

**SCHEME REGULATIONS FOR
K GALAGADI DISTRICT MANAGEMENT AREA**

In terms of Sect. 36(1) of the Northern Cape Planning and Development Act (1998)

INTRODUCTION

These regulations were compiled to comply with the requirements for land use control, as required and prescribed in terms of Sect. 36 (1) of the Northern Cape Planning and Development Act (1998) for the total management area of the Kgalagadi District Municipality. The general objective of these regulations and accompanying zoning scheme is to determine the rights of use of all land within the boundaries of the area, and for control over the execution of these rights and the utilisation of this land.

ARRANGEMENT OF THESE SCHEME REGULATIONS

Part 1	Definitions:	to give an explanation of the meaning of words in the regulations with the purpose of eliminating misunderstandings, and to ensure that all concerned parties attach the same meaning to words and regulations.
Part 2	Land use control:	is a paraphrase of the application of the regulations and involves the general principal of the primary rights of use, consent uses and the process of the alteration of these rights.
Part 3	Planning control:	discuss each individual zone (land use right) in terms of all relevant control measures within the specific zone.
Part 4	General definitions:	concern various aspects of detail in terms of certain general matters applicable to more than one zone.

PART 1: DEFINITIONS

In these regulation, unless the context otherwise indicates,

- A** "adult entertainment" means an enterprise or commercial business that mainly supplies adult entertainment, in trade or selling of articles, and includes enterprises such as escort agencies, sex shops and any other enterprises or shops where persons under the age of 18 are not allowed, but does not include a casino, gambling house, tavern or bottle store;
- "agricultural industry" means an industry or enterprise for the processing of agricultural products on a farming unit, as a result of such agricultural products' nature, perishability and fragility and includes, amongst others, wine cellars and pack-stores but excludes any form of abattoir;
- "agriculture" means the cultivation of crops and plants and/or the breeding of animals, as well as the operation of a game farm on an extensive basis on natural land or veld, stock- or aurtion pens and at most one residential house and other buildings, and it includes residential units for bona fide labourers, which are reasonably connected with the main agricultural activity on the farm;
- "animal clinic" means a site and/or building where animals/birds receive medical treatment but may not stay overnight;
- "animal hospital" means a site and/or building where animals/birds receive medical treatment and can stay overnight if necessary;
- "authority use" means a usage practised by a local government and of which the extent thereof is of such nature that it cannot be classified or defined under another usage in these regulations, for example fire-brigade services, vehicle test centre or any services installation, such as power stations, sewerage works, refuse dump sites, reservoirs, substations, etc.;
- B** "basement" means that portion of a building of which the finished floor level is at least 2m below a height halfway between the highest and lowest natural ground levels immediately next to the building;
- "boarding-house" means a dwelling or building where most of the facilities are shared and used for long term accommodation and of which at most 10 beds are leased, provided that a dwelling of which two rooms or six beds are leased, is not regarded as a boarding-house;
- "bottle store" means any shop or portion thereof in which alcoholic beverages are sold in the retail trade, and includes an off-sales facility which is under the same management as a licensed hotel;
- "building" means any structure or erection whatsoever, irrespective of its nature or size, and it also includes windmills, radio masts and dish- or any other antennae;
- "building line" means the line that indicates the distance from a boundary of a land unit within which no building or other structure, except a boundary fence, may be erected, provided that no boundary fence, erected within the street building line area, shall exceed a height of 1,8m;
- "business premises" means a site and/or building or part thereof used or intended to be used as shops and/or offices and it includes hotels, restaurants, dry-cleaners, financial institutions, professional offices, places of assembly, doctors' consulting rooms, stock or product exchanges, put-put course, flats above ground floor and buildings for similar uses, but it excludes bottle stores, taverns, places of entertainment, a casino, adult entertainment, institutional buildings, funeral parlours, public garages, service stations, repairing or related replacing functions, industrial buildings, offensive industries, heavy vehicle overnight facilities or any wholesale business;
- C** "camping area" means an area which is laid out/planned in an informal way for day camping and/or accommodation of caravans and/or tents on clearly indicated sites or stands, but not intended for mobile homes;
- "caravan" means any vehicle permanently fitted out for use by people for living and sleeping purposes, whether or not such vehicle is towed or self driven, but it does not include a mobile home;
- "caretaker's quarters" means an additional approved building that is secondary to a building or practice in the industrial zones, and in such further zones on which the Council may decide from case to case, and which may only be erected after or at the same time as the establishment of the primary activity for the accommodation of a caretaker, who works on the premises, and his/her family;
- "carport" means a building that is open on at least two of the four sides that are not closed by a wall and which satisfies the definitions in clause 4.15;
- "casino" means any institution, place or enterprise, irrespective of whether it is licensed for this purpose, where any form of gambling, cards or other game is played with the purpose of determining the profit or loss of money, other property or credit;
- "cemetery" means a place where people are buried;
- "communal area" means land intended to be under the communal right of ownership and for the communal use of the owners of group erven in a group site (or sites), and may include private streets that provide access to all group erven or certain group erven;
- "consent use" means a land use that may be permitted with the consent of Council, as contemplated in clauses 2.7 and 2.8;

"**conservation area**" means a premise or area indicated in this scheme to be used by Council, a person or an institution, exclusively for the conservation of the natural environment, land, historical buildings, fauna and/or flora and may include tourist facilities that forms an integral part;

"**Council**" means the Council of the Kgalagadi District Municipality;

"**coverage area**" means the total area, expressed as a percentage of the area of a site, that may be covered by buildings measured over the outside walls and covered by a roof or projection, provided that the area covered by maximum eaves of 1m is excluded in the calculation of the maximum permitted coverage, provided that uncovered verandas, boundary walls and covered parking areas are included in coverage area;

"**crèche**" means a building/premise where six to 20 pre-school children are cared for / taken care of, but may not stay overnight;

"**crematorium**" means a building where corpses are cremated;

D "**drive-in restaurant**" means any land or buildings used for a restaurant or café from which food and refreshments are served to patrons who remain seated in motor cars parked in the vicinity of such restaurant or café;

"**dwelling**" see definition of **residential house**;

E "**erect**" has a corresponding meaning to erection;

"**erection**" means with regard to a building -

- a) the erection, alteration, subdivision or converting of, or addition to a building, and
- b) the re-erection or repairing of a building that was wholly or partly destroyed or demolished;

F "**family**" means a parental couple or a single parent with or without own offspring or legally adopted or foster children, that do not have such family relations or legal linkage with the parent or parents;

"**farm stall**" means a building and/or structure of at most 100m² and where a farmer can sell produce to his own employees or to the general public;

"**financial institution**" means any enterprise that renders mainly financial services to clients and includes banks and home-loan enterprises;

"**flat**" means a residential unit which:

- a) is part of a building containing two or more residential units, or
- b) is intended for the use of the caretaker of a non-residential building;

"**flats**" means a building containing more than one residential unit;

"**floor area**" with regard to any building or structure, means the total area of all the storeys of all buildings covered by a roof, slab or projection, excluding a projection not exceeding 1m over an exterior wall if such a wall exists, provided that the area covered by a canopy or projection on the street side of a business building in the business zone and the local business zone shall not be regarded as floor area. Floor area shall be measured from the outside surface of the walls of the building, and where a building consists of more than one storey, the "total floor area" shall be the sum of the floor area of all the storeys, including the basement, balconies, terraces, corridors, verandas or steps, irrespective if it is covered by a roof, slab or other covering;

"**funeral parlour**" means a building where corpses are stored prior to burial or cremation;

G "**government use**" means a building or site for government use of which the extent thereof is such that it cannot be classified or defined under other uses in these regulations and includes uses practised by the State, such as military training centres and installations, telecommunication facilities, police stations and prisons; or by the Provincial or District authority, such as road stations and road camps or any other parastatals such as Eskom, Telkom, etc.;

"**gross parking area**" means the area of one parking bay plus a portion of the circulation space for such a parking bay;

"**ground floor**" means the lowest floor of a building which is not a basement;

"**group erf**" means a portion of land in a group site which is approved for the erection of a single dwelling as part of a group housing scheme;

"**group housing**" means a group of separate and/or connected individual residential units which were planned, designed and built as a harmonious architectural entity with a medium density character and with units that may vary between single and double storeys and of which each has a ground floor, whether such units are cadastrally divided or not;

"**group site**" means a piece of land that can be subdivided into a number of group erven with or without public or private street and/or open space;

"**guest house**" means a house or building where the majority of facilities are shared and where at most 10 beds are leased on short-term basis, provided that a house where at most two rooms or six beds are leased, is not regarded as a guest house;

H "**heavy vehicle overnight facilities**" means land and/or buildings used for parking of heavy vehicles and/or where the drivers of such vehicles can overnight;

"**holiday accommodation**" means a harmoniously designed and built holiday development, belonging to one owner, with an informal layout of which the individual units are only marketed by means of renting to travellers and holiday-makers for short-term residence, and may include a guest house, camping site, caravan park, holiday flats or built units, but does not include private mobile homes, a hotel or motel;

"**holiday flat**" means a flat used only for holiday purposes, as apposed to permanent occupation;

"**homeowners association**" means an association as intended by Section 53 of the Act;

"**hotel**" means a building designed to comply with the requirements of a hotel, but does not include linked or separate buildings or premises for off-sale facilities;

I "**industry**" means a building or practice, whether it concurs with the definition of a factory as described in the Occupational Health and Safety Act, 1993 (Act 85 of 1993) or not, which is used in any trade for the manufacturing, assembling, processing, repairing or dumping of a product or part of a product, the storage of a product or raw material, the repairing, assembling or dismantling of vehicles, printing, the manufacturing of gas and any related office, caretaker's quarters, or any building of which the use is secondary to, and that may generally be secondary to or reasonably necessary with regard to the use of such trade on the same site, provided that buildings where food and liquor are essentially prepared for consumption on the premise, are not included;

"**informal dwellings**" means a housing unit that does not comply with the standards of durability, as envisaged by the National Building Regulations, as are applicable in the Council's jurisdiction;

"**institution**" means a building or part thereof which is used or intended to be used as a charity, health or welfare institution and/or for the administration thereof, and includes community facilities, place of assembly, a hospital, a pharmacy linked to a hospital, clinic or reformatory, either private or public, but does not include a prison or place of detention;

L "**land**" means land with or without improvements and includes land covered with water and any right in or over land. Any references to land are restricted to land within the management area of Kgalagadi District Municipality;

"**land unit**" means any erf, plot or other portion of land that is registered or can be registered in a deeds registry and may include a servitude right or lease contract;

"**land use restriction**" means a restriction, in terms of a zoning, on the extent of the improvement of land;

"**land use right**" means the right to utilise and/or improve land in concurrence with the zoning thereof or any departure;

"**licensed hotel**" means a building designed to provide mainly short-term accommodation to visitors and includes an off-sales facility for liquor;

"**linked**" in relation to the definition of "group housing", means to be connected by means of a communal wall and/or garage;

M "**map**" means the map on which the various zones that are currently valid and provided for in these regulations are visually demarcated, and "zoning map" has a corresponding meaning;

"**mobile home**" means a factory-assembled structure, approved by the Provincial Legislator, and with the necessary service connections, which can be moved on the site and designed in such a way that it can be used as a permanent home, but does definitely not include any extensions constructed with building materials;

"**motor vehicle**" means a vehicle designed or intended for propulsion by other than human or animal power, and includes a motor cycle and a trailer or caravan, but does not include a vehicle moving exclusively on rails;

N "**natural ground level**" means the natural ground level as indicated on a contour plan before any ground construction works or landscaping took place;

"**net plot area**" means the full area of a plot, excluding all land zoned for public purposes;

"**nursery**" means a place where plants are cultivated and/or sold to the public;

O "**occupant**" means any person who physically inhabits a building, structure or land on a permanent base;

"**occupational practice**" means the practising of an occupation or trade, **subject to the provisions of clause 4.8.2**, practised by at most one person per residential unit and/or outbuilding of which that person is the occupant, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or lowering of aesthetics being caused; provided that at most two assistants may be employed and that two persons that are legally married (including persons that live together according to common-law, or persons that are regarded man and wife in terms of religious beliefs) and reside in the same unit, may each practice their occupations subject to the relevant restrictions;

"**offensive industry**" means any building or premise or portion thereof, designed or used for any known potentially offensive, damaging or repulsive activity, or the usage or storage of such a substance which is a nuisance or can cause a nuisance, and, without limiting the generality of aforementioned, include the following: any chemical works, distillery, brewery, manure or chemical manure works, treatment of bones, horns or hooves, processing or storage of hides or skins other than in dry conditions, abattoirs, stone crushing, any treatment or manufacturing of cement, a premise for the storage, sorting or any other activity in any form concerning refuse, sewerage or night-soil, oil or other petroleum processing or any other usage which the Council may regard as an "offensive industry";

"**outbuilding**" means an additional and approved single storey structure, either attached to or separate from the main unit, but does not include a kitchen, and designed to be normally used for the housing of a bona fide servant who works on the erf, for the parking of motor vehicles and for storage purposes, in so far as these uses are usually and reasonably required in connection with the main structure, but does not include a second residential unit;

"**owner**", in relation to land or a building includes:

- a) any person in whose name the land in question is registered in a deeds registry,
- b) the holder of a registered right or lease or any successor in title of such a person,
- c) any registered tenant, or
- d) for the purpose of processing of any application, the written assignee of the owner (letter of authority must be handed to the Council);

P "**parking area**" means a site that accommodates more than one parking bay and normally includes holding areas as well as ablution facilities;

"**parking bay**" means a site with a minimum area of 5,5m by 2,5m that is clearly outlined and marked out for the parking of one motor vehicle, as well as any such areas that are needed for circulation and landscaping, and are accessible to Council's satisfaction;

"**place of assembly**" means a public hall, a town hall or community hall for social functions, music hall, concert hall or exhibition hall which is not directly related to a commercial undertaking;

"**place of entertainment**" means any building or site where people assemble for entertainment or social relaxation or sport purposes and where an entry fee is usually imposed, and includes a theatre, bioscope, dance hall, amusement park, sport centre, billiard-room, skating rink, a public or private sport-club facility and restaurant where entertainment is provided, but does not include any building or site for a casino or adult entertainment;

"**place of instruction**" means a school, college, technical institute, academy, university, lecture hall or other centre of instruction, and includes a hostel appertaining thereto, and a convent, public library, art gallery, museum, gymnasium and creche, but does not include a building used or intended to be used wholly or primarily as a certified reformatory or industrial school or as a school for the mentally handicapped;

"**primary use**" means a land use that is permitted, as contemplated in clause 2.7, that may be executed by the owner of any land without any consent;

"**private open space**" means any land which has been set aside in this scheme for use as a private site for sport, playing, rest and recreation facilities or as an ornamental garden or pleasure-garden, provided that the land is under the long-term management of a private person or authority, and also a cemetery or show grounds, whether public or private;

"**professional offices**" means such types of uses as that is normally and reasonably associated with the concept "professional", e.g. doctors, dentists, architects, engineers, etc. ∇ the rendering of services, in contrast with carrying on a business, is one of the distinguishing factors;

"**public garage**" means a commercial business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhaul of motor vehicles, a restaurant or café, spray-painting, panel beating, body and blacksmith work, but does not include heavy vehicle overnight facilities;

"**public open space**" and/or "**public place**" means any land which falls under, or is intended to come under the ownership of the local authority, which is not leased or intended to be leased on a long-term basis, and which is utilised by the public as an open space, park, garden, picnic site, square, playground or recreational site, whether it appears on an approved general plan or not;

"**public parking**" means land or a building or part thereof that is accessible to the general public for parking purposes;

"**public place of worship**" means a church, synagogue, mosque, temple, chapel or other place for practising religion. This includes any building in connection therewith, for instance a hall, Sunday school classes or parsonage, but does not include funeral parlours including chapels forming part of such funeral parlours;

"**public service installations**" means any external or internal service installation that needs land area or any other infra-structural land use such as power

stations, sewage disposal works, reservoirs, substations, etc;

"public street" means any land indicated on a plan or diagram or is specified within this zoning scheme, reserved for street purposes and where the ownership as such vests in a competent authority and includes facilities for public transport;

"put-put course" means any land or buildings used as extramural miniature golf course;

R **"racecourse"** means a site or structure used mainly for races or practising for any form of races, and include vehicle racecourses, motor-cycle racecourses, horse racecourses and any other similar uses;

"rail transport" means land used for rail transport purposes and includes the rail reserves, the station and any uses directly connected to the rail transport service;

"rear boundary" of a site or plot means every one of its boundaries (street boundary excluded) that is parallel or within 45 degrees of parallel to every street boundary of such premises or plot and does not join a street boundary; .

