



# **SOL PLAATJE MUNICIPALITY**

## **DRAFT LAND USE MANAGEMENT SCHEME, 2008**

### **VOLUME 1 SCHEME CLAUSES**

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**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 BUILDING	-	a building 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
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.
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 :  (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, or 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.
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.
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.
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.
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 <sup>2</sup> 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"> <li>(a) an open roof and the area of external emergency stairs;</li> <li>(b) parking space for the occupants of the building;</li> <li>(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;</li> <li>(d) accommodation for lift motors and other mechanical or electronic equipment necessary for the proper functioning of the building;</li> <li>(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;</li> <li>(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;</li> <li>(g) areas reasonably used for the cleaning, maintenance and care of the building or buildings, except dwelling units for supervisors, watchmen, cleaners and caretakers.</li> </ul>
FLOOR AREA RATIO (or 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	<p>- a building designed and used for the preparation of corpses for burials or cremations and includes facilities for associated administrative and religious functions.</p>
GOVERNMENT	<p>- land and buildings designed and used by the Republic of South Africa for governance purposes.</p>
GROSS LEASABLE FLOOR AREA	<p>- 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.</p>
GROUND STOREY	<p>- 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.</p>
GUEST HOUSE	<p>- 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.</p>
HABITABLE ROOM	<p>- 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.</p>

HOTEL	- temporary accommodation or a building registered as a Hotel by virtue of the Hotels Act, 1965 as amended and may include social halls, restaurants, place of assembly, place of amusement, beauty parlour and spa, which is registered at the Municipal Tourism Office and graded in terms of the Tourism Grading Council of South Africa.
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 as a public or charitable institution, hospital, nursing home or sanatorium whether public or private, but shall not include institutions which primarily use offices or which primarily perform administrative work.
LAND	- land with or without improvements and includes land covered with water.
MUNICIPALITY	- the Municipality of Sol Plaatje.
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	- the process or business of removing minerals from the ground and for the purposes of this Scheme mining shall include quarrying.
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.
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.
OUTBUILDING	- any other building related to the residential amenity which are not used for habitable purposes.
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.
OWNER	- in relation to a building or land:- (a) the registered owner; (b) the holder of a stand license; (c) a lessee by virtue of a lease which is registered by law; (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; (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 (f) a properly authorized agent of such owner as determined in (a) to (e) above.
PARKING GARAGE	- land used or a building designed or used exclusively for the parking of motor vehicles not being for trade or sale.
PARKING AREA	- land 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 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.
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.
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 subordinate 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 31 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.

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.
TUCKSHOP	-	a building in extent of not more than 20 square metre used for the sale of household consumables.
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. 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]**

<b>Use Zone</b>	<b>Along Street Boundary</b>	<b>Along Side Boundary</b>	<b>Along Rear Boundary</b>
Residential 1 : Erven >600m <sup>2</sup>	4.5m	2m	2m
Erven <600m <sup>2</sup>	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.
- bb
- 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:

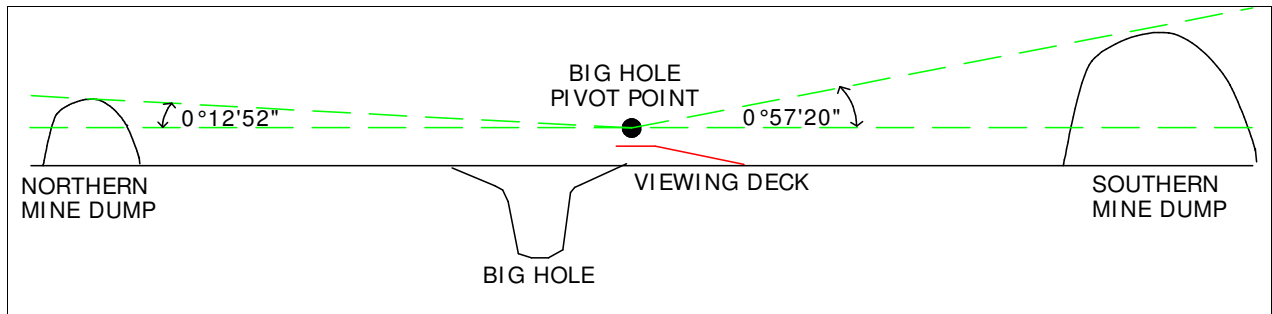
- 11.1.1. Entrances to the erf and exits from the erf shall be specified by the controlling authority and shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant controlling authority.
- 11.1.2. Building lines and building restriction areas as specified 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 12.3 :



