



DIPALESENG LOCAL MUNICIPALITY
LAND USE MANAGEMENT SCHEME (LUMS)

2012

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DIPALESENG LAND USE MANAGEMENT SCHEME, 2012

As approved by virtue of Administrator's notice, Number _____, Dated day/month/year

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SECTION 1: INTRODUCTION AND DEFINITIONS

In this Scheme, except where the context otherwise requires, or it is otherwise expressly provided, the following words and expressions have the respective meanings assigned to them, provided that the definitions as contained in Section 1 of Ordinance 15 of 1986 are applicable mutatis mutandis.

1.1. AIMS AND PRINCIPLES OF THE SCHEME

- Ensure sustainable and orderly development in the municipal area.
- To allow for a healthy and clean environment.
- Allow for a healthy economic environment with access to opportunities for all residents.
- Ensure equity to all in terms of land management.
- Allow for a democratic administrative and participatory process in land management.
- Promotion of integrated development in terms of social, economic and physical aspects and improved linkages between urban and rural areas.
- Ensure the integration and close proximity of places of work and places of living.
- Ensure the optimal usage of resources such as agriculture, land, minerals, infrastructure and social facilities.
- Promotion of diversity of land uses.
- Promote the concept of compact urban areas.
- Contribute to the correction of historically distorted spatial patterns of settlement.
- Encourage environmentally sustainable land development.
- Promote the establishment of viable communities.
- Aspire to meet the basic needs of all communities in an affordable way.

1.2. LAND DEVELOPMENT AND LAND USE MANAGEMENT DEFINED

- **LAND DEVELOPMENT**
Involves all activities and procedures that take place on land that requires management. Land development also relates to the impact of land use change on

infrastructure, transportation systems, the environment and the fiscal management tools of government.

- **“LAND USE MANAGEMENT+**
Relates to the procedures that are engaged in to facilitate land use changes in a sustainable manner, it manages changes, intensification of land uses, it manages the use of land in a coordinated way to avoid conflict between land owners and it is a legal requirement for all local authorities.

1.3. STATUTORY RELATED DEFINITIONS

- **%AGRICULTURAL HOLDING+**
Means a holding in accordance with the Agricultural Holdings Registrations Act, 1919 [Act No. 22 of 1919] or any amendment thereof.
- **%BUILDING REGULATIONS”**
The National Building Regulations promulgated in terms of the National Building Regulations and Building Standards Act, 1977 [Act 103 of 1977], as amended.
- **“CONTROLLING AUTHORITY”**
Means the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940), or the Commission as defined in the South African National Roads Agency Limited and National Roads Act (act 70 of 1998), and other legislation applicable, as far as Town Planning is concerned, within the jurisdictional area of the local municipality as the case may be.
- **“ENVIRONMENTAL IMPACT ASSESSMENT” (EIA)**
Means a process of examining the environmental effects of development in terms of the requirements of The Environment Conservation Act, (Act No. 73 of 1989).
- **“INTEGRATED DEVELOPMENT PLAN” (IDP)**
Means a participatory planning process aimed at developing a strategic development plan to guide and inform all planning, budgeting, management and decision-making in a municipality, in terms of the requirements of Chapter 5 of the Municipal Systems Act (Act 32 of 2000).
- **“LAND-USE MANAGEMENT” (LUM)**
Means establishing or implementing any statutory or non-statutory mechanism in terms of which the use of land is or may be restricted or in any other way regulated.

- **“LAND-USE SCHEME”**
Means a scheme which determines and regulates the use and development of land in a area in accordance with the Town Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), and any future replacement legislation, and is a component of land-use management.
- **“LAND USE TABLE”**
Means a document in table format which provides a list of all zoning categories applicable to the land use scheme, uses permitted, and other land use provisions.
- **“LISTED ACTIVITIES”**
Means a development action that is likely to result in significant environmental impact as identified by the Minister of Environmental Affairs and Tourism in terms of Section 21 of The Environment Conservation Act, 1989 (Act No. 73 of 1989).
- **“LOCAL ECONOMIC DEVELOPMENT”**
Means all local economic activities in the municipal area by all stakeholders including the local authority, local communities and local businesses, in order to improve the quality of life of all residents.
- **“MINING”**
Land and buildings, that are under the Minerals Act, 1991 [Act 50 of 1991] and any amendments thereof, are used or designed for mining and/or exploitation of minerals, or for which purpose a permit has been issued under the mentioned Act.
- **“MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK” (SDF)**
Means the spatial development framework that must be included in a municipality’s integrated development plan in terms of Section 26(e) of the Municipal Systems Act, (Act 32 of 2000).

1.4. DEFINITIONS

- **“ABATTOIR”**
Means a place where livestock or poultry is killed and prepared for distribution thereof to retail outlets.
- **“AERODROME & AIRFIELD”**
Means any airport and related and subservient activities. land and buildings thereon used for the landing, take-off, parking, fuelling, and maintenance of aircrafts, limited to aircrafts used for domestic flights, pleasure flights or training, crops spraying, fire

fighting or emergency rescue services and uses related and subservient to the main use, including a national air-force base. An airfield includes a heliport.

- **“AGRI-VILLAGE”**

A private settlement of restricted size established and managed as a legal entity, that is situated within an agricultural or rural area and where residence to bona fide rural workers and their dependants, of the farms, forestry or conservation enterprises situated in the area. The development of agri-villages may represent a partnership between the farmer, the farm worker and the state.

- **“AGRICULTURAL USE”**

Means land used or a building designed or used for the purposes such as, but not limited to ploughing, depasturing, horticulture, poultry farming, dairy farming, breeding and keeping of livestock, apiaries, forestry, mushroom and vegetable production, flower production, orchards and any other activity commonly connected with farming or associated therewith, and include the sale of own produced goods at a farm stall. It includes two dwelling houses with associated farm settlement and with a consent use procedure, dwelling units for employees. The use includes agro-processing activities.

- **“AMENDMENT SCHEME”**

Means the scheme by which this Scheme is amended.

- **“ANCILLARY USE”**

Means a use which is subservient to the lawful and dominant use of a property.

- **“ANNEXURES”**

Means documents comprising of provisions, inter alia, special rights and conditions applicable to those properties shown on the A series of the map by encircled figures and as contemplated in Section 2.6.

- **“AREA OF THE SCHEME”**

Means the area described in Section 2.1 of the scheme.

- **“AUCTION CENTRE”**

Means the offering for sale of new and used goods by means of a request or invitation for bids, including the storage of goods to be auctioned, but does not include retail sales nor the sale of poultry or livestock

- **“AUTOMATIC TELLER MACHINE”**

Means an electronic machine used for the purpose of trading in monetary items or the rendering of a service related to financial establishments.

- **“BACK-PACKER INN”**
Means a dwelling house, second dwelling unit or both in which the occupant of the dwelling supplies communal lodging for compensation to transient guests, limited to a maximum of 20 guests, with communal bathroom facilities shared by the guests. Lodging may include the serving of meals to guests, but does not include self-catering facilities, with the exception of communal cooking facilities.
- **%BAKERY+**
Means a building in which bread, rusks, biscuits, pies, pastries, confectionary and other baked products are produced in bulk for distribution to wholesalers and/or retailers, as well as such retail as may be allowed by the local authority.
- **“BASEMENT”**
Means any floor of a building situated under the ground floor, beneath the natural horizontal ground level of the area.
- **“BED & BREAKFAST ESTABLISHMENT”**
Means a dwelling unit in which the occupant of the dwelling supplies lodging and meals for compensation to transient guests, provided the dominant use of the dwelling concerned shall remain for the permanent living accommodation of the property owner and his family.
- **“BIOSPHERE”**
Means land or an area/s of terrestrial ecosystems, or a combination thereof within which land-use and resource management are undertaken to enhance conservation and development objectives.
- **“BOARDING HOUSE”**
Means a residential building where lodging is provided, with or without meals, together with such outbuildings as are normally used therewith, and includes an old aged home, hostel student dormitories and a building in which rooms are rented for residential purposes, but does not include a institution, place of instruction, hotel, bed and breakfast establishment, flats or any self catering facility.
- **“BOUNDARY”**
Means one of the cadastral lines separating such land unit from another land unit or from a public street.
- **“BRICKYARD”**
Means a property used for the manufacturing, storage and wholesale sale of bricks to the general public, provided by that raw materials used for the manufacturing of

bricks are not exploited or mined on the property without the necessary mining environmental permits. A brick yard is listed as a noxious industry.

- **“BUILDER’S YARD”**

Means land or buildings used for the storage of materials:

- Required for or normally used in buildings operations; or
- Derived from demolition or excavation operations; or
- Required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes.

- **“BUILDING”**

Means and includes structures or constructions of any nature whatsoever.

- **“BUILDING LINE”**

Means a line indicating the limits of a building restriction area as measured from a street boundary or other boundary of a property which does not border on a street and which, at a fixed distance from such boundary, runs parallel to such boundary.

- **“BUILDING RESTRICTION AREA”**

Means an area wherein no building, except those permitted in the scheme, may be erected.

- **“BULK RETAIL TRADE”**

Means the wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principle goods being sold typically require large floor areas for direct display to the purchaser or consumer. Wholesale trade is typically associated with, but not limited to, the sale of argo-related products, furniture, building materials, major appliances, carpets, etc., including bulk sale of goods or products to retailers. A bulk retail trade facility may include a storage yard and in-house repair or adjustments for products purchased from the bulk retailer. The use is listed as part of %Commercial+use.

- **“BUSINESS PURPOSES”**

Means the use of land and buildings for the sale of goods and services including retail trade and offices as well as uses listed in the land use table.

- **“CADASTRAL LINE”**

A line representing the official boundary of a land unit or portion as registered in the SG and deed office.

- **“CAMPING SITE”**
A property or part thereof on which tents, caravans or mobile dwelling units are utilized by visitors and tourists for temporary accommodation purposes and includes communal ablution, cooking, braai, laundry and recreational facilities, administration offices, retail of convenience goods and restaurant for the sole use of guests, residents and visitors. The use is listed as part of %Resort+use.
- **“CANTEEN”**
A building or part thereof and/or premises used for the preparation and serving of food and related products and consumables, to the staff of a business only.
- **“CARAVAN PARK”**
Means land provided with ablution facilities for the temporary accommodation of mobile caravans and/or tents and may include a care takers residence. The use is listed as part of %Resort+use.
- **“CARWASH”**
Means an establishment where motor vehicles, excluding construction, service or large passenger vehicles such as busses, are washed, polished and cleaned by means of mechanical apparatus or by hand.
- **“CEMETERY”**
Means land used for burial or funeral services only and may include a caretaker’s residence, a chapel and office, which must be subservient to the main use. The use may include a crematorium.
- **“CELLULAR BASE STATION+”**
Means land use which includes a mast and container to be used for communication purposes. The appearance of the Base Station must be to the satisfaction of the local authority, and the structure will be regarded as a special building, and a consent use procedure is required before erection can take place.
- **“COMMERCIAL USE”**
Means uses such as distribution centers, wholesale trade, storage, warehouses, cartage and transport services, laboratories and computer centers and may include offices that are subordinate and complementary to the commercial use of the land, and retail trade that, in the opinion of the local authority, may be conducted, where the nature and extent thereof justifies it.
- **“COMMONAGE”**
Means the use of land for pasture of livestock and crops in common utilization with a group of people from a specific community.