"register" means documents held by a local authority in connection with all concerned zonings, departures, concessions and restrictions and includes a record of all

- a) departures from the town planning conditions,
- b) rezoning conditions that influence the land use right of any land unit, and
- c) concessions approved by Council;

"regulations" means the written supplement to the map in terms of which town planning control should be practised and it refers to this document;

"residential building" means a building consisting of one or more residential units (excluding a group house, residential house or second residential unit) for human habitation, together with the outbuildings used therewith, and it includes boarding-houses, guest houses, flats, hotels (without off-sales facility), residential clubs, old aged homes, children's homes and hostels, but excludes buildings that are defined as "place of education" or "institution";

"residential house" means a building containing only one residential unit - a self-contained interlinking group of rooms for the accommodation and housing of a single family, or a maximum of four persons who do not satisfy the definition of a "family", together with such outbuildings as are ordinarily used therewith.;

"residential unit" means a self-contained interlinking group of rooms for the accommodation and housing of a single family only, or a maximum of four persons who do not satisfy the definition of a "family", together with such outbuildings as are ordinarily used therewith;

"restaurant" means an enterprise or place that mainly prepares food and refreshments on the site which is served to clients who consume it on the site, and where alcoholic beverages are only served with meals, but does not include a tavern;

"retirement centre" means a group of separate and/or connected individual residential units or rooms with communal amenities that is planned, designed and built as an entity to accommodate and/or care for old people;

"riding school" means the place or enterprise for hiring out horses for payment and it also includes the care and stabling of such horses;

S **"scrap-yard"** means a building or land used for one or more of the following purposes:

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

"second residential unit" means a secondary, completely self-contained residential unit which is erected or adapted on a site on which there already exists a residential unit, and which is used for the accommodation of a second family on the site or a maximum of four persons who do not satisfy the definition of a "family";

"service industry" means a commercial business or concern mainly geared for service to the public and involves the replacing of car tyres, exhaust systems, shock absorbers, the fitting of car radios and similar practices, bakeries, small dry-cleaners, carwash services, carpet wash services, dressmaking, framing, printing and all other similar workshops or enterprises, at the discretion of Council, but does not involve any trade that resorts under the definition of industry, service station, garage, offensive trade or business, unless listed above;

"service station" means a business or concern where the sale of motor vehicles, oil, tyres and motor spares are traded in and includes a business where motor vehicles are provided with fuel for payment as well as the repair and overhaul of motor vehicles, but excludes spray-painting, panel beating, body and blacksmith work and heavy vehicle overnight facilities;

"shop" means a site and/or building and/or structure used for carrying on a retail concern and may include a laundrette, offices, nursery, restaurant, a dry-cleaner, flats above ground floor and a retail concern where goods sold are manufactured and/or repaired in such a concern, provided that the floor area relating to such manufacture and/or repair shall not exceed one third of the floor area of the shop, but it does not include any industries, public garages, service stations, taverns, supermarkets (with or without the selling of wine) or bottle stores;

"side boundary" means a boundary of a site or erf which is not also a street boundary or rear boundary;

"special uses" means a use which is such, or of which the land use restrictions are such that it is not catered for in these regulations, and of which the uses and land use parameters are fully described by means of the conditions as contained in the special zone;

"sports grounds" means land which is utilized for the practising of outdoor sport and includes only improvements ancillary to the practising of outdoor sport;

"storey" means a single floor of a building, including a basement, which does not exceed a height of 4m, measured from finished floor level to finished floor level or to the ceiling in the case of the top storey;

"street boundary" means the common boundary of a site or land unit and a street, provided that where a portion of a site or land unit is reserved in terms of the zoning scheme or any other act for the purpose of a new street or street broadening, the street boundary of the site or land unit is the boundary of such proposed new street or proposed street broadening;

"street building line" in connection with a land unit, means a building line applicable on a setback or, where no setback is applicable, in connection with a common boundary between the concerned land unit and any adjoining street;

"supermarket" means a retail business with a retail floor area of not less than 350m², utilized for the sale of goods mainly consisting of food, toiletries, and other household goods on a basis of self-service;

T **"tavern"** means a building in which the on-site consumption of liquor has been legalised by means of a liquor licence, issued in terms of section 20 of the Liquor Act, 1989 (Act 27 of 1989) or by means of the Sorghum Beer Act, 1962 (Act 63 of 1962);

"the Act" means the Northern Cape Planning and Development Act (1998) and/or any other Act or Ordinance that may follow or replace this Act;

"to serve a notice/notification" means a notice, as the example included in "Procedures for Application", by the applicant to each land owner who has an interest or who may have an interest in the matter, according to the opinion of the Designated Officer, and whose address is recorded with Council:

- a) specifying the place where and the hours during which particulars of the matter will be available for inspection,

b) stating that objections may be lodged with a person specified in the notice before a date likewise specified, being not less than 21 days after the date on which the notice is so published, and to give proof of service to Council with the application;

"**tourist facilities**" means facilities created in a rural area for the recreation and entertainment of tourists and may include overnight facilities;

"**transport use**" means a use or undertaking based on the provision of a transport service (air- and railway transport included) and includes public as well as private undertakings, but does not include courier services;

"**tuck shop**" means a small commercial business, not bigger than 25m², run by a member/members of the household from a part of the house or outbuilding, provided that stock shall be limited to the volume that can be accommodated in the tuck shop and no processing, subdividing or preparing of food may be done and no stock may be stored outside of the tuck shop;

W "**warehouse**" means a building for storage of goods as well as the running of a wholesale business in connection with such goods (including alcoholic beverages), provided that the warehouse excludes retail trade, and wholesalers may only sell or deliver to dealers

Z "**zone**" means a portion of land set apart on the map for a particular zoning, irrespective of whether it comprises one or more land units or a portion of a land unit;

"**zoning**" means a category of prescriptions which state firstly the purpose for which land may be used, and secondly the land use restrictions applicable in respect of the said land uses, as determined in these regulations;

"**zoning map**" means the map on which the different land use zones, as listed in table A of these regulations, are demarcated in colour

"**zoning scheme**" means the scheme consisting of these regulations, the register and the zoning map.

PART 2: LAND USE MANAGEMENT

2.1 Area of zoning scheme

The area on which this scheme is applicable is the whole management area (DMA) of the Kgalagadi District Municipality, as indicated and contained in the compliant zoning plans, and includes any area that may in future become part of the municipal area.

2.2 Responsible Authority

The Council of the Kgalagadi District Municipality is the local authority responsible for the application and execution of the stipulations of these scheme regulations.

2.3 Components of the zoning scheme

The Council's zoning scheme consists of the following components:

- a) the scheme regulations (this document),
- b) the zoning map(s),
- c) the zoning register, and
- d) procedure and requirements for applications.

2.4 Date of commencement

The zoning scheme commenced on 31 May 2004 which date is the same as on which the Provincial Legislature approved the scheme.

2.5 Zoning according to utilisation

Notations on the zoning map are intended to indicate land use and not land ownership. Land falling under ownership of a public authority, shall only be included in the authority zones if the use thereof is such that no other zone in the table below is appropriate (see definition of "authority use" and "government use").

2.6 Zoning of land in specified use zones

The land indicated on the zoning map, as indicated in the table below, is zoned for the respective purposes mentioned in the table, and barring differently worded definitions of the Act and these regulations, may not be used for any other purpose.

2.7 Erection of buildings and utilisation of land in specified use zones

The purposes, called primary uses, for which land may be utilised, without Council's consent, in the various zones, indicated in column 1 of the table below, are mentioned in column 4 of the table. The purposes, called consent uses, for which land may only be utilised with the consent of Council or on which buildings may be erected in the various zones in column 1 of the table, are mentioned in column 5 of the table. Any use that does not appear in column 4 or 5, may, barring differently worded definitions of the Act and these regulations, not be allowed in the relevant zone.

It should be noted that the buildings and uses allowed in terms of column 4 or 5 of following table which may be approved with the consent of Council, may be subject to **departures** as determined by Council on approval, which may in effect render the rights incident to a land unit more or less limiting, as appears from the notation on the map. In such cases the relevant information with regard to the land unit should be recorded in the register that is kept up to date for this purpose.

2.8 Consent uses

2.8.1 Application for consent uses

Barring the stipulations of clause 2.8.3 hereof, where application is made with Council for its consent for the erection and use of a building in a zone where a building of the proposed type may only be erected and used by special permission of Council, Council may grant or refuse permission, and when it grants permission, it may make any conditions as it deems fit, regarding the erection or use of such a building. When such an application is considered, the question whether the use for which the building was intended and designed, or the proposed building, should be kept in mind, whether the proposed building will harm the amenity of the environment, including emission of smoke, fumes, dust, noise or odours.

2.8.2 Period of consent uses

In terms of clause 2.8.1 of these regulations, Council can approve the consent uses mentioned in column 5 of above table for any site or portion thereof, with the relevant zoning as accordingly listed in column 1 of the table. This consent is temporary as it is not linked to a specific time, but to a certain person or enterprise and to a site or portion thereof. If the relevant site or enterprise should change in ownership or location, or if it should stop functioning, this consent will automatically, with immediate effect, be revoked and the application will, under the changed circumstances, have to be lodged again.

2.8.3 Conditions of implementation of consent uses

Consent uses are subject to the same restrictions and conditions as the primary uses in a specific zone, unless specifically differently indicated, in which case the differently worded restrictions specifically applicable, will enjoy preference, irrespective of being more or less restrictive.

2.9 Buildings or land units used/ applied for more than one purpose

Specific zones and use rights are mainly linked to individual land units and all buildings and structures on it. It is, however, possible that a building or land unit can be used for more than one purpose. Appropriate zonings /consent are allocated individually to each portion, indicated on the relevant zoning map and applied accordingly.

2.10 Procedure for application in terms of the Act and/or these regulations

All applications for rezoning, subdivision, consent or any other relevant application in terms of the Act and/or these regulations, will be executed strictly according to the "Procedures of Applications" of these regulations.

TABLE: PRIMARY AND CONSENT USES

ZONING	CODE	COLOR NOTATION	PRIMARY USE	CONSENT USES
Agricultural zone I	A	Light green	Agriculture	Second residential unit Farm stalls Nursery Riding school Tourist facilities Animal hospital Animal clinic Guest house Bird or animal cages
Agricultural zone II	B	Light green with black hatching	Agricultural industry	Agriculture
Residential zone I	C	Yellow	Residential house	Second residential unit Creche Tuck shop Animal clinic Guest house Bird or animal cages
Residential zone II	D	Orange	Group housing	Residential house Creche Old-age home
Residential zone III	E	Orange with black hatching	Flats Residential building	Institution Group housing Residential house
Residential zone IV	F	Yellow with black hatching	Informal dwelling Residential house	Public place of worship Place of instruction Guest house Tuck shop Bird or animal cages
Business zone I	G	Blue	Business premises	Institution Place of entertainment Service station Drive-in restaurant Service industry Funeral parlour Animal clinic Animal hospital Warehouse
Business zone II	H	Blue with black hatching	Shop	Residential house Flats
Business zone III	I	Blue-purple	Service station	Public garage Restaurant
Business zone IV	J	Blue with cross hatching	Casino (Gambling house)	Place of entertainment
Business zone V	K	Blue with honeycomb hatching	Adult entertainment Bottle store Tavern Business Premises	Place of entertainment
Industrial zone I	L	Red-purple	Service industry Warehouse Service station	Public garage
Industrial zone II	M	Red-purple with black hatching	Industry Warehouse Service station Service industry Transport use	Public garage Funeral parlour Scrap-yard

ZONING	CODE	COLOR NOTATION	PRIMARY USE	CONSENT USES
Industrial zone III	N	Red-purple with cross hatching	Offensive industry Crematorium	Industry Warehouse Public garage Transport use Scrap-yard
Institutional zone I	O	Light blue	Place of instruction	Place of assembly
Institutional zone II	P	Black crosses	Public place of worship	Place of assembly
Institutional zone III	Q	Red crosses	Institution	None
Resort zone I	R	Green bushes	Holiday accommodation	Hotel Restaurant Place of entertainment
Open space zone I	S	Green	Public open space	None
Open space zone II	T	Green with black hatching	Private open space	Racecourse
Open space zone III	U	Green with cross hatching	Conservation area	None
Transport zone I	V	Dark grey	Transport use	None
Transport zone II	W	Light grey	Public street	None
Transport zone III	X	Light grey with black hatching	Public parking	None
Transport zone IV	Y	Brown	Heavy vehicle overnight facilities	None
Authority zone I	Z	Red	Authority use	None
Authority zone II	β	Red with black hatching	Government use	None
Special zone	Æ	Blue-green with number	Special use	None
Unspecified zone	∅	Blank	None	None

2.11 Appeal against a Council resolution

Any applicant or objector with regard to any application in terms of the Act, may, if he/she believes that they are wronged by the relevant decision of Council, in terms of Sect. 74 of the Act, lodge an appeal against the decision with the Appeal tribunal. This appeal must, in terms of the regulations of Sect. 74 (1) of the Act, be handed in at the tribunal within 21 days from the date the person was notified of Council's decision. Council and the applicant or objector, depending on the case, must also receive a copy of the appeal within the prescribed time.

PART 3: PLANNING CONTROL

The following regulations shall be applicable in the relevant use zones:

3.1 AGRICULTURAL ZONE I

3.1.1 Indication and Permitted Uses

Indication on map:	colour	- light green.
Primary use/s:	agriculture	the cultivation of crops and plants and/or the breeding of animals, the running of a game farm on an extensive scale on natural veld or land, stock- or auction pens and at most one residential house and other buildings, including residential units for bona-fide labourers, which are reasonably relevant to the main agricultural activity on the farm.
Consent uses:	second residential unit	means a secondary, completely self-contained residential unit which is erected or adapted on a site on which there already exists a residential unit, and which is used for the accommodation of a second family on the site or a maximum of four persons who do not satisfy the definition of a "family".
	farm stall	a building and/or structure which covers an area not exceeding 100m ² and where a farmer can sell his produce, either to his employees or to the general public.
	nursery	where plants are grown and/or sold to the public.
	riding school	the place or enterprise for hiring out horses for payment and includes the caring for and stabling of such horses.
	tourist facilities	facilities created in a rural area for the recreation and entertainment of tourists and may include overnight facilities.
	animal clinic	a site and/or building where animals/birds receive medical treatment but may not stay overnight.
	animal hospital	a site and/or building where animals/birds receive medical treatment and can stay overnight if necessary.
	guest house	a dwelling or building where the majority of facilities are shared and where at most 10 beds are leased on a short-term basis, provided that a dwelling of which at most two rooms or six beds are leased, is not regarded as a guest house.
	bird or animal cages	

3.1.2 Land Use Restrictions

Height:	at most 12m above the natural ground level directly beneath any particular point or portion of the building.
Building lines:	the street is 4,5m, rear- and side building lines are 3,0m for the primary residential house. No building or part thereof, with the exception of the primary residential house and farm stalls, boundary walls or boundary fences, may, where the premise borders another premise with a different zoning, be erected closer than 30m from the said boundary of the premise and these building lines are 5m where the premise borders another premise also zoned as "Agricultural zone I".

Advertisements and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.1.3 Further Restrictions Applicable to Specific Uses in these Zones

Notwithstanding the foregoing land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.

3.1.3.1 Second residential units

Floor area:	at most 60% of the primary dwelling on the premise.
Other:	Residential units for bona fide labourers, in applying these regulations, are not regarded as second residential units.

3.1.3.2 Farm stalls

Building lines:	4,5m from any street reserve boundary and 10m from all other boundaries.
Floor area:	at most 100m ² .

3.2 AGRICULTURAL ZONE II

3.2.1 Indication and Permitted Uses

Indication on map:	colour	- light green with black hatching.
Primary use/s:	agricultural industry	an industry or enterprise for the processing of agricultural products on a farm unit, as a result of the nature of the products, perishability and fragility and includes, amongst others, wine cellars and sheds, but excludes any form of abattoir.
Consent uses:	agriculture	the cultivation of crops and plants and/or the breeding of animals, the running of a game farm at an extensive scale on natural veld or land, stock- or auction pens and at most one residential house and other buildings, including residential units for bona fide labourers, which are reasonably relevant to the main agricultural activity on the farm.

3.2.2 Land Use Restrictions

Coverage:	at most 75%.
Height:	at most two storeys in total not higher than 12m above the natural ground level directly beneath any particular point or portion of the building.
Building line:	the street building line shall be at least 3m from the boundary of the adjoining street. Side and rear building lines may be zero, provided that Council might demand building lines in the interest of public health or to enforce the upholding of any act or right or to provide for storm water drainage or any other engineering service. Furthermore, the same building line will be

applicable in the agricultural- industrial zone as in any adjoining zone in terms of the common boundary between the two zones.

Parking: one parking bay for each 100m² of the total floor area up to 1500m², and one additional parking bay per 200m² thereafter.

Loading and unloading: for the purpose of loading and unloading of vehicles, a space/s to the satisfaction of Council must be reserved in accordance with Table below: For this purpose the loading zone size is 45m².

