further name or description.

39. FINDINGS AND APPEALS

- 39.1. Where an application in terms of any provision of the Scheme is submitted, the Municipality will consider it after the period for comments or objections has expired, if such period applies, with due consideration of any representation and/or objections received.
- 39.2. If the Municipality approves the application, it can impose any such conditions as it deems fit, including the payment of a cash contribution.
- 39.3. The Municipality notifies the applicant and any objector of its decision.
- 39.4. Any objector or the applicant who is aggrieved by the decision of the Municipality or any condition of such decision, can appeal against the decision or condition in the manner prescribed in any applicable Act.

40. CONTRAVENTION OF THE SCHEME

- 40.1. Any person who contravenes, or deliberately allows the contravention of any stipulation or conditions of the Scheme, or the provisions of any notice or directive by virtue of any stipulation of the Scheme, is guilty of an offence and punishable under the Northern Cape Planning and Development Act, (Act 7 of 1998).

41. TITLE

- 41.1. This Scheme shall be known as the:

SOL PLAATJE LAND USE MANAGEMENT SCHEME 2008