**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 :


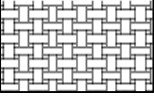


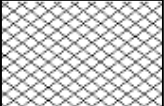
14.4.1. may be erected and/or used;

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

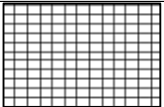


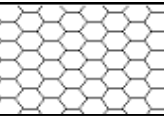


14.4.3. may not be erected and/or used;

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

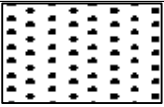

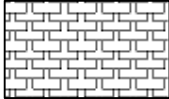
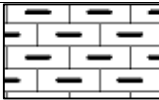


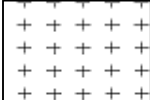
**TABLE C :**  
**ERECTION AND USE OF BUILDINGS AND USE OF LAND**

Use Zone		Notation as shown on the Map	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)
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,

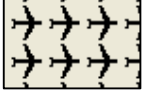





**TABLE C :****ERECTION AND USE OF BUILDINGS AND USE OF LAND**

Use Zone		Notation as shown on the Map	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)
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)

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

Use Zone		Notation as shown on the Map	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)
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)
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)

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

Use Zone		Notation as shown on the Map	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)
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)
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 proclaimed 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 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. The consent of the Municipality 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 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 <sup>2</sup> and smaller: 60% Erven larger than 600m <sup>2</sup> : 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 28 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	2517	R/E	8217		12699		14782	R/E
91	R/E	3379		8249		12700		14829	R/E
417		3773		8250	R/E	12701		14847	
418		3918		8251	R/E	12702		14848	R/E
419	R/E	3921		8253		12704		14956	R/E
420		3944		8254		12886	R/E	15041	
421		3945		8255	R/E	13792		15042	
422		4148	R/E	8257	R/E	13805		15043	
423		4165	R/E	8258		13876	R/E	15047	R/E
425	R/E	4175		8829		14003	R/E	15076	
427		4384	R/E	9213	R/E	14323		15077	
428		5570		9276		14335		15078	
429		5572	R/E	9687		14347		15079	
430	R/E	5619	R/E	9944		14356		15427	
433		5620	R/E	9945		14358		16479	
434		5621		9946	R/E	14367		16605	
435		5622	R/E	9947		14375		16606	
436		5623	R/E	9948	R/E	14376		16607	
437		5624	R/E	9949		14385		16608	
438		5625		9950		14386		16609	
439		5626	R/E	9951		14387		16656	
452		5627	R/E	9953	R/E	14388		18553	R/E
453		5628	R/E	9976	R/E	14393	R/E	18555	
455		5629	R/E	9978		14395		18556	
600		5630		9984		14396		18625	
602		5631	R/E	9985	R/E	14397		18654	
638		6807		9987		14398	R/E	19166	
806	R/E	6808		10109		14399	R/E	19167	
895		7165		10110		14400	R/E	19168	
1128		8042		10111	R/E	14401	R/E	19293	R/E
1150	R/E	8197		10112		14402	R/E	19370	R/E
1191		8198		10113		14410		19603	
1839		8199		11485	R/E	14411	R/E	19604	
2164	R/E	8200		11490		14412		19605	
2306	R/E	8201		11863		14414	R/E	19606	
2375	R/E	8213		12288	R/E	14423		19607	
2475		8214		12374	R/E	14424		19608	
		8216		12698		14690		19609	