TABLE

TOTAL FLOOR AREA OF BUILDING (TO NEAREST m ²)	PRESCRIBED LOADING AND DOWNLOADING AREA
0 - 2 500 m ²	1 loading places
2 501 - 5 000m ²	2 loading places
5 001 - 10 000 m ²	3 loading places
Each additional 10 000m ² or portion thereof	1 additional loading place

Above-mentioned loading places will have vehicle access to Council's satisfaction. Said vehicle access shall be at least 5m wide and 3m high, if through a building. It must have a hard surface and be clearly marked as loading places.

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.2.3 Further Restrictions Applicable on Specific Uses in this Zone

Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.

3.2.3.1 Agriculture

The restrictions that agriculture is subject to in Agricultural Zone I, are applicable in this zone.

3.3 RESIDENTIAL ZONE I

3.3.1 Indication and Permitted Uses

Indication on map: colour - yellow.

Primary use/s: residential house a building consisting of only one residential unit or a self-contained interlinking group of rooms for the accommodation and housing of a single family, or a maximum of four persons who do not satisfy the definition of a "family", together with such outbuildings as are ordinarily used therewith.

Consent uses: second residential unit: means a secondary, completely self-contained residential unit which is erected or adapted on a site on which there already exists a residential unit, and which is used for the accommodation of a second family on the site or a maximum of four persons who do not satisfy the definition of a "family".

creche a building/site where between 6 and 20 pre-school children are cared for/taken care of but may not stay overnight.

animal clinic a site and/or building where animals/birds receive medical treatment but may not stay overnight.

tuck shop a small commercial business, not bigger than 20m², run by a member/members of the household from a part of the house or outbuilding, provided that stock shall be limited to the volume that can be accommodated in the tuck shop and no processing, subdividing or preparing of food may be done and no stock may be stored outside of the tuck shop

guest house a dwelling or building where most of the facilities are shared and where at most 10 beds are leased on a short-term basis, provided that a dwelling of which two rooms or six beds are leased, is not regarded as a guest house.

bird or animal cages

3.3.2 Land Use Restrictions

Coverage: at most 50 %.

Height: at most 8m above the natural ground level directly beneath any particular point or portion of the building (see clause 4.16).

Building lines: no building or any part thereof, excluding:

- i) open verandas,
- ii) eaves for a distance of 1m,
- iii) boundary walls or boundary fences,
- iv) entrance steps,
- v) flower boxes, pergolas, cornices, water pipes, screen walls not higher than 2,0m and closer than 4,5m from the street boundary and minor decorations not projecting more than 300mm from the building,
- iv) swimming pools not above ground level

may be erected on a site nearer than:

- a) 4m to any street boundary,
- b) 3m to any rear boundaries, and
- c) if the frontage of an erf exceeds 22m in length, 2m to any side boundary, provided that the total side space shall be not less than 6m,
- d) if the frontage of an erf is between 19 and 22m in length, 1,5m to any side boundary, provided that the total side space shall be not less than 5m,
- e) if the frontage of an erf is less than 19m in length, 1m to any side boundary, provided that the total side space shall be not less than 3,5m and further that no doors or windows are permitted in any wall which is less than 1,5m from any side boundary.

Notwithstanding the above-mentioned building lines, Council may approve the erection of any residential house, outbuildings or second residential unit that exceeds a building line, subject to the following:

a) proof is rendered to Council that the neighbouring owner/s involved was consulted by

- b) the applicant ∇ the neighbouring owner/s' consent is not essential; that the slackening of the street boundary is subject to the following:
 - i) even less than 600m² - up to 2m
 - i) even more than 600m² - up to 3m
- c) that the said building shall not exceed a height of one storey;
- d) that no doors or windows shall be allowed in any wall of such building nearer than 1,5m of the relevant side boundary; and
- e) that another access way, other than through a building, at least 1m wide, is provided from a street to every other vacant portion of the relevant land unit other than a courtyard.

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.3.3 Outbuildings

Notwithstanding these building lines, but subject to the consent of the affected or neighbouring owners and Council's written consent, outbuildings may, subject to the following provisions, be erected within such rear and side boundaries on the erf, provided that if the neighbouring owners' consent cannot readily be obtained or in the opinion of Council are unreasonably restrained, the Provincial Legislator shall have the competence to decide:

- a) Preference shall be given to the requirements of Council and/or other appropriate authority and/or institution, with regard to the protection and servicing of existing or future underground or aboveground municipal and other services.
- b) The term outbuilding for the purpose of this clause shall include habitual rooms/quarters, storerooms, workrooms, garages, motor vehicle, caravan or boat shelters/ports and other minor structures such as barbeques, but does not include a second residential dwelling.
- c) No window or door shall, with regard to an outbuilding which is erected on a side or rear boundary, be placed in the wall (walls) facing the boundary(ies) of the erf concerned.
- d) With regard to an outbuilding which is erected on a side and/or rear boundary, the owner shall be required to finish off the wall facing the boundary of the erf concerned, to the satisfaction of Council, to such standard as it is at least equal to that of the rest of the outbuilding and the owner shall maintain the wall at the said standard.
- e) No rainwater that runs off the roof of the outbuilding shall pour down on an adjoining erf and the owner of the outbuilding shall take precautions, to the satisfaction of Council, to control such run off.
- f) No portion of an outbuilding that is erected on the boundary of an erf shall project over the boundary or exceed it in any other way.

3.3.4 Further Restrictions Applicable on Specific Uses in this Zone

Notwithstanding the foregoing land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference. **(Also see Clause 4.8)**

3.3.4.1 Second residential unit

Floor area: not more than 60% of that of the main dwelling to a maximum of 120m², provided that the maximum coverage area for all the buildings on the premise shall not exceed 66%.

Building lines: the same as for outbuildings.

Height: at most one storey.

3.3.4.2 Occupational Practice and other Rights

(see clause 4.8)

3.3.4.3 Guest houses/Boarding-houses

Over and above the stipulations of Clauses 3.3.2 and 3.3.3, the following regulations shall apply when Council considers this consent use:

- a) Up to and including two rooms or six beds may be let under clause 4.8 of these regulations, without applying for consent or rezoning, but subject thereto that Council formally be informed by means of completion of an application form.
- b) Persons letting between two rooms or six and ten beds, shall have to apply for the concerned consent use. In considering such an application, special attention regarding the capacity of the existing services and the comment of the neighbours shall be given, whilst the under-mentioned preconditions shall have to be complied with.
- c) Persons letting more than ten beds shall have to apply for rezoning to "Residential III", restricted to boarding-house and guest house with more than ten beds.

Preconditions for the considering of an application in accordance with (a), (b) or (c) supra, are:

- i) The correct application procedure, including the necessary advertisement for (b) and (c), shall be followed.
- ii) All building and other regulations shall strictly be complied with. No relaxation of building lines or maximum coverage shall thus be allowed.
- iii) The Engineering department must be convinced of the fact that the service network shall be able to carry the additional load and may, even in both instances, put a limit on the number of beds.
- iv) Buildings plans for the concerned buildings or part thereof must be submitted with the application.
- v) Proof of separate facilities for guests must also be submitted.
- vi) Proof that parking for one vehicle per room can be supplied on the premise, must accompany the application.
- vii) Where food is commercially prepared/sold on the premise, the person shall have to register for the preparing and serving of food at Council.

Compliance with these requirements whilst submitting an application does not at all guarantee the approval thereof. These are only preconditions for the consideration of an application.

3.4 RESIDENTIAL ZONE II

3.4.1 Indication and Permitted Uses

Indication on map: colour -orange.

Primary use/s: group housing a group of separate and/or connected individual residential units which were planned, designed and built as a harmonious architectural entity with a medium density character and with units that may vary between single and double storeys and of which each unit has a ground floor, irrespective whether such units are cadastrally divided or not.

Consent uses: residential house a building containing only one residential unit ∇ a self-contained, interlinking group of rooms for the accommodation and housing of a single family, or a maximum of four persons who do not satisfy the

creche	definition of a "family", together with such outbuildings as are ordinarily used therewith. a building/premise where six to 20 pre-school children are cared for/taken care of, but may not stay overnight.
old-age home	a group of separate and/or interlinked individual residential units or rooms with communal facilities and which is planned, designed and built as an entity for the housing of and/or caring for old persons.

3.4.2 Land Uses Restrictions

Density:	at most 30 units per gross hectare or a 4: 1 ratio with regard to the surrounding density of residential units, whichever allows the lowest number of units, provided that a group site does not exceed two hectares and provided that two sites intended for group housing may not be adjacent to each other. In specific cases (that is, where group housing sites were originally planned as such and open spaces and/or streets are supplied in a suitable manner and do not have to be included in the subdivision of the site) not more than 40 units per gross hectare.
Height:	at most 8m above the natural ground level directly beneath any particular point or portion of the building. (also see the definition of group housing and also clause 4.16)
Building lines:	the street building line may be zero, but if necessary for safe traffic movements or for other reasons like aesthetics and character of the development in the area, a street building line of 2m may be imposed. The street building line with regard to the garage is 5m, or alternatively the design should be such that any motor vehicle can be safely parked outside the street reserve when the garage door is closed. Except as may be necessary for service mains, the building line with regard to the rear boundary and side boundaries can also be zero. However, where this zone borders another zone (Open space zone excluded), a building line of 3m shall apply with regard to the rear and side boundaries.
Parking:	at least two parking bays per group house. Both parking bays may be provided on the group erf, or a portion of the requirement for the project may be provided communally or the entire requirement may be provided in the form of communal parking, provided that at least 50% of the parking bays shall be covered.
Street widths:	for a public street at least 10m reserve, but 8m in cases of a cul-de-sac which does not serve more than 14 group houses.
Communal open space:	at least 80m ² per residential unit. These open spaces exclude streets, private outdoor space and communal service areas. This requirement shall fall away if Council is of the opinion that sufficient open space is available.
Private outdoor space:	at least 40% of the gross floor area of the relevant unit in a form of which the sides do not exceed a ratio of 2:1.
Design:	the purpose reflected in the definition of group housing (as included in the definition) should be followed and implemented very closely.
Advertisement and publicity:	all boards, signs and other forms of advertising and publicity must comply with Council's advertising policy.
General:	<ul style="list-style-type: none"> a) In addition to the private outdoor space, a communal or private service yard of sufficient area and screened from public view by a wall, shall be provided for each unit, to the satisfaction of the local authority. b) A garage that can be locked, carport, service yard and atrium are excluded in the calculation of the floor space for the purposes of the calculation of the 40% private outdoor space. c) A service yard and carport cannot be regarded as part of private outdoor space, while a patio can be regarded as part thereof. d) The providing of communal services with regard to different group even in order to save on service costs is permitted, but separate meters shall be installed where applicable. e) Where paving, landscaping, other provisions (such as the provision of public open space outside the site which is applied for or additional open space inside the site which is applied for) or other aesthetic requirements are deemed necessary in order to render the site suitable for group housing, it may be required at the owner's expense. Council reserves the right to maintain such a site on an annual tender basis at the expense of the owner(s) or not to become involved at all in such maintenance. f) Subject to the provisions of the Municipal Building Regulations that may come into effect from time to time, no external additions or building construction work is allowed in this particular scheme, unless the appearance of the scheme is not affected negatively.

3.4.3 Further Restrictions Applicable on Specific Uses in this Zone

Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.

3.4.3.1 Residential houses

Residential houses in this zone shall be subjected to the same development restrictions as in the Residential zone I.

3.4.3.2 Occupational practice and other rights

(see clause 4.8)

3.4.4 General

3.4.4.1 Municipal services, refuse removal, washing lines and outside toilet facilities.

With regard to all the above-mentioned facilities Council shall give special attention with the consideration of the building plans in order to ensure that the best functional and aesthetic results are obtained.

3.5 RESIDENTIAL ZONE III

3.5.1 Indication and Permitted Uses

Indication on map:	colour	- orange with black hatching.
Primary use/s:	flats residential building	a building containing more than one residential unit; a building consisting of one or more residential units (excluding a group house, residential house or second residential unit) for human habitation, together with the outbuildings used therewith, and it includes boarding-houses, guest houses, flats, hotels (with no off-sales), residential clubs, old-age homes, children's homes and hostels, but excludes buildings which are mentioned in the definition

of "place of education" or "institution".

Consent uses:	institution	a building or part thereof which is used or intended to be used as a charity, health or welfare institution and/or for the administration thereof, and includes community facilities, place of assembly, a hospital, a pharmacy linked to a hospital, clinic or reformatory, either private or public, but does not include a prison or place of detention.
	group housing	a group of separate and/or connected individual residential units which were planned, designed and built as a harmonious architectural entity with a medium density character and with units that may vary between single and double storeys and of which each unit has a ground floor, irrespective whether such units are cadastrally divided or not.
	residential house	a building containing only one residential unit ∇ a self-contained, interlinking group of rooms for the living, accommodation and housing of a single family only, or a maximum of four persons who do not satisfy the definition of a "family", together with such outbuildings as are ordinarily used therewith.

3.5.2 Land Use Restrictions

Coverage:	50% (covered parking not included).
Height:	at most 16m above the natural ground level directly beneath any particular point or portion of the building (see clause 4.16).
Building lines:	a street building line of 4,5m shall be applicable, while the building line with regard to the rear and side boundaries shall be 4,5m or half of the height of the building, whichever is the greatest.

Notwithstanding these building lines, outbuildings may be erected (in the side and rear spaces) without advertising, but with the permission of Council, provided that:

- proof is rendered to Council that the neighbouring owner/s involved was consulted by the applicant ∇ the neighbouring owner/s' consent is not essential;
- the street building line remains valid;
- the said outbuildings shall not exceed a height of one storey;
- no door, window or other openings shall be placed in any wall that fronts on the side and/or rear boundary; and
- a minimum access way of 1m wide shall be provided to every vacant portion of the site, but not through a building and except to a court-yard.

Parking:	one parking bay for every residential unit (flat) or, in the case of hotels, boarding-houses and other residential houses, one parking bay for every two bedrooms. The parking bays must be covered and indicated on building plans.
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In addition to the parking area and parking bays described above, at least one parking bay for every two residential units (flats) or every four bedrooms, in the case of hotels, boarding-houses and other residential buildings, must be provided on the site, clearly demarcated and properly indicated by means of a notice board, to the satisfaction of Council, for use by visitors.

Open space:	in the case of a block of flats, at least 15% of the site area should be reserved as an uninterrupted unit for gardening or recreation.
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Advertisement and publicity:	all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.
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3.5.3 Further Restrictions Applicable on Specific Uses in this Zone

Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.

3.5.3.1	Group houses and residential houses	The restrictions that are subject to group houses in the Residential zone II and residential houses in the Residential zone I, are applicable in this zone.
3.5.3.2	Occupational practice and other rights	(see clause 4.8)
3.5.3.3	Public Place of Worship	The building lines and requirements with relation to on-site parking as prescribed for Institutional zone II, must be complied with.

3.5.4 General

3.5.4.1	Municipal services, refuse removal, washing lines and outside toilet facilities	With regard to all the above-mentioned facilities Council shall give special attention with the consideration of the building plans in order to ensure that the best functional and aesthetic results are obtained.
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3.6 RESIDENTIAL ZONE IV

3.6.1 Indication and Permitted Uses

Indication on map:	colour	-yellow with black hatching.
Primary use/s:	Informal dwelling	a residential unit that does not comply with the standards of durability as envisaged by the National Building Regulations, as are applicable in the Council's jurisdiction.
	residential house	a building containing only one residential unit ∇ a self-contained, interlinking group of rooms for the living accommodation and housing of a single family only, or a maximum of four persons who do not satisfy the definition of a "family", together with such outbuildings as are ordinarily used therewith.
Consent uses:	place of instruction	a school, college, technical institute, academy, university, lecture hall or other centre of instruction, and includes a hostel appertaining thereto, and a convent, public library, art gallery, museum, gymnasium and crèche, but does not include a building used or intended to be used wholly or primarily as a certified reformatory or industrial school or as a school for the mentally handicapped.
	public place	

of worship	a church, synagogue, mosque, temple, chapel or other place for practising religion. It also includes any building in connection therewith, for instance a hall, Sunday school classes or parsonage, but does not include funeral parlours, including chapels forming part of such parlours.
tuck shop	a small commercial business, not bigger than 20m ² , run by a member/members of the household from a part of the house or outbuilding, provided that stock shall be limited to the volume that can be accommodated in the tuck shop and no processing, subdividing or preparing of food may be done and no stock may be stored outside of the tuck shop
guest house	a dwelling or building where most facilities are shared and where at most 10 beds are leased on a short-term basis, provided that a dwelling of which at most two rooms or six beds are leased, is not regarded as a guest house.
bird or animals cages	

3.6.2 Land Use Restrictions

Coverage:	at most 80%.
Height:	at most 8m above the natural ground level directly beneath any particular point or portion of the building. (see clause 4.16)
Building lines:	no building or any part thereof, excluding a garage with a roll-up door, boundary walls or boundary fences shall be erected on a site nearer than 1m to any street boundary, 1m to the rear and one side boundary and no doors or windows shall be placed in any wall closer than 1,5m from any side or rear boundary.
Advertisement and publicity:	all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.6.3 Outbuildings

Notwithstanding these building lines, but subject to the consent of the affected or neighbouring owners and Council's written consent, outbuildings may, subject to the following provisions, be erected within such rear and side boundaries on the erf, provided that if the neighbouring owners' consent cannot readily be obtained or in the opinion of Council are unreasonably restrained, the Provincial Legislator shall have the competence to decide:

- a) Preference shall be given to the requirements of Council and/or other appropriate authority and/or institution, with regard to the protection and servicing of existing or future underground or aboveground municipal and other services.
- b) The term outbuilding for the purpose of this clause shall include habitual rooms/quarters, storerooms, workrooms, garages, motor vehicle, caravan or boat shelters/ports and other minor structures such as barbeques, but does not include a second residential dwelling.
- c) No window or door shall, with regard to an outbuilding which is erected on a side or rear boundary, be placed in the wall (walls) facing the boundary(ies) of the erf concerned.
- d) With regard to an outbuilding which is erected on a side and/or rear boundary, the owner shall be required to finish off the wall facing the boundary of the erf concerned, to the satisfaction of Council, to such standard as it is at least equal to that of the rest of the outbuilding and the owner shall maintain the wall at the said standard.
- e) No rainwater that runs off the roof of the outbuilding shall pour down on an adjoining erf and the owner of the outbuilding shall take precautions, to the satisfaction of Council, to control such run off.
- f) No portion of an outbuilding that is erected on the boundary of an erf shall project over the boundary or exceed it in any other way.