- **“COMMUNITY FACILITY”**
Include those facilities which are generally utilized by the communities and may include social facilities, sports facilities and cultural facilities. Uses defined under the %Municipal+use zone are also included in this definition.
- **“CONFERENCE FACILITY”**
Means a building designed for use or used as lecture hall, training facility, conducting of workshops, meetings, conferences, symposiums and related uses, but does not include %Institution+and %Place of Instruction+.
- **“CONSENT USE”**
Means the consent of the local municipality in terms of the land use table to be read in conjunction with Section 6.
- **“CONSERVATION PURPOSES”**
Means purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity.
- **“COVERAGE”**
Means the area of a property covered by buildings as seen vertically from above and expressed as a percentage of the area of the erf, but excluding a structure without a roof, covered by hail net or shade net and roof overhangs.
- **“CRECHE”**
Means land or a building used for the custody and care of children of pre-school age of 6 years: Provided that the written consent from the occupants of neighboring properties first be obtained for such use to the satisfaction of the local authority. Forms part of the broader definition of %Place of instruction+.
- **“CULTURAL HERITAGE SITE”**
Means land identified as a protected area in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) or any other act concerned with conserving heritage resources of cultural significance for the present community and for future generations and may include places to which oral traditions are attached or which are associated with living heritage, historical settlements, landscapes and natural features of cultural or historic significance, archaeological and paleontological sites, sites with meteoric or fossil debris, sites regarded as a source of understanding of the evolution of the earth, life on earth and the history of people, graves and burial

grounds, sites relating to the history of South Africa and any building, object or art form regarded as of cultural or historic significance.

- **“DAY MOTHER/PLAY GROUP”**

Means land or a building used for taking care of a maximum of 15 children of pre-school age of 6 years: Provided that the written consent from the occupants of neighboring properties first be obtained for such use to the satisfaction of the local authority. Forms part of the broader definition of %place of instruction+.

- **“DRIVE-IN RESTAURANT”**

Means land used or buildings designed and used as a place of refreshment from where food and refreshments are served to clients who mainly remain seated in parked vehicles.

- **“DRY CLEANER”**

Means an industrial laundry cleaning service, making use of specialized industrial dry cleaning and steam cleaning equipment, including certain noxious chemicals and processes deemed a nuisance or treat to the general public.

- **“DWELLING HOUSE+”**

Means a single, free standing unit and can include a %second dwelling unit+.

- **“DWELLING HOUSE OFFICE”**

Means an existing dwelling house or unit that is converted, fully or partially, and used as an office, provided that the elevation treatment of the buildings maintains a residential character and appearance complementary to the environment, and is also in accordance with the policy of the local municipality.

- **“DWELLING UNIT”**

Means a self-contained inter-leading group of rooms with not more than one kitchen, used permanently or semi-permanently for the living accommodation and housing of a single family, together with such outbuildings, including servant\$ quarters and a garage for vehicular parking, as are ordinarily used therewith. A building may contain several dwelling units where so provided by the approved destiny of the property. Group housing, town houses, duplexes, simplexes, low-rise apartment, high-rise apartment, flats, semi-detached, apartment housing, garage suites and row housing are all included as dwelling units.

- **“EDUCATIONAL”**

Means land used or a building designed or used for the purposes of schools, crèches, tertiary educational facilities including colleges, universities and places of

worship and could include a cafeteria as a subservient use as well as a caretakers residence.

- **“ERF+”**

Means land in an approved township registered in a deeds registry as an erf, lot, plot or stand or as a portion of the remainder of any erf, lot, plot or stand or land indicated as such on the general plan of an approved township, and includes any particular portion of land laid out as a township which is not intended for a public open place, whether or not such township has been recognized, approved or established as such in terms of relevant legislation; as well as any portion of land identifiable by means of boundaries or beacons within rural settlements.

- **“EXISTING USE OR BUILDING”**

Means the otherwise legal use of land and/or buildings exercised on or before the fixed date and which are contradictory to the stipulations of the scheme.

- **“FACTORY”**

Means a factory as defined in the Act on Machinery and Professional Safety [Act 6 of 1983] or any amendment thereof. Refer to %Industry+for linkages.

- **“FARM PORTION”**

Means any portion of farm land which is not an erf, agricultural holding, road or street and which is registered as a separate unit in the Deeds office as such.

- **“FARM STALL”**

Means a temporary or permanent building, located on a farm, where a farmer sells fresh produce and products produced and processed on the same farm to the general public, including the sale and display of arts and crafts. A farm stall may include the sale of convenience goods.

- **“FILLING STATION”**

Means land used or a building designed or used for fuelling, washing, polishing and lubricating of motor vehicles, as well as for emergency repairs to vehicles, but excluding a %Public Garage+, panel beating, spray painting or any major repair work and can include the retail trade of emergency spare parts, as a complimentary subservient service. A Convenience Store not exceeding 250m² is permitted as a primary right.

- **“FINANCIAL ESTABLISHMENT”**

Land used or a building used for trade in monetary items and includes banks, ATM\$, financiers, building societies, insurance brokers and stock exchanges.

- **“FIXED DATE”**
Means the date on which the local municipality gives notice in the Provincial Gazette that this scheme is in operation.
- **“FLAT”**
Means a group of dwelling units contained in a building(s) with a communal entrance.
- **“FLEA MARKET”**
A retail node consisting of a number of retailers of which the buildings could be of a temporary nature to the satisfaction of the local authority.
- **“FLOOR AREA RATIO”**
The floor area of a building divided by the area of a property
- **“FUNERAL PARLOUR+”**
Means a building used or designed for use as a mourning or funeral chapel and includes such buildings designed for use in connection therewith and which is normally ancillary to or reasonably necessary for the business or a funeral undertaker.
- **“GAME RESERVE”**
Means land or a place reserved for wild life; exclusive occupation and use. *This use resorts within the broader definition of “conservation”.*
- **“GAMING ESTABLISHMENT”**
Means a use providing facilities and/or equipment for patrons to participate in paid-for gaming and gambling opportunities, with the possibility of gaining financial benefit from such activities and may include offices related to the main use and financial facilities or services. Any establishment with three (3) or more gambling slot machines is regarded as a gambling establishment.
- **“GARDEN SERVICE ESTABLISHMENT”**
Means property and buildings used for storage of equipment and the distribution and management of landscaping and garden maintenance services, including the repair and maintenance of equipment. Pool cleaning and maintenance services are also regarded as a garden service establishment.
- **“GOVERNMENT USE”**
Means land or buildings thereon used for government purposes in the interest of general public, including military establishments, police stations, magistrates’ courts and prisons, including the related administrative or office function but excludes offices as the main use, such as governmental offices.

- **“GROSS LEASIBLE FLOOR AREA”**
Means floor area that is designed for the occupation and control by a tenant, or that is suitable therefore, measured from the centre line of joint partitions and the internal surface of external walls.
- **“GROUND FLOOR”**
Means the storey of which the floor is on the lowest natural ground level.
- **“GROUP HOUSING”**
Means a group of detached and / or attached dwelling units on a stand or stands that form an integrated, harmonious and architectural unit and include concepts like group housing, townhouses, simplexes, duplexes and all such development, but excludes uses included in the definition of ~~%~~Dwelling House~~+~~, ~~%~~Dwelling Unit~~+~~.
- **“GUEST HOUSE”**
Means a household enterprise which, with the consent of the local municipality, can be conducted from rooms, or a dwelling unit without a kitchen of its own and which forms part of a permanently occupied dwelling unit, used for the accommodation of not more than ten visitors on a temporary basis, subject to such requirements as laid down by the local authority. The facility may include a bed and breakfast establishment and restaurant for guests of the guest house. This definition also includes a lodge and bed and breakfast facilities.
- **“GYMNASIUM”**
Means a building used for physical training and exercise with or without apparatus and may include swimming pools, squash courts and other sporting activities, administrative offices, steam baths, Turkish baths, saunas~~ç~~ and a single place of refreshment for patrons only not exceeding 100m², as well as a child care/play facility restricted for use by gymnasium members whilst exercising in the gymnasium.
- **“HEIGHT”**
Means the height of the building expressed in the number of storeys.
- **“HOSPITAL”**
Means an institution designed as an integrated complex for the diagnosis, care and treatment of human illness, including live-in facilities for patients, a clinic, doctor consulting rooms, dispensary, sale of refreshments, coffee shop and facilities incidental to the main use.
- **“HOTEL”**
Means a building designed and used for temporary overnight accommodation for transient guests, where lodging and meals are provided, including ancillary facilities

normally directly related to a hotel such as restaurants, cocktail bars, shops, conference facilities, entertainment facilities, gymnasiums, beauty salon, swimming pools and liquor sales outlets, but excluding self catering accommodation. A hotel may comprise of a single or separate buildings.

- **“HOUSEHOLD”**

Means a group of persons regarded as a domestic unit in terms of legislation, common law or customary law.

- **“HOUSEHOLD ENTERPRISE”**

Means a small scale enterprise which is used by the occupant for the conduct of a practice or occupation with the aim of deriving income there from and which is practiced by a maximum of three (3) persons, of which at least one is a full time resident of the property, from a dwelling unit in such a way that the residential character and primary use of the dwelling unit and environment shall not, in the opinion of the local municipality, be in any way harmed or changed. No retail trade is permitted from the property.

- **“INDUSTRY”**

Means a property or building used as a factory and where an article or part of such article is made, manufactured, produced, build, assembled, complied, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting under controlled conditions), polished, finished, cleaned, dyed, washed, broken-up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; and includes a light industry, offices, caretakers quarters or any other use which are subservient and ancillary to the main use of the property as an industry, but does not include a noxious industry.

- **“INFORMAL BUSINESS”**

Means the conducting of a business which, with the consent of the local municipality after consultation with the adjacent owners, is conveyed from place to place, whether by vehicle or otherwise, in a street or at any other place accessible to the public, at any open property or in, on or from any vehicle or moveable structure, subject to such requirements laid down by the local municipality.

- **“INFORMAL TRADE”**

Means the sale of products from temporary or permanent structures or facilities in areas specifically demarcated for such purposes by the Department and/or Municipality or a property owner, such as markets, flea markets, fresh produce markets and hawker stalls.

- **“INSTITUTION”**
Means a property or building used for the purpose of a social, health or welfare facility, including the administration thereof, and includes but is not limited to a clinic, home for the aged, indigent or handicapped, reformatory or place of detention, haven for vagrants and substance abusers, shelter for the homeless, soup kitchen, care centre, rehabilitation centre, charitable institution, nursing institution and sanatorium, whether of a commercial or charitable nature, but does not include a prison.
- **“KIOSK”**
Means a building designed and use for the preparation or retail sale of meals and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets. Cafeteria has a similar meaning.
- **“LAND”**
Means also includes any improvements on land, any interest in land as well as land covered by water, and property shall have a corresponding meaning.
- **“LAUNDERETTE”**
Means a coin operated, self-service laundry where standard or heavy duty washing machines and tumble dryers are used and may including a clothing folding and ironing service.
- **“LOADING SPACE”**
Means a rectangular area of not less than 3m by 10m in size for parking and loading of goods.
- **“LOCAL MUNICIPALITY”**
Means the Dipaleseng Local Municipality and/or any employee in his service to whom the authority is delegated.
- **“LODGE”**
Means a building(s) designed and used for temporary overnight accommodation for transient guests where lodging and meals are provided and may further include ancillary facilities directly related to the lodge and for the use of guests only, such as a restaurant, cocktail bar, conference facility, entertainment facilities, a gymnasium and beauty salon, but excluding liquor sale outlets. A lodge may provide self-catering facilities and/or units. A lodge may include uses such as a hotel, guest house and bed and breakfast establishment.
- **“MAP”**
Means the scheme map (also marked Map 3) as amended from time to time.

- **“MEDICAL CONSULTING ROOMS”**

Means a building designed or adapted as professional rooms for medical practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as veterinary surgeons, and may include a dispensing chemist not exceeding 20m² but not uses included in the definition of "Institution".