19610		22282		24656		29598		29906
19611		22283		24657		29599		29907
19612		22581	R/E	24658		29600		29908
19613		22582	R/E	24659		29601		29909
19615		22583		24660		29602		29910
19618		22584		24661		29603		29911
19619		22585		24662		29604		29912
19659		22586		24688		29610		29919
19660		22587		24689		29611		29920
19661		22588		24690		29612		29921
19662		22589		24691		29613		29922
19663		22590		24703	R/E	29620		29923
19664		22591		24713		29621		29924
19665		22592		24714		29622		29930
19666		22593		24715		29623		29931
19667		22594		24716		29624		29932
19668		22595		24728		29633	R/E	29933
19669		22596		24729		29635		29934
19676		22597		24730		29636		29935
19743		22598		24731		29637		29936
19750		22599		24732		29640		29937
19765		23305		24733		29641		29938
21587	R/E	23802	R/E	24734		29642		29940
21588		23803		24735		29647		29944
21589		23804		24736		29648		29946
21590		23805		24776	R/E	29649		29960
21591		23816	R/E	24777		29650		29961
21592	R/E	23818		24778		29651		29962
21593		23819		24790		29652		29967
21594		23820		24798		29668	R/E	29968
21595		23821		24799		29713		29973
21596		24574		24800		29714		30014
21597		24575		24801		29715		30015
21598		24576		24802		29716		30016
22170	R/E	24577		24803		29717		30017
22171		24578		24804		29718		30018
22172		24596	R/E	24805		29719		30019
22173		24597	R/E	24806		29720		30020
22174		24598	R/E	24807		29721		30021
22175		24601	R/E	24808		29722		30022
22176		24634		24810		29723		30023
22177		24635		24813	R/E	29724		30024
22178		24636		24823		29725		30025
22186		24637		24824		29726		30028
22187		24638		24861		29727		30033
22188		24639		24862		29728		30034
22189		24640		24863		29731	R/E	30035
22190		24641		24891		29757		30036
22191		24642		25275		29891		30037
22196		24643		25278		29892		30038
22197	R/E	24644		25279		29893		30039
22201		24645		25287		29894		30040
22203		24646		25288		29895		30041
22204		24647		25290		29896		30042
22205		24648		29585	R/E	29897		30043
22206		24649		29586		29898		30044
22217		24650		29587		29899		30357
22218		24651		29588		29900		30358
22252		24652		29589		29901		30359
22279		24653		29590		29902		30360
22280		24654		29596		29904		30361
22281		24655		29597		29905		30362

	30511	30817	31010 R/E	31386
30363	30512	30818	31291	31387
30365	30513	30819	31292	31388
30366	30514	30820	31293	31389
30367	30515	30822	31294	31391
30368	30516	30823	31295	31392
30369	30517	30824	31296	31393
30370	30518	30825	31297	31394
30371	30519	30826	31298	31395
30372	30522	30829	31299	31396
30373	30695	30830	31300	31420
30389	30696	30831	31301	31421
30390	30697	30832	31302	31519
30391	30713	30833	31304	31551
30392	30714	30834	31305	31553
30393	30716	30835	31306	31554
30394	30718	30836	31307	31555
30395	30721	30837	31308	31556
30396	30722	30838	31309	31557
30397	30723	30839	31310	31590
30398	30724	30840	31311	31591
30399	30725	30841	31312	31610
30400	30726	30842	31313	31663
30454	30728	30843	31314	31664
30457	30729	30844	31315	32180
30458	30730	30845	31316	32181
30459	30739 R/E	30846	31317	32198
30460	30748	30847	31318	32199
30461	30750	30848	31319	32200
30462	30753	30849	31320	32215
30463	30754	30850	31321	32216
30464	30758	30851	31324	32217
30465	30759	30852	31339	32218
30466	30760	30853	31340	32219
30467	30761	30890	31341	32220
30468	30763 R/E	30891	31342	32221
30469	30766	30892	31343	32222
30470	30773	30893	31344	32223
30471	30783 R/E	30894	31345	32224
30472	30793	30896	31346	32225
30473	30794	30897	31356	32226
30474	30795	30898	31357	32227
30477	30796	30899	31358	32228
30480	30797	30900	31359	32229
30481	30798	30902	31360	32230
30482	30799	30903	31361	32231
30483	30800	30904	31362	32232
30484	30801	30905	31363	32233
30485	30802	30906	31364	32234
30486	30803	30907	31365	32235
30487	30804	30908	31366	32236
30488	30805	30909	31367	32237
30489	30807	30910	31368	32238
30490	30808	30911	31369	32239
30491	30809	30912	31374	32240
30492	30810	30966	31376	32241
30505	30811	30978	31380	32242
30506	30812	30991	31381	32243
30507	30813	30995	31382	32244
30508	30814	30996	31383	32245
30509	30815	30997	31384	32246
30510	30816	30998 R/E	31385	32248