3.6.4 Additional Rights with reference to this zone

- 3.6.4.1 Notwithstanding any provisions to the contrary in the planning scheme-
- (a) any occupier of any unit of accommodation may utilise such unit for any social, religious, occupational or business purposes, subject to the following conditions:
 - (i) the dominant use of the property shall remain residential;
 - (ii) the use concerned shall not be disturbing to neighbours; and
 - (iii) the use concerned shall not interfere with the charm of the immediate neighbourhood.
 - (b) land zoned for street purposes may be utilised for business purposes during normal business hours, provided that Council may terminate such utilisation if, in its opinion, it interferes with pedestrian or vehicle movement, or if it harms the charm of the neighbourhood.
- 3.6.4.2 If anyone or anybody is of the opinion that any condition referred to in clause 3.6.4.1 is contravened, such person may lodge a written complaint with Council requesting action in terms of clause 4.19.

3.7 BUSINESS ZONE I

3.7.1 Indication and Permitted Uses

Indication on map:	colour	- blue.
Primary use/s:	business premises	a site and/or building or part thereof used as, or intended to be used as shops and/or offices and it includes hotels, restaurants, dry-cleaners, financial institutions, professional offices, places of assembly, doctors' consulting rooms, stock or product exchanges, put-put course, flats above ground floor and buildings for similar uses, but it excludes a bottle store, taverns, places of entertainment, a casino, adult entertainment, institutional buildings, funeral parlours, public garages, service stations, repairing or related replacing functions, industrial buildings, offensive industry, heavy vehicle overnight facilities or any wholesale business.
Consent uses:	institution	means a building or part thereof which is used or intended to be used as a charity, health or welfare institution and/or for the administration thereof, and includes community facilities, place of assembly, a hospital, a pharmacy linked to a hospital, clinic or reformatory, either private or public, but does not include a prison or place of detention.
	place of entertainment	any building or premise where people assemble for entertainment or social, relaxing or sport purposes, and where an entrance fee is normally charged, and includes a theatre, bioscope, dance hall, amusement park, sport centre, billiard-room, skating rink and a public or private sports club facility, but does not include any building or site for a casino or adult entertainment.
	service station	a commercial business or concern where the sale of motor vehicles, oil, tyres and motor spares are traded in and includes a business where motor vehicles are provided with fuel for payment, as well as the repair and overhaul of motor vehicles, but excludes spray-painting, panel beating, blacksmith work and body work.
	drive-in restaurant	any land or buildings used as restaurant or café from which food and refreshments can be served to patrons who remain seated in motor cars parked in the vicinity of such café or restaurant.
	service industry	a commercial business or concern mainly geared for service to the public and includes the replacing of car tyres, exhaust systems, shock absorbers, the fitting of car radios and similar practises,

	bakery, dry-cleanette, carwash service, carpet wash service, dressmaking, framing, printing and any similar work shops or enterprises at the discretion of Council, but does not include any trade that resorts under the definition of industry, service station, garage, offensive trade or business, unless listed above.
funeral parlour	a building where corpses are kept prior to burial or cremation.
animal clinic	a site and/or building where animals/birds receive medical treatment but may not stay overnight.
animal hospital	a site and/or building where animals/birds receive medical treatment and may stay overnight if necessary.
warehouse	a building for storage of goods as well as the running of a large wholesale business in connection with such goods (including alcoholic beverages), provided the warehouse excludes retail trade and wholesalers may only sell or deliver to dealers.

3.7.2 Land Use Restrictions

Coverage:	100%.
Height:	at most 12m above the natural ground level directly beneath any particular point or portion of the building. (see clause 4.16).
Building lines:	business buildings, flats and residential buildings on top of business buildings may be erected on the street boundary. All other buildings must maintain a building line of 4,5m from the street boundary. With regard to rear and side boundaries, buildings in this zone may be erected on such boundaries. A building or portion of a building may only be erected on the side and rear boundaries of a property if no windows, doors or ventilation openings are let into any wall on such boundary. Notwithstanding these building line regulations for side and rear boundaries, in cases where these boundaries form the division between the business zone and any other zone, a building line on both sides of the communal boundary shall be applicable, which is equal to the relevant building line in the adjoining zone.
Parking:	at least one parking bay for every 25m ² of the total floor area of the building (excluding any section of the building that is used for residential purposes). A larger parking requirement than the aforementioned, may be required by Council in a particular case where Council is convinced that the specific type of development justifies such a bigger demand. In addition to this, one parking bay must be provided for every two bedrooms in the case of hotels and residential buildings. Furthermore, parking for visitors shall be provided in the following cases, besides the parking already required, and on the following basis: 1 parking bay for every four residential units; 1 parking bay for every five bedrooms in the case of residential buildings; and 20 parking bays in the case of licensed hotels.
Alternative parking requirements :	<ul style="list-style-type: none"> i) as an alternative for on-site parking, the owner may, with the consent of Council, where Council is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking facilities on the site, acquire the prescribed area of land for the parking facilities elsewhere in a position approved by Council, provided that he registers a notarial deed against such land to the effect that Council and the public shall have free access thereto for the purpose of parking, and the owner shall be bound to level this land and provide a permanent surface, storm water drain, kerbings and markings and maintain it to the satisfaction of Council; the cost of registration of the servitude shall be borne by the owner. ii) as an alternative for the provision of parking for (i) above, the developer/owner may, with the consent of Council, pay a cash sum equal to the municipal assessment per square metre of the site on which the erection is taking place, multiplied by the area required for parking PLUS the developmental cost as a hard (tar or paving or as specified in paragraph 4.12 of these regulations) measured-out parking area; provided that such cash payments are deposited in the place from which no current parking expenses will be offset. iii) as an alternative for the provision of parking for (i) and (ii) above, the developer/owner may, with consent of Council, pay an annual parking levy to Council as determined and calculated by Council from time to time.
Further parking and site access requirements:	<p>the vehicle access and exit ways shall be restricted to at most one each per site per street abutting the site. The vehicle access and exit ways to the site shall be restricted to a maximum total width of 6m where they cross the street boundary. No vehicle crossing over the pavement may be situated within 5m of any street corner (that is the point of the joining of two street boundaries).</p> <p>Such parking areas shall, to the liking of Council, be properly built and paved with storm water drainage, kerbing and pavements and be fully marked to the satisfaction of Council (see paragraph 4.13). Such parking areas shall be exclusively used for the parking of vehicles that are lawfully allowed on them and may not be used for trading or any other purposes.</p> <p>The way in which it is intended vehicles should park or stand on such parking bays and the way to gain access to or exit from, shall be indicated on a plan which shall be submitted to Council. Council may then approve or reject the plan or may lay down more restrictive conditions, if deemed necessary from a traffic point of view or if this parking does not seem to be sufficient.</p> <p>All parking shall be paint marked and properly demarcated, to the satisfaction of Council, so that free access to each required parking bay is possible. Visitors' parking shall be clearly indicated as such, by way of paint marks on the finished parking bays.</p>
Projections:	in this zone, projections, excluding advertising signs approved by Council in accordance with the provisions of any other Act, over streets and building lines shall be limited to minor, distinctive architectural features and one cantilevered open canopy to within 1m of the pavement edge; provided that no portion of a projection shall be less than 2,4m above the pavement and further than 3,5m from the edge of the said property and there shall be no access from the building to the canopy.
Basements:	subject to the provisions of section 188 (17) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) as amended, the building line restrictions need not be complied to as far as basements are concerned.
Advertisement and publicity:	all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.7.3 Further Restrictions Applicable on Specific Uses in this Zone]

Notwithstanding the preceding land use restrictions which are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.

3.7.3.1 Institutions and places of entertainment

Coverage: At most 80%

Parking: one parking bay for every 10 seats. In cases where this criterion for provision of parking cannot be applied, Council shall determine what provision should be made.

3.7.3.2 Service stations:

Service stations and services uses in this zone shall be subject to the same restrictions as contained in the Business zone III.

3.7.3.3 Warehouses:

Parking: at least one parking bay for every 200m² total floor space of the entire building while sufficient provision should be made for the loading and unloading of goods.

3.7.3.4 Animal hospital and animal clinic:

Coverage: at most 80%.

Height: at most 8m above the natural ground level directly beneath any particular point or portion of the building. (see clause 4.16)

3.7.4 General

3.7.4.1 Municipal services, refuse removal, washing lines and outside toilet facilities.

With regard to all the above-mentioned facilities Council shall give special attention with the consideration of the building plans in order to ensure that the best functional and aesthetic results are obtained.

3.8 BUSINESS ZONE II

3.8.1 Indication and Permitted Uses

Indication on map: colour - blue with black hatching.

Primary use/s: shop a site and/or building and/or structure used for carrying on a retail concern and may include a laundrette, offices, nursery, restaurant, a dry-cleaner, flats above ground floor and a retail concern where goods sold are manufactured and/or repaired in such a concern, provided that the floor area relating to such manufacture and/or repair shall not exceed one third of the floor area of the shop, but it does not include any industries, public garages, service stations, tavern, supermarkets (with or without the selling of wine) or bottle stores.

Consent uses: residential house a building containing only one residential unit or a self-contained, interlinking group of rooms for the living accommodation and housing of a single family only, or a maximum of four persons who do not satisfy the definition of a "family", together with such outbuildings as are ordinarily used therewith.
flats a building containing more than one residential unit;

3.8.2 Land Use Restrictions

Coverage: at most 80%.

Height: at most 8m above the natural ground level directly beneath any particular point or portion of the building. (See clause 4.16)

Building lines: shops and flats on top of shops may be erected on the street boundary. All other buildings must maintain a building line of 4.5m from the street boundary. With regard to rear and side boundaries, buildings in this zone may be erected on such boundaries. A building or portion of a building may only be erected on the side and rear boundaries of a property if no windows, doors or ventilation openings are let into any wall on such boundary.

Notwithstanding these building line regulations for side and rear boundaries, in cases where these boundaries form the division between the business zone and any other zone, a building line on both sides of the communal boundary shall be applicable, which is equal to the relevant building line in the adjoining zone.

Parking: the same as for Business zone I.

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.8.3 Further Restrictions Applicable on Specific Uses in this Zone

Notwithstanding the preceding land use restrictions which are applicable to all buildings in this zone, all other restrictions on shops and flats in Business zone I and houses in Residential zone I, shall be applicable to business buildings, flats and residential houses respectively.

3.8.4 General

3.8.4.1 Municipal services, refuse removal, washing lines and outside toilet facilities.

With regard to all the above-mentioned facilities, Council shall give special attention to the consideration of building plans in order to ensure that the best functional and aesthetic results are obtained.

3.9 BUSINESS ZONE III

3.9.1 Indication and Permitted Uses

Indication on map:	colour	- blue-purple.
Primary use/s:	service stations	a commercial business or concern where the sale of motor vehicles, oil, tyres and motor spares are traded in and includes a business where motor vehicles are provided with fuel for payment, as well as the repair and overhaul of motor vehicles, but excludes spray-painting, panel beating, blacksmith work and body work.
Consent uses:	public garage	a commercial business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhaul of motor vehicles, a restaurant or café, spray-painting, panel beating, blacksmith work or body work.
	restaurants	an enterprise or site mainly preparing food and refreshments on site and serving it to clients that use it on the premise, and where alcoholic beverages are only served with meals, but does not include a tavern.

3.9.2 Land Use Restrictions

Coverage:	at most 75%.
Height:	at most 8m above the natural ground level directly beneath any particular point or portion of the building. (See clause 4.16)
Building lines:	a street line of 3,5m, provided that this building line is also valid for the erection of fuel pumps. Side and rear building lines may be zero, provided that Council may require side building lines in the interest of public health or in order to enforce the upholding of any act or right.
Parking:	at least one parking bay per 50m ² total floor space, provided that the parking bays shall be clearly indicated for visitors.
Vehicle accesses:	a) Where the vehicle access and exit ways to and from the site of a service station or public garage cross the street boundary, its width shall not exceed 10m. The vehicle access and exit ways, to and from motor vehicle fuel pumps, shall be restricted to one each for every continuous frontage of 30m which the premises whereon such pumps are erected have on the boundary of a public street. b) The vehicle access and exit ways, to and from the premises of a service station or public garage, where they cross the street boundary, shall - i) not be less than 30m from the point nearest to where a declared street, proclaimed street or prospective main road or any other street of similar status intersects, or from the nearest point of an intersection where traffic shall be controlled by a traffic signal or a traffic island; ii) not be less than 1,5m from the side boundary of the premises, iii) in the case of an intersection other than one referred to in paragraph (i), and if the corner at the intersection is not splayed, not be less than 10m from such corner, or if the corner at the intersection is splayed, not be less than 10m from such corner or 5m from the point where the line of splay meets the street boundary, whichever is the greater distance from the corner.
Fencing:	council may require that any part of the premise be enclosed with a high brick or concrete wall with a height of 2m, if Council is of the opinion that it is of aesthetical importance to the area.
Advertisement and publicity:	all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.9.3 Further Restrictions Applicable on Specific Uses in this Zone

Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be specifically applicable to the following buildings and/or uses and shall have preference.

3.9.3.1 Restaurants and café's

As a complimentary use to a service station, the floor area of a restaurant and/or café shall not be more than 30% of the total floor area (measured over the outer walls) of the service station.

3.9.4 General

3.9.4.1 Municipal services, refuse removal, washing lines and outside toilet facilities.

With regard to all the above-mentioned facilities, Council shall give special attention to the consideration of the building plans in order to ensure that the best functional and aesthetic results are obtained.

3.10 BUSINESS ZONE IV

3.10.1 Indication and Permitted Uses

Indication on map:	colour	-blue with cross hatching.
Primary use/s:	casino (gambling house)	any institution, site or enterprise where, irrespective whether it is licensed or not, any form of gambling, cards or other game take place, with the aim of determining the profit or loss of money, other property or credit.
Consent Uses:	place of entertainment	any building or premise where people assemble for entertainment or social, relaxing or sport purposes, and where an entrance fee is normally charged, and includes a theatre, bioscope, dance hall, amusement park, sport centre, billiard-room, skating rink and a public or private sports club facility, but does not include any building or site for a casino or adult entertainment.

3.10.2 Land Uses Restrictions

Coverage:	100%.
Height:	at most 12m above the natural ground level directly beneath any particular point or portion of the building. (see clause 4.16)

Building lines:	Buildings may be erected on the street boundary. With regard to rear and side boundaries, buildings in this zone may be erected on such boundaries. A building or portion of a building may only be erected on the side and rear boundaries of a property if no windows, doors or ventilation openings are let into any wall on such boundaries. Notwithstanding these building line regulations for side and rear boundaries, in cases where these boundaries form the division between the business zone and any other zone, a building line on both sides of the communal boundary shall be applicable which is equal to the relevant building line in the other zone.
Projections:	In this zone, projections, excluding advertising signs approved by Council in accordance with the provisions of any other act over streets and building lines, shall be limited to minor, distinctive architectural features and one cantilevered open canopy to within 1,00m of the pavement edge, provided that no portion of a projection shall be less than 2,4m above the pavement and further than 3,5m from the edge of the said property and there shall be no access from the building to the canopy.
Parking:	at least one parking bay for each 25m ² of the total floor area of the building (excluding the portion used for residential purposes). A larger parking requirement than the aforementioned may be required by Council in a particular case where Council is convinced that the specific type of development justifies such a bigger demand.
Further parking and site access requirements:	the vehicle access and exit ways shall be restricted to at most one each per site per street abutting the site. The vehicle access and exit ways to the site shall be restricted to a maximum total width of 6m where they cross the street boundary. No vehicle crossing over the pavement may be situated within 5m of any street corner (that is the point of the joining of two street boundaries). Such parking areas shall, to the liking of Council, be properly built and paved with storm water drainage, kerbing and pavements and be fully marked to the satisfaction of Council (see paragraph 4.13). Such parking areas shall be exclusively used for the parking of vehicles that are lawfully allowed on them and may not be used for trading or any other purposes. The way in which it is intended vehicles should park or stand on such parking areas and the way to gain access to or exit from, shall be indicated on a plan which shall be submitted to Council. Council may then approve or reject the plan or may lay down more restrictive conditions, if deemed necessary from a traffic point of view or if this parking does not seem to be sufficient. All parking shall be paint marked, properly demarcated to the satisfaction of Council, so that free access to each required parking bay is possible. Visitors' parking shall be clearly indicated as such by way of paint marks on the finished parking bays.
Basements:	subject to the provisions of section 188 (17) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) as amended, the building line restrictions need not be complied with in so far as basements are concerned.
Advertisement and publicity:	all boards, signs and other forms of publicity must comply with Council's advertising policy.