- **“MINING AND QUARRYING PURPOSES”**

Means land where the extracting of minerals occurring naturally, for example solids such as coal and ores; liquids such as crude petroleum and gasses such as natural gas. Mining includes underground and surface mines, quarries and the operation of oil and gas wells and all supplemental activities for dressing and beneficiating ores and other crude materials such as crushing, screening, washing, cleaning, grading, milling, flotation, melting, refining, pelleting, topping and other preparation needed to render the material marketable. It also includes all associated works such as rock dumping, tailing dams, workshops and buildings for mining purposes. Reclamation of minerals from mine dumps and worked out mines is included.

- **“MINING ”**

Means land with ore bodies and/or mineral potential/occurrences with or without mining rights in terms of existing mining and mineral legislation. The minerals are therefore likely to be extracted in future.

- **“MINOR STRUCTURAL CHANGES”**

Means small structural changes to an existing building for which a building plan is not a requirement.

- **“MOBILE DWELLING UNITS”**

Means a prefabricated mobile unit of an interconnected set of rooms that does not include more than one kitchen and is designed for use by a household and which is moveable.

- **“MOTOR SALES MART”**

Means land used with or without buildings for the sale and display of vehicles, but does not include any form of workshop.

- **“MUNICIPAL PURPOSES”**

Means a building or property, in municipal ownership, used for such purposes as the Department and/or Municipal is authorized to carry out in terms of the Municipal Structures Act, 1998, or any law, including utility infrastructures such as water supply

facilities and power supply facilities, but excluding a waste disposal facility or sewer purification plant.

- **“NATURAL HERITAGE SITE”**

Means land or an area declared in terms of the relevant Act to protect, preserve, and / or manage localized provincially significant natural features due to their special interest or unique characteristics; areas focused on the protection of specific features, species, natural landscapes and biotic communities occurring on any private, communal or state land.

- **“NATURE RESERVE”**

Means a national park or some other park which is in the ownership of a public authority or has been declared as such in terms of legislation and remains in private ownership, consisting of an area which is utilized as a game park or reserve for flora and fauna in their natural habitat, but does not include accommodation facilities for tourists or holidaymakers.

- **“NOXIOUS INDUSTRY”**

Means an industry which is listed in section 5.9 to the scheme.

- **“NURSERY”**

Means a business where plants or seeds are cultivated, grown and/or sold, and includes the selling of products or items that are related to horticulture, as well as a place of refreshment subservient to the main use and also such uses as may be approved by the local authority.

- **“OCCUPANT”**

Means in relation to any building, structure or land includes the following: Any person actually occupying such building, structure or land or is legally entitled to occupy it, or anybody having the authority to manage such property, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.

- **“OFFICE”**

Means a building or portion thereof used for the performance of administrative functions or the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, such as, but not limited to, a financial institution, bank, insurance agency, real- estate agency, public administration and professional office.

- **“OUTBUILDING”**

Means a building which, in the opinion of the local municipality, is usually functionally necessary but subordinate to the use of another building, permitted as a use in terms of the land use table on the same property.

- **“OWNER”**

In relation to the property: The registered owner; or where such a person is deceased, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other whatsoever; or the occupant, or the lessee by virtue of a lease which is registered by law; but not for purposes of lodging an application in terms of the provisions of this scheme; or when an owner, as defined above is absent from the area or his address unknown, "owner" shall mean an agent of such an owner or any person that receives rent or that is entitled to rent in respect of the premises; or the de facto occupant but not for purposes of lodging an application in terms of the provisions of this scheme; or also the holder of any right in land whether registered or unregistered, and may include the interest of a labour tenant and sharecropper, a customary law interest, the interest of a beneficiary under a trust arrangement and beneficial occupation for a continuous period of not less than 10 years prior to the dispossession in question.

- **“PANEL BEATER”**

Means the replacement, reparation and/or panel beating of the body and spare parts of vehicles and the spray painting thereof.

- **“PANHANDLE”**

Means the access section of a panhandle erf, which section must be at least 3.5m wide.

- **“PARKING AREA”**

Means parking and maneuvering space necessary to provide traffic with access and parking space as well as efficient connection with the adjoining street.

- **“PLACE OF AMUSEMENT”**

Means land used or a building designed or used or used for the sale of alcohol and/or food for consumption on the premises and may include live entertainment or entertainment generated by television transmission, or entertainment generated by way of mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for the purpose of the playing of any game or for the purpose of recreation or amusement. A place of amusement includes a beer hall,

public hall, theatre, cinema, drive-inn movie, music hall, concert hall, sports bar, ladies bar, billiard saloon, sports stadium, skating ring, dance hall, night club and an amusement park or any other recreational purpose with or without a view to profit.

- **“PLACE OF INSTRUCTION”**

Means a building designed for use as a school, college, technical or academic institution, crèche, lecture hall, nursery school, after school care centre, or other educational centre and a hostel in connection therewith and includes a convent or monastery, a library, art gallery and a museum.

- **“PLACE OF PUBLIC WORSHIP”**

Means a building designed for use or used for religious purposes such as a church, chapel, oratory, prayer house, mosque, synagogue or other place of public devotion, and includes a building designed to be used as a place of religious instruction. The use does not include any burial procedures on site but could include a wall of remembrance for cremations only.

- **“PLACE OF REFRESHMENT”**

Means a drive-in restaurant, café, tea-room or coffee shop, being a building other than a hotel, residential club, or boarding house, designed and used for the preparation or retail sale of meals and refreshments as well as the retail sale of fresh produce, cold drinks, tobacco, reading material and sweets.

- **“PRIMARY RIGHT”**

Means the uses permitted in terms of the land use table.

- **“PRISON”**

Means a building used for the confinement of persons convicted and sentenced to imprisonment by a court of law or the confinement of persons awaiting trial.

- **“PRIVATE CLUB”**

Means land used or a building designed or used for the private gathering of a group of persons being members of that club with a common objective.

- **“PRIVATE OPEN SPACE”**

Means land zoned or used as a sport-, play-, rest- and recreational ground or as an ornamental or pleasure garden, to which, without permission, the general public has no right of admission. A caretaker dwelling is included in the definition.

- **“PRIVATE ROAD”**

A portion of land, whether constructed or used as a road or not, reserved for road purposes in favour of a person or body of persons who are legally in control of such land and is not reserved or intended as a public road. In addition to being used for

road purposes, the land can also be used for access control, post boxes, refuse collection points, services and municipal purposes.

- **“PROPERTY”**

Any portion of land registered as a separate unit in the Deeds Office, with or without buildings and includes any title thereon.

- **“PROTECTED AREA”**

Means land or an area described in terms of the relevant Act that will substantially promote the preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife or the preservation of biotic diversity in general with the nature primarily orientated to support sustained economic activities. Such area may comprise private, communal, or state land or any combination thereof which is contractually developed and managed with joint resources for conservation, education, recreation and sustainable resource utilization purposes.

- **“PUBLIC OPEN SPACE”**

Means any land zoned for use by the general public as an open space, park, garden, recreation site, sport field or square.

- **“PUBLIC GARAGE”**

Means a building used for the maintenance, repair or fuelling of vehicles and associated purposes, and may include a vehicle workshop, the display and sale of new and used motor vehicles, the cleaning and washing thereof, the sale of spare parts, accessories, fuel and lubricants and may also include a place of refreshment and convenient store as subservient use but excludes spray-painting, panel beating or a scrap yard, provided that the convenience store or place of refreshment, including store rooms, shall not exceed 250m².

- **“PUBLIC PHONE SHOP”**

Means a property or building used for the rental of telephone, cellular and internet equipment for the use of the public for financial gain by the owner.

- **“PUBLIC ROAD”**

An area of land, whether made up as a road or not, reserved for local authority or controlling authority.

- **“PUBLIC TRANSPORT RANK”**

Land and buildings thereon used as a temporary parking area for busses and or taxis, boarding facilities for passengers, a ticket sales office, an administration office directly related to the main use, rest rooms and a washing bay, but excluding workshops.

- **“QUARRYING”**
Means land used for the purposes as described in terms of the definition Mining and Quarrying Purposes+.
- **“RAILWAY PURPOSES”**
Means the use of land or a building designed or used for rail and/or incidental or related railway uses and includes railway stations.
- **“RECREATIONAL PURPOSES”**
Means uses and activities by local communities for relaxation and can include formal or informal activities on allocated areas such public and private open space.
- **“RECYCLING CENTRE”**
Land or building within which used materials are separated and processed for shipment and for eventual re-use in new products.
- **“RESIDENTIAL BUILDING”**
Means a building, other than a dwelling unit+, group housing, hotel, flat and institution, which is designed for and used as a boarding house, residential club, hostel, residential hotel or rooms to let.
- **“RESORT”**
A tourist orientated development representing a tourist destination point, comprising of a combination of temporary accommodation facilities, recreation facilities, entertainment facilities, convenience and curio shops, restaurants, cocktail bars, conference facilities and beauty salons, including a health hydro, guest farm, hotel, lodge, chalets, tented accommodation, game farm and caravan park, but excluding guest houses, bed and breakfast establishments and back-packer inns. Hotels situated within urban areas, which mainly provides overnight accommodation, without a combination of services and facilities aimed at the tourism industry, are not regarded as a resort. A resort does not include a filling station.
- **“RESTAURANT”**
Means a building or part of a building used for the preparation and sale of meals and refreshments, confectionery for consumption on the erf of the property and includes entertainment subsidiary to the main use and can include a place of refreshment, as well as a drive-through restaurant.
- **“RETAIL TRADE”**
Means any trade other than "Wholesale trade" as defined in this scheme.

- **“RETIREMENT VILLAGE”**
Means and includes dwelling units and community facilities such as a dining hall, sick-bay, sport and recreation facilities or such other facilities, approved by the local municipality, for occupancy and use by elderly people. It also includes a small convenience centre that can house consulting rooms, chemists, café or other uses subsidiary to the main use
- **“RURAL GENERAL DEALER”**
Means a building or part of a dwelling unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments. The area used for the rural general dealer shall not exceed a total floor area of 30m².
- **“RIGHTS”**
Means land use rights obtained in terms of this scheme.
- **“RURAL SETTLEMENT TYPES”:**
 - **“FARM SETTLEMENT”**
Means the use of land for homesteads for people living on a commercial farm and is directly associated with the farming activities related to the particular farm, subject to the policy of the local municipality as amended from time to time. A zoning of %Agriculture+is allocated.
 - **“FORMAL RURAL SETTLEMENT”**
Means a settlement which is planned and surveyed (General Plan). A formal rural settlement can be handled in the same manner as a proclaimed township. A zoning of %Residential 1+is allocated.
 - **“INFORMAL RURAL SETTLEMENT”**
Means a settlement situated either on private, tribal or state land. Settlement is not planned or surveyed. Management is done by a communal property association or tribal authority or local municipality. A zoning of %Residential 1+is allocated.
 - **“SEMI FORMAL RURAL SETTLEMENT”**
Means a settlement situated either on private, tribal or state land. Settlement is planned and surveyed (mostly not a general plan). Management is done by a communal property association or tribal authority or local municipality. A zoning of %Residential 1+is allocated.
- **“REZONING+”**
Means the change of land use zoning in relation to a particular erf or site or portion of land in terms of the applicable Planning law.