32249	35581	35771	36241	36459
32250	35582	35784	36242	36460
32251	35583	35802	36243	36461
32252	35584	35803	36245	36462
32253	35585	35804	36246	36463
32254	35586	35809	36247	36464
32255	35587	35810	36248	36465
32256	35588	35811	36263	36466
32257	35589	35812	36276	36467
32258	35590	35813	36280	36469
32259	35591	35814	36287	36495
32260	35592	35815	36288	36496
32261	35593	35816	36291	36499
32324	35594	35817	36292	36501
32465	35604	35818	36298	36510
32470 R/E	35610	35819	36299	36534
33749	35611	35820	36300	36535
33755	35612	35821	36301	36536
33837	35613	35822	36302	36537
33838	35614	35823	36314	36551
33839	35615	35954 R/E	36315	36669
33840	35616	35955	36356	36670
33841	35652	35956	36377	36671
33842	35653	35957	36378	36672
33843	35654	35958	36379	36673
33845	35655	35959	36380	36674
33846	35656	35961 R/E	36381	36675
33854	35657	35962	36388	36676
33860	35658	35963	36398	36678
33861	35659	35964	36405	36679
33862	35660	35965	36406	36680
33863	35661	36024	36407	36681
33864	35662	36025	36408	36682
33865	35711	36026	36409	36683
33866	35712	36027	36410	36684
33867	35713	36028	36411	36685
33889	35714	36029	36412	36687
33901	35715	36030	36413	36688
33902	35716	36031	36414	36689
33911	35717	36032	36415	36691
33912	35718	36033	36416	36692
33941	35719	36034	36419	36693
33942	35720	36035	36420	36694
33943	35721	36036	36421	36695
33944	35722	36037	36423	36696
33945	35723	36038	36426	36697
33946	35724	36039	36427	36698
33947	35725	36040	36429 R/E	36700
33948	35726	36041	36430	36701
33949	35727	36042	36431	36703
33950	35728	36129	36432	36704
33951	35729	36130	36433	36705
33952	35730	36149	36449	36706
33953	35731	36169	36450	36707
33954	35732	36170	36451	36708
33955	35733	36171	36452	36710
33956	35734	36172	36453	36802 R/E
33969	35759	36173	36454	36803
34412	35760	36237 R/E	36455	36804
34413	35761	36238	36456	36805
34414	35762	36239	36457	36806
35580	35763	36240	36458	36807

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

589		31020	R/E	31529	36259	36277
1503	R/E	31021	R/E	31530	36260	36278
2163	R/E	31022	R/E	31531	36261	36279
4944		31474		31532	36262	36282
4952		31475		31533	36264	36283
14029	R/E	31476		31534	36265	36284
16293		31477		31535	36266	36285
22567	R/E	31478		35551	36267	36286
22963		31520		35699	36268	36289
22972		31521		36085	36269	36290
22973		31522		36143	36270	36293
22974		31523		36145	36271	36294
24543		31524		36146	36272	36295
30932		31525		36147	36273	36296
31018	R/E	31526		36257	36274	36448
31019	R/E	31527		36258	36275	36547
						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**

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

**TABLE E : PARKING**

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

23.2. Provided that:

23.2.1. 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.