3.10.3 Further Restrictions Applicable on Specific Uses in this Zone

Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable, specifically to the following buildings and/or uses and shall have preference.

3.10.3.1 Places of entertainment

Coverage: At most 80%.

Parking: one parking bay for each 10 seats. In cases where this criterion for provision of parking cannot be applied, Council shall determine what provision should be made.

3.10.4 General

3.10.4.1 Municipal services, refuse removal, washing lines and outside toilet facilities.

With regard to all the above-mentioned facilities, Council shall give special attention with the consideration of the building plans in order to ensure that the best functional and aesthetic results are obtained.

3.11 BUSINESS ZONE V

3.11.1 Indication and Permitted Uses

Indication on map:	colour	-blue with honeycomb hatching.
Primary use/s:	adult entertainment	an enterprise or commercial business that mainly supplies adult entertainment, in trade or selling of articles, and includes enterprises such as escort agencies, sex shops and any other enterprises or shops where persons under the age of 18 are not allowed, but does not include a casino, gambling house, tavern or bottle store.
	bottle store	means any shop or portion thereof in which alcoholic beverages are sold in the retail trade, and includes an off-sales facility which is under the same management as a licensed hotel
	tavern	means a building in which the on-site consumption of liquor has been legalised by means of a liquor licence, issued in terms of section 20 of the Liquor Act, 1989 (Act 27 of 1989) or by means of the Sorghum Beer Act, 1962 (Act 63 of 1962);
	business premises	a site and/or building or part thereof used as, or intended to be used as shops and/or offices and it includes hotels, restaurants, dry-cleaners, financial institutions, professional offices, places of assembly, doctors' consulting rooms, stock or product exchanges, put-put course, flats above ground floor and buildings for similar uses, but it excludes a bottle store, taverns, places of entertainment, a casino, adult entertainment, institutional buildings, funeral parlours, public garages, service stations, repairing or related replacing functions, industrial buildings, offensive industry, heavy vehicle overnight facilities or any wholesale business.
Consent uses:	place of entertainment	any building or site where people assemble for entertainment or social, relaxation or sport purposes and where an entry fee is usually imposed, and includes a theatre, bioscope, dance hall, amusement park, sport centre, billiard-room, skating rink, a public or private sport-club facility and restaurant where entertainment is provided, but does not include any building or site for a casino or adult entertainment.

3.11.2 Land Use Restrictions

Coverage:	100%.
Height:	at most 12m above the natural ground level directly beneath any particular point or portion of the building. (see clause 4.16)
Building lines:	<p>Buildings may be erected on the street boundary. With regard to rear and side boundaries, buildings in this zone may be erected on such boundaries. A building or portion of a building may only be erected on the side and rear boundaries of a property if no windows, doors or ventilation openings are let into any wall on such boundaries.</p> <p>Notwithstanding these building line regulations for side and rear boundaries, in cases where these boundaries form the division between the business zone and any other zone, a building line on both sides of the communal boundary shall be applicable which is equal to the relevant building line in the other zone.</p>
Projections:	In this zone, projections, excluding advertising signs approved by Council in accordance with the provisions of any other act over streets and building lines, shall be limited to minor, distinctive architectural features and one cantilevered open canopy to within 1,00m of the pavement edge, provided that no portion of a projection shall be less than 2,4m above the pavement and further than 3,5m from the edge of the said property and there shall be no access from the building to the canopy.
Parking:	<p>at least one parking bay for each 25m² of the total floor area of the building (excluding the portion used for residential purposes).</p> <p>A larger parking requirement than the aforementioned may be required by Council in a particular case where Council is convinced that the specific type of development justifies such a bigger demand.</p>
Further parking and site access requirements:	<p>the vehicle access and exit ways shall be restricted to at most one each per site per street abutting the site. The vehicle access and exit ways to the site shall be restricted to a maximum total width of 6m where they cross the street boundary. No vehicle crossing over the pavement may be situated within 5m of any street corner (that is the point of the joining of two street boundaries).</p> <p>Such parking areas shall, to the liking of Council, be properly built and paved with storm water drainage, kerbings and pavements and be fully marked to the satisfaction of Council (see paragraph 4.13). Such parking areas shall be exclusively used for the parking of vehicles that are lawfully allowed on them and may not be used for trading or any other purposes.</p> <p>The way in which it is intended vehicles should park or stand on such parking areas and the way to gain access to or exit from, shall be indicated on a plan which shall be submitted to Council. Council may then approve or reject the plan or may lay down more restrictive conditions, if deemed necessary from a traffic point of view or if this parking does not seem to be sufficient.</p> <p>All parking shall be paint marked, properly demarcated to the satisfaction of Council, so that free access to each required parking bay is possible. Visitors' parking shall be clearly indicated as such by way of paint marks on the finished parking bays.</p>
Basements:	subject to the provisions of section 188 (17) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) as amended, the building line restrictions need not be complied with in so far as basements are concerned.
Advertisement and publicity:	all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.11.3 Further Restrictions Applicable on Specific Uses in this Zone

Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.

3.11.3.1 Places of entertainment

Coverage:	At most 80%.
Parking:	one parking bay for each 10 seats. In cases where this criterion for provision of parking cannot be applied, Council shall determine what provision should be made.

3.11.4 General

3.11.4.1 Municipal services, refuse removal, washing lines and outside toilet facilities.

With regard to all the above-mentioned facilities, Council shall give special attention with the consideration of the building plans in order to ensure that the best functional and aesthetic results are obtained.

3.12 INDUSTRIAL ZONE I

3.12.1 Indication and Permitted Uses

Indication on map:	colour	-red-purple.
Primary use/s:	service industry	a commercial business or concern mainly geared for service to the public and includes the replacing of car tyres, exhaust systems, shock absorbers, the fitting of car radios and similar practises, bakery, dry-cleaner, car wash service, carpet wash service, dressmaking, framing, printing and any similar work shops or enterprises at the discretion of Council, but does not include any trade that resorts under the definition of industry, service station, garage, offensive trade or business, unless listed above.
	warehouse a building for storage of goods as well as the running of a large wholesale business in connection with such goods (including alcoholic beverages), provided the warehouse excludes retail trade and wholesalers may only sell or deliver to dealers.	
	service station	a commercial business or concern where the sale of motor vehicles, oil, tyres and motor spares are traded in and includes a business where motor vehicles are provided with fuel for payment, as well as the repair and overhaul of motor vehicles, but excludes spray-painting, panel beating, blacksmith work and body work.
Consent uses:	public garage	a commercial business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhaul of motor vehicles, a restaurant or café, spray-painting, panel beating, blacksmith work or body work.

3.12.2 Land Use Restrictions

Coverage:	at most 75%.
Height:	at most two storeys which in total may not exceed 12m above the natural ground level directly beneath any particular point or portion of the building.
Building line:	the street building line shall be at least 3m from the boundary of the adjacent street. Side and rear building lines may be zero, provided that Council may require side building lines in the interest of public health or in order to enforce the upholding of any act or right or in order to provide storm water drainage or any other engineering service. Further, the same building line shall be applicable in the Industrial zone as in any abutting zone with regard to the communal boundary between the two zones.
Parking:	one parking bay for every 100m ² of the total floor space up to a total floor space of 1500m ² and one additional parking bay for every additional 200m ² .
Loading and unloading:	for the purpose of loading and unloading of vehicles, a space/s to the satisfaction of Council must be reserved in accordance with Table below: For this purpose the loading zone size is 45m ² .

TABLE

TOTAL FLOOR AREA OF BUILDING (TO NEAREST m ²)	PRESCRIBED LOADING AND DOWNLOADING AREA
0 - 2 500 m ²	1 loading places
2 501 - 5 000m ²	2 loading places
5 001 - 10 000 m ²	3 loading places
Each additional 10 000m ² or portion thereof	1 additional loading place

Above-mentioned loading places will have vehicle access to Council's satisfaction. Said vehicle access shall be at least 5m wide and 3m high, if through a building. It must have a hard surface and be clearly marked as loading places.

Advertisement and publicity:	all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.
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3.12.3 Further Restrictions Applicable to Specific Uses in this Zone

Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.

3.12.3.1 Public garages

The restrictions service stations in the Business zone III are subject to, are also applicable to public garages in this zone.

3.13 INDUSTRIAL ZONE II

3.13.1 Indication and Permitted Uses

Indication on map:	colour	-red-purple with black hatching.
Primary use/s:	industry	a building or use, irrespective of whether it correlates with the meaning of a factory, as defined in the Act on Occupational Safety, 1993 (Act 85 of 1993), that is used for any trade regarding the manufacturing, assembling, processing, repairing or dumping of a product or part of a product, the storing of a product or raw material, the repairing, reconstructing or dismantling of vehicles, printing, the manufacturing of gas and any relevant office, caretaker's residence, or any building where the use is additional to, or is usually additional to, or is reasonably necessary regarding the use of such enterprise on the same site, provided that it excludes buildings where food and beverage are prepared mainly for consumption on the site.
	warehouse	a building for storage of goods as well as the running of a large wholesale business in connection with such goods (including alcoholic beverages), provided the warehouse excludes retail trade and wholesalers may only sell or deliver to dealers.
	service station	a commercial business or concern where the sale of motor vehicles, oil, tyres and motor spares are traded in and includes a business where motor vehicles are provided with fuel for payment, as well as the repair and overhaul of motor vehicles, but excludes spray-painting, panel beating, blacksmith work and body work.
	service industry	a commercial business or concern mainly geared for service to the public and includes the replacing of car tyres, exhaust systems, shock absorbers, the fitting of car radios and similar practises, bakery, dry-cleaner, carwash service, carpet wash service, dressmaking, framing, printing and any similar work shops or enterprises at the discretion of Council, but does not include any trade that resorts under the definition of industry, service station, garage, offensive trade or business, unless listed above.
	transport use	a use or undertaking based on the provision of a transport service (including air- and rail transport) and includes public as well as private undertakings, but does not include courier services.
Consent uses:	public garage	a commercial business or concern where motor vehicles are provided with fuel for payment or reward, and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhaul of motor vehicles, a restaurant or café, spray-painting, panel beating, blacksmith work or body work.
	funeral parlour	a building where corpses are kept prior to burial or cremation.
	scrap-yard	a building or land used for the storing, depositing or collecting of junk or scrap metal or articles of which the value depends entirely or partially on the material out of which they are manufactured, or the dismantling of second-hand vehicles or machines with the aim to recover components or material.

3.13.2 Land Use Restrictions

Coverage:	at most 75%.
Height:	at most two storeys which in total may not exceed 12m above the natural ground level directly beneath any particular point or portion of the building.
Building line:	the street building line shall be at least 3m from the boundary of the adjacent street. Side and rear building lines may be zero, provided that Council may require side building lines in the interest of public health or in order to enforce the upholding of any act or right or in order to provide storm water drainage or any other engineering service. Further, the same building line shall be applicable in the Industrial zone as in any abutting zone with regard to the communal boundary between the two zones.
Parking:	one parking bay for every 100m ² of the total floor space up to a total floor space of 1500m ² and one additional parking bay for every additional 200m ² .
Loading and unloading:	for the purpose of loading and unloading of vehicles, a space/s to the satisfaction of Council must be reserved in accordance with Table below: For this purpose the loading zone size is 45m ² .

TABLE

TOTAL FLOOR AREA OF BUILDING (TO NEAREST m ²)	PRESCRIBED LOADING AND DOWNLOADING AREA
0 - 2 500 m ²	1 loading bays
2 501 - 5 000m ²	2 loading bays
5 001 - 10 000 m ²	3 loading bays
Each additional 10 000m ² or portion thereof	1 additional loading bay

Above-mentioned loading bays will have vehicle access to Council's satisfaction. Said vehicle access shall be at least 5m wide and 3m high, if through a building. It must have a hard surface and be clearly marked as loading bays.

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.13.3 Further Restrictions Applicable on Specific Uses in this Zone

Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.

3.13.3.1 Scrap-yards

Any land utilised for the purpose of a scrapyard, builder's yard, coal yard, timber yard or a transport business, shall be completely fenced in at all sides with a wall prescribed by Council.

3.13.3.2 Service stations and Public garages

The restrictions service stations in the Business zone III are subject to, are also applicable to service stations and public garages in this zone.

3.14 INDUSTRIAL ZONE III

3.14.1 Indication and Permitted Uses

Indication on map:	colour	-red-purple with cross hatching.
Primary use/s:	offensive industry	any building or premise or portion thereof, designed or used for any known potentially offensive, damaging or repulsive activity, or the usage or storage of such a substance which is a nuisance or can cause a nuisance, as regulations announced from time to time in terms of sections 33 and 34 of the Act on Health, 1977 (Act 63 of 1977) and, without limiting the generality of aforementioned, include the following: any chemical works, distillery, brewery, manure or chemical manure works, treatment of bones, horns or hooves, processing or storage of hides or skins other than in dry conditions, abattoirs, stone crushing, any treatment or manufacturing of cement, a premise for the storage, sorting or any other activity in any form concerning refuse, sewerage or night- soil, oil or other petroleum processing or any other usage which the Council may regard as an "offensive industry"
	crematorium	a building where corpses are cremated.
Consent uses:	industry	a building or use, irrespective of whether it correlates with the meaning of a factory, as defined in the Act on Occupational Safety, 1993 (Act 85 of 1993), that is used for any trade regarding the manufacturing, assembling, processing, repairing or dumping of a product or part of a product, the storing of a product or raw material, the repairing, reconstructing or dismantling of vehicles, printing, the manufacturing of gas and any relevant office, caretaker's residence, or any building where the use is additional to, or is usually additional to, or is reasonably necessary regarding the use of such enterprise on the same site, provided that it excludes buildings where food and beverage are prepared mainly for consumption on the site.
	warehouse	a building for storage of goods as well as the running of a large wholesale business in connection with such goods (including alcoholic beverages), provided the warehouse excludes retail trade and wholesalers may only sell or deliver to dealers.
	public garage	a commercial business or concern where motor vehicles are provided with fuel for payment or reward, and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhaul of motor vehicles, a restaurant or café, spray-painting, panel beating, blacksmith work or body work.
	transport use	a use or undertaking based on the provision of a transport service (including air- and rail transport) and includes public as well as private undertakings, but does not include courier services.
	scrap-yard	a building or land used for the storing, depositing or collecting of junk or scrap metal or articles of which the value depends entirely or partially on the material out of which they are manufactured, or the dismantling of second-hand vehicles or machines with the aim to recover components or material.

3.14.2 Land Use Restrictions

The regulations applicable to the Industrial zones I and II shall be applicable to this zone and that:

- a) Council must specifically approve any primary use;
- b) where this zone is adjacent to a residential zone, the following building lines shall be applicable in the industrial zone III:
street boundary: 6m.
side and rear boundary: 10m for the planting of shrubs and trees;
- c) industrial discharges, noise, smoke, gasses and storm water shall be purified, controlled, measured and tested at the expense of the applicant or licence holder, whoever practises the hindrance.

3.14.3 Further Restrictions Applicable to Specific Uses in this Zone

No additional restrictions or exclusions.

3.15 INSTITUTIONAL ZONE I

3.15.1 Indication and Permitted Uses

Indication on map:	colour	-light blue.
Primary use/s:	place of instruction	a school, college, technical institute, academy, university, lecture hall or other centre of instruction, and includes a hostel appertaining thereto, and a convent, public library, art gallery, museum, gymnasium and creche, but does not include a building used or intended to be used wholly or primarily as a certified reformatory or industrial school or as a school for the mentally handicapped.
Consent Uses:	place of assembly	public hall, a town hall or community hall for social functions, music hall, concert hall or exhibition hall which is not directly related to a commercial undertaking.

3.15.2 Land Use Restrictions

Coverage:	at most 50%
Building lines:	8m on all boundaries
Parking:	as determined by Council (eg. one parking bay per classroom)
Advertisement and publicity:	all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy

3.15.3 Further Restrictions Applicable on Specific Uses in this Zone

No additional restrictions or exclusions.