- **“SCHEDULES”**
Means a supplement(s) to the scheme containing special procedures and/or some areas or properties to which specific rights or provisions are applicable and such schedules may from time to time be amended by the local municipality. Where any discrepancy exists between the Schedules and the provisions of the Sections and tables, the most prohibitive conditions shall prevail.
- **“SCHEME”**
Means this land-use scheme in operation and includes the sections, map 3A, schedules and the annexures.
- **“SCRAPYARD”**
Means land or buildings used for the dismantling, stacking, storing or preparing for resale of any used material, waste metal, scrap vehicles, scrap machinery or any other scrap material whether or not such dismantling or stacking is done with a view to disposal or re-use of such waste. The erf must be fenced with a solid brick wall or pre-fab cement panels. Activities exercised on the stand including stacked materials should not be visible from the street.
- **“SECOND DWELLING UNIT”**
Means a second dwelling unit on the same erf provided that the total coverage does not exceed the prescribed coverage defined in the land use table of the scheme.
- **“SERVICE INDUSTRY”**
Means a use, which, in the opinion of the local municipality is a small-scale industry, with emphasis on maintenance and repair, as well as retail trade in connection therewith, that shall not cause the deterioration of the amenity of the neighborhood or cause disturbance in consequence of noise, appearance, odour or activities or any reason whatsoever.
- **“SERVICE RETAIL”**
A property or building used for the servicing, repair, installation or assembly of electronic or electrical business, vehicle and household equipment or appliances, including administrative offices directly related to the main use and retail sale of such equipment or appliances from the premises; provided that all activities on the property are conducted inside the building without causing any noise disturbance to the immediate surrounding environment. Typical examples of a service retail use include, but are not limited to, catering services, cool chambers for fruit and vegetables, dressmakers and tailors, electricians, engravers, joineries, key-makers, laundries, arts and crafts workshops, photographic studios (for development and

printing), plumbers, registration number plates, sign writers, tires, exhaust systems, tow bars and vehicle spare parts and accessories, upholsters, auto electricians, repair workshops for air conditioners, blinds, roll-up doors, boats, caravans, trailers, computers, cash registers, type writers, electrical fittings and fixtures, jewelry, lawnmowers, radios, televisions, video recorders, shoes and leather articles, tents, canvases, tarpaulins, vehicles, motorcycles and bicycles.

- **“SEWER PURIFICATION PLANT”**

Land or buildings and infrastructure used for the communal processing, purification and/or disposal of sewer.

- **“SHOP”**

Means land used or a building designed or used for the purpose of carrying on retail trade and the necessary accompanying storage and packing and includes any accompanying uses on the same property appurtenant but ancillary to the retail trade being carried on. The following uses are not regarded as appurtenant to a shop: A noxious trade, drive-in-restaurant, place of refreshment, scrap yard, parking garage, public garage, vehicle workshop, filling station and warehouse.

- **“SHOW ROOMS”**

A building designed or used for the display and sale of goods and products.

- **“SITE”**

Shall have the same meaning as erf+or stand.

- **“SITE DEVELOPMENT PLAN”**

Means a plan as described in section 4.8 to the scheme.

- **“SOCIAL HALL”**

Means a building designed for use, or used for cultural activities, social meetings, gatherings and recreational purposes, that is not profit seeking in its primary purpose, and includes a non-residential club but excludes a place of amusement. The use could also include a community hall, training and educational uses.

- **“SPAZA (RESIDENTIAL)”**

Means a building designed for or a portion of a residential unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments, where the residential use of the property remains the primary use of the property. The area used for a spaza shall not exceed a total floor area of 30m² or 25% of the floor area of the dwelling, and is further subject to the policy of the local municipality as amended from time to time.

- **“SPECIAL CONSENT”**
Means the consent of the local municipality granted in terms of the provisions of Section 6.2.
- **“SPECIAL USE+”**
Land or buildings for any use other than the uses specifically defined and mentioned in this scheme.
- **“SPORT, PLAYGROUNDS AND RECREATION”**
Means any land zoned for use as private or public sport fields, playground and recreation site including any building, structure or facility appurtenant thereto.
- **“STOREY”**
Means %storey+ as defined in Section 2.1. of the National Building Regulations and means that part of a building that is situated between the top of any floor and the top of the next floor above it, or of there is no floor above it that potion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery being taken to be part of the storey in which it is situated).
- **“STREET”**
Means the area or part of any street, road, bridge, subway, avenue, lane, sanitary lane, thoroughfare or right-of-way, as shown on the general plan of a township or in respect of which the public has acquired a right-of-way by prescription or otherwise and %ROAD+ shall have a corresponding meaning.
- **“SURROUNDING OWNERS”**
Means the registered owners of the properties directly adjacent to the subject property as well as properties abutting any streets to which the subject property has direct access within such a radius, with the subject property as centre point, as determined by the local municipality and also such other owners or interested parties as the local municipality may specify.
- **“TAKE-AWAY”**
Means a building used for the preparation of light meals or fast foods for take away purposes, including a road house and drive-through facility for express collection of meals directly from a motor vehicle.
- **“TAVERN (RESIDENTIAL)”**
Means a building designed for or a portion of a dwelling unit used for the purposes of selling and serving liquor, other beverages and prepared food / snacks, to be consumed on the property, subservient to the residential use of the property remains the primary use of the property. The area used for a tavern shall not exceed a total

floor area of 50m² and is further subject to the policy of the local authority as amended from time to time.

- **“TAXI PARKING AREA”**

Means a demarcated part of a parking lot which may be used by minibuses (taxis) aiming to provide a public transport service; the provision of parking places for taxis shall form part of the parking spaces for the purposes of determining parking provision on any property.

- **“TAXI RANK”**

Means a place usually within the road reserve at which mini buses (taxis) are allowed to wait and / or stop for passengers boarding or alighting.

- **“TEA GARDEN/COFFEE SHOP”**

Means a building used for a tea room or coffee shop as part of a Place of Refreshment, but limited in extent if compared to a restaurant.

- **“TELEPHONE KIOSK”**

A structure, either mobile or not, containing telephone equipment for the use of the public for financial gain of the owner. A telephone container is included in this definition.

- **“TEMPORARY BUILDING”**

Means a building designated as such by the owner after consulting with the local municipality and which is used, or will be used, for a specified period for a specified purpose, but does not include a building shed.

- **“TEMPORARY CONSENT”**

Means the temporary consent of the local municipality envisaged in accordance with the provisions of section 6.4 of the scheme.

- **“TOURISM”**

Means the business of providing services to tourists; the practice of travelling for pleasure; organized touring; accommodation and entertainment of tourists as an industry.

- **“TRANSPORT USES”**

Means the use of land and/or buildings for the operation of a business consisting of the transportation of goods and/or passengers by rail, air, road and pipelines and includes uses such as stations, transportation amenities and facilities, parking, administrative offices and ancillary uses such as warehouses, container parks, workshops as well as residential uses and amenities for personnel, and may further

include any uses such as business, shops or offices which are of service and convenience to passengers, as approved by the local municipality

- **“TUCK SHOP”**

Conducting of limited retail trade from a portion of a dwelling unit or outbuilding, separated with a firewall and with a separate entrance, with a maximum extent of 40m² or, if the total floor area is less than 100m², 40% thereof, provided that the area used for the retail trade should be subservient to the main use. Storage space is regarded as part of the tuck shop area. A spaza shop is included in this definition.

- **“URBAN AGRICULTURE”**

Land used for the cultivation of crops and raising of small numbers of livestock, on relatively small areas within urban areas, for own consumption or sale in neighboring markets. Urban agriculture includes commonages.

- **“VEHICLE SALES MARKET”**

Land used, with or without buildings, for the sale or display of motor vehicles and/or boats and/or caravans, including a showroom, but does not include any form of workshops, sale of spare parts or scrap yards.

- **“WAREHOUSING AND PACKAGING”**

A building or use of land for the exclusive purpose of packaging, storage and distribution of goods, which in the opinion of the Department and/or Municipality are not dangerous, noxious or unsightly, and office facilities directly related to and subordinate to the main use. The retail sale of goods is not allowed.

- **“WASTE DISPOSAL SITE”**

A place where household, commercial or industrial waste products are stored, salvaged, treated or disposed of in a lawful manner.

- **“WHOLESALE TRADE”**

Land or a building used for the sale of articles only to retailers, other wholesalers, contractors or manufacturers for resale or use in their enterprise.

- **“WRITTEN CONSENT”**

Means consent granted by the local municipality in terms of section 6.3 of the scheme.

- **“ZONE”**

Means a part of this scheme, as shown on the map, by means of a distinctive notation or edging or other distinctive manner as depicted in the land use table of this scheme, and use zone has the same meaning.

SECTION 2: GENERAL

2.1 AREA OF THE LAND USE MANAGEMENT SCHEME

2.1.1 This Land Use Management Scheme shall apply to all properties within the municipal boundaries of the Dipaleseng Local Municipality, as gazetted;

2.2. RESPONSIBLE AUTHORITY

2.2.1. The Dipaleseng Local Municipality Land Use Management Scheme has been prepared under the provisions of section 18 of the Town Planning and Townships Ordinance, 1986 (15 of 1986) and the Dipaleseng Local Municipality or its successor is the responsible authority for enforcing or executing the provisions of this Scheme;

2.2.2. The aim of the scheme shall be the co-ordinated and harmonious development of the area of the scheme in such a way as will most effectively promote the economy, environment, sustainable environment, health, safety and good order of the area.

2.3. LAND USE MANAGEMENT SCHEME STATUS

2.3.1. This Scheme substitutes or supersedes the following Town Planning Schemes:

- Balfour Town Planning Scheme, 1979;
- Peri-Urban Town Planning Scheme, 1975;

2.4. POWERS OF THE COUNCIL

2.4.1. Nothing in this Scheme shall prevent the Local Authority from erecting, maintaining or using any building, or construction work or using any land in its area of jurisdiction for any purpose permitted under any other law of the Republic of South Africa;

2.5. CONFLICT BETWEEN THE PROVISIONS OF THE SCHEME AND CONDITIONS OF TITLE

2.5.1. Any consent granted by the Local Authority by virtue of provisions of this Scheme does not entitle any person the right to use any land, or to erect or use buildings thereon in any manner or for any purpose which is prohibited by the provisions of any condition registered against the title deed under which such land is held, or imposed

by legislation in respect of such land or in terms of the conditions of township establishment by virtue of any law of the Republic of South Africa;

2.6. USE OF ANNEXURES

2.6.1. Land Use Rights under Use Zone %Special+, conditions and restrictions which may apply to any property within a Use Zone, shall be indicated in an Annexure to the Scheme;

2.6.2. The special rights, conditions and restrictions contained in Annexures shall:

- be in addition to the general conditions, restrictions and other provisions of the Scheme;
- prevail should they conflict with any such condition, restriction or provision of this Scheme;

2.7. SHORT TITLE

2.7.1. This Scheme shall be known as the **DIPALESENG LAND USE MANAGEMENT SCHEME, 2012** as approved by virtue of Administrator's notice no. .dated. . and is applicable to all land and buildings within the area of jurisdiction of Dipaleseng Local Municipality;

2.8. APPEALS

2.8.1. Any person aggrieved by a decision of the Local Authority may appeal such decision, and such appeal shall be submitted to the Townships Board in terms of Section 139 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986); provided that such appeal may be lodged within the period of 28 days from the date in which a person has been notified of the decision of the Local Authority;

2.9. ACCESS AND INSPECTION OF PREMISES

2.9.1. Authorized officials of the Local Authority shall have the right to enter into any property within the Local Authority's Jurisdiction at any reasonable time for the purpose of any inspection which the Local Authority may deem necessary or desirable for the purpose of this Scheme;

2.9.2. Notwithstanding the provisions of any laws of the Republic of South Africa, no person shall, in any way obstruct such official in the execution of his/her duties;

2.10. CONTRAVENTIONS

2.10.1. Any person who:

- contravenes or fails to comply with any provision of this Scheme; or
- contravenes or fails to comply with any requirements set out in a notice issued and served in terms of this Scheme; or
- contravenes or fails to comply with any condition set out in terms of any provision of this Scheme; or
- knowingly makes a false statement in connection with any provision of this Scheme;

2.10.2. shall be guilty of an offence;

2.10.3. If the Local Authority determines that there is a contravention in terms of this Scheme, it shall take the necessary action to address the matter: The first step shall be the issuing of a notice of contravention which provides for a 28 day period for the owner to suspend any illegal use, after which legal action will be taken. The notice may be served in any of the following manners:

- to the person or to his duly authorized agent; or
- by registered post to the person or his duly authorized agent at his last known address of abode, place of business, employment or post office box number; or
- at the *domicilium citandi* of the person to be served; or
- at the *domicilium citandi* of the person to be served; or
- by fixing such order, notice or other document on a conspicuous part of the property if there is no such person on the premises at which the notice is to be served;

2.10.4. Any order, notice or other document required to be served on the owner or the occupier of any property may be addressed to the %Owner+ or %Occupant+ without further name or description;

2.10.5. After determining in terms of Section 2.10, that the Scheme has been contravened, the Local Authority shall direct such person in writing:

2.10.6. to discontinue such erection, alteration, addition or other work or to

2.10.7. discontinue such use or cause it to be discontinued; and

2.10.8. at his own expense to:

- remove such building or other work or cause it to be removed;
- to cause such building or other work or such use to comply with the provisions of the Scheme;

2.11. FEES PAYABLE

2.11.1. Fees payable with regard to the various types of land use application are determined by the local authority on an annual basis.