23.2.2. 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.

23.2.3. 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.

23.2.4. The area for parking, including manoeuvring area, is calculated at 27.5m<sup>2</sup> per parking space. A parking bay must be 2.5m by 5.0m in size with a manoeuvring space of 6.0m between parking bays.

#### **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 38 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 Section 7 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 Section 7 of this Scheme, an owner applying for 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 hoarding or advertisement;

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

26.2.3. A coloured drawing or any similar indication of the hoarding 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 hoarding 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 99.1m<sup>2</sup>.

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 paragraph 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. PERMISSIONS**

Applicable : Clause 8.4 – erection of buildings within building restriction areas  
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)

- 28.2.1. An application form;
- 28.2.2. A power of attorney (if the applicant is not the owner);
- 28.2.3. An authorising resolution where the owner is not a natural person;
- 28.2.4. A copy of the registered title deed;
- 28.2.5. A memorandum clearly setting out the facts of the application and motivating the need and desirability thereof;
- 28.2.6. Plans indicating the locality and surrounding land use.
- 28.2.7. A certificate from the Municipality certifying the current zoning and consents granted;
- 28.2.8. Plans and drawings showing details of the proposal;
- 28.2.9. Signatures of adjacent property owners; and
- 28.2.10. 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 14.5 - Erection and use of building (Column 4, Table "C")  
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 17.1 - Alteration to heritage property  
Clause 20.1 - Subsidiary dwelling unit  
Clause 21.3 - Increase height / coverage / floor area ratio  
Clause 21.2.2 - Reduction of parking

29.1. Any owner intending to apply to the Municipality for its consent in terms of this Scheme shall apply through an authorised professional registered planner in terms of the Planning Professions Act, 2002 (Act 36 of 2002).

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) :

- 29.2.1. Professional registration number of town planner preparing application;
- 29.2.2. A locational plan showing the site relative to the surrounding area;
- 29.2.3. A plan showing the zoning of the surrounding area;
- 29.2.4. A plan showing the actual and existing uses surrounding the site;
- 29.2.5. A copy of the title deed (s) and survey diagram(s) of the land;
- 29.2.6. A copy of any deed of servitude relating to the land;
- 29.2.7. A copy of any mortgage bond(s) relating to the land together with the bond holder's consent, if applicable;
- 29.2.8. The owner's consent and / or power of attorney, if applicable;
- 29.2.9. Documents regarding any public involvement process which have been initiated with regard to this application and any social compacts, if applicable;
- 29.2.10. If the applicant is a company, closed corporation , or other legal entity other than a natural person, a copy of a valid authorising resolution;
- 29.2.11. A certificate from the Municipality certifying the current zoning and consents granted;
- 29.2.12. 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. AMENDMENT SCHEMES**

30.1. Any owner intending to apply to the Municipality for the amendment of this Scheme shall apply through an authorised professional registered planner in terms of the Planning Profession Act, 2002 (Act 36 of 2002).

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)

- 30.2.1. Professional registration number of town planner preparing application;
- 30.2.2. A locational plan showing the site relative to the surrounding area;
- 30.2.3. A plan showing the zoning of the surrounding area;
- 30.2.4. A plan showing the actual and existing uses surrounding the site;
- 30.2.5. A site plan indicating all present and future buildings, as well as parking;
- 30.2.6. A copy of the title deed (s) and survey diagram(s) of the land;
- 30.2.7. A copy of any deed of servitude relating to the land;
- 30.2.8. A copy of any mortgage bond(s) relating to the land together with the bond holder's consent, if applicable;
- 30.2.9. A copy of any certificate of mineral rights and cession thereof, together with the mineral rights holder's consent, if applicable;
- 30.2.10. The owner's consent and / or power of attorney, if applicable;