3.16 INSTITUTIONAL ZONE II

3.16.1 Indication and Permitted Uses

Indication on map:	colour	- black crosses.
Primary use/s:	public place of worship	a church, synagogue, mosque, temple, chapel or other place for practising religion. It also includes any building in connection therewith, for instance a hall, Sunday school classes or parsonage, but does not include funeral parlours, including chapels forming part of such parlours.
Consent Uses:	place of assembly	public hall, a town hall or community hall for social functions, music hall, concert hall or exhibition hall which is not directly related to a commercial undertaking.

3.16.2 Land Use Restrictions

Coverage:	at most 60%.
Height:	at most two storeys, provided that any storey shall not be limited to 4m and church towers shall not be considered as part of a storey in this case.
Building lines:	6m on all boundaries with regard to all buildings except a parsonage, which shall be subject to the same building lines as applicable to the Residential zone I.
Parking:	on-site parking must be provided at a minimum requirement of one parking bay for every 20 seats provided in all buildings on the site, excluding the parsonage.
Advertisement and publicity:	all boards, signs and other forms of publicity must comply with Council's advertising policy.

3.16.3 Further Restrictions Applicable on Specific Uses in this Zone

Notwithstanding the preceding land use restrictions that are applicable to all buildings in this zone, the following further restrictions shall be applicable specifically to the following buildings and/or uses and shall have preference.

3.16.3.1 Parsonage (as included in the definition of a public place of worship)

Building lines:	the building lines as applicable to the Residential zone I shall be applicable to the parsonage.
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3.17 INSTITUTIONAL ZONE III

3.17.1 Indication and Permitted Uses

Indication on map:	colour	- red crosses.
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Primary use/s: institution means a building or part thereof which is used or intended to be used as a charity, health or welfare institution and/or for the administration thereof, and includes community facilities, place of assembly, a hospital, a pharmacy linked to a hospital, clinic or reformatory, either private or public, but does not include a prison or place of detention.

Consent Uses: none

3.17.2 Land Use Restrictions

Coverage: at most 60%.

Building lines: as determined by Council.

Parking: as determined by Council.

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.17.3 Further Restrictions Applicable on Specific Uses in this Zone

No further restrictions or exclusions.

3.18 RESORT ZONE I

3.18.1 Indication and Permitted Uses

Indication on map: colour - green bushes.

Primary use/s: holiday accommodation a harmoniously designed and built holiday development, belonging to one owner, with an informal layout of which the individual units are only marketed by means of renting to travellers and holiday-makers for short-term residence, and may include a guest house, camping site, caravan park, holiday flats or built units, but does not include private mobile homes, a hotel or motel.

Consent uses: hotel a building designed to comply with the requirements for a hotel, but does not include linked or separate buildings or sites for off-sale facilities.
restaurant an enterprise or place that mainly prepares food and refreshments on the site which is served to clients who consume it on the site, and where alcoholic beverages are only served with meals, but does not include a tavern.

place of entertainment any building or site where people assemble for entertainment or social relaxation or sport purposes and where an entry fee is usually imposed, and includes a theatre, bioscope, dance hall, amusement park, sport centre, billiard-room, skating rink, a public or private sport-club facility and restaurant where entertainment is provided, but does not include any building or site for a casino or adult entertainment.

3.18.2 Land Use Restrictions

Specific land use restrictions shall be determined by Council with regard to every site which is being rezoned to a resort zone, while existing (as already developed at commencement of these regulations) developments and approvals which fit into this zone shall be subject to the requirements stated during approval or as per the approved development. When a rezoning to a resort zone is proposed or approved, according to each case, restrictions/requirements with regard to density, layout, landscaping, building design, etc. shall be determined and a layout plan of the resort with the development suggestions indicated thereon shall, after advertisements and the collection of comment, be submitted to Council for consideration.

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.18.3 Further Restrictions Applicable on Specific Uses in this Zone

No further restrictions or exclusions.

3.19 OPEN SPACE ZONE I

3.19.1 Indication and Permitted Uses

Indication on map: colour - green.

Primary use/s: public open spaces any land which falls under, or is intended to come under the ownership of the local authority, which is not leased or intended to be leased on a long-term basis, and which is utilised by the public as an open space, park, garden, picnic site, square, playground or recreational site, whether it appears on an approved general plan or not.

Consent uses: none

3.19.2 Land Use Restrictions

No structure shall be erected or use practised other than those included in the definition of a "public open space".

3.20 OPEN SPACE ZONE II

3.20.1 Indication and Permitted Uses

Indication on map: colour - green with black hatching.

Primary use/s:	private open space	any land which has been set aside in this scheme for use as a private site for sport, playing, rest and recreation facilities or as an ornamental garden or pleasure-garden, provided that the land is under the long term management of a private person or authority, and also a cemetery or show grounds, whether public or private.
Consent uses:	racecourse	a site or structure used mainly for races or practising for any form of races, and include vehicle racecourses, motor- cycle racecourses, horse racecourses and any other similar uses.

3.20.2 Land Use Restrictions

No structure shall be erected or use practised other than those included in the definition of a "private open space" or as specifically approved by Council. The land use restrictions and additional provisions relevant to this zone are applicable as for each site or use or type of building approved by the Council.

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.21 OPEN SPACE ZONE III

3.21.1 Indication and Permitted Uses

Indication on map:	colour	- green with cross hatching.
Primary use/s:	conservation area	a premise or area indicated in this scheme to be used by Council, a person or an institution, exclusively for the conservation of the natural environment, land, historical buildings, fauna and/or flora and may include tourist facilities that forms an integral part.
Consent uses:	none	

3.21.2 Land Use Restrictions

No structure shall be erected or use practised else than those included in the definition of a "conservation area" or as specifically approved by Council. The land use restrictions and additional provisions relevant to this zone are applicable as for each site or use or type of building approved by the Council.

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.22 TRANSPORT ZONE I

3.22.1 Indication and Permitted Uses

Indication on map:	colour	- dark grey.
Primary use/s:	transport use	a use or undertaking based on the provision of a transport service (air- and railway transport included) and includes public as well as private undertakings, but does not include courier services.
Consent uses:	none	

3.22.2 Land Use Restrictions

Coverage:	at most 80%.
Height:	at most 8m above the natural ground level directly beneath any particular point or portion of the building. (See clause 4.16)
Building lines:	no street building line is required, while side and rear building lines may also be zero, except when the transport zone abuts another zone, in which case the side and rear building lines of the other zone shall apply to both sides of the communal boundary.
Parking:	as determined by Council from case to case.
Advertisement and publicity:	all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.23 TRANSPORT ZONE II

3.23.1 Indication and Permitted Uses

Indication on map:	colour	- light grey.
Primary use/s:	public street	any land indicated on a plan or diagram or is specified within this zoning scheme, reserved for street purposes and where the ownership as such vests in a competent authority and includes facilities for public transport.
Consent uses:	none	

3.23.2 Land Use Restrictions

No structure shall be erected or use practised other than those included in the definition of "street".

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.24 TRANSPORT ZONE III

3.24.1 Indication and Permitted Uses

Indication on map:	colour	- light grey with black hatching.
Primary use/s:	public parking	land or a building or part thereof which is accessible to the general public for parking purposes.
Consent uses:	none	

3.24.2 Land Use Restrictions

No structures shall be erected or use practised other than those included in the definition of "parking area".

3.25 TRANSPORT ZONE IV

3.25.1 Indication and Permitted Uses

Indication on map:	colour	- brown.
Primary use/s:	heavy vehicle overnight facilities	land and/or buildings used for parking of heavy vehicles and/or where such vehicles and their drivers can stay overnight.
Consent uses:	none	

3.25.2 Land Use Restriction

No structures shall be erected or use practised other than those included in the definition of "heavy vehicle overnight facilities". The land use restrictions and additional provisions relevant to this zone are applicable as for each site or use or type of building approved by the Council.

Building lines: no street building line is required, while side and rear building lines may also be zero, except when the transport zone abuts another zone, in which case the side and rear building lines of the other zone shall apply to both sides of the communal boundary. A building or portion of a building may only be erected on the side and rear boundaries of a property if no windows, doors or ventilation openings are let into any wall on such boundaries.

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.26 AUTHORITY ZONE I

3.26.1 Indication and Permitted Uses

Indication on map:	colour	- red.
Primary use/s:	authority use	a usage practised by a local government and of which the extent thereof is of such nature that it cannot be classified or defined under another usage in these regulations, for example fire-brigade services, vehicle test centre or any services installation, such as power stations, sewerage works, refuse dump sites, reservoirs, substations, etc.;
Consent uses:	none	

3.26.2 Land Use Restrictions

The land use restrictions and additional provisions relevant to this zone are applicable as for each site or use or type of building approved by the Provincial Government, or, if authorised thereto by the Provincial Government, the Council.

3.27 AUTHORITY ZONE II

3.27.1 Indication and Permitted Uses

Indication on map:	colour	- red with black hatching.
Primary use/s:	government use	a building or site for government use of which the extent thereof is such that it cannot be classified or defined under other uses in these regulations and includes uses practised by the State, such as military training centres and installations, telecommunication facilities, police stations and prisons; or by the Provincial or District authority, such as road stations and road camps or any other parastatals such as Eskom, Telkom, etc.
Consent uses:	none	

3.27.2 Land Use Restrictions

The land use restrictions and additional provisions relevant to this zone are applicable as for each site or use or type of building approved by the Provincial Government, or, if authorised thereto by the Provincial Government, the Council.

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.28 SPECIAL ZONE

3.28.1 Indication and Permitted Uses

Indication on map:	colour	- blue-green with number.
Primary use/s:	special use	a use which is such, or of which the land use restrictions are such that it is not catered for in these

regulations, and of which the uses and land use parameters are fully described by means of the conditions as contained in the special zone.

Consent uses: none

3.28.2 Land Use Restrictions

If special factors justify the creation of a new zone on the zoning map for a site or sites, without justifying the creation of a new zone in the scheme regulations, such sites shall be zoned, after advertisements and the collection of comment, as a special zone on the zoning map. Every such piece of land that has been zoned as such, and with regard to which the land use restriction differs from those of other land which has been zoned as such, shall be numbered separately on the zoning map. A special zone may consist of different portions of land, provided that the land use restrictions are the same. Each special zone with regard to which the land use restrictions differ from those of other special zones, shall be given a separate number (from 1 onwards), and each number, with the accompanying land use restrictions, shall be described as a separate special zone in Annexure A to these scheme regulations.

Advertisement and publicity: all boards, signs and other forms of advertising or publicity must comply with Council's advertising policy.

3.29 UNDETERMINED ZONE

3.29.1 Indication and Permitted Uses

Indication on map: colour - blank.

Primary use/s: none

Consent uses: none

3.29.2 Land Use Restrictions

Subject to any provisions of the Act that might be differently worded, no building or use may be extended or changed in this zone, without the approval of Council.

PART 4: GENERAL REGULATIONS

4.1 Utilisation of Zoned Land

- 4.1.1 No person may damage or destroy zoned land so as to destroy or impair its utilisation for the purpose for which it is zoned; provided that Council may consent to the deposit of waste materials or building rubble on such land.
- 4.1.2 When Council gives its consent under these regulations, it may impose any conditions as it deems fit.
- 4.1.3 Subject to the provisions of any other Act, no provision in these regulations may be construed as prohibiting the reasonable fencing of land.

4.2 Imposed Conditions

Where permission to erect a building or execute any works or to use a building or land for any particular purposes or to perform any other activity that has been granted under this zoning scheme, and conditions have been imposed, such conditions shall have the same force and effect as if they were part of this scheme.

4.3 Compliance with Regulation

No provision in these regulations shall be deemed to grant exemption from compliance with any of Council's regulations.

4.4 Combined buildings / sites

In the case of combined buildings and/or sites, the provisions with regard to each storey, building or part of the building or land unit, shall apply for the purpose it is to be used for. Where it is the intention to use a single storey of a building for more than one purpose, the more restrictive provision shall be applicable.

4.5 Non-conforming sites

Before any written authority is granted in terms of section 96 (1) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), or a license is issued by Council with regard to a site for which there is no valid license on the date of commencement of these scheme regulations, or when a building is extended or changed, Council may require that all the buildings on the site as well as the site itself be brought into line with the land use restrictions contained in these regulations, with the by-laws of Council and with any other laws which are applicable; provided that the above-mentioned extension refers to the extension of the existing floor space of a building with more than 10%.

4.6 Council's Duties

- 4.6.1 Where permission to erect a building or to perform any works or to use a building or land for any stipulated aim or to perform any other deed or thing is granted in accordance with this scheme and conditions are imposed, these conditions shall have the same force and effect as if they are part of this scheme.
- 4.6.2 Council shall keep a register containing all approvals, consent, authorisations or departures granted by Council, or after an appeal granted against its decision by virtue any provision of this scheme, and any condition imposed or whereto Council has agreed upon, or imposed or agreed upon by the Legislator, or refusals by Council or the Legislator and the name of the applicant involved. Council shall allow any person at any reasonable time to examine such register.
- 4.6.3 Council shall allow any person at any reasonable time to examine any scheme regulations, zoning map or register which is kept in the office of Council; provided that any information in connection with the zoning scheme which is given to any person, shall only be valid if it is in writing and signed by the official duly authorised thereto by Council.

4.7 Service of Documents

The provisions of section 211 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), or any Act or Ordinance which may replace it, shall mutatis mutandis apply to this zoning scheme.

4.8 Occupational practice and other rights

- 4.8.1 Without derogation of any powers of Council under any other law, no regulation contained in this zoning scheme shall be construed as prohibiting or restricting, or enabling Council to prohibit or restrict the following:
- the letting, subject to Council's regulations relating to guest houses (see clause 3.3.4.3), by any occupier of a residential house or of any part of such house; provided that not more than two rooms or six beds may be let in this manner;
 - the occasional utilisation of a public place of worship, place of instruction or institution built as a hall for social functions; or
 - the utilisation of a part of a residential unit for the purpose of occupational practising by the occupant (See clause 4.8.2 and 4.8.3).
- 4.8.2 Where a portion of a residential unit is utilised for the purpose of occupational practice, the following conditions are applicable (**also see the definition of occupational practice**):
- the registered owner or tenant of the residential unit shall formally inform Council by completing and submitting a registration form to the Municipal Manager;
 - the occupier shall submit proof to Council that the necessary notices were served on the adjoining owners and shall comply with any other advertising requirements that Council requires;
 - at most 25% of the total floor surface of the residential unit, to a maximum of 25m², may be used for this purpose;
 - no garage or part thereof, unless erected to comply with the regulations of the main building, or any other portion of the plot, except for the residential unit, shall be used for this purpose without Council's consent
 - such part of the residential house, flat or residential building shall only be used as an office and not be used for the purpose of a shop, business building, work shop, industry, store, place of entertainment or offensive industry;
 - all health and other regulations normally associated with the occupation, trade or activity shall be complied with;
 - no advertising sign shall be displayed, other than an unilluminated sign or notice, not projecting over s street or exceeding an area of 2000cm² (e.g. 40cm x 50cm) and indicating only the name and occupation of the occupant;
 - no activities shall be carried out which are or are potentially a source of disturbance or nuisance or danger or annoyance to occupants of other residential units or portions thereof; and
 - Council is in a position to, before or at registration, impose any conditions and/or restrictions such as surface, parking, business hours, access, etc., it may deem necessary or essential.
- 4.8.3 Where a person wants to use a portion of a residential house for the purpose of a tuck shop as a consent use, the following provisions shall also be applicable:
- the registered owner of the residential house shall formally apply with Council for the necessary consent in terms of these regulations, by completing and submitting a registration form to the Municipal Manager;

- b) the occupant shall submit proof to Council that the necessary notices were served on the adjoining owners and shall comply with any other advertising requirements that Council may require;
- c) all building and other regulations must strictly be complied with. No relaxation of building lines or maximum coverage shall therefore be considered;
- d) building plans of the relevant buildings or portions thereof shall be submitted with the application;
- e) where three or more bedrooms shall be kept for habitation, proof of separate toilet and sanitary facilities for the tuck shop must also be submitted;
- f) at most 25% of the total floor surface of the residential unit (excluding outbuildings), to a maximum of 25m², may be used for this purpose;
- g) no outbuilding, garage or portion thereof or any part of the plot, except for the residential unit, shall be used for this purpose without Council's consent and the occupier shall submit proof to Council that the necessary notices were served on the adjoining owners;
- h) after approval, such portion of the residential house may only be used as an office or a tuck shop and not for the purpose of a shop, business building, workshop, industry, store, place of entertainment or offensive industry;
- i) all health and other regulations, normally associated with the activities, shall be complied with;
- j) no advertising sign shall be displayed, other than an unilluminated sign or notice, not projecting over a street or exceeding an area of 15 000cm² (e.g. 150cm x 100cm);
- k) no activities shall be carried out which are or are potentially a source of disturbance or nuisance or danger or annoyance to occupants of other residential units or portions thereof; and
- l) Council is in a position to, before or at registration, impose any conditions and/or restrictions that Council may deem necessary or essential.