2.12. DIGITAL NATURE OF SCHEME

2.12.1. This land use management scheme has been compiled in a digital format and is linked to a GIS. Although hard copies of this scheme are available, the scheme is operational in a digital format. The GIS component of the scheme include SDF plans, property, land use, ownership and cadastral data basis, environmental information, aerial photography and other layers of information assisting in management of the local authority.

SECTION 3: USE OF LAND AND BUILDINGS

3.1. ERECTION AND USE OF LAND AND BUILDINGS: LAND USE TABLE

3.1.1. The land use Table (attached) indicates the purpose .

- For which buildings may be erected and used and for which land may be used;
- For which buildings may be erected and used, and for which land may be used, only with the special consent and written consent of the Local Authority; and
- For which buildings may not be erected and used and for which land may not be used;

3.2. PROTECTION OF EXISTING BUILDINGS

3.2.1. Subject to the provisions of National Heritage Resource Act, (25 of 1999), no person may alter or demolish a building or structure or part thereof which is older than 60 years without a permission of the relevant authority;

3.2.2. Where alterations or construction is made or rebuilding is in the opinion of the Local Authority substantial, the stipulations of this Scheme are binding in respect of those parts that are altered or rebuilt: provided further that in the case of internal walls, partitions, safes, toilets inside an existing building, repair work inside or outside an existing building are not considered to be substantial;

3.3. USE OF BUILDINGS OR LAND FOR MULTIPLE PURPOSES

3.3.1. Where a building is used, or a proposed building is designed for more than one use, it must be treated as being used or partly designed for each of those uses but for the purpose of other Sections it shall be treated as though it were being used or designed for its predominant use as determined by the Local Authority;

3.3.2. The Local Authority shall, in its discretion when considering a building plan, or upon application for this purpose being made by the owner of the land, decide which use is predominant

SECTION 4: DEVELOPMENT REQUIREMENTS

4.1. DENSITY RESTRICTIONS

4.1.1 For the purpose of this Scheme, the density shall refer to the number of dwellings/dwelling units that may be erected on the property;

4.1.2 Density provisions are only applicable to ~~%~~Residential 1+ and ~~%~~Residential 2+ zoned properties.

4.1.3 The following densities are applicable to the residential Use Zones:

Residential 1: As set out in the land use Table, column 6: one (1) dwelling per erf is allowed;

Residential 2: As set out in the land use Table, column 6: 25 to 45 units per hectare, including group housing, retirement villages and mobile dwelling units are allowed. Densities lower than 25 units per hectare are also acceptable. Densities higher than 45 units per hectare need to be motivated in terms of availability of infrastructure and need and desirability.

4.1.4 In the case of ~~%~~Residential 1+ zoned properties, where a specific density is applicable in terms of the density policy of a particular area, the Local Authority may consent to the subdivision of the erf/property/portion into one or more erven/portions: provided that the size of the subdivided portion and the remainder thereof shall not be less than the minimum size in terms of the policy of a particular area.

4.1.5 Where no specific area policy has been drawn, the density shall be restricted to that stipulated on the Spatial Development Framework (SDF) and the provisions of the scheme of the Local Authority;

4.1.6 Where a specific land portion has been subdivided with the resultant smaller erf/erven size than that specified in the policy before this scheme came into operation, such precedent may not be used as the basis for the Local Authority to consent to the subdivision of erf/erven with smaller sizes than that specified in the policy from the date in which this Scheme comes into operation;

4.2 HEIGHT RESTRICTIONS

- 4.2.1. The maximum height of any buildings on a ~~R~~Residential 1+zoned property may not exceed two (2) storeys and any buildings on any other zoned property be a maximum of three (3) storeys.
- 4.2.2. The local authority may relax the height restriction if, in its opinion, such consent shall result in a more desirable development of the property, subject to the submission of a site development plan.
- 4.2.3. Basements shall not be included for the purpose of this section.
- 4.2.4. Existing buildings exceeding the maximum height provisions are not affected.

4.3. COVERAGE RESTRICTIONS

- 4.3.1. All requirements are set out in the land use table, column 7.
- 4.3.2. The provisions of Sub-section (4.3.1) shall apply to every storey in a building, but excluding basement(s);
- 4.3.3. For the purposes of the foregoing provisions of this Section, no account shall be taken:
- of the area covered by an open verandah and chimneys;
 - of the area covered by swimming pools and tennis court;
 - Of an area covered by shade netting and covered car ports.
- 4.3.4. The Local Authority may grant its written consent to a coverage being increased after:
- considering an application for its consent the Local Authority shall, in addition to any other relevant factors, have regard to the likely effect on the location of essential services;
 - provided that the resultant increased coverage shall not exceed by more than 10% of the original permitted coverage;

4.4. FLOOR AREA RESTRICTIONS (F.A.R)

- 4.4.1. The land use table, column 8 contains the floor area ratio of the area of an erf;

- 4.4.2. In the instance of consolidation of erven, the floor area ratios shall be applied as if consolidation had not taken place;
- 4.4.3. The floor area ratio (FAR) shall not apply to a building used solely as a parking garage and the floor area used for parking and / or circulation of motor vehicles in any building shall not be taken into account during the calculation of the floor area ratio (FAR);
- 4.4.4. The Local Authority may, upon receipt of a written application, consent to an increase of the floor area ratio (FAR) applicable to a property.

4.5. BUILDING LINES AND BUILDING RESTRICTION AREAS

- 4.5.1. In addition to conditions set out in the land use table, column 9, building lines shall be subject to the following further conditions;
- 4.5.2. No building or structure shall be erected within the distance from a street boundary as indicated in the land use table: provided that a building line may be exceeded with 2m for 50% of the length of the applicable street frontage after receipt of an application for written consent.
- 4.5.3. No material or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purposes than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such a boundary, this condition may be relaxed by the local authority and subject to such conditions as may be determined by it.
- 4.5.4. Where the building or any other structure is to be erected on an erf or any other property along a 0m building line, consideration shall be given to the following:
- the roof structure along 0m building line shall not overlap to the adjacent property;
 - storm water shall not be directly discharged into the adjacent property;
 - all walls along the 0m building line must be maintenance free;
 - the roof structure along the 0m building line shall be designed in such a way that the parapet wall does not exceed 4.5m in height measuring from the Natural Ground Level;
- 4.5.5 Building lines are only applicable to buildings covered by a roof and does not prohibit the erection of boundary walls, garden decorations, swimming pools or tennis courts in the building restriction area;

- 4.5.6 Where an erf or other land borders on a national or provincial road, or if provided otherwise in the conditions of title, the applicable building line shall be the building line prescribed by the Controlling Authority, or the building line set out in column 9 for the relevant use zone, whichever is the wider, and such building line, if imposed in terms of Act 21 of 1940 or any other legislation, shall not be relaxed, modified or amended without the written consent of the Controlling Authority;
- 4.5.7 The Local Authority may relax the building line as stipulated in column 9 for the applicable use zone after receipt of a written application, as set out in Section 6. If convinced that the relaxation is justified in terms of the particular circumstances of the request, and in the consideration of such requests the Local Authority can take cognizance of the factors such as the proximity of existing buildings, the form, slope and size of the property and the character of the surrounding area subject to the provisions of Section 6;
- 4.5.8 A consent granted in terms of Section 6 shall be valid for the life of the building in respect of which such consent was granted, or for any shorter period that may be specified by the Council as a condition of its consent;
- 4.5.9 The Local Authority may during consideration of a Site Development Plan, relax and or impose the building restriction area for all erven included in such site development plan, if it is of the opinion that such relaxation would result in an improvement of the development potential of the erf/erven and the aesthetic quality of the building(s);
- 4.5.10 When submitting an application for the relaxation of building line, the applicant shall obtain the written consent of all adjoining owners which shall include the endorsement of signatures, full names and addresses on the relevant plans, save that in the event of one or more adjoining owners refusing endorsement, the Local Authority may request written reasons of the dissenting adjoining owner(s) of such refusal within 14 days from date of dispatch by the Council of a letter calling for such particulars.;
- 4.5.11 The application shall be accompanied by all relevant documents and plans as contemplated in Section 6;

4.6. PARKING REQUIREMENTS

- 4.6.1. Parking requirements are set out in the land use table, Column 5. Effective, paved parking, together with the necessary maneuvering space for the various use zones

and uses, shall be provided on the property to the satisfaction of the local authority by and at the cost of the person who intends to erect a building.

- 4.6.2. For the purposes of calculating the number of parking spaces that can be provided, it shall be deemed that one parking space is equal to an area not less than 25m². A parking bay must be 2.5m by 5.0m in size with a maneuvering space of 7.0m between parking bays.
- 4.6.3. If the local authority is convinced that special circumstances exists, in which the existence of adequate parking in the near vicinity of the application is to be taken into account, it may consent to the relaxation of the provisions of column 5.
- 4.6.4. Parking provisions in areas with low motor vehicle ownership may be relaxed by the local authority.
- 4.6.5. Notwithstanding any provision in this Scheme, parking accommodation shall be provided in a manner satisfactory to the Local Authority in respect to buildings and use of land on erven or sites which shall not be less than the number of parking spaces specified in column 5;

4.7. LOADING

- 4.7.1. Loading spaces with enough maneuvering space, entrance to and exists from the erf, internal driveways, and where required, waiting bays, receiving points and turning facilities, shall be provided on the erf. If required, fueling spaces, with enough maneuvering space shall also be provided on the erf. The number, layout and construction of the loading and fuelling spaces are subject to the approval by the Local Authority;
- 4.7.2. The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the local authority, unless the local authority has provided loading facilities in the street reserve.
- 4.7.3. Any person who undertakes or knowingly permits the loading, off-loading or fuelling of vehicles other than as approved by the Local Authority, may be guilty of an offence;

4.8. SITE DEVELOPMENT PLANS

- 4.8.1 Site development plans are required for the erection of all buildings on all Erven except erven zoned ~~R~~Residential 1+.

4.8.2 Purpose of a Site Development Plan:

- SDP's are submitted to obtain approval of the form and layout of a development in order to avoid unnecessary delays and stumbling block when building plans are submitted;
- SDP's, where required, should therefore be submitted and approved before architects and designers finalize detailed drawings;
- Where SDP's are required, no building plan or subdivision plan, shall be approved unless in terms of an approved SDP. The erection of a building or commencement of construction work before the approval of a SDP or otherwise than in accordance with the approved SDP shall be a contravention of the Town Planning Scheme.
- The municipality may consent to the amendment of a Site Development Plan.

4.8.3 Documents and Plans to be submitted:

- The following documents and plans shall be submitted, and no SDP submission will be processed unless accompanied by all the required documentation and plans. The submission should comprise an A4 or A3 bound or stapled set of documents, including:
 - A signed covering letter addressed to the Manager Developmental Services containing a declaration by the applicant that:
 - The applicant has the required authority to submit the application on behalf of the registered owner of the property;
 - The applicant has checked the Title Deeds of the property and that there are no restrictive conditions prohibiting the proposal as submitted.
 - A locality plan indicating the application site in relation to the surrounding neighborhood and road system.
 - A plan, or copy of an orthophoto, on which shall be indicated the site, the land uses of adjacent erven as well as the approximate location of buildings, entrances and egresses to and from the adjacent erven.
 - A copy of the survey diagram if available.
 - A Site Development Plan to a scale of not less than 1:500 unless the development is extensive enough to warrant a smaller scale plan. The plan(s) must indicate at least the following:
 - The sitting and use of all buildings, structure and parking areas.
 - The parking areas and external finishes of all buildings . including the positioning and visual appearance of all air conditioning units and their operation to the satisfaction of the Manager Developmental Services.

- Site contours.
- Vehicle and pedestrian circulation and particularly all pedestrian walkways in shopping centre developments.
- The positioning of all services and any servitude registered.
- Proposed storm water disposal.
- The phasing of construction.
- If the site is to be subdivided, the proposed subdivision lines.
- The extent and nature of any open space to be provided.
- Where landscaping is envisaged, the nature and extent of such landscaping, including documents outlining the type of landscaping, the budget available and phasing of landscaping.
- Refuse areas in residential complexes where no more than 6 units are to be erected.
- The floor plans and elevations of all existing and proposed buildings.
- Details of the proposed and existing treatment of the boundaries of the site e.g. walling, fencing, hedges.
- Steps to be taken to minimize any negative impact of the proposed development on adjacent properties.
- A schedule of town planning controls in the form of a table indicating the permitted and actual development in terms of the controls applicable to the site, such as coverage, F.A.R., parking, density of dwelling (i.e. number of units per hectare), height and the required and actual open space provision, etc.

4.8.4 Procedure for Plan Approval.

- SDP submissions are made to the Town Planning Section.
- Four (4) copies of the SDP drawings are to be submitted along with the relevant documentation. In instances where new or re-development of the property occur, one (1) set of drawings would be submitted to Technical Services, the remaining three (3) copies for Town Planning purposes.
- Thereafter the plans will be registered and issued to a Town Planner to assess the submission from a Town Planning point of view.
- Where subdivisions into smaller erven occur, the Town Planning Division will circulate the plans with the subdivision application to the various divisions for their comments.
- Where no subdivision is to occur, a plan will be returned to the applicant, with the Town Planners comment attached.

- It must be noted that no other Division will accept a plan for comment unless it has been registered and assessed by the Town Planning Division or unless prior arrangement by Planning Division have been made with the applicable Division.

SECTION 5: GENERAL CONDITIONS

5.1. GENERAL CONDITIONS APPLICABLE TO ALL ERVEN

- 5.1.1. A servitude, 2 meters wide, in favor of the local authority for sewerage and other municipal purposes, along any two boundaries other than a street boundary, and in the case of a panhandle erf, an additional servitude for municipal purposes, 2 meters wide, across the access portion of the erf, if and when required by the local authority: provided that the local authority may dispense with any such servitude;
- 5.1.2. No Building or any other structure may be erected in the servitude area referred to in the afore-mentioned Sub-section (5.1.1) and no tree with large roots may be planted within the afore-mentioned servitude area or within 2 meters thereof except with the permission of the Local Authority;
- 5.1.3. the Local Authority shall be entitled to reasonable access to the land adjoining the servitude area referred to in the afore-mentioned Sub-section (5.1.1) for the construction, maintenance or removal of such services as it may deem necessary and shall be entitled to deposit temporarily on the afore-mentioned land material that may be excavated during the course of such activities subject to any damage thereby caused being made good by the Local Authority at its cost;
- 5.1.4. In any area to which this Scheme applies, the following conditions shall apply to all properties: neither the owner nor any other person shall have the right, save and except to prepare the erf for building purposes, to excavate there from any materials;
- 5.1.5. neither the owner nor any other person shall sink any wells or boreholes thereon or abstract any subterranean water there from without the permission contemplated in the National Water Act, (36 of 1998);
- 5.1.6. neither the owner nor any other person shall have the right to make or permit to be made upon the erf for any purposes whatsoever any tiles or earthenware pipes or other articles of a like nature: Provided that this condition is not applicable to erven zoned Industrial 1 or 2;

- 5.1.7. Where, in the opinion of the Local Authority, it is impracticable for storm water to be drained from higher lying erven direct to a road or street, the owner of any lower lying erf shall be obliged to accept and/or permit the passage over the erf of such storm water: Provided that; the owners of any higher lying erven, the storm water from which is discharged over any lower lying erf, shall be liable to pay a proportionate share [which shall be determined by the Local Authority in case of dispute] of the cost of any pipe line or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf;
- 5.1.8. No animal as defined in the Municipal By-laws: Keeping of Animals Birds, and Poultry and the Businesses involving keeping of Animals, Birds, Poultry and Pets as published in terms of Notice No 2208/1985 on 09 October 1985 may be kept on any erf/property except with the permission of the Local Authority;
- 5.1.9. The positioning of all buildings, including outbuildings erected on the erf, and entrance to and access from the erf shall be to the satisfaction of the Local Authority;
- 5.1.10. Main buildings shall be erected and completed simultaneously with or before the erection of the outbuilding.
- 5.1.11. If an erf or site abuts a provincial road or a national road, a fence of at least 1.8m high or any other height as may be requested shall be erected along the boundary between the erf or site and such road in accordance with the standards laid down by the relevant provincial authority;
- 5.1.12. If any erf is fenced or otherwise enclosed by fence or fencing material shall be erected and maintained to the satisfaction of the Local Authority;
- 5.1.13. The owner is responsible for the maintenance of the entire property including any improvements on it. If the local authority is of the opinion that the property, or any section of it is not satisfactorily maintained, the local authority shall be entitled to undertake such maintenance at the cost of the registered owner;
- 5.1.14. Informal trade shall not be conducted in any street or road without the permission of the Local Authority and subject to its By-laws and other legislation regulating such trade;
- 5.1.15. The design and construction of septic tanks and French drains shall comply with the Local Authority's requirements;
- 5.1.16. Septic tanks and French drains shall be located at least at the Local Authority's satisfactory distance from any borehole being used for drinking water;

5.1.17. Notwithstanding the provisions of this Scheme, nothing shall be construed as to allow the use of land or the erection or use of any building for the purpose under listed activity unless such activity has been approved by the competent authority in terms of Environmental Conservation Act, (73 of 1989) read with National Environmental Management Act, (107 of 1998);

5.1.18. the owner of land shall be responsible to furnish Local Authority with proof of the authorization contemplated in Sub-section (5.1.17);

5.1.19. Development of land for residential-formal and informal as well as rural settlements, business, commercial industrial purposes shall be subject to:

- an Engineering Geological Investigation;
- an Environmental Impact Assessment;

5.2. CONDITIONS APPLICABLE TO PROPERTIES ZONED “RESIDENTIAL 1”

5.2.1. Subject to the provisions of the land use table, the following additional conditions will apply to erven zoned ~~%~~Residential 1+:

5.2.2. no property or erf may be used for the:

- parking and storage of more than one (1) commercial vehicle (which may inter alia be a bus with less than 12 seats, a light delivery van, a tractor, a construction machine or truck with a carrying capacity of three ton or less) or a taxi;
- maintenance, fuelling or repair of any motor vehicle or motorcycle (except those that are registered in the name of the occupant) or any commercial vehicle or Taxi;

5.2.3 Special conditions are applicable to properties zoned ~~%~~Residential 1+ located in previously disadvantaged, low income areas. The occupant or owner may practice their social, cultural and religious activities and their occupation, professions, or trade including retail trade and taverns on the property on which residential buildings are erected, provided that:

- The dominant use of the property will remain residential,
- The use shall not negatively affect the general amenity of the residential area,
- A written consent must be obtained before the proposed use is implemented.

5.3. CONDITIONS APPLICABLE TO PROPERTIES ZONED AS “PROTECTED AREAS” AND “PUBLIC OPEN SPACE”

- 5.3.1. Subject to the provisions of the land use table, the following additional conditions will apply to the properties zoned %Protected Areas+and %Public Open Space+:
- 5.3.2. all listed activities in terms of the provisions of Environmental Conservation Act, (73 of 1989) read with National Environmental Management Act, (107 of 1998) must be subject to Environmental Impact Assessment and Environmental Management Plan;
- 5.3.3. the change of land Use Zoned %Public Open Space+to any other land use constitute a listed activity and is subject authorization in terms Environmental Conservation Act, (Act 73 of 1989) read with National Environmental Management Act, (Act 107 of 1998);

5.4. CONDITIONS APPLICABLE TO PROPERTIES ZONED “RESIDENTIAL 1 (RURAL SETTLEMENT)”

- 5.4.1. Notwithstanding any provision of this Scheme, the following additional conditions will apply to properties to be used for Rural Settlements;
 - no rural settlements will be established without the approval of the Local Authority; the reference to approval implies either township establishment or rezoning application, or any other purpose as the circumstances may dictate;
 - during the consideration of any application the following aspects should be addressed:
 - Access to and provision of basic services (water, sanitation, roads and electricity), as well as access to and provision of social amenities;
 - Service agreement with Local Authority and any other service provider; social, economic and environmental sustainability of the settlement;
 - Any other aspects as may be required by the Local Authority;

5.5. CONDITIONS APPLICABLE TO PROPERTIES ZONED “RESIDENTIAL 2” (REFER TO SECTION 4.8 FOR MORE DETAIL)

- 5.5.1 The internal roads on the erf shall be constructed and maintained by the registered owner to the satisfaction of the local authority.
- 5.5.2 A site development plan, drawn to the scale of 1:500, or such scale as may be approved by the local authority shall be submitted to the local authority for approval prior to the submission of any building plans.
- 5.5.3 No buildings shall be erected on the erf before such site development plan has been approved by the local authority and the total development on the erf shall be in accordance with the approved site development plan: provided that the plan may, from time to time be amended with the written consent from the local authority.
- 5.5.4 The local authority shall not approve any building plans which do not comply with the proposals in the approved site development plan with particular reference to the elevation and architectural treatment of the proposed building and structure.
- 5.5.5 The registered owner of the erf shall make available and accessible, to the satisfaction of the local authority at least 250sqm of the erf as children's play areas which area may include paved areas and lawns. Play equipment according to the requirements of the local residents, shall be provided on the erf by the registered owner to the satisfaction of the local authority.

5.6 CONDITIONS APPLICABLE TO PROPERTIES ZONED “PUBLIC GARAGES”

- 5.6.1 Notwithstanding any provision of this Scheme, the following additional conditions will apply to properties zoned “Public Garages”:
- 5.6.2 the establishment, upgrading and extension of a public garage constitute a listed activity and may only be commenced with upon submission of documentary proof to the Local Authority that such establishment, upgrading or extension has been authorized in terms of Environmental Conservation Act, (73 of 1989) read with National Environmental Management Act, (107 of 1998);
- 5.6.3 No material of any kind whatsoever shall be stored or stacked to a height greater than a screen wall and no repairs to vehicles or equipment of any kind may be carried on outside the garage buildings or screen wall: Provided that the local

authority may relax this condition where the erf is situated within, adjacent to, or surrounded by industrial uses;

- 5.6.4 no vehicle may be parked or material or equipment of any kind stored or stacked outside the garage building or the screen wall: Provided that petrol pumps and/or oil and fuel installations may be placed outside the building and/or screen wall to the satisfaction of the Local Authority; and
- 5.6.5 canopies over fuel pump installations may not be regarded and included in the calculation of coverage but shall be considered in the calculation of Gross Floor Area;

5.7 CONDITIONS APPLICABLE TO SECOND DWELLING UNITS

- 5.7.1 Second dwelling units will be allowed on %Residential 1+-zoned properties subject to the following conditions:
- 5.7.2 That none of the provisions of the land use table be exceeded;
- 5.7.3 That a written consent application be applied for and be approved by the local authority;
- 5.7.4 That the style of the second dwelling be compatible with the original dwelling;
- 5.7.5 The second dwelling unit may not exceed 120sqm in total, excluding outbuildings of 40sqm.
- 5.7.6 The minimum size of the erf or portion on which the second dwelling is to be erected must be at least 500sqm.

5.8 CONDITIONS APPLICABLE TO DWELLING HOUSE OFFICES

- 5.8.1 Dwelling house offices may be allowed on %Residential 1+-zoned properties subject to the following conditions:
- 5.8.2 That none of the provisions of the land use table be exceeded;
- 5.8.3 That a written consent application be applied for and be approved by the local authority;
- 5.8.4 That the style of the second dwelling be compatible with the original dwelling and the residential character should be retained;
- 5.8.5 The non-residential use may not exceed 30% of the residential use;
- 5.8.6 A sign or name not exceeding 450mm by 600mm in dimension may be erected to indicate the name and profession of the occupant.

- 5.8.7 A site development plan must be submitted to the local authority for approval.
- 5.8.8 Noxious industries and Industries are not permitted;
- 5.8.9 No disturbance or pollution through noise, smell, dust, radio-activity, gases or vibrations or other offensive condition, which result in inconvenience to the public, is permitted. Any waste, shall comply with the Local Authority's requirements for the temporary storage and removal from the property;

5.9 CONDITIONS APPLICABLE TO AGRICULTURAL HOLDINGS AND FARM PORTIONS

- 5.9.1 The following further conditions are listed in addition to the land use table;
- 5.9.2 The use of agricultural land are regulated by Ordinance 15 of 1986, Ordinance 20 of 1986, Act 70 of 1970 and Act 22 of 1919. A farm portion is use in an illegal way if it is subdivided in non-profitable and uneconomic agricultural portion and if the land is used for none agricultural uses.
- 5.9.3 Farm stalls are permitted on Agricultural Use Zone, subject to the following conditions;
- The area of the building shall not exceed 35m², excluding parking and maneuvering space;
 - The farm stall shall be situated at least 10m from any property boundary, subject to the following line as defined in the Scheme and/or title deed.

5.10 CONDITIONS APPLICABLE TO NOXIOUS INDUSTRIES

- 5.10.1 The use of buildings or land for any of the following purposes and activities are regarded as noxious:
- Asbestos-processing;
 - The burning of building bricks;
 - Chromium-plating;
 - Cement production;
 - Carbonization of coal in coke ovens;
 - Charcoal-burning;
 - Converting, reheating, annealing, hardening or carburizing, forging or casting or iron or other metals;

- Crushing or screening of stone or slag or plants for the preparation of road-surfacing material;
- Distilling, refining or blending of oils;
- Galvanizing;
- Lime and dolomite-burning;
- Lead-smelting;
- Pickling and treatment of metal in acid;
- Recovery of metal from scrap;
- Smelting, calcining, sintering or other reduction of ores or minerals;
- Salt glazing;
- Sintering of sulphur-bearing materials and viscose works;
- Carbon bisulphide, cellulose lacquers, hot pitch bitumen, pyridine, or pulverized fuel (except when used for a spray-painting trade);
- Cyanogen or its compounds;
- Liquid or gaseous sulphur dioxide;
- Sulphur chlorides or calcium carbide;
- Amyl acetate, aromatic esters, butyric acid, caramel, enameled wire, hexamine, iodoform, B-naphthol, salicylic acid, lamp-black, sulphurated organic compounds, sulphur dyes, glass and resin products (except synthetic resins, plastic-moulding or extrusion compositions and plastic sheets, rods, tubes, filaments or optical components produced by casting, calendaring, moulding, shaping or extrusion);
- Paint or varnish manufacture (excluding mixing, milling and grinding);
- Rubber from scrap;
- Ultra marine, zinc chloride and oxide;
- An abattoir, animal bristle sterilizing and storing, and animal charcoal manufacture;
- A bacon factory, a brewery or distillery, blood-albumen making, blood-boiling, bone-boiling, -steaming, -burning, -storing, or bone-grinding, breeding of maggots from putrescible matter;
- Candle-making, catgut manufacture, boiling of chitterlings of pigs or other animals which are not subsidiary to a retail business or trade;
- Dealing in rags or bones (including receiving, storing or manipulating of rags in, or likely to become in, an offensive condition, or any bones, rabbit skins, fat or putrescible animal products of a like nature);

- Fellmongery, fat-smelting or -extracting, fish-curing (other than a subsidiary to the business or trade as a fishmonger), fish-skin dressing or scraping, fish-canning;
- Glue-making, gut-cleaning or . scraping;
- A knackersyard;
- Leather-dressing;
- The making of meal for feeding poultry, dogs, cattle or other animals from any fish, blood, bone, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia, manufacturing or storing of manure from bones, fish, fish offal, blood, spent hops, beans or other putrescible animal or vegetable matter, manufacturing of malt;
- Parchment-making, a paper mill;
- Size-making, skin-drying, -storing and -curing, soap-boiling, a slaughter house, a sugar-mill or . refinery;
- Tallow-melting or -refining, tanning, tripe-boiling or . cleaning;
- Wool-scouring, wattle-bark grinding or extracting, or;
- Yeast-making.

SECTION 6: LAND DEVELOPMENT APPLICATIONS

6.1. CONSIDERATION OF LAND DEVELOPMENT AND LAND USE APPLICATIONS BY THE LOCAL AUTHORITY

6.1.1. The Local Authority may, when application is made for its special, written or temporary consent in terms of this Scheme, refuse or grant such consent subject to such conditions as it may deem fit, with due consideration of:

- the amenity of the area;
- health and safety of the area;
- the character of other uses in the area;
- the need and desirability of the use concerned;
- the Directive Principles as contained in the Land Use Management Bill;
- Integrated Development Plan;
- compliance with the proposals set forth in the Spatial Development Framework (SDF);

- any policy document of the Local Authority;
 - principles of the Development Facilitation Act, (Act 67 of 1995);
 - any by-law of the Local Authority;
- 6.1.2. Where the use of land or a building can only be conducted with the special, written or temporary consent of the Local Authority, the use may not be conducted prior to the consent being given;
- 6.1.3. The Local Authority may temporarily put aside or suspend the application if it is satisfied that the applicant has not complied with the minimum requirements set therein as well as an application made in terms of section 56(1), 92(1) of the Town Planning and Townships Ordinance, 1986 (Ord. 15 of 1986) and section 6(1) of the Division of Land Ordinance, 1986 (Ord. 20 of 1986);
- 6.1.4. When granting its consent to erect building(s) or use of land or building(s), the Local Authority may impose the condition that the consent be renewed from time-to-time by re-applying or any other form as it may deem fit;
- 6.1.5. In considering the renewal contemplated in Sub-section (6.1.4), the Local Authority may grant or refuse the renewal and state the reasons thereof;
- 6.1.6. Where the applicant or owner of land or buildings to which the consent applies fails to renew the consent as contemplated in (6.1.4) and continue to exercise the rights or cause such rights to be exercised after the period has expired, such conduct shall be deemed illegal and shall be subject to the provisions of Section (2.10).

6.2. APPLICATION FOR SPECIAL CONSENT OF THE LOCAL AUTHORITY

- 6.2.1. The owner of the land or building or his authorized agent intending to apply to the Local Authority for Special Consent for the erection of buildings or use of land or building for a purpose as set out in the land use table, column 2, shall submit an application to the Local Authority as prescribed hereafter:
- 6.2.2. after submission of an application, the applicant shall:
- publish in two (2) consecutive weeks at his own expense a notice of such application in the Local Newspaper or as may be prescribed by Local Authority;

- display in conspicuous positions, where it may be easily seen from public land or other such public place, a placard on each separate part of such land or building to which such consent is applicable;
- The placards are to be maintained in good order for at least 14 days from the day of the first publication;
- The placard shall not be smaller than 594 mm x 420 mm and any letter there on shall be at least 6mm high and be written in legible upright printed letters.
- if such land or building is situated at such a distance from public road or other public place that the notice cannot be read from there, the placards shall also be displayed at every public entrance of the public place to the concerned property or building;
- if the property concerned has more than one street frontage, at least one placard shall be displayed and maintained on each street frontage;
- in a case of an application within an existing business centre or other similar place to which the public has access, a placard shall be displayed and maintained in a conspicuous place at the entrance of such business to which the application refers, and at each public entrance of the business centre; and

6.2.3. The site notice shall;

- contain the full name, the residential or business address and telephone number of the applicant or authorized agent;
- mention the relevant sections of the town-planning Scheme, erf number and street address, township concerned, farm portion or agricultural holding, the existing zoning of the application erf as well as the intended use, and locality of the proposed land-use for which application has been made;
- state that the full details of the application are available at the Local Authority during normal office hours for the period of twenty-eight (28) days from the first day of publication of the notice in the local newspaper and the erf notice;
- be written in English and any other of the official languages predominant in the municipal area;
- state that any objection or representation against such application shall be submitted in writing to the Local Authority within twenty-eight (28) days, calculated from the first full day after appearance of the notice in the local newspaper and displaying on the erf; the date of appearance of the notice in the local newspaper as well as the closing date for acceptance of objection shall be indicated on the placard;

- 6.2.4. The Local Authority may authorize the partial or total non-compliance of the public participation process, if it is of the opinion that another way of giving the notice as prescribed by the Local Authority, will inform the public in a better way, or that such non-compliance is not of such a material nature that it is likely to affect anyone detrimentally;
- 6.2.5. The applicant shall draw up a sworn affidavit to the effect that the provisions in Sub-section (6.2.2) and (6.2.3) hereof have been complied with not earlier than 14 days after the day of publication of the erf notice, and submit the affidavit thereafter at the Local Authority;
- 6.2.6. The application contemplated in Sub-section (6.2.2) shall simultaneously comprise of the following documents as well as any such additional documents or information as the Local Authority may require:
- plans, maps drawn up to a suitable scale, indicating the locality of the property in relation to the surrounding properties;
 - memorandum addressing the need and desirability of the proposed use as well as any other matter deemed desirable to the application concerned;
 - copy of the relevant Title Deed or Deed of Transfer of the subject property;
 - pro-forma notice contemplated in Sub-section (6.2.2);
 - special power of attorney if the application is lodged by any person other than the owner of the land;
 - proof of payment of relevant fees as may be determined by the Local Authority;
- 6.2.7. Any person with objections to or who wishes to make representation against the application, shall lodge his written objections or representation to the Local Authority with the reasons thereof within the period mentioned in Sub-section (6.2.3) hereof;
- 6.2.8. In the event of the objections and or representations received with written reasons within a specified period, the Local Authority shall consider and hear objections or representations at the hearing arranged by Local Authority;
- 6.2.9. Subject to the provisions of Sub-section (6.2.8), the Local Authority shall set a time and place for the hearing of such objections or representations by giving notice by means of facsimile, registered post to the last known address of the objector and applicant or by any means it deems suitable, at least 14 days prior to the date of the hearing;
- 6.2.10. Where objections and or representations contemplated in Sub-section (6.2.7) contain more than one person in one document, it shall be deemed sufficient compliance with the provisions of Sub-section (6.2.9) if the Local Authority delivers its notice in any of

- the manner contemplated in Sub-section (6.2.9) to any single person who has lodged the document or its signatory;
- 6.2.11. After consideration of the application and any objections, the Local Authority may grant the application or refuse it and all parties (including the objector) will be informed of the decision; and further informs all the parties of their rights contemplated in Section (2.8) of the Scheme;
- 6.2.12. The Local Authority reserves the right, without any liability for compensation, to revoke its consent if the requirements imposed in considering the application have not been complied with;
- 6.2.13. If the consent of the Local Authority in terms of Section (6.2) for the use of land or the erection or use of buildings is not exercised within 12 months from the date of the notification of the Local Authority to grant such consent, the consent shall be deemed to have lapsed: provided that if an appeal has been noted from an objector, as completed in Section (2.8), such 12 months period shall be counted from the date in which the appeal has been disposed of;
- 6.2.14. If the use permitted is not exercised for uninterrupted period of twelve (12) consecutive months after commencement, the consent shall lapse, after which the owner shall reapply;
- 6.2.15. The Local Authority may on written application grant an extension of the time in which the consent must be exercised or the special consent use may be interrupted;
- 6.2.16. The Local Authority may, on written request from the owner of land cancel or retract any consent granted in terms of Section (6.2.11) provided that such cancellation or retraction will not take effect until approved by the Local Authority;
- 6.2.17. Apart from the uses set out in the land use table, the Local Authority may, where application is made for its consent in terms of any other Section, require that the same procedure be followed as set out in this Section. If such requirements are not laid down, any other such application will be submitted in the manner as may be determined by the Local Authority.

6.3. WRITTEN CONSENT OF THE LOCAL AUTHORITY

6.3.1. The owner of the land or building or his authorized agent intending to apply to the Local Authority for Written Consent in terms of the land use table, column 3. In addition to the provisions of the land use table, written consent applications of the following for the uses and instances may be applied for:

- relaxation of the line(s) of no access;
- relaxation of a building line;
- erection of second dwelling unit;
- erection of outbuildings ;
- provision of parking on adjacent property;
- erection of screen wall(s) exceeding 2,0m in height;
- Home enterprises;
- Guest house;
- Dwelling house office;
- Spaza and tavern (residential);
- Tea garden/coffee shop;
- See the land use table column 3.

6.3.2. No consent shall be granted in terms of this Section until the applicant has obtained the written comments of the surrounding owners or controlling authority concerned as prescribed, plans, drawn up to a suitable scale, indicating the locality of the property in relation to the surrounding properties; description of the nature and extent of the intended use or relaxation required; name and address of the applicant; disclose the name, address and number of the signatories; and record therein that none of the surrounding owners has any objections against the application;

6.3.3. In the event of objections received, the provisions of Sub-section (6.2.9), (6.2.10), (6.2.11), (6.2.12) and (6.2.13) shall apply *mutatis mutandis*;

6.3.4. After consideration of the application and any objections, the Local Authority may grant the application or refuse it and parties (including the objector) will be informed of the decision; and further informs all the parties of their rights contemplated in Section (2.8) of the Scheme;

6.3.5. If the consent of the Local Authority in terms of Section (6.3) for purposes mentioned in under Sub-section (6.3.1.) is not exercised within 12 months from the date of the notification of the Local Authority to grant such consent, the consent shall be deemed to have lapsed: provided that if an appeal has been noted as completed in Section

- (2.8), such 12 months period shall be counted from the date in which the appeal has been disposed of;
- 6.3.6. The Local Authority reserves the right, without any liability for compensation, to revoke its consent if the requirements imposed in considering the application have not been complied with;
- 6.3.7. The Local Authority may on written application grant an extension of the time in which the consent may be exercised;
- 6.3.8. The Local Authority may, on written request from the owner of land cancel or retract any consent granted in terms of Section (6.3) provided that such cancellation or retraction will not take effect until approved by the Local Authority;

6.4. TEMPORARY CONSENT OF THE LOCAL AUTHORITY

- 6.4.1. Notwithstanding any other provision of this Scheme, or whatever requirement is deemed fit by the Local Authority, the Local Authority may on receipt of a written application from the owner of land or his authorized agent, consent to the temporary use of a property for:
- the erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; Provided that such consent shall lapse upon completion of the permanent structure or on the expiry date thereof as determined by the Local Authority;
 - the occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement;
 - the use of land or buildings thereon for State or Local Authority purposes;
 - the use of land or the erection of buildings necessary for the purpose of informal retail trade;
- 6.4.2. The Local Authority may further require that the applicant obtain written comments of the surrounding land owners or any other person or body that, in its opinion, may have an interest in the application contemplated in Section (6.4.1);
- 6.4.3. In the event of objections received, the provisions of Sub-section (6.2.9), (6.2.10), (6.2.11), (6.2.12) and (6.2.13) shall apply *mutatis mutandis*;
- 6.4.4. After consideration of the application and any objections, the Local Authority may grant the application or refuse it and parties (including the objector) will be informed

- of the decision; and further informs all the parties of their rights contemplated in Section (2.8) of the Scheme;
- 6.4.5. Such consent granted under Section (6.4.1) shall be for a period determined by the Local Authority which shall in any case not exceed 12 calendar months;
- 6.4.6. The Local Authority may impose any condition deemed fit in granting consent in terms of Section (6.4.1);
- 6.4.7. If the consent of the Local Authority in terms of Section (6.4.1) for purposes mentioned in under Sub-section (6.4.1) is not exercised within 12 months from the date of the notification of the Local Authority to grant such consent, the consent shall be deemed to have lapsed: provided that if an appeal has been noted as completed in Section (2.8), such 12 months period shall be counted from the date in which the appeal has been disposed of;
- 6.4.8. Notwithstanding the above, the Local Authority reserves the right to reconsider the decision in terms of Section (6.4.1), without liability for compensation, if any of the conditions imposed in terms of the authorization are not complied with or if complaints from surrounding property owner(s) are forthcoming;
- 6.4.9. The Local Authority may on written request from the owner of land cancel or retract any consent contemplated in Section (6.4.1): provided that such cancellation or retraction will not take effect until approved by the Local Authority;

6.5. CONSOLIDATION AND SUBDIVISION OF ERVEN

- 6.5.1. Where application is made in terms Section 92(1) of the Town Planning and Townships Ordinance, (15 of 1986) for subdivision of erven into two or more erven, the application shall not be granted if the subdivision of any erf (including the resultant erf or erven and remainder) will;
- have a size, including the area of the panhandle or the area of a servitude of right of way, if applicable, which is smaller than the erf size specified by the Local Authority and as indicated on the density policy;
 - not have vehicular access to the street to the satisfaction of the Local Authority;
- 6.5.2. Notwithstanding the provisions of Sub-section (6.5.1), the following further conditions are applicable to the subdivision approval:
- such erf shall have an acceptable shape and street frontage for vehicular access;
 - the panhandle shall be not less than 3m wide along its whole length;

- a panhandle shall provide access only to the erf of which it forms part as well as the property in favour of which a servitude of right of way has been registered over such panhandle;
- 6.5.3. No buildings or structures, walls may be erected on the panhandle or servitude;
- 6.5.4. In considering an application for its consent for consolidation and/or subdivision as contemplated in Sub-section (6.5.1), the Local Authority shall determine whether the said consolidation and/or subdivision is necessary and desirable in relation to the location of buildings on the erf to be subdivided and/or consolidated as contemplated in Section (6.1).

6.6. CHARGES PERTAINING TO LAND DEVELOPMENT APPLICATIONS

- 6.6.1. It should be noted that the applicant must pay the prescribed charges as determined from time to time by the municipality.
- 6.6.2. The charges as listed in Sub-section 6.6.1 could include the approved application fees for the various types of land use applications and for bulk services contributions as determined by the local authority.

6.7. REGISTER OF LAND USE APPLICATIONS

- 6.7.1 The local authority shall keep a complete register of all amendments, approvals and consents approved by it in this scheme.

SECTION 7: MISCELLANEOUS

7.1. TERMINATION OF INJURIOUS CONDITIONS AND REMOVAL OF ADVERSE CONDITIONS

- 7.1.1. The Local Authority may serve a notice on the owner or occupant of the premises on which the injurious condition exists requiring him to take action to abate the injurious condition(s);
- 7.1.2. The said notice can prescribe remedial actions to be taken and can also specify the time limit within which the actions must be effected provided the period shall not be less than 28 days;
- 7.1.3. In addition to any judgment in terms of Section (2.10) the Local Authority may undertake any measures to abate such conditions at the cost of the owner;
- 7.1.4. The owner is responsible for the maintenance of the property. Where the general amenity of the area is adversely affected by the condition of the garden, courtyard, building or development on any property, the local authority may serve a notice on the owner as described in sub-section 7.1.1.

7.2 ADVERTISEMENT SIGNS

- 7.2.1 No advertisement sign or display board, that is visible from outside the property, may be displayed or erected without the consent of the local authority.

7.3 ZONING CERTIFICATES

- 7.3.1 The Local Authority shall, if so requested by any person, issue a zoning certificate in respect of the zoning of any land in which this Scheme applies without the consent of the property owner;
- 7.3.2 The zoning certificate contemplated in Sub-section (7.3.1) shall state that the information contained therein shall remain true only at the time of issuing of such a certificate and that the zoning information may change at any time without notice (of such changes) served to a person whom the certificate was initially issued;
- 7.3.3 The Local Authority shall not be held liable for any damages that may be incurred as result of the zoning changes on any property to which the zoning information applied at the time of issuing of such certificate as contemplated in Sub-section (7.3.2).

7.3.4 The information in the zoning certificate will contain all relevant information as contained in the land use table.

7.4 FORWARD PLANNING

7.4.1 The Dipaleseng Spatial Development Framework (SDF) was compiled in 2010 and provides guidelines for the future spatial development of the total municipal area. This Land Use Management Scheme (LUMS) was compiled taking into account the guidelines as contained in the SDF. Land use applications in line with the spatial and land use proposals as contained in the SDF must receive support and priority.

7.4.2 As part of the GIS that forms part of the LUMS, the proposals as contained in the SDF were included in the system. The SDF spatial plans were included in the GIS data base.

7.4.3 Aspects from the SDF such as the urban edge, future land use proposals, nodes, corridors, mixed uses, environmental protection, were included in the LUMS.

7.4.4 Please also refer to Section 1.1 for aims and principles of the scheme.

7.5 LOCAL ECONOMIC DEVELOPMENT (LED)

7.5.1 It is the role of the local authority to create an enabling environment for local businesses and entrepreneurs to prosper. Tools to achieve this goal include reducing the impact of regulations and length of such processes through the LUMS and SDF, as well as by means of LED initiatives and projects.

7.5.2 LED strategies that will be the focus include infrastructural development in line with the proposals in the SDF, housing development in line with the SDF, SMME and skills development, good governance through well functioning institutional arrangements such as a well functioning LED forum, sectoral support for agriculture, mining, manufacturing, and tourism.

7.5.3 Land use applications in line with the above LED principles need to receive preference.