- 30.2.11. Documentation regarding the anticipated provision of community facilities and the responsibility of public authorities in this regard;
  - 30.2.12. Documents regarding the anticipated provision of engineering or road services and responsibilities of public authorities in this regard;
  - 30.2.13. Documents regarding any public involvement process which have been initiated with regard to this application and any social compacts, if applicable;
  - 30.2.14. If the applicant is a company, closed corporation , or other legal entity other than a natural person, a copy of a valid authorising resolution;
  - 30.2.15. A floodline certificate indicating whether the land or any portion is or is not subject to a 1 in 50 flood;
  - 30.2.16. A traffic impact assessment based on the capacity of the surrounding road network to cope with ay additional demand generated y the development;
  - 30.2.17. An environmental assessment based on the potential impact that the proposed application will have relative to the surrounding environmental context;
  - 30.2.18. A geotechnical report;
  - 30.2.19. A certificate from the Municipality certifying the current zoning and consents granted;
  - 30.2.20. Draft Amendment Scheme Map and Annexure;
  - 30.2.21. 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 27.8 appears in the Northern Cape Provincial Gazette.

### **31. SITE DEVELOPMENT PLANS**

- 31.1. Any owner intending to apply to the Municipality for the approval or amendment of a Site Development Plan (SDP) shall apply through a competent, authorised, professionally registered draftsman, planner, architect or engineer.
- 31.2. 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)
- 31.2.1. An application form;
  - 31.2.2. A power of attorney (if the applicant is not the owner);
  - 31.2.3. An authorising resolution where the owner is not a natural person;
  - 31.2.4. A copy of the registered title deed;
  - 31.2.5. A certificate from the Municipality certifying the current zoning and consents granted;
  - 31.2.6. Site Development Plan (as per Clause 29.3)
  - 31.2.7. Fees payable as prescribed by the Municipality.

- 31.3. 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:
- 31.3.1. 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);
  - 31.3.2. open spaces, children's playgrounds, screen walls or other acceptable methods of screening and landscaping;
  - 31.3.3. 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;
  - 31.3.4. the proposed subdivisional lines, if the erf is to be subdivided;
  - 31.3.5. access to buildings and parking areas, roads and road widths;
  - 31.3.6. building restriction areas (if any);
  - 31.3.7. parking layout and dimensions and, where required by the Municipality, vehicular and pedestrian traffic system;
  - 31.3.8. the elevational and architectural treatment of all buildings and structures; and
  - 31.3.9. 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.
  - 31.3.10. contours with values and floodlines.
  - 31.3.11. refuse and clothe line areas
  - 31.3.12. steps to be taken to control stormwater runoff.
  - 31.3.13. the north point.
- 31.4. 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
- 31.5. The Municipality shall notify the owner of its decision.

**SECTION 8**

**MISCELLANEOUS**

## **SECTION 8 – MISCELLANEOUS**

### **32. CONSENT AND OR PERMISSION GRANTED BEFORE THE FIXED DATE**

32.1. 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.

### **33. BINDING FORCE OF CONDITIONS**

33.1. 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.

### **34. ENTRY AND INSPECTION OF PREMISES**

34.1. 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.

34.2. 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.

### **35. REGISTER OF AMENDMENTS, CONSENTS AND CONDITIONS**

35.1. 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.

### **36. SERVING OF NOTICES**

36.1. 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:

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

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

36.1.3. 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

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

36.2. 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.

### **37. FINDINGS AND APPEALS**

37.1. 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.

37.2. If the Municipality approves the application, it can impose any such conditions as it deems fit, including the payment of a cash contribution.

37.3. The Municipality notifies the applicant and any objector of its decision.

37.4. 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.

### **38. CONTRAVENTION OF THE SCHEME**

38.1. 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).

### **39. TITLE**

39.1. This Scheme shall be known as the:

**SOL PLAATJE LAND USE MANAGEMENT SCHEME 2008.**