Compliance with these regulations at the time of submitting an application, shall at no time guarantee the approval of the application. These are only preconditions for the consideration of an application.

- 4.8.4 If any person or Council are of the opinion that any condition mentioned in these regulations or in the definition of "occupational practice" is being contravened, such person can submit a written complaint to Council in which action is requested in terms of section 67 (2) and (3) of the Act.

4.9 External appearance of buildings

Anyone or any person intending to erect a building or to change the appearance of an existing building shall, if Council so requires (in addition to any plans and particulars required to be submitted under any of Council's regulations), provide drawings or other sufficient indication of the external appearance of the relevant building, including a description of the building materials to be used for the purpose.

The drawings shall be upon suitable and durable material to a scale of 1:100, except that where the building is so extensive as to render a smaller scale necessary, the drawings may be to a scale of 1:200. Council may insist on any alteration to the external appearance and building materials, as it may deem necessary.

4.10 Aesthetics and Landscaping

Where paving, landscaping, other treatment or any aesthetical requirements is deemed necessary by Council or by the Provincial Legislator, if the matter is considered by him, in order to prepare land for development, it may be required by Council or the Provincial Legislator, as the case may be, and such requirements shall be executed to the satisfaction of Council or the Provincial Legislator, as the case may be, at the cost of the owner.

4.11 Advertising and publicity on buildings and/or land units

All property (land units, buildings and structures) is subject to Council's advertising policy and regulations. This advertising policy shall therefore be regarded and applied as part of these regulations.

4.12 Loading and unloading facilities

4.12.1 Except in the industrial zones, Council may, in order to prevent the obstruction of traffic on any street or proposed street on which a proposed building will front or abut, require the owner to submit proposals for the approval of Council for ensuring, to Council's satisfaction, suitable and sufficient space on the site, for any loading or unloading of vehicles or the provision of fuel to vehicles, which the utilisation of the building will normally be likely to entail.

4.12.2 No owner or occupant, of the building in respect of which proposals under these regulations have been required, shall undertake or knowingly permit the continued loading or unloading or fuelling of vehicles, except in accordance with approved proposals.

4.13 Parking: Construction specifications

Parking provision in terms of these regulations shall be built in accordance with the following design specifications. A stay or foundation layer of approved gravel material, functionally correctly compacted to a minimum width of 100mm, upon which one of the following overlay or crown layer types are fixed on a minimum cross gradient of 3%, so that storm water flow can be accomplished:

- a) Concrete: Minimum strength 25 MPa and 100mm width (mixed according to volume ratio: 1 cement; 3 sand; 3 stone);
- b) Double application 13mm and 7mm stone on spray grade bitumen emulsion;
- c) Concrete mixture in which coal ash is used; mixing ratio to produce the same minimum strength for the same layer width as in (a);
- d) Paving of approved bricks (SABS 1058: Class 25 for light vehicles and Class 35 for heavy vehicles) on a compacted sand layer.

In the instance where a particular parking provision is five or less parking bays, these specifications may be relaxed, as accordingly determined in each case by Council.

4.14 Utilisation of Outbuildings

No outbuildings may be utilised for any other purpose than that for which the plans have been approved by Council.

4.15 Carports and Access gates

4.15.1 Subject to Council's approval, a carport that will exceed a street or side building line, may be erected. The erection of any carport shall be subject to the following conditions:

- a) The width of the carport, measured parallel to the street boundary, shall not be more than 6m and the total service covered by the shelter shall not exceed 40m².
- b) The carport shall be supported by metal, wooden, brick or cement poles or pillars. These poles or pillars may have a maximum measurement of 350mm horizontal gauge (or 350mm diameter in the case of piping) and at most four poles or pillars may be put up on one side of the carport.
- c) No walls, except boundary walls, shall be constructed in such a way as to enclose the carport. Comprehensive building plans for the wall and carport must be submitted for approval, where any part of a carport hinges on any boundary wall.
- d) The height of the carport, measured from the floor to the top of the roof, shall not exceed 3m.

- e) The sides of the roof shall be neatly finished with a fascia not exceeding a depth of 250mm.
- f) The facade of the carport shall not be closer than 300mm from the street boundary.
- g) No gates that open onto the pavement shall be permitted.
- h) Standard provision shall be made for the collection and run-off of rainwater from the carports.
- i) Written comment from the adjoining owner/s if a side building line will be exceeded, and the owner/s of both adjoining land units if the street building line will be exceeded, shall be obtained.
- j) All above-mentioned requirements shall also apply to shade nets.

4.15.2 Full building plans, subject to the regulations for a garage, shall be submitted for any carport which does not comply with the conditions of 4.15.1

4.16 Height of buildings, boundary walls and fences

4.16.1 The height of buildings as specified and restricted in the different zones, in reality represents multiples of storeys where a storey is defined as a maximum height of 4m in the definition. Therefore, although indicated in metres, the restriction on height shall also be read as a restriction on a specific number of storeys. For example, where the height restriction is 8m, only two storeys may be erected, notwithstanding the fact that the owner may make a storey only 2,5m high. The number of storeys permitted in a zone (excluding industries) is therefore the number of times the height restriction can be fully divided by four.

4.16.2 The height of boundary walls and boundary fences shall,

- a) in the instance where it is erected on the street boundary, not exceed a height of 1,2m, except in cases where it is intended to ensure privacy or to hide unsightly backyards from view, in which case Council shall consider a height of up to 1,8m with a maximum distance of up to two thirds of the street front measurement.
- b) in the instance where it is erected on side or rear boundaries, not exceed a height of 1,8m.
- c) in all instances, regardless of the regulations contained in 4.16.2 (a) and 4.16.2 (b) above, maintain the visibility distance at street junctions to Council's satisfaction, and Council may require a reduction of the height and/or length of such boundary walls or boundary fences, if necessary for sufficient visibility distance as determined by Council.

4.16.3 Only the following types of material for boundary walls and fences shall be accepted by Council:

- a) Face brick walls, including walls of any brick, e.g. rock face bricks that are normally not plastered;
- b) Normal brick or building block walls (plastered and painted on street side);
- c) Prefabricated panel walls;
- d) Pattern walls, with or without brickwork;
- e) Wire (chicken or diamond); and
- f) Any other material specifically approved by Council.

4.17 Townships and minor subdivisions in terms of the Township Ordinance, 1934

Notwithstanding anything to the contrary contained in these regulations, conditions of ownership imposed by the former Administrator of the Cape upon the approval of townships and minor subdivisions in terms of the Townships Ordinance, 1934 (Ordinance 33 of 1934), shall be applicable in so far as such conditions are more restrictive than the provisions of the zoning scheme.

4.18 General density control

The density control as contained in the definitions of "residential unit" and "second residential unit" and "family" shall be strictly adhered to in order to regulate the general accommodation density in residential areas.

4.19 General penalty clause

Anyone or any person who contravenes any provisions of these scheme regulations are guilty of an offence.

MANUAL AND APPLICATION PROCEDURE IN TERMS OF LAND USE CONTROL FOR THE KGALAGADI DISTRICT MANAGEMENT AREA

The purpose of this document is to assist Council, officials and members of the public with submitting, processing and finalising of any application, in terms of land use control within the District Management area of Kgalagadi.

This manual consists of the following sections:

A	General
B	Format of Applications
C	Procedures
D	Advertising
E	Time frames
F	Lapse of use rights
G	General principles and policy
H	Spatial guidelines
I	Areas with preferential rezoning
J	Exempted subdivisions
K	Subdivisions subject to the minimum advertising procedure

A General

1. This manual intends to support applications regarding Council's land use control and management and should be read with Council's Regulations, especially the General Section (Part 4) and "definitions" of the Regulations.
2. Applicants are advised to provide as much as possible information, as sketchy information leads to delays.
3. All correspondence with reference to any application will be conducted in the language used for completion of the application form (preferably in English as it is the language Council meetings are conducted in), unless applicants request otherwise.
4. When an application requires several approvals in terms of various legislation and two or more of the applications must be advertised, the applicant shall point this out to the Municipal Manager, for him/her to be able to advertise all such applications and submit them for approval simultaneously.
5. Applicants' attention is asked specifically for the following requirements and provisions:
 - a. **Incorrect and incomplete applications shall be sent back immediately** as such applications cause delays and impair developers who compile thorough applications.
 - b. Developers must personally be involved with their applications and must see to it that their own staff or parties that act on their behalf, do not delay the process unnecessarily.
 - c. Applicants must note that, up until the time that an application has been approved in writing, any correspondence or deliberations held in terms of this application, can not be regarded as an indication that approval will be given and the Local Government or Administration are not bound in any way.
 - d. No application may be prepared or submitted by a Council official on behalf of another person or party.
 - e. The Local Government reserves the right to annul any approval, based on incorrect information of an applicant. Applicants should therefore ensure that all information in terms of restrictive aspects that may influence the application, is provided .
6. Applicants are advised to discuss their applications and procedures beforehand with the appropriate Council official.
7. It is pointed out to applicants that the most appropriate and restrictive zoning that shall be applicable to the proposed use/development of the site, will be considered by Council / the MEC and that applications should be submitted as such.
8. The definitions as in Council's Scheme Regulations, are also applicable to this Manual.

B Format of Applications

1. APPLICATION FORM

Council's approved application form is attached to this Manual. The accurate and complete filling in of this application form is a prerequisite for any application submitted to Council. Additional to this application form and supporting the application, the following shall form part of any application, unless Council has, in writing, indicated differently:

2. PLANS AND MAPS

The following plans and maps shall accompany the application, together with the information referred to below:

2.1 Site map in terms of the town or region

The application shall be accompanied by a clearly readable A3 or A4 sized copy of the 1:50000 topo-cadastral maps or any similar map of the town or region, where the following detail is indicated:

- true north, key and heading "Regional location";
- the approximate location of the land unit involved in the application, relative to the remainder of the town or region; and
- any other applicable particulars.

2.2 Local Site Map

All applications must furthermore be accompanied by a site map on paper size A4 or A3 and preferably on a scale of 1:5000 (or if it is impossible, to a scale of roughly the same size). If an orthophotograph is available, a copy thereof may serve as site map. The map shall indicate the following detail:

- The scale, true north, key and heading "Local Site Map".
- Erf boundaries, including neighbouring erf or farm numbers.
- Size and location of the particular portion.
- Street names and location of existing buildings on the particular land unit and on directly adjacent land units.
- Roads, indicated whether they are main roads, highways, national roads or provincial roads.
- Local boundaries and other authority boundaries, etc.
- Any physical restrictions on the land unit or neighbouring land units that might influence the application.
- Any other relevant information.

2.3 Zoning map

All rezoning and/or subdivision applications shall be accompanied with one copy of an extract of Council's zoning map, indicating the following detail:

- The scale, true north, key and heading "Zoning Map".
- All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units.

2.4 Land use map

Where the existing land uses differ from the relative zonings of the application area, or if Council requests it, the application shall also be accompanied by a map that indicates the existing uses of all land on the map.

2.5 Layout plan

All applications for subdivision, rezoning to subdivided areas and all applications where the detail of the application is important for approval of the application (e.g. rezoning for hypermarkets, holiday resorts, group housing, industrial subdivisions, etc.) shall be accompanied by a layout plan on one of the international paper sizes A0 to A4 (preferably as small as possible) on one of the following scales; 1:5000; 1:1000; 1:2500, indicating the following:

- The scale, true north, key and heading "*Layout plan*", as well as the number of the plan (amendments of the plan shall have consecutive numbers).
- Contours with 1m or 2m height differences up to outside of the Layout boundary.
- All areas steeper than 1:4.
- 1:50 annual flood-line, if applicable.
- Other physical restrictions that might influence the layout (e.g. cliffs, marshes, dunes, etc.).
- Existing buildings on the land unit and on directly adjacent land units.
- All existing services within and surrounding the application area.
- Road layout on adjacent land units.
- The proposed subdivision(s).
- Sufficient measurements to indicate the sizes of the subdivisions.
- The erven numbered consecutively.
- The name of the person or firm that prepared the layout. (If contours, indicated on the plan, were prepared by another person or firm, the particular name should also be mentioned).
- Lo-coordinates together with grid references if requested.
- The proposed streets names.
- A list of the proposed zonings distinguished by means of different colours (the colour code shall be in accordance with the scheme regulations), indicating the different uses, amount of erven for each use, surfaces per use and surfaces expressed as a percentage of the total area of the subdivision. The surface area shall be expressed in m².

If necessary, in extreme cases, to deviate from requirements mentioned in paragraph 4, such a deviation will have to be motivated. This requirement also does not exempt the applicant from providing any additional information as required by the Local Authority.

3. MOTIVATIONAL REPORT

A comprehensive motivation for all applications, regarding the desirability of the intended land use amendment, shall be attached. The extent of this report will differ from application to application, depending on the sensitivity of the environment and the size of the intended development. The following guidelines apply regarding such motivation:

3.1 Desirability

The concept "desirability" in the context of land use planning, can be defined as the degree of acceptability of the proposed amendment for the particular land unit. Discuss the desirability of the use amendment in view of the following aspects:

- a) *Physical characteristics of the property:* The expected influence of the proposed land use amendment and any modification of the physical characteristics shall be discussed. The physical characteristics include topography (inclines), geological formations, soil characteristics and depth of underlying rock-formations, microclimate, vegetation (e.g. invasive plants), flood plains and flood-lines, water tables, springs, drainage pattern, unique ecological habitats and sensitive areas, existing filled areas and gravel quarries, carrying potential of the area, etc.
- b) *Existing planning of the area:* Discuss how the intended land use amendment complies with existing planning regarding the area e.g. structure plans, etc.
- c) *Character of the environment:* Discuss the reconcilability of the proposed land use amendment with the land uses typical for the area, the residential density (e.g. size of erven), historical and architectural areas or areas worth conserving, natural assets, amount of community facilities, privacy of neighbours, street scenes, view, etc.
- d) *The potential of the property:* Discuss the potential of the property for other uses, e.g. agriculture (in an existing agricultural area), conservation (of natural and urban environments), mining (e.g., are there any economically exploitable minerals on the property?), recreation and how this proposal influences potential.
- e) *The location and accessibility of the property:* Discuss the accessibility of the property in view of existing urban development, the main road network and other infrastructure, as well as the influence of additional traffic on the environment, if any. In the case of a rezoning to subdivided area, the availability of land units with similar characteristics and the expected tempo of development of such areas shall also be discussed.
- f) *Provision of services:* Discuss the possibility of service provision (are there any problems therewith), what type of services will be rendered, what the cost of the provision will be and whether it is desirable to provide this type of services (e.g. what the influence thereof will be on the natural environment), possible pollution, etc.
- g) *The construction phase of the proposal:* Discuss how long the construction phase will last, whether any temporary structures will have to be erected (e.g. camps for workers), where construction material will be collected (e.g. gravel quarries on the site), or if any levelling of dunes, excavations, fillings, removal of vegetation, etc. is contemplated and what the degree thereof will be, where construction materials will be stored and whether any damage to the natural environment will be repaired or not (e.g. by site beautification).

3.2 Format of the layout

The format of the detail layout shall also be motivated in view of the following aspects:

- a) *Intrinsic characteristics of the site:* Discuss how intrinsic physical characteristics and manmade capacity are handled in view of for instance existing infrastructure, surrounding land uses, restrictions such as noise and air pollution, inclines, etc. of the site
- b) *Provision of community facilities and open spaces:* Discuss the amount, size and location of such facilities, the usefulness of open spaces, how open space fit in with an existing or intended open space structure, how many open spaces will be provided per 1000 persons, etc.
- c) *Road infrastructure:* Discuss the hierarchy and width of roads, the length and cross inclines, the inclusion with existing road structure, the influence of the road network on other infrastructure (e.g. drainage and sewerage), the accessibility of the various land units, as well as the possible separation of pedestrian and vehicle traffic.
- d) *Local businesses and high density housing:* Discuss the size and location of sites, the proposed zonings thereof, the influence of these proposed zonings on neighbouring land units, flow of traffic and provision of open spaces.

4. COPY OF THE TITLE DEED

A copy of the title deed of each individual portion of land, applicable to the application, shall be attached to the application, as an annexure.

5. BONDHOLDER'S CONSENT

Any application for rezoning or subdivision of land, where such land or a portion thereof is subject to a bond, the bondholder's letter of consent shall be included as an annexure.

6. POWER OF ATTORNEY FOR APPLICATION

If the application is prepared and/or submitted by any other person or party than the registered owner of the land, the application shall be accompanied by a power of attorney for the application and the power of attorney shall describe the nature and extent of the application.

7. APPLICABLE AND PRESCRIBED SURVEYS AND APPROVALS

Should any other legislation or authority require any other actions (such as the requirements in respect of the environmental impact assessments) proof of compliance to such prerequisites must be attached to the application.

iv ADDITIONAL INFORMATION

Council has the power to demand any additional information, supplementary to above-mentioned information, from the applicant if Council is of the opinion that it might be necessary for the consideration of the application.

C Procedures

1. SUBMITTING OF APPLICATION

- a) The application shall be submitted, **in duplicate**, to the local authority, together with all the required annexures. Where it is intended to incorporate the land with the jurisdiction of the municipality, the application form shall also be submitted to the relevant municipality.
- b) Additional copies of the application and all maps and documents shall be supplied on demand, if no party has been contacted beforehand.
- c) With the submission of any application, the relevant application fees for the relevant application(s) shall be paid to Council. The application fees are determined annually by Council and contained in Council's list of tariffs.

2. PRIOR LIAISON WITH OTHER PARTIES

- a) Where a developer can prove that a party is content with a plan or proposal, by for example indicating an endorsement on a plan or letter of the party, such party will not necessarily be asked for comment again. Prior liaison with concerned parties is encouraged strongly as applications will be accelerated in this way.
- b) It is desirable for applicants to also discuss with the local authority, at an early stage, the issue of installing of services.

3. ADVERTISING AND NOTIFICATION

Advertising and notification are dealt with in detail in the following section of this Manual.

4. FURTHER PROCESSING OF APPLICATIONS

- a) After receiving any application and prescribed application fees, Council will refer the relevant application (additional to advertising and notification as described hereunder), also for input and comment, to any party who, according to its opinion, has an interest or can make an input.
- b) After all objections, input and comment are received, Council will provide the relevant correspondence to the applicant for his/her input and comment regarding the correspondence. Any liaison between the applicant and objectors, that might result in the resolving of misunderstandings and subsequent rescinding of objections, is encouraged. If the applicant does not respond within 90 days regarding the objections/inputs, the application will be regarded as having lapsed. (Sect. 4.2 of Annexure A to the Act).
- c) Council will consider no objections that boil down to purely an attempt to eliminate commercial competition. (Sect. 64.1(c) of the Act).
- d) The particular application, together with all inputs, objections and comments will then be brought before Council for consideration. In cases where the relevant application can only be considered by the relevant MEC, (see point 7 of this section), Council will submit its recommendation/input, together with the application and all above-mentioned documents, to the MEC for consideration.

5. PROVISIONS AND RESTRICTIONS

Where Council (or the MEC) approves any application, Council may demand any provisions for approval of the application, with the purpose to ensure that the intention of the application as approved, is adhered to or to address any particular objection. (Sect. 65 of the Act).

6. RIGHT TO APPEAL

Any applicant, objector or person/party that made an input during above-mentioned process, has the right to appeal against Council/the MEC's decision if he/she feels that he/she is wronged by the decision. (Sect.74 of the Act).

Such an appeal shall be submitted within 21 days after notification of the decision is received. A copy of the appeal must also be sent to Council.

7. APPLICATIONS THAT NEED TO BE REFERRED TO THE MEC FOR APPROVAL

The following applications may not be considered by Council, and Council will, when such applications are received, process and consider the application and make a recommendation to the MEC:

- a) any application that will have an effect on the powers of any provincial or national government level.
- b) any application that might have a financial influence on any provincial or national department.
- c) any application that might be conflicting with any provincial or national development plans.

8. RE-APPLICATIONS

If any application is denied by Council and/or the Appeal Tribunal, such applicant or any successive owner of the particular land, may not submit an application for the same or similar use amendment within a period of five years.

9. SIMULTANEOUS CONSIDERATION OF APPLICATIONS

When an application demands various approvals in terms of this or other legislation, and two or more of the applications must be advertised, the applicant has to indicate this to the Municipal Manager, to ensure the simultaneous advertising and submission for approval of all such applications.

D Advertising

1. The primary purpose of advertising and notification is to inform all land owners, who have any interest in the particular application or may be affected by the approval of the relevant application, of the application.
2. Advertising means to serve notice of the intended action of use amendment to each land owner and/or occupant who, according to the opinion of the Municipal Manager, has a concern with the matter. (Sect. 77.2 of the Act)
3. Applicants will be supplied with all the necessary examples and name lists so as to enable the applicant to personally complete the advertising and notification process at his/her own expense.
4. In the advertisement it shall be mentioned that anybody or any person objecting to the proposed amendment, shall lodge such objection in writing within twenty-one (21) days from the date of the advertisement with Council, and it must furthermore state where the application and plans, if there are any, lie open to inspection. (Sect. 77.1 of the Act)
5. Council will give copies of any objections, received within the period as indicated in the advertisement, to the applicant, for comment.
6. When Council does not do the advertisement process, if available, Council will supply the applicant with a list of persons and parties that have to be recognised in the advertising process. A standard notice will also be provided to the applicant to be used in the process of advertising.
7. The applicant will supply Council with all proof of notices and advertisements, after completion of the advertising process.
8. As the implications and impact will vary from application to application, the extent and methods of advertising will necessarily also not always be identical. The following table shows the minimum requirements for advertising for each individual application. Council however reserves the right to demand additional advertising of any application.

Nature of application	Notice in local newspaper & Gazette	Notice only to adjacent neighbours	Notice to neighbours and other concerned parties	Display a notice on the relevant site	Public meeting to be held
Consent use: Racecourse	compulsory		compulsory	compulsory	optional
Consent use: Second dwelling			compulsory	compulsory	
Consent use: Other	compulsory		compulsory	compulsory	
Departure from planning control		compulsory		compulsory	
Amendment of provisions		compulsory		compulsory	
Occupational practice		compulsory			
Extension of approval of 2 years	Only if and as required by Council				
Temporary departure	compulsory		compulsory	compulsory	
Subdivision of a residential site		compulsory		compulsory	
Rezoning within and in line with areas of preference			compulsory	compulsory	
Rezoning from Agricultural zones to any other zone	compulsory		compulsory	compulsory	
Rezoning or subdivision beneath any 1:50 year flood line	compulsory		compulsory	compulsory	compulsory
Rezoning to Business zone 1 or any Industrial zone outside areas of preference	compulsory		compulsory	compulsory	compulsory
Rezoning to Special zone	As determined by Council				
Subdivisions described in Section J		compulsory		compulsory	
Subdivisions described in Section K		compulsory		compulsory	
All other subdivisions	compulsory		compulsory	compulsory	
Annulment of title restrictions (after commencement)		compulsory		compulsory	
Other applications not mentioned above	As determined by Council				

E Time frames

The following minimum and/or maximum time frames are applicable to the various actions during processing and consideration of any application (All time frames are determined by allowing seven days for postal delivery after date of postal slips, where-after the time frame becomes operational):

Council's request for additional information	Within two weeks of receipt of the application
Advertising and notices	Within three weeks of receipt of application or additional information
Period for objections and/or inputs	21 days
Period for any department to make inputs	60 days
Applicant's reaction to objections and inputs	90 days
Presentation of the application for decision-making	Within 60 days of receipt of all inputs and reaction to objections and inputs
Notice of decision to applicant and objectors	Within seven days of decision
Submitting an appeal against a decision	Within 21 days of notice of decision
Knowledge regarding date and place of trial	Within seven days of receipt of appeal
Trial by the Appeal Tribunal	Within 60 days of receipt of appeal
Knowledge of Appeal Tribunal's decision	Within seven days of decision-making
Expiring of approval if rights are not used	Two years

F Lapse of use rights

Any rights, added to a portion of land, according to an approval by the Act or these Regulations, lapse after two years (or any other period that may be determined by other legislation and replaces or exceeds this Act), unless the owner has demonstrated that he/she has developed or used the land according to the application (including the registration of at least one erf for subdivisions). The relevant owner may apply for the extension of the approval period. (Sect. 45 of the Act)

G General principles and policy

Council will use the following principles as basis for the consideration of any application:

1. The national principles of sustainability, equality, efficiency, integration and sound management.
2. The Northern Cape Act on Development and Planning B principles of Chapter 1.
3. The reconcilability of the application with the definitions of the IDP, Spatial Development Framework and any other approved planning document or plan of Council.
4. Council's prescribed procedure and advertising requirements shall strictly be adhered to.
5. Reconcilability of the application with Council's Spatial Guidelines as included in this Manual or any policy document.
6. Any policy of Council as included in Council's Policy Register.

H Spatial guidelines

Additional to above-mentioned policy aspects and principles, the following spatial guidelines will also form the basis during the consideration of any application:

1. Development of low-cost housing to the north of Van Zylsrus.
2. Tourism development between the existing erwen of Van Zylsrus and the main road to the Kgalagadi Trans Frontier Park.
3. Upgrading and extension of the sport grounds in Van Zylsrus.

I Areas with preferential rezoning (minimum advertising procedure)

Council will give preference to, and the applicants will be allowed to follow the minimum required procedures with regard to any application implementing specific provisions of Council, regarding area of preference for certain uses (as indicated in the zoning maps), namely:

1. Expanding of the central business district of any town, in accordance with Council's Spatial Development framework or any other approved planning document.
2. Expanding of any existing industrial area.
3. Housing as included in Council's Spatial Development framework.
4. Applications for consent uses.

J Exempted subdivisions

The following subdivisions are to the advantage of the public, or of such a nature that it cannot influence any fairly adjacent owner or occupant and is therefore exempted from the advertising requirements of an application. Only a completed application form and location plan will have to be submitted to Council:

1. The subdivision of land for the building or changing of roads or any other matter in regard therewith;
2. The subdivision of land to bring about the transfer thereof to a local authority, para-statal or other statutory body;
3. The subdivision of land where the State may require a survey, irrespective whether the State is the land owner or not;
4. The subdivision of land where surveys are demanded for an expropriation according to the Act on Expropriation, 1975 (Act 63 of 1975);
5. The subdivision of land, adhering to a court order; and
6. The surveying of land to implement the registration of a servitude or lease area in the name of a local authority, the state, a para-statal or other statutory body.

K Subdivisions subject to the minimum advertising procedure

The following subdivisions are also to the public's advantage or of such a nature that it cannot affect any adjacent owner or occupant and therefore only has to comply with the minimum advertising and application requirements.

1. Subdivision, necessitating the survey of streets and/or locked-up public open spaces, enabling it to consolidate with the adjoining erf or erven;
2. The subdivision of land, to facilitate its transfer to a local authority, para-statal or other statutory body, with the exception of land units, expropriated for development;
3. The subdivision of land in existing housing schemes in order to make private ownership possible; and
4. The subdivision of land in order to make the amending of the communal boundaries between two or more land units possible.

At the submitting of these applications, the following documentation will be sufficient, unless Council requires additional information:

- a) A site plan, showing the site in relation to the surrounding area;
- b) A copy of the title deed(s) and survey diagram(s) of the land;
- c) A copy of any servitude deed regarding the land;
- iv A copy of any bond(s) regarding the land, together with the bondholder's consent, if applicable; and
- iv The owner's consent and/or power of attorney, if applicable.

KGALAGADI DISTRICT MUNICIPALITY

**Application for land use amendments according to the Northern Cape
Planning and Development Act, 1998 (Act 7 of 1998)**

Erf/farm number	
Property description	
Physical address	
Registered owner(s)	
Applicant	

APPLICATION FOR:

(Please mark applicable block with a cross)

The Rezoning of land from one zone to another	
A Departure from the land use restrictions prescribed in the regulations of a relevant zoning scheme	
A Consent use as determined in Council's zoning scheme	
The practising of an occupation from a residential site	
A Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided	
The Subdivision of land	
The annulment, suspension or amendment of Title Deed restriction(s)	
The annulment, suspension or amendment of any provisions brought with an application	
The extension of the two years of approval of an application	
Any other application in terms of the Act on Regulations	

The Municipal Manager
Kgalagadi District Municipality
P O Box 1480
Kuruman
8460

Dear Sir/ Madam

APPLICATION FOR LAND USE AMENDMENT IN TERMS OF THE NORTHERN CAPE PLANNING AND DEVELOPMENT ACT, 1998 (ACT 7 OF 1998)

(THIS FORM HAS TO BE COMPLETED BY THE APPLICANT/REPRESENTATIVE)
(Please mark the relevant block with a cross where applicable)

1. PERSONAL PARTICULARS OF APPLICANT

- 1.1 Name of person/firm to whom the correspondence must be addressed:
- 1.2 Address:
- 1.3 Telephone number:
- 1.4 Fax number:
- 1.5 Cell number:

2. PERSONAL PARTICULARS OF THE REGISTERED OWNER OF THE LAND

- 2.1 Name of registered owner:
- 2.2 Address:
-
-
-
- 2.3 Telephone number:
-
- 2.4 Fax number:
-
- 2.5 Cell number:
-

If the applicant is not the registered owner(s), attach a power of attorney of the registered owner(s) to the application. This also applies if the person applying, is still busy obtaining the land unit and if the land unit is owned by a company or more than one person.

3. GENERAL INFORMATION REGARDING THE LAND UNIT

- 3.1 Erf/farm number:
- 3.2 Physical address of land unit:
- 3.3 Extension number:
- 3.4 Registered description in terms of title deed(s):
- 3.5 Number and date of title deed(s):
- 3.6 Surface area of land unit:
- 3.7 What is the current zoning of the land unit?

3.8 Is the land unit developed (buildings, etc.)? Yes: No:

If so, what is the nature and condition of the developments/improvements?

3.9 Is the current zoning of the land utilised? Yes: No:

If not, what is the application (use) of the land?

3.10 Is the property burdened by a bond? Yes: No:

If so, attach the bondholder's consent to the application.

3.11 Has an application for subdivision / rezoning / consent use / departure of the property, previously been considered? Yes: No:

If so, when and provide particulars. Including all authority reference numbers and decisions:

4. PARTICULARS OF APPLICATION

4.1 In short, describe the intended development:

.....

.....

.....

.....

.....

.....

.....

.....

4.2 Does the proposal apply to the entire land unit? Yes: No:

If not, indicate the size of that portion of the land unit not concerned, as well as what it will be used for:

4.3 What arrangements will be made regarding the following services for the site? (Full detail must be supplied, especially in cases where it is not possible to join up with existing local authority services).

- a) Water supply
.....
.....
- b) Drainage and disposal of storm water
.....
.....
- c) Disposal of night-soil, waste-water and sewerage water
.....
.....
- d) Disposal of refuse
.....
.....
- e) Electricity
.....
.....

5. RESTRICTING PROVISIONS

5.1 Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?

Yes:	No:
------	-----

If so, name full particulars:

.....
.....
.....

5.2 Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?

Yes:	No:
------	-----

If so, give full particulars:

.....
.....
.....

5.3 Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development?

Yes:	No:
------	-----

If so, give full particulars and state how the problem will be solved:

.....
.....
.....

5.4 Is any other approval, that falls outside of this Act, necessary for the implementing of the intended development?

Yes:	No:
------	-----

If so, list the approvals

.....
.....
.....

6. THE FOLLOWING DOCUMENTS ARE SUBMITTED TO VALIDATE THE APPLICATION

Description of documents		Yes	No	N/A
6.1	A Site map in terms of the town or region ;			
6.2	A Local site map that shows the site in relation to the surrounding sites;			
6.3	A plan that shows the zoning of the surrounding area;			
6.4	A plan that shows the actual and existing uses that surround the site;			
6.5	A Layout plan ;			
6.6	A copy of the Title deed(s) and Survey diagrams of the land;			
6.7	A copy of any servitude deed regarding the land;			
6.8	A copy of the bondholder's consent , if applicable;			
6.9	A copy of any certificates of mineral rights and ceding thereof, together with the mineral rights holder's consent , if applicable;			
6.10	The owner's consent and/or power of attorney , if applicable;			
6.11	Documentation regarding the expected provision of community facilities and the responsibilities of public authorities in this regard;			
6.12	Documentation regarding the expected provision of engineer's or road services and responsibilities of public authorities in this regard;			
6.13	Documentation regarding any processes of public involvement initiated in connection with this application and any social agreement, if applicable;			
6.14	If the applicant is a company, closed corporation or other legal entity, other than a natural person, a copy of a binding empowering decision is attached;			
6.15	A Flood-line certificate indicating whether the land or any portion of the land is subject to a 1:50 annual flood-line, or not;			
6.16	A Traffic impact assessment based on the capacity of the surrounding road network to cope with any additional demands resulting from the development, if required;			
6.17	An Environmental impact assessment based on the potential impact that the proposed application will have with regard to the context of the surrounding environment (see requirements in preceding requirements);			
6.18	A Geo-technical report ;			
6.19	Evidence that shows to what extent the application complies with the principles in chapter 1 of this Act;			
6.20	A statement that indicates to what extent the application complies to any approved development and planning framework in Chapter 1 as meant in this Act;			
6.21	A comprehensive motivational report (see explanation in previous provisions).			

I, the undersigned, certify that all the information that appears in this application form, as well as the information in the annexures, are correct and complete and that the application is understood.

FULL NAME:

SIGNATURE:

DATE:

DATE ON WHICH THE APPLICATION IS SUBMITTED TO THE LOCAL AUTHORITY: