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# LAND USE MANAGEMENT SYSTEM (LUMS)

## 2013

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# MATATIELE

LOCAL MUNICIPALITY

The Municipal Manager  
Matatiele Municipality  
P O Box 35  
Matatiele  
4730

**LAND USE MANAGEMENT SYSTEM**

**SCHEME REGULATIONS**

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**ADOPTION REGISTER**

Date of adoption of these Regulations:

**MATATIELE LUMS  
ZONES AND CODES IN ALPHABETICAL ORDER**

<b>CATEGORY</b>	<b>NEW ZONE</b>	<b>CODE</b>
Agriculture	Agriculture	A
Industry	Low Impact Industrial	LI
	Medium Impact Industrial	MI
	Extractive Industry (Quarrying and Mining)	QM
Mixed Use	General Mixed Use	GMU
Open Space	Active Open Space	OA
Public Uses	Public Buildings and Institutions	PB
	Health and Welfare 1	HW1
	Health and Welfare (Worship) 2	HW2
	Educational	E
Residential	Residential Only 1	RO1
	Residential Only 2	RO2
	Medium Impact Residential	RM
	Tourist Residential	RT
Special Areas	Special Zone 1	SZ1

**MATATIELE RESERVATION OF LAND**

<b>CATEGORY</b>	<b>RESERVATION</b>	<b>CODE</b>
Cemetery	Health and Welfare 1 (Cemetery)	HW1
Open Space	Public Open Space	OP1
	Passive Open Space	OP2
Utilities and Services	Refuse site, Sewage disposal, ECS, water works.	US
Transportation and Access	Transportation Terminal, Bus and taxi rank, public parking, airport.	TA
Roads	Existing and future roads	R1
Conservation	Nature Reserve	C1
	Recreation	C2
	Protected Land	C3



**PART I: GENERAL PROVISIONS**

## CHAPTER 1

### BASIC PROVISIONS

#### 1.1 TITLE

This planning system shall be known as the “Matatiele Land Use Management System” (LUMS) Scheme, hereinafter referred to as the Scheme.

#### 1.2 PURPOSE

The purpose of this Scheme is to promote the co-ordinated and harmonious development of the Matatiele municipal area in such a way as will most effectively tend to promote health, safety, order, amenity convenience and general welfare, as well as efficiency and economy in the process of development, and the improvement of communications. In furtherance of this purpose, the Matatiele municipality desires to achieve a pattern and distribution of land uses which generally:

- 1.2.1 Retain and enhance established residential neighbourhoods, industrial districts, open space and amenities.
- 1.2.2 Allow for flexibility and the introduction of compatible uses in residential neighbourhoods.
- 1.2.3 Allow for flexibility in the commercial zone by permitting a combination of service industrial and commercial uses and retaining existing residential uses.
- 1.2.4 Take cognisance of the nature of the activities and public transport needs in relation to Matatiele’s proximity to a large rural hinterland as well as its linkages with Lesotho and the Eastern Cape.
- 1.2.5 Maintain and enhance unique environmental resources.
- 1.2.6 Promote the development and expansion of the varied tourism potential of the area.
- 1.2.7 Establish Matatiele, as a unique and distinctive place in KwaZulu-Natal with varied opportunities and activities, a stable environment for residences and commercial enterprises, expansion of the job market and as a gateway to the Province.

#### 1.3 SCHEME AREA

The area to which this Scheme applies consists of the portion area of land under the jurisdiction of the Matatiele Municipality, being the existing towns of Matatiele, Cedarville and Maluti as indicated on the Zoning Maps as the area lying within the Scheme Boundary.

#### 1.4 EFFECTIVE DATE

The effective date is the date of approval by the Minister of the resolution of the Local Authority to prepare a scheme.

## 1.5 PLANNING AUTHORITY

The Council of the Matatiele Municipality, hereinafter referred to as the Local Authority, shall be the authority, responsible for enforcing and carrying into effect the provisions of the Scheme.

## 1.6 ZONING MAPS

The Scheme Maps comprises the following drawing Numbers as amended from time to time.

1.6.1 Matatiele (Greater Area): Drawing No: MATAT SCHEME, MAT 1085, SHEET 1 OF 3

1.6.2 Matatiele (Core Area) : Drawing No: MATAT SCHEME, MAT 1085, SHEET 2 OF 3

1.6.3 Cedarville: Drawing No: MATAT SCHEME, MAT 1085, SHEET 3 OF 3

1.6.4 Maluti Drawing No: MATAT SCHEME, MAT 1085 SHEET 4

## 1.7 THE GENERAL PURPOSE, CONTENT AND LEGAL STATUS OF A SCHEME

Any proposal or application to develop or use land and /or buildings within a Local Authority area must have regard for the provisions of the Scheme and for the provisions of the Integrated Development Plan. The latter Plan is a Policy document accompanied by a map or plan which sets out goals for a town or city, based on its role, character and its expected or planned growth, and provides policy and strategy for achieving those goals. Therefore, such a Plan acts as a further guide in assessing the appropriateness of the intended development or use in question.

However, the main planning and development regulation instrument is undoubtedly the Scheme.

The general purpose of this section is to provide a context within which land and/or buildings may be used or developed in terms of the provisions of a Scheme, and then to examine in some detail the content of the Scheme.

In view of the wide range and scope of a LUMS it could be argued that the preparation of a Scheme and its subsequent administration is the single most important management function of a Local Authority.

## 1.8 MAIN COMPONENTS OF A SCHEME

The legal provisions of the Scheme comprise two main components which operate in tandem, namely:

- (i) a Zoning Map depicting “zoning”, and
- (ii) the Scheme text containing Regulations.

The Zoning map is prepared on a cadastral base that depicts all registered sub-divisions of land and existing roads on which is overlaid the nature and extent of each use zone and the reservation of all land for public purposes such as new roads, road closures and widenings and open space.

In this form the Zoning map forms a dual purpose, i.e. firstly, it enables identification of any erf

or subdivision of land in terms of its physical relationship with its surroundings, including matters that might have a direct effect on the erf or subdivision such as street widening or the allocation of adjoining land for shopping or other purposes.

The second role of the Zoning map is as a property zoning key for the application of the regulations. It should be noted however that the map does not record existing land usage and development, although in many cases, zonings and land reservations might accurately reflect such conditions. For example, there is no distinction, where land is reserved for public open space, between a developed park and land that still has to be acquired and developed for such purpose. Equally, an existing shop might be located within a residential zone although the use Shop is a precluded use in that zone, which would be the case for a pre-scheme, non-conforming existing use.

The demarcation and zoning of areas of land for particular use purposes, has become the most significant and debated feature. In practice, zoning attempts to achieve its purpose by the physical separation of various activities and the grouping of compatible activities within a specific zone. In this latter regard, zoning employs a cascade or hierarchical principle in terms of which zoning for a certain order of use - for example; high density residential development - will usually permit a variety of lower order uses such as - medium density and low density residential developments. Conversely, zoning that permits low density residential developments may not permit medium or high residential developments and related activities such as launderette and residential building.

It may therefore be observed that since zoning can permit a range of uses or intensities of use, it affords a degree of flexibility to the extent of what might be deemed desirable at some future time. As a result, zoning should be treated with caution as a basis for accurately assessing the magnitude of future development or the development potential of an area.

In order to cater for this future development potential within a zone, these LUMS Scheme Clauses permit a degree of flexibility via 3 categories of provisions. These provisions specify the usage and development of land and buildings, within each zone, according to those that are:

- \* Expressly permissible (i.e. a free entry right)
- \* Expressly prohibited
- \* Conditionally permitted by “Special Consent” of the Local Authority.

## 1.9 TYPES OF SCHEME APPLICATIONS

In light of the above, a person or entity wishing to initiate a development or use for which the regulations require application to be made, is faced with a number of alternatives:

- (i) In the case where the intended use is expressly permissible (a “Free Entry” right) there is clearly no need for an application. It remains for the developer to prepare and submit the necessary building plans (which comply with the building regulations) to the authority concerned. (See Section 10.5).
- (ii) With reference to Annexure A, where the desired use is expressly prohibited the applicant must prepare and submit an application to amend the Scheme by rezoning the property in question to a zone which expressly permits the use in question. In making such an application, the applicant is required to demonstrate, to the Local Authority’s satisfaction, that the proposed amendment is necessary, and desirable in

the public's interest. The applicant and any objector shall have the right of appeal against any decision or condition set in terms of that decision to grant or refuse an application.

- (iii) With reference to Annexure B, in the third category, namely, conditionally permitted uses, which may be permitted with the Special Consent of the Local Authority, the applicant is required to demonstrate the appropriateness of the proposed use and, in particular, that the proposed use or development will not interfere with the amenities of the neighbourhood.

On reaching a decision, the opportunity to appeal to, is then provided to the applicant if the Local Authority refuses to grant its consent, or to any objector to the application if the Local Authority approves the application.

In either case, the aggrieved party may appeal to the Minister who would consider the facts and either uphold or dismiss the appeal.

- (iv) With reference to Annexure C, the Council shall have the right to consider subdivision applications.

## CHAPTER 2

### GENERAL DEFINITIONS AND TYPES OF BUILDING AND LAND USE

(Note: Building shall *mutatis mutandis* include use of land)

**2.0** In these Clauses, unless the context otherwise indicates, any word shall, when used in the LUMS, otherwise it shall have the meaning assigned to it in these definitions:

**2.1** GENERAL DEFINITIONS:

**2.1.1 ABUTTING (ADJACENT)**

Means two or more erven sharing a common boundary, of at least 1 point.

**2.1.2 ACCESS**

Means safe, adequate, and usable ingress to or egress from a property or use.

**2.1.3 ACCESS WAY**

Means a public or private way, at the rear or side of property, reserved, but not necessarily registered in the Deeds Registry, as an ancillary means of vehicular or pedestrian access to abutting property. (See also Public or Private Right-of-Way).

**2.1.4 ALTERATION**

Means any construction or physical change in the external and internal arrangement of rooms or the supporting members of a building or structure, or material change in the appearance of any building or structure.

**2.1.5 ANCILLARY USE**

Means a use incidental to and customarily associated with a specific principal use, located on the same erf or subdivision.

**2.1.6 APPEAL**

Is the right afforded in terms of these clauses for appeal to the Municipality.

**2.1.7 APPLICANT**

Means the owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary consents under this Town Planning Scheme or the agent(s) of such persons.

**2.1.8 ARCADE**

Means an area forming part of a building which may or may not be covered, reserved exclusively for pedestrian traffic, but may include fountains, benches and other similar features and shall nowhere have a total width of less than 4 metres and an unobstructed width of less than 2 metres.

**2.1.9 ARCHITECT**

Means a person registered as an architect in terms of the Architect's Act No. 35 of 1970.

**2.1.10 AREA OF SCHEME**

Means the area which lies within the outer boundary as indicated on the scheme maps

**2.1.11 ATTACHED**

Means any structure that has an interior wall or roof in common with another structure.

**2.1.12 AUTHORITY**

Means the written authority given by the Local Authority in terms of their statutory powers.

**2.1.13 AWNING**

Means a roof-like cover that is attached to and projects from the wall of a building used either for the purpose of shielding from the elements or as an architectural feature.

**2.1.14 BALCONY**

Means any internal or external portion of a building, of which portion one of its sides is not permanently closed and is open to the elements, and which portion shall have direct access to the building.

**2.1.15 BASEMENT**

Means the floor below the ground floor of any building and shall qualify as a basement where the major portion of such floor of a building has more than 50% of its volume below the lesser of either the mean finished ground level or the natural ground level immediately surrounding the building.

**2.1.16 BUILDING**

Means any structure or erection of an immovable nature for whatever purpose used including any tank, swimming pool or radio-mast and any wall, retaining wall or close-boarded fence more than two metres in height at any point, but excluding any open fence, post, steps, pier, ramp, fountain, statue, fish-pond, pergola or other garden ornamentation.

**2.1.17 BUILDING LINE**

Means a line parallel to any boundary of an erf which is conterminous with a street, public right of way, road reservation, conservation reservation or amenity reservation; or in the case of "hatchet shaped" lots, a line parallel to the boundary nearest to the street which is not a boundary of the access strip.

**2.1.18 BYLAW**

Means a bylaw, or regulation made to enable the Local Authority to give proper effect to the powers and duties conferred or imposed upon it in terms of the Municipal Systems Act

**2.1.19 CARAVAN**

Means any vehicle permanently fitted out for use by persons for living and sleeping purposes whether or not such vehicle is a trailer or motor driven "Camper Van"

**2.1.20 CARPORT**

Means a permanent roofed structure, not completely enclosed to be used for vehicle parking. (See also Roof).

**2.1.21 CHILD MINDING FACILITY**

A building, or portion of a building, which is used for the daytime care of six or less children (see note at the end of these definitions).

**2.1.22 COMMON LAND**

Means that portion of a medium density housing site which is set aside for the use and enjoyment of all the occupants of the dwelling units on that site and from which the general public may be excluded.

**2.1.23 CORRIDOR**

Means any internal or external access way providing common access in a building and without limiting the generality hereof shall include stairwell, lift shaft and access galleys.

**2.1.23 COUNCIL**

Means the Local Council of the Matatiele Municipality area or any subsequently elected body.

**2.1.24 COURT**

Means an open, unoccupied space, on the same erf with a building and bounded on 2 or more sides by the walls of a building.



**2.1.25 COVERAGE**

Means the proportion of an erf covered by buildings or structures of a permanent nature, and is expressed as a percentage of the erf area as defined. Thus 25% coverage means that only one quarter of the erf may be covered by buildings. Only roofed areas are included in the coverage.

**2.1.26 COMPOSITE BUILDING**

Means a building in which the ground floor is used for commercial purposes and that includes residential development above ground floor that comprises more than a single dwelling unit for a caretaker.

**2.1.27 CONSTRUCTION COMMENCEMENT**

Means the start of construction of substantial site and structural improvements after the date when a building plan has been approved.

**2.1.28 DATE OF ADOPTION**

Means the date upon which notice of this LUMS was first published in the Provincial Gazette; provided that where any provision of this scheme is subsequently varied by way of amendment or departure, the 'date of adoption' of any such varied provision shall be the date upon which it is granted.

**2.1.29 DAY CARE CENTRE**

Means a facility operated for the purpose of providing care, protection and guidance to seven or more individuals during only part of a 24 hour day. Day care centre includes creches, nursery schools, pre-schools, and extended pre-school or school day care facilities, but excludes public and private education facilities or any facility offering care to individuals for a full 24 hour period (see note at the end of the definitions).

**2.1.30 DAYS**

Shall be consecutive calendar days unless otherwise stated.

**2.1.31 DESIGN**

Means the planning and engineering of the following: street alignments, grades and widths; drainage and sanitary facility and utilities, including alignment and grades thereof; location and size of all required servitudes and rights-of-ways; erf size and configuration; traffic access; land to be dedicated for open space, conservation or recreational purposes; building and other such specific physical requirements.

**2.1.34 DETACHED**

Means any building or structure that does not have a wall or roof in common with any other building or structure.

**2.1.32 DEVELOP LAND or DEVELOPMENT**

Means to erect a building or structure on any land, or to alter or extend any building or

structure, or to create a layout for, or adapt such land for any use or purpose.

#### **2.1.33 DORMITORY**

Means a structure intended principally for sleeping accommodation, and where no individual kitchen facilities are provided, where such structure is related to an educational or public institution or is maintained and operated by a recognized non-profit welfare organization.

#### **2.1.34 DRIVEWAY**

Means an unregistered private thoroughfare used by vehicles to gain access to or across a privately or commonly owned lot or subdivision, which is not a street.

#### **2.1.35 DUPLEX FLAT**

Means a dwelling unit in a Medium density housing development each such unit consisting of a ground floor and one upper floor connected by an internal staircase and having direct access to a private open area.

#### **2.1.36 DWELLING UNIT**

Means a self-contained inter-leading group of rooms, including a kitchen, designed and used only as the accommodation for and housing of one family and anything appurtenant accessory and of a nature customarily incidental thereto, but does not include an ancillary unit.

#### **2.1.37 DWELLING UNIT CURTILAGE**

Means a single defined area of land forming part of a medium density housing site comprising the land upon which a dwelling is erected or is intended to be erected together with such private open areas and other areas as are reserved for the exclusive use of the occupants of the dwelling unit.

#### **2.1.38 ERECTION OF A BUILDING**

Means the construction of a new building or a structural alteration or additions to any building.

#### **2.1.39 ERF**

- A piece of land registered in the Deeds Registry or other registration office as a erf, site, plot or stand, or shown as an erf on a General Plan of an approved township, and includes more than one erf if such lots are tied or consolidated;
- Every defined portion of a piece of land laid out as a township, but not approved or recognised as such under any law;
- Part of an erf;
- A farm portion or part thereof which is subject to LUMS;

Provided that where, as a provision of the LUMS, a proposed road or a change in

zoning divides a registered subdivision into two or more portions, the term "Erf" shall apply to each of such portions as if they had been separately registered.

#### **2.1.40 ERF AREA**

Means the area of an erf, less the area of any public-right-of-way, road servitude, new road reservation or road widening, to which the erf may be subject, but shall include any registered servitude for overhead or underground services.

#### **2.1.41 ERF DEPTH**

Means the average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line.

#### **2.1.42 EXISTING BUILDING**

Means a building lawfully erected before the date of adoption or a building erected in accordance with plans which were approved by the Local Authority prior to that date.

#### **2.1.43 EXISTING ERF**

Means an erf existing at the effective date.

#### **2.1.44 EXISTING USE**

In relation to any building or land, a continuous use of that building or land after the date of adoption for the purpose for which it was designed and lawfully authorised by the local authority at that date.

#### **2.1.45 FAMILY**

Means a group of individuals not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organisation and stability.

#### **2.1.46 FLOODLINE**

The floodline referred to in the National Water Act (No.92 of 1995), as amended.

#### **2.1.47 FLOOR AREA**

Subject to Clause (10.12), the floor area of a building shall be taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thicknesses, lift shafts, staircases, storage rooms, balconies and access galleries, but excluding mandatory external open emergency stairways and basements.

#### **2.1.48 FLOOR AREA RATIO**

Means the ratio of the total floor area of the buildings on an erf (or a defined piece of

land in the case where there are no cadastral boundaries), to the erf area(or site area in the case of the latter), and which is expressed as a decimal, e.g. a Floor Area Ratio of 0,5 means that the floor area of the buildings on a particular erf is half the lot area.

#### **2.1.49 FRAIL CARE FACILITY**

Means a family home, group care facility, or similar facility for 24 hour non-medical care of persons in need of personal services, supervision or assistance, essential for sustaining the activities of daily living or for the protection of the individual. There shall be facilities for minor surgery and medical procedures, physical therapy and other similar activities, as may be required by Provincial planning policy, regulation or decree. (See also Rest Home and Retirement Home or Village).

#### **2.1.50 FRONTAGE**

Means the length of the boundary of an erf which fronts onto an existing or proposed street.

#### **2.1.51 GROSS LEASABLE FLOOR AREA**

Means the floor area of a building taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thicknesses, lift shafts, staircases, roofed motor vehicle parking, balconies and access galleries. (See also Basement, Roof and Storey).

#### **2.1.52 GROSS SITE OR ERF AREA**

Means the total area within the boundary lines of an erf or subdivision of land before public streets, registered servitudes or other areas to be dedicated or reserved for public use are deducted from such erf or subdivision and which may include the area of any driveways located/positioned on the site.

#### **2.1.53 GROUND FLOOR**

Means the storey of a building or portion of a building on or nearest the mean natural ground level immediately surrounding the building, provided it is not a basement.

#### **2.1.54 HEIGHT**

Means the vertical distance of a building measured from the average finished grade surrounding the building, to the highest point of the building. It is measured in storeys or floors and is expressed as a number.

#### **2.1.55 HOME ACTIVITY (SEE ALSO HOME BUSINESS)**

Means an activity or use established in, or in conjunction with a Dwelling Unit or a structure erected on the Site of an existing Dwelling Unit which -

- (1) shall be restricted to one person who shall reside on the property;
- (2) shall occupy a minor portion of the Dwelling Unit;
- (3) shall not involve or require any alteration or additions to the Dwelling Unit;

- (4) shall not involve any industrial or workshop activity;
- (5) shall not generate traffic sufficient to warrant the provision of additional parking;
- (6) shall not include the storage or display of any goods or items associated with the activity, nor the direct sale of goods or items, from the Site;
- (7) shall not involve the exhibition on the property of any notice or sign, or the quoting of the residential address in any advertisement of the activity;
- (8) shall, in the case of any structure erected for the purpose of the activity, be deemed to be associated with the Dwelling Unit and shall be not larger than 5% of the Site area but shall not, in any event, exceed 20m<sup>2</sup>.
- (9) shall, in the case of the keeping of livestock, be subject to the requirements of the Health and other Bylaws.
- (10) in the case of the establishment of a child-minder / playschool –
  - (i) generally, shall be operated by one person only, although an assistant may be employed at the discretion of the Council;
  - (ii) shall not involve any additions or alterations to the Dwelling Unit and / or Outbuildings, other than those required by the State and Municipal Health Authorities;
  - (iii) shall be limited to the accommodation and care of not more than six children under the age of three years, or not more than twelve children over the age of three years, other than those of the applicant; and
  - (iv) shall be limited to operate between the hours of 07h00 and 17h30; (see note at the end of the definitions)

#### 2.1.56 HOME OWNERS ASSOCIATION

Means a company registered in terms of Section 21 of the Companies Act, No. 61 of 1973, as amended, membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit curtilages in a Medium Density Housing Site.

#### 2.1.57 HOME PLANT NURSERY

Means any land or building for the propagation and rearing of plants for gain, provided:

- that the sale of plants from the property and the storage and sale of products associated with horticultural and garden decor shall require Council's Special Consent;
- that any structure/building developed and/or used in connection therewith shall not exceed 50m<sup>2</sup> coverage (which shall form part of the total allowable coverage on the property);

- the person operating the Home Plant Nursery shall reside on the property in question;
- not more than 3 persons shall be employed on the property.

See 10.10(4)

#### 2.1.58 HOSPITAL

Means an institution, designed for the diagnosis, care and treatment of human illness, including surgery and primary treatment.

#### 2.1.59 HOTEL

Means a facility offering transient lodging accommodation to the general public, and providing additional services, such as restaurants, meeting rooms, entertainment, recreational facilities, and in respect of which a hotel liquor licence has been, or is intended to be, issued under the Liquor Act, (No.27 of 1989), as amended, but excludes any off-sales facility (See 10.11)

#### 2.1.60 INDUSTRIAL BUILDING

Means a Factory as defined in Annexure E.

#### 2.1.61 KENNEL/CATTERY

The boarding, breeding, raising, grooming or training of two or more dogs, cats or other household pets of any age for commercial gain.

#### 2.1.62 KITCHEN

Means any room, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food.

#### 2.1.63 LANDSCAPING

Means an area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, ground cover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

#### 2.1.64 LOCAL AUTHORITY

Means the Matatiele Municipality working under the responsibility of the Municipal Manager.

#### 2.1.65 MAISONETTE

Means a two storey building consisting of 2 dwelling units placed one above the other with separate entrances.

**2.1.66 MALL**

Means an area of land open to the air and reserved exclusively for pedestrian traffic but may include fountains, benches and other similar features as well as kiosks for, inter alia, the sale of refreshments.

**2.1.67 MINISTER**

Means the Minister of Local Government and Traditional Affairs or any other Minister or competent authority appointed by the Premier of the Province of Eastern Cape to administer issues raised in the Ordinance.

**2.1.68 MIXED USE**

Means the development of a parcel(s) of different land uses on adjacent sites.

**2.1.69 MOBILE HOME**

Means a factory-assembled structure, 12,5 m or greater in length and 3,3 m or greater in width, with the necessary service connection, so made as to be movable on a site as a unit with or without wheels, and designed for use as a permanent dwelling unit and which complies with the S.A.B.S. specification 1122-1976. Provided that a motor driven "Camper Van" shall not be deemed to be a Mobile Home.

**2.1.70 MOTOR VEHICLE SHOW-ROOM (OR SALES AREA)**

Means buildings or an open area used for the display, sale and/or rental of new or used motor vehicles.

**2.1.71 NET DEVELOPABLE AREA**

Means the surveyed area of an erf less that area which by virtue of soil instability, liability to flooding, inaccessibility of topography or slopes steeper than 1:3 or the existence of an environmentally sensitive area, renders such area in the opinion of the Local Authority as being undevelopable.

**2.1.72 NET SITE OR ERF AREA**

Means the area of a site or erf, less the area of any public right of way, road servitude, new road reservation or road widening reservation to which the erf may be subject, but shall include any registered servitude for overhead or underground services. In the determination of minimum lot areas in Table 1 the Net Erf Area is to be used. While in the case of "hatchet-shaped" or "panhandle" erven, the Net Erf Areas shall also exclude the area of any access way. (See also Erf).

**2.1.73 OUTBUILDING**

A building, or portion of a building used, constructed, designed or adapted for use as rooms for domestic staff, a storeroom, a workshop, the garaging for motor vehicles, or any other use which is deemed by the Municipality to be an outbuilding use. The size and design of an outbuilding or outbuildings shall be to the satisfaction of the Municipality.

**2.1.74 PERMANENT**

Means a Use, Building or Structure which is not a Temporary Use or Building or Structure.

**2.1.75 PERMITTED USE**

Means any building or land use allowed in a land use zone and subject to the provisions applicable to that zone as contemplated in this Scheme.

**2.1.76 PERSON**

Means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, institution and its political subdivisions or instrumentalities, syndicate or any group or combination thereof, acting as a unit, including any trustee or assignee.

**2.1.77 PRINCIPAL USE**

Means the primary or predominant use of any land, erf, building or structure.

**2.1.78 PRIVATE OPEN AREA**

Means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and which is adjacent to and has direct access from a dwelling unit on a medium density housing site, such private open area being reserved for the exclusive use of the occupants of the associated dwelling, but may include covered open areas (patios) and verandahs.

**2.1.79 PROFESSIONAL OFFICE**

Means a room or suite of rooms used for transacting business other than that of a retail or wholesale nature, and shall include a consulting room or rooms for a professional or similar person or organisation (e.g. accountant, architect, consulting engineer, land surveyor, legal practitioner, medical practitioner, town planner, quantity surveyor) and a room or rooms where administrative work is carried out. In respect of medical practitioners this would not include overnight care or serve as a base for an ambulance service.

**2.1.80 PUBLIC OR PRIVATE RIGHT-OF-WAY**

Means a strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water, power- line, sanitary sewer and/or other public or private uses. (See also Access Way).

**2.1.81 QUARRY**

Means a place where rock, ore, stone and similar materials are excavated, processed for sale or for off-site use. (See also Extractive Industry).

**2.1.82 REAR BOUNDARY**



Means that boundary of a lot which is furthest from any street boundary, and which does not meet any street boundary.

#### **2.1.83 RELIGIOUS INSTITUTION**

Means a structure which is used primarily for religious worship and related religious activities.

#### **2.1.84 RESERVATION**

Means a Zone covering land set aside for public or service purposes, shown as such on the Zoning Map for the purposes of indicating the restrictions imposed by this scheme on the erection and use of buildings and on the use of land. See Table 3.

#### **2.1.85 RESIDENTIAL DENSITY**

Means the number of permitted dwelling units, determined by dividing the surveyed area of the erf (excluding the area of an access way on a "hatchet -shaped" erf), by the minimum erf size applicable to the zone in which the erf is situated, and adjusting this figure to the nearest whole number. The permitted density is expressed in terms of dwelling units per hectare.

#### **2.1.86 REST HOME**

Means premises used for the housing of and assisted caring for the aged and infirm. There shall be only incidental convalescent care not involving either a nurse or physician residing on the premises. There shall be no surgery, physical therapy or other similar activities. (See also Frail Care Facility and Retirement Home or Village).

#### **2.1.87 RETIREMENT HOME OR VILLAGE**

Means the premises used for the housing of and assisted caring for the aged, including the infirm. There shall be only incidental convalescent care either by a nurse or a non-resident physician. There shall be no surgery, physical therapy or other similar activities. (See also Rest Home and Frail Care Facility).

#### **2.1.88 RIGHT-OF-WAY**

Means a strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water, powerline, sanitary sewer and/or other public or private uses. (See also Access Way).

#### **2.1.89 ROOF**

Means a permanent upper, external manufactured structure or covering of a building, provided that shade-cloth shall be deemed to be a permanent manufactured material.

#### **2.1.90 ROUNDING OF QUANTITIES**

Means the consideration of distances, unit density, density bonus calculations, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers; the numbers are to be rounded to the nearest

highest whole number when the fractions is .5 or more, and to the next lowest whole number when the fraction is less than .5, except as otherwise provided in the LUMS.

#### 2.1.91 **SATISFACTORILY SEWERED**

In relation to an erf means either:

- a) That the erf is capable of being connected to a municipal sewer and the sewerage system including the reticulation and the disposal works is capable of accepting and treating the sewage from the erf.

OR

- b) In the event that the conditions set out in (a) just above cannot be met, that the erf is capable of satisfactorily supporting a septic sewerage system for the treatment of the sewerage from the erf in accordance with the report prepared by a Registered Professional Engineer and supported by percolation tests carried out on the lot in accordance with the requirement of the South African Bureau of Standards.

#### 2.1.92 **SCHEME REGULATIONS**

Means the Matatiele LUMS Scheme Regulations as framed in terms of Section 9 of the Ordinance, and as amended from time to time, and shall include the term Clause where such refers to a section of the Regulations.

#### 2.1.93 **SCHOOL**

Means an institution of learning for minors, whether public or private, which offers instruction in those courses of study which is maintained pursuant to standards set by the State or Provincial Department of Education. This definition includes a kindergarten, elementary school, junior school, senior school or any special institution of Education, but it does not include a vocational or professional institution of higher education, including a community or junior college, or university.

#### 2.1.94 **SECOND DWELLING UNIT**

Means a second dwelling unit which, in the case of a proposed attached second dwelling unit shall not exceed 25 percent of the existing floor area of the principal use, i.e. a single family dwelling, or in the case of a proposed detached second dwelling unit, shall not exceed 60 m<sup>2</sup>, on an erf designated for residential purposes/use, and which combined floor areas shall not exceed the permitted floor area ratio, and provided that such second dwelling unit shall not be used as a Bed and Breakfast without the Council's consent. Provided, further, that no Second Dwelling Unit shall be permitted on a lot less than 700 m<sup>2</sup> in extent.

#### 2.1.95 **SEMI-DETACHED HOUSE**

Means a building other than a single family dwelling comprising 2 or more dwelling units contained in one building, both on the ground floor and each provided with a

separate entrance.

#### 2.1.96 **SHELTER**

Means a building consisting of any material approved by the Local Authority which does not necessarily comply with the standards of durability intended by the National Building Regulations and bylaws as applicable to the area of the Local Authority, used for human habitation.

#### 2.1.97 **SIDE BOUNDARY**

Means any boundary of an erf which meets a street boundary and any other boundary and which is neither a street boundary nor a rear boundary.

#### 2.1.98 **SINGLE FAMILY DWELLING**

Means a structure comprising a single free-standing dwelling unit.

#### 2.1.99 **SPECIAL CONSENT**

Means the special consent of the Council where such special consent relates to any application made in terms of Annexures B(1) and B(2). Such application will be required to be advertised in the manner set out in Annexure B(1).

#### 2.1.100 **STOREY**

Means a room or set of rooms at one level, including any room the floor of which is split into two or more levels, and shall have the following implications:

- (a) Basement shall not count as a storey provided it is used for the purpose of parking vehicles, service installations, such as transformer and metre rooms, or storage, and not for residential purposes, or as a shop, factory or work place;
- (b) The ground floor may be on several levels;
- (c) a pitched roof containing a habitable room and any other type or style of roof which contains or supports any rooms, structures or features over and above those mentioned in paragraph (e) below and which the Local Authority considers to be habitable shall count as a storey;
- (d) a storey shall not be higher than 4,5 metres, including the roof area. If a storey is higher than this, each 4,5 metres or part thereof shall count as a storey;
- (e) lift, meter and similar rooms and architectural features which are in proportion to the building do not constitute a storey.

#### 2.1.101 **STREET LINE**

Means a boundary of an erf which is coincident with the boundary of an existing or

proposed street or road reserve.

#### 2.1.102 **STREET**

Means any registered public or private road or thoroughfare used by vehicles, which affords a primary means of access to abutting property, but does not include a driveway.

#### 2.1.103 **STRUCTURE**

Means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

#### 2.1.104 **SUBDIVISION**

Means application under which the Council may act as authorised in terms of these regulations

#### 2.1.105 **TAVERN**

Means a building or portion of a building used or constructed or designed to be used for the consumption of liquor on the premises and may include the consumption of non-alcoholic beverages and the preparation and consumption of food, but shall not include the sale of the aforesaid items for consumption off the premises. Such use must have been legalised by means of a liquor licence in terms of Section 19 and 20 of the Liquor Act, No 27 of 1989 (See Home Business).

#### 2.1.106 **TEA GARDEN**

Means a building or portion of a building or land used primarily for the preparation and sale of light meals, confectionery, and non-alcoholic beverages, but shall preclude any use as defined under shop (See Home Business).

#### 2.1.107 **TEMPORARY USE, BUILDING OR STRUCTURE**

Means a use, building or structure established for a specified period of time, with the intent to discontinue such use, building or structure at the end of the designated time period.

#### 2.1.108 **TERRACE HOUSE**

Means a dwelling unit in a building comprising three or more dwelling units, each having a separate entrance on the ground floor with direct access to a private open space area or areas.

#### 2.1.109 **TRANSIENT**

Means a continuous period of 2 weeks or less.

#### 2.1.110 **TUCK SHOP/SPAZA SHOP**

The sale of day-to-day convenience goods from a dwelling unit, associated outbuilding or container where the goods are generally sold through a window, door-way or hatchway, and does not include a walk-in shop where goods are on public display (see

Home Business).

#### **2.1.111 USABLE COMMON OPEN SPACE**

Means that usable portion of the common land which is not occupied by vehicular road carriageway, parking areas and communal facilities of a non-recreational nature, but includes walkways, structures intended for recreational use and a children's playing area or areas.

#### **2.1.112 USE**

Means the purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

#### **2.1.113 UTILITY AREA**

Means the outdoor private area adjacent to or associated with the kitchen side of a medium Density Housing unit, the screening of which shall be to the satisfaction of the Local Authority and which includes patios, verandahs and drying areas.

#### **2.1.114 VETERINARY CLINIC**

Means a place where animals or pets are given medication or surgical treatment and are cared for during the time of such treatment; the ancillary use of the premises as a kennel or a place where animals or pets are boarded for remuneration.

#### **2.1.115 ZERO BUILDING LINE**

Means the location of a structure on an erf in such a manner that 1 or more of the structure's sides rest directly on a erf line, or boundary line of a subdivision.

#### **2.1.116 ZONE**

Means that portion of the area shown on the Zoning Map, by distinctive colouring or edging or in some other distinctive manner (other than any such portion which is reserved for the purposes included in Table 3 - Reservation of Land), for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings or structures, or the use of land.

#### **2.1.117 ZONING MAP**

Is a Map forming part of the Matatiele LUMS Scheme as framed.

## **2.2 DEFINITIONS - TYPES OF BUILDING AND LAND USE**

### **2.2.1 AGRICULTURAL BUILDING**

Means a building used in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the site of that building as agricultural land.

### **2.2.2 AGRICULTURAL INDUSTRY**

Means a use or building used for the intensive production in any form whatsoever, of

poultry, game birds, livestock, vegetables, fruit and allied products, and includes any final processing of these commodities.

### **2.2.3 AGRICULTURAL LAND**

Means arable, meadow or pasture land, market gardens, poultry farm, nursery garden and land used for the purpose of breeding or keeping domestic animals, poultry or bees and includes any buildings connected therewith, but excludes Agricultural Industry use and buildings, and buildings connected with the housing of cats and dogs.

### **2.2.4 BED AND BREAKFAST**

Means a dwelling unit in which not more than 50% of the bedrooms are provided for overnight guests for compensation, on a daily or weekly basis, with or without meals. (See Note at the end of these definitions).

### **2.2.5 BOARDING HOUSE**

Means a dwelling unit, or part thereof, in which lodging is provided by the owner or operator who resides on the premises, to three or more but not more than fourteen boarders (See Note at the end of these definitions).

### **2.2.6 CARAVAN PARK**

Means an area of land provided with adequate ablution and sanitary facilities with or without a communal kitchen, constructed with permanent materials arranged for the accommodation of caravans, and at the discretion of the municipality mobile homes, which are used primarily for temporary holiday dwellings and provided also with permanent water points, approved refuse receptacles and containing within the curtilage a sufficient open space for recreational purposes, and may also include one dwelling unit for caretaker or manager's use.

### **2.2.7 CHALET DEVELOPMENT/HOLIDAY DWELLING**

Means a grouping of a number of chalets on an erf; a chalet meaning a detached habitable building used as a holiday dwelling with a floor area not exceeding 53m<sup>2</sup> and not less than 32m<sup>2</sup> consisting of not more than 3 living rooms with or without sanitary convenience, bathroom, shower, and kitchen, together with approved outbuildings or ancillary buildings to be used in conjunction with a chalet or series of chalets, but shall not include a dwelling house or residential building.

### **2.2.8 COMMERCIAL WORKSHOP**

Means a light industrial building wherein the primary purpose is the selling of goods or services by retail and where the processes are operated specifically in conjunction with a shop or office to which the public, as customers, has access and includes such uses as a watch repairer, shoe repairer, valet service, radio/television repairer, computer repair, electrician and may include a jobbing printer, but excludes a garage or service station.

### **2.2.9 CRECHE (SEE CHILD MINDING FACILITY/DAY CARE CENTRE AND HOME ACTIVITY)**

Means a building or portion of a building for the care of seven or more infants and/or young pre-school children during the daytime absence of their parents or guardians. (See note at the end of these definitions).

#### 2.2.10 DWELLING HOUSE

Means a building constructed, used or adapted to be used, as a dwelling unit to accommodate one family and which includes not more than one kitchen, habitable rooms for the accommodation of *bona fide* domestic staff, outbuildings and accessories as are ordinarily used therewith.

#### 2.2.11 EDUCATIONAL BUILDING

Means a building used as a school, college, technical institute, academy, research laboratory, lecture hall, convent, monastery, gymnasium, public library, art gallery, museum or for other instruction together with any associated land or buildings and includes a dormitory, but does not include a reformatory.

#### 2.2.12 EXTENDED RESIDENTIAL BUILDING

Means a building other than a dwelling house but having the general appearance of a single dwelling house, which is used, constructed, designed or adapted for use for human habitation and comprises not more than three dwelling units, together with such outbuildings as are ordinarily used therewith.

#### 2.2.13 EXTRACTIVE INDUSTRY

Means the process of extracting, mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone (see also quarry) and includes buildings connected with such operations and crushing plant.

#### 2.2.14 FUNERAL PARLOUR/UNDERTAKER

Means a building or land used for the purpose of funeral management and includes a shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes and services ordinarily ancillary to funeral management but does not include a monumental mason or crematorium.

#### 2.2.15 GARAGE

Means a building used for the servicing, repair, storage, display, sale, spray painting, panel beating, fuelling or washing and cleaning of vehicles, together with facilities connected with these activities, including the storage and sale of fuel, lubricants, motor spares and accessories, tourist maps, brochures and including an office, storeroom, workshop, greasepit and machinery; provided that the bulk storage of fuel may be included only by special consent. (See also Service Station). (Note: The storage of fuel may require consent in terms of the National Environmental Management Act).

#### 2.2.16 GENERAL INDUSTRIAL BUILDING

Means an industrial building as defined in this LUMS (Clause 2.1.63) and includes a building used for the general repair of motor vehicles, but does not include a garage,

service station or Special Industrial Building.

### 2.2.17 GUEST HOUSE

A building, or group of buildings, under single management containing both rooms and dwelling units available for temporary rental to transient individuals or families. Meals may be provided on the premises. A lounge or bar where liquor is sold and consumed on the premises may only be permitted with Council's Special Consent and the necessary liquor licence (See also Transient and the note at the end of the definitions)

### 2.2.18 HOME BUSINESS

Means the conducting of an occupational activity or use in, or in conjunction with, a Dwelling Unit or residential building which –

- (1) shall be limited to the Owner of the property, who shall reside thereon, provided that the Council may in exceptional circumstances, and if it is satisfied that the prime use of the Dwelling Unit as a residence will in no way be prejudiced, permit the activity to be conducted by a person other than the Owner.
- (2) shall not involve work on motor vehicles other than that relating to vehicle servicing and minor related repairs;
- (3) shall not involve the regular parking of more than two motor vehicles on or adjacent to the Site at any one time, nor any vehicle with a tare mass exceeding 2000kg, being parked on or adjacent to the Site and such parking to be located to the rear of the Dwelling Unit, where possible;
- (4) shall not involve the regular congregation of more than five persons on the Site nor the employment of more than three persons on the Site;
- (5) shall not produce a noise level exceeding 7db above the ambient noise level, measured at any point on the property boundary;
- (6) shall not utilise machinery other than electrically-driven or hand machinery, provided that no single machine shall be rated at more than 1,5 kW;
- (7) shall not involve any activity or work between the hours of 9:00pm. and 6.00am, except with the specific approval of the Council;
- (8) shall not occupy a floor area greater than 10% of the total area of the Site subject to this not being in excess of 25% of the floor area of the Dwelling Unit but, shall not, in any event, exceed 50m<sup>2</sup>;
- (9) shall not involve the erection of sign larger than 600mm by 450mm, indicating the nature of the activity. Such sign shall be of a material and shall utilise a style and size of lettering which will complement the residential character of the Dwelling Unit, and which shall be placed on the main wall of the Building and shall be in compliance with the Signs Bylaws.
- (10) may include a Crèche, Home Plant Nursery, Tavern , Tea Garden and Tuck Shop. Notwithstanding the controls as contained in Table 2, a full special consent application shall be required for a Tavern and a Tuck shop in all residential zones.



(See note at the end of the definition)

#### **2.2.19 INSTITUTION**

Means a building or portion of a building used or designed for use as a charitable institute including the administration thereof, and a building designed for use as a hospital, home for the aged or for physically or mentally disabled children, nursing home, sanatorium, clinic, convalescent home, orphanage or other building used as a public or private institution, but does not include a Restricted Building. Such building or portion of a building shall be served exclusively by a communal kitchen.

#### **2.2.20 LAUNDERETTE**

Means a building used for the purpose of washing and drying clothing and household fabrics, where the machines used are electrically operated and quiet running, and of the type which process each customer's articles individually, and which may be operated by the customer. The washing media used shall be a type that shall not cause harmful effluent to be discharged into the sewerage system.

#### **2.2.21 LIGHT INDUSTRIAL BUILDING**

Means an industrial building as defined in the LUMS (clause 2.1.63) in which the processes carried on or the machinery installed are such as can be carried on or installed in a Light Industrial zone without causing nuisance to other properties within such zone or to the general public, or without detriment to the amenities of other use zones, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation, size or other causes.

#### **2.2.22 MEDIUM DENSITY HOUSING**

Means a group of two or more attached and/or detached dwelling units, together with such outbuildings as are ordinarily ancillary thereto, with each dwelling unit having direct access to a private open area and access to common land, the whole development having been designed as an harmonious entity. Such development may include duplex flats, semi-detached houses, terrace houses, maisonettes or dwelling houses. (See Annexure I)

#### **2.2.23 OFFICE BUILDING**

Means a building or part of a building used as an office and includes: a bank, building society, insurance office, estate agent and other professional suites (see professional office), but does not include a public office.

#### **2.2.24 PARKING GARAGE**

Means a building, part of a building or land designed primarily for the purpose of parking, other than parking required in terms of this LUMS (Chapter 11), and includes washing and servicing of motor vehicles, but does not include a building, any part of which is designed for use as a workshop for the repair of motor vehicles or for the sale of petrol, oil and accessories.

#### **2.2.25 PLACE OF PUBLIC AMUSEMENT**

Means a building or land used for public entertainment and includes a theatre, cinema,

music-hall, concert-hall, amusement-arcade, dance hall, skating-rink, race-track, sports-arena, exhibition-hall, billiards room and fun-fair.

#### **2.2.26 PLACE OF PUBLIC ASSEMBLY**

Means a building or land, used for social meetings, gatherings, religious purposes or indoor recreation, but does not include a place of public amusement.

#### **2.2.27 PRIVATE RECREATION AREA**

Means a sports ground, playing field or other open space of a club, private person or other body, where the use thereof is restricted to the owners or members of the club, firm or other body, including buildings normally ancillary to recreation activities (see recreational building).

#### **2.2.28 PUBLIC OFFICE**

Means an office building used for any National, Provincial or Local Government purpose, and includes an administrative office, Local Authority office and town hall, government office, court house, police station, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.

#### **2.2.29 RECREATIONAL BUILDING**

Means a clubhouse, gymnasium, squash court, pavilion, shelter, change room and any similar building used in conjunction with a sport. A clubhouse may include dining facilities and lounges.

#### **2.2.30 RESIDENTIAL BUILDING**

Means a building or portion of a building other than a dwelling house, chalet, duplex flat, semi-detached house, terrace house or maisonette used for human habitation, together with such outbuildings as are ordinarily used therewith, and includes a block of flats, boarding-house, hotel, residential club or hostel.

#### **2.2.31 RESTAURANT**

Means a building or portion of a building used primarily for the preparation and sale of food, confectionery and beverages for consumption on the premises. It may include a restaurant drive-through which is defined as a use providing preparation and retail sale of food and beverages, with the added provision of 1 or more drive-through lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

#### **2.2.32 RESTRICTED BUILDING**

Means a building used for such purposes as a clinic or hospital for infectious diseases, a jail, home for the mentally disabled or hospital, or reformatory.

#### **2.2.33 SCRAP-YARD**

Means an area wherein the following is conducted: The wrecking or dismantling of motor vehicles or trailers, or the storage of, sale of or dumping of dismantled, partly dismantled, or wrecked motor vehicles or their parts.

### 2.2.34 SERVICE INDUSTRIAL BUILDING

Means a light industrial building catering primarily for the local customer, and includes a builder's yard and allied trades, laundry, bakery, dairy depot, dry-cleaning and similar types of uses.

### 2.2.35 SERVICE STATION

Means a building

- (a) wherein is sold, by retail sale only:
  - (i) petrol or petroleum derivatives capable of use in internal combustion engines,
  - (ii) lubricating oils and greases,
  - (iii) spare parts, including electrical equipment,
  - (iv) tyres, tubes, valves and repair equipment, or
  - (v) tourist brochures and other such incidentals, and
- (b) where the following operations are carried on:
  - (i) running repairs of a minor nature;
  - (ii) lubricating and greasing;
  - (iii) washing and cleaning;

but shall not include panel-beating, spray painting or the carrying out of vehicle body repair work or repairs of a major nature to the engine or transmission system thereof, a motor vehicle showroom or a scrap-yard. (See also Garage)  
(Note: The storage of fuel may require consent in terms of the Environmental Conservation Act)

### 2.2.36 SHOP

Means a building or land used for any retail trade or business wherein the primary purpose is the selling of goods and appliances by retail and includes a building used for the purpose of a hairdresser, ticket agency, video-hire, showroom, (including motor vehicle showroom restricted to the display and sale of vehicles only), auction mart or for the sale of food and drink for consumption off the premises (i.e. fast-food restaurant) or for the reception of goods to be washed, cleaned, altered, dry-cleaned or repaired and includes ancillary buildings ordinarily incidental to the conduct of the retail business, but does not include an industrial building, garage, service station, hotel, restaurant or adult entertainment.

### 2.2.37 SPECIAL INDUSTRIAL BUILDING

Means a building intended for use for any of the purposes set out Annexure D.

### 2.2.38 TRANSPORTATION TERMINAL

Means land, buildings, or part of a building used for the purpose of parking six or more buses or taxis, or as a public transport station and associated parking area. It includes a bus and taxi rank. (see Transportation and Access in Table 3 – Reservations and also Annexure F)

**2.2.39 WAREHOUSE**

Means a building used primarily for the storage of goods except those of an offensive or dangerous nature and includes premises used for businesses of a wholesale nature, but does not include buildings intended for retail businesses.

**NOTE:** In terms of the definitions detailed above, in the approval of any land use, the Municipality may stipulate any condition it considers necessary to protect the amenity of the area, including those such as: maximum size; who shall operate any activity; circumstances for the operation of an activity; maximum number of vehicles permitted on any premises; number of formal parking bays required; maximum number of employees; number of children to be cared for (crèche); maximum noise level; hours of operation; maximum number of rooms to be let; maximum number of guests; whether the owner is required to be resident on the property; control of signage etc.

## CHAPTER 3

### RESERVATION AND ZONING OF LAND

#### 3.1 CONTEXT

- 3.1.1 An important goal of this document is that it should state its purpose and procedures in a clear, readily comprehensible manner. To this end this LUMS Scheme sets out to explain the underlying purpose for and basis of the terminology used to describe land use zones.
- 3.1.2 A Land Use Zone is a portion of land located within the Local Authority area in terms of which certain uses of land, buildings and structures are imposed and regulations pertaining to their use and development are specified.
- 3.1.3 Non planners often confuse a land use zone with the land use, that may or may not be permitted therein. This confusion is compounded when either the same, or similar sounding names are used to describe both a zone and the land use permitted therein.
- 3.1.4 The nature, extent and location of Reservations of Land shall be as set out in the Zoning Map and the purposes for which Reserved Land may be used shall be as set out in Table 3.
- 3.1.4.1 Except with the authority of the Council granted for temporary uses at the Council's pleasure and subject to no increased claims for compensation, Reserved Land shall not be used for any purpose which would conflict with the purpose for which it has been reserved. Provided that where pedestrian ways or pedestrian lanes are reserved on the Scheme Map, the Council may consider a consent application for the re-positioning of such pedestrian ways or lanes on the erf.
- 3.1.4.2 Where any Reserved Land is in the Council's ownership or otherwise under the control of the Council, the Council may undertake thereon works, the erection of buildings or development necessary for or incidental to the purpose for which the land is reserved.
- 3.1.4.3 Reserved land may continue to be used for the purpose for which it was used on the effective date. Provided that where the use conflicts with the purpose for which the land is reserved, it shall not be extended or rebuilt, other than as provided for in Clause 3.1.4.1.
- 3.1.4.4 The Local Authority may grant its authority with relevant conditions for the temporary use of Reserved Land where it is satisfied that such use will not interfere with the amenities of the neighbourhood in which such Reserved Land is situated. Such use shall only be approved subject to no increased claims for compensation and a termination date shall be specified or a means negotiated whereby the local authority could call for the temporary use to cease within a given period. The Local Authority shall be satisfied that the applicant or lessee, as the case may be, has legitimate claim for applying for or being granted such use. The Local Authority may call upon the applicant, or its officials to consult the surrounding neighbours or it may call on the applicant to apply for Special Consent. If it is subsequently found that there is, in fact, an interference with the amenities of the neighbourhood or when it becomes apparent that the land

is needed for the purposes for which it is reserved, the Local Authority may impose further conditions or call for the temporary use to cease.

3.1.4.5 Nothing herein shall be construed as prohibiting the fencing of land in conformity with the bylaws.

3.1.4.6 For any land which is reserved in favour of the Local Authority or other public authority the Scheme shall at all times indicate the use or uses to which the land may be put in the event of such reservation being rescinded.

3.1.5 In respect of areas shown as Conservation (Protected Land, Recreational or Nature Reserve) on the Zoning Map, the prime consideration is the protection of flora and fauna in these indigenous botanical communities and the protection of water courses. No land use or development of any nature or extent may be undertaken, nor developed on any portion of these reservations or zones be permitted, until the proposed land use or development has been subject to proper assessment in terms of the Integrated Environmental Management (IEM) process as contemplated in terms of the National Environmental Management Act.

## 3.2 **DECLARING OR CLOSING OF STREETS**

All proposed streets and roads shown on the Zoning Map, and the widening of existing streets and roads shown on the Zoning Map are to be new streets and roads, and shall become effective at dates to be determined. All streets and roads shown as road closures on the Zoning Map are to be closed at dates to be determined.

## PART 2 : LAND USE ZONES

### CHAPTER 4

### RESIDENTIAL ZONES

#### 4.1 GENERAL PURPOSE

The general purpose of this section is to achieve the following:

- 4.1.1 Reserve neighbourhood areas for residential living with a variety of dwelling unit densities and appropriate compatible uses. This should be consistent with the Integrated Development Plan (IDP) and appropriate standards of public health, safety, welfare and aesthetics.
- 4.1.2 Ensure adequate light, air, privacy, and open space for each dwelling.
- 4.1.3 Minimize traffic congestion and avoid the overloading of public services and utilities.
- 4.1.4 Protect residential neighbourhoods from excessive noise, illumination, unsightliness, odour, smoke and other objectionable influences.
- 4.1.5 Facilitate the provision of public improvements and service requirements commensurate with the population densities of each zone.
- 4.1.6 Provide land to accommodate housing units which meet the diverse economic and social needs of the residents; locating development to achieve the following:
  - (i) Retain the scale and character of existing residential neighbourhoods;
  - (ii) facilitate the upgrade of declining residential neighbourhoods; and
  - (iii) Allow expansion into vacant and low-intensity use lands within infrastructure and environmental constraints and in terms of the goals, objectives and strategies of the IDP.
- 4.1.7 Protect the amenity and the integrity of the various residential neighbourhoods and zones from undesirable land uses and activities.
- 4.1.8 Promote the development of the various residential zones in terms of the specific purposes detailed in Section 4.2.
- 4.1.9 Reference should be made to Annexures H and I.

## 4.2 STATEMENTS OF INTENT OF THE VARIOUS RESIDENTIAL ZONES

### 4.2.1 **RESIDENTIAL ONLY (1 AND 2):**

#### STATEMENT OF INTENT:

The provision of land where the primary land use is residential and where a limited number of compatible ancillary uses which have a non-disruptive impact on neighbourhood amenity may be allowed.

#### OBJECTIVES:

- To protect the residential use and amenity by limiting the compatible ancillary uses allowed to those that can be accommodated within the residential fabric with minimal impact or disruption.

#### DEFINITION:

A residential only zone allocates land for a variety of housing types with a limited number of compatible ancillary land uses permissible so as to cater for everyday needs.

### 4.2.2 **MEDIUM IMPACT RESIDENTIAL:**

#### STATEMENT OF INTENT:

The provision of land for the full range of housing types with ancillary uses limited to non-disruptive services which are designed to address local and neighbourhood needs and requirements.

#### OBJECTIVES:

- To create the opportunity for interface areas around the core mixed use zones or in association with transportation corridors as independent zones.
- To widen scope for the introduction of non-residential uses within a residential area where there is due protection of neighbourhood amenity by limiting such uses to local non-disruptive intermediate scale activities.

#### DEFINITION:

A zone that retains a high incidence of primary residential land uses with an increasing number of appropriate ancillary land uses to satisfy local demands and convenience and excludes industrial and trade uses.

### 4.2.3 **TOURIST RESIDENTIAL:**

#### STATEMENT OF INTENT:

The provision of land for the development of tourist accommodation to satisfy the local tourism demand.



**OBJECTIVES:**

- To cover the former caravan and chalet developments permitted in terms of the scheme.
- To broaden the options for tourist accommodation.
- To provide a zone which caters for specific needs in terms of accommodation and ancillary uses and which can be used to control further tourism development in the municipal area.

**DEFINITION:**

A zone developed with the specific requirement of catering for tourist accommodation and development and for the future development of tourism in the area.

## CHAPTER 5

### GENERAL MIXED USE ZONE

#### 5.1 GENERAL PURPOSE

The general purpose of this chapter is to achieve the following:

- 5.1.1 Provide appropriate areas for a mixture of compatible land uses required by residents of the Matatiele Municipality, in a manner consistent with the Integrated Development Plan.
- 5.1.2 Provide adequate space to meet the needs of the mix of land uses and encompassing off-street parking and loading.
- 5.1.3 Minimize traffic congestion and avoid the overloading of utilities.
- 5.1.4 Provide employment opportunities for existing and future residents of the Council's area and those of adjacent communities.
- 5.1.5 Provide for land uses which meet the needs of and which attracts sub-regional populations, in addition to local residents.
- 5.1.6 Ensure compatibility with adjacent land uses.
- 5.1.7 Reference should be made to Annexures F and G.

#### 5.2 STATEMENT OF INTENT OF THE GENERAL MIXED USE ZONE

##### 5.2.1 GENERAL MIXED USE:

###### STATEMENT OF INTENT:

The provision for and development of a number of land uses in a single zone including commercial, businesses, service stations and garages, offices, trading, light and service industry and warehousing, hawking, civic and social, and residential uses so as to enable a special mix of development to occur.

###### OBJECTIVES:

- To provide land for the development of mixed use areas which would accommodate formal and informal industrial business opportunities and commercial activities.
- To ensure that a balance between the natural and built environment is maintained through landscaping and areas of green space.
- To encourage, where appropriate, the use of detailed urban design criteria to achieve specific urban environments and mix of uses.

###### DEFINITION:

A zone that allows the development of a range of complementary land uses for commercial, business, services, industrial, administrative and residential opportunities which includes informal trading.

## CHAPTER 6

### INDUSTRIAL ZONES

#### 6.1 GENERAL PURPOSE

The general purpose of this chapter is to achieve the following:

- 6.1.1 Provide appropriate industrial areas to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment.
- 6.1.2 Provide adequate space to meet the needs of industrial development, including off-street parking and loading.
- 6.1.3 Minimize traffic congestion and avoid the overloading of engineering services and utilities.
- 6.1.4 Protect industrial areas from excessive noise, illumination, unsightliness, odour, smoke, toxic wastes, and other objectionable influences.
- 6.1.5 Promote high standards of site planning and landscape design for industrial developments with the Council's area.
- 6.1.6 Promote consolidation of industrial uses into comprehensively planned industrial parks.
- 6.1.7 Promote a mix of industrial uses that provides the Council's area with a sound, diverse industrial base.
- 6.1.8 Ensure compatibility with adjacent land uses.
- 6.1.9 Reference should be made to Annexures D, E, F and G.

#### 6.2 STATEMENTS OF INTENT FOR THE VARIOUS INDUSTRIAL ZONES

##### 6.2.1 LOW IMPACT INDUSTRY :

###### STATEMENT OF INTENT:

The provision of land to allow opportunities to interface low impact industries in relation to residential areas, to facilitate local economic development and employment opportunities and can also be used as an interface with other industrial zones.

###### OBJECTIVES:

- To provide appropriate locations for light and service industries that have limited impact.
- To ensure that the location of low impact industry is compatible with adjacent residential or other land uses and contribute to local economic development.
- To ensure that the location and development of these sites does not negatively impact on the natural environment or watercourses located near them.

**DEFINITION:**

A zone to contain a mix of light and service industries, warehousing and associated activities.

**6.2.2 MEDIUM IMPACT INDUSTRY:****STATEMENT OF INTENT:**

The provision of land to provide for a general mix of industrial activities and services and can be an interface to high impact industrial areas or as independent entities.

**OBJECTIVES:**

- To provide appropriate locations for a range of industrial and related activities in specific areas which mitigate their impacts and provide a proper balance for employment and sectoral growth.
- To ensure that the location and development of these sites does not negatively impact on the natural environment or watercourses located near them.

**DEFINITION:**

A zone to contain a mix of industrial and related land uses and activities with lesser environmental impacts and excludes heavy and noxious industry.

**6.2.3 EXTRACTIVE INDUSTRY (QUARRYING AND MINING):****STATEMENT OF INTENT:**

The provision of appropriate land for the extraction of minerals and stone in a manner that is compatible with sustainable development and the relevant national, provincial and local requirements and guidelines related to this activity.

**OBJECTIVES:**

- To provide appropriately located land to allow the extraction of minerals and raw materials and associated business operations.
- To ensure that the extraction is carried out in a manner that takes cognisance of its impact on the site and surrounding properties and seeks to minimise the long term effects of the activity.
- To ensure that the relevant environmental considerations are adhered to in regard to the actual extraction process, its impact on the environment, and to the rehabilitation of the site/s once the activity has ceased.

**DEFINITION:**

A zone which provides appropriately located land to allow the extraction of minerals and raw materials and associated business operations.

## CHAPTER 7

### ACTIVE OPEN SPACE ZONE

#### 7.1 GENERAL PURPOSE

The general purpose of this chapter is to achieve the following:

- 7.1.1 Protection of areas designated for public outdoor recreation;
- 7.1.2 Protection of land used for the purposes of sports grounds, playing fields or other open spaces of a school, club, firm, private person or Home Owners Association; and

Please note, Passive Open Space and Public Open Space are included as Reservations and included in Table 3.

#### 7.2 STATEMENT OF INTENT FOR ACTIVE OPEN SPACE

##### 7.2.1 ACTIVE OPEN SPACE:

###### STATEMENT OF INTENT:

The development and management of a hierarchy of public and private areas of land as part of the sustainable open space system which includes independent or linked open space areas and green lung areas for sporting and recreational needs and associated activities of the local and visiting public and may include areas of passive open space where appropriate.

###### OBJECTIVES:

- To ensure that there is adequate land set aside and facilities provided to address the public and private sport and recreational needs of the broader community and visitors.
- To ensure that such sites are developed and maintained in accordance with appropriate public health and safety standards so that they may be optimally used.

###### DEFINITION:

A zone owned by the responsible authority and maintained by it for a range of active pursuits for the use and enjoyment of the general public and may include ancillary facilities and buildings.

## CHAPTER 8

### AGRICULTURAL ZONE

#### 8.1 GENERAL PURPOSE

The purpose of these zones is to provide for agricultural land uses as well as low-density residential development in the Council's agriculturally zoned areas and to assure that this development occurs in a manner which protects the area's natural and topographic character and identity, environmental sensitivities, aesthetic qualities, and the public health, safety, and general welfare.

This protection is obtained by insuring that development does not create soil erosion, silting of lower slopes, land slide damage, flooding problems, and severe cutting or scarring, since any proposed non-agricultural use or development and certain agriculturally related activities shall be subject to prior assessment.

#### 8.2 STATEMENT OF INTENT FOR THE AGRICULTURAL ZONE

##### 8.2.1 URBAN AGRICULTURE:

###### STATEMENT OF INTENT:

The identification, protection and reservation of land which has agricultural value and that should be optimally utilised in accordance with national legislation and provincial policy guidelines related to sustainable development, agricultural production and natural resources.

###### OBJECTIVES:

- To utilise agricultural land on a sustainable basis.
- To ensure that land deemed to have a high agricultural potential is optimally used.
- To provide mechanisms for the identification and protection of productive agricultural land.
- To ensure that agricultural practices are consistent with environmental considerations and pollution controls.

###### DEFINITION:

A zone that is intended to provide land for buildings and uses associated with farming practices and specifically with the following activities:

- The production of food and fibre;
- The cultivation of crops;
- The farming of livestock, poultry and bees;
- Horticulture and market gardening;
- Urban agriculture and settlement; and'
- The use of buildings for associated activities including educational activities.

## CHAPTER 9

### CIVIC AND SOCIAL ZONES

#### 9.1 GENERAL PURPOSE

The purpose of this chapter is to achieve the following:

- 9.1.1 To provide appropriate areas for civic and social facilities including schools, health care and welfare facilities, and public offices;
- 9.1.2 To provide for uses and buildings associated with public and private service providers; and
- 9.1.3 To provide adequate social and civic facilities to meet the needs of the local communities.

#### 9.2 STATEMENTS OF INTENT FOR EDUCATION, PUBLIC BUILDINGS AND INSTITUTIONS AND HEALTH AND WELFARE

##### 9.2.1 PUBLIC AND PRIVATE EDUCATION:

###### STATEMENT OF INTENT:

The provision for and development of the full range of infant and pre-primary, primary, secondary and tertiary educational facilities including adult education and training centres for the local and broader community.

###### OBJECTIVES:

- To ensure that there is an adequate range and provision of all educational facilities in appropriate and accessible locations which are convenient to all users.
- To provide adequate educational facilities to address the special needs of the physical or mentally challenged, children and adults.

###### DEFINITION:

A zone which allows for the development of all educational facilities and associated buildings and recreational facilities.

##### 9.2.2 PUBLIC BUILDINGS AND INSTITUTIONS:

###### STATEMENT OF INTENT:

The provision for and development of public administrative, institutional and infrastructural sites and buildings for the convenience and proper functioning of urban and rural areas.

**OBJECTIVES:**

- To ensure that public institutional, administrative and services facilities are provided to permit the efficient and proper administration and functioning of the cities, towns and rural and small settlements.
- To ensure that in the rural context these facilities are located in an accessible location along or near a main transportation route.
- To ensure that such buildings are designed to address the special needs of the physically challenged and the elderly.

**DEFINITION:**

A zone which provides for municipal, institutions and public facilities related to infrastructure and services and includes prisons and juvenile facilities.

**9.2.3 HEALTH AND WELFARE (1 AND 2: GENERAL AND WORSHIP)****STATEMENT OF INTENT:**

The provision for and development of all facilities and services required for the administrative, social, health and cultural well-being and benefit of rural and urban communities.

**OBJECTIVES:**

- To ensure that the health and social services requirements and facilities are located in convenient core, suburban and residential locations which are conveniently accessible to all people.
- To provide adequately designed health and welfare facilities to address the special needs of the physically or mentally challenged, children and elderly.

**DEFINITION:**

A zone which provides for the full range of public and private hospital, medical centres, clinics, community care, welfare and social requirements including public and private cemeteries, memorial parks and crematoria.

Attention is drawn to Table 3 – Reservations – cemetery.



**PART 3 : DEVELOPMENT AND USE STANDARDS AND REGULATIONS****CHAPTER 10****LAND AND BUILDINGS****10.1 BUILDING LINES**

- (i) The building lines of erven and subdivisions in the various zones are depicted in Table 1.
- (ii) Within a medium density housing site, a building line does not apply to the dwelling unit curtilages.
- (iii) In the General Mixed Use Zone, where the erf is used for commercial purposes, the building line shall be the street line, provided that the local authority may impose a 9 metre building line where and when it deems fit to do so.
- (iv) Where in the Commercial use of the General Mixed Zone, new mid-block roads, rear access roads and parking courts are required, the building line along boundaries of affected erven shall be the boundary of such roads and parking courts, provided that on all such affected erven there shall be provided a service yard to the satisfaction of the local authority.
- (v) Where a building line is laid down no building other than boundary walls, fences, pergolas or architectural and garden features, shall be erected between the building line and the street line. Where a new road or road widening is required, the building line is to be set back so as to take into consideration any such new road or widening.
- (vi) The Local Authority, by Special Consent, may relax the building line if Council is satisfied that, on account of the levels of the erf or adjoining land or the propinquity of buildings already in front of the building line or any other special circumstances, compliance with the building line would seriously hamper the development of the erf.
- (vii) The Local Authority may, by Special Consent, relax the building line if in Council's opinion the architectural effect will enhance the appearance of the street and contribute to public amenity.
- (viii) The Local Authority may, by Special Consent, relax the building line on corner erven in the Residential only zones to 4.5 metres provided that such relaxation is confined to one boundary only. Where consent for such relaxation is given, it shall be a condition that no buildings which are erected forward of the prescribed building line of 7,5 metres shall be permitted nearer than 4,5 metres to the side boundary of the erf adjoining.
- (ix) Notwithstanding the foregoing provisions, the Local Authority may exempt an applicant from applying for Special Consent if it is satisfied that no interference with the amenities of the neighbourhood, existing, or as contemplated by this scheme, will result; provided that the prior written consent of the registered owner of each adjoining property, and those properties directly across the street and such other properties as the Local Authority may direct, has first been obtained. Where any such written consent is not forthcoming, the applicant shall, in seeking the relaxations, be required to apply for the Local Authority's Special Consent.

- (x) Notwithstanding the provisions of the above clauses in the cases of swimming pools and tennis courts the building line may be relaxed by Special Consent of the Local Authority to no less than 1 metre; provided that where a swimming pool or tennis court is to be constructed so that any portion of it is within 7,5 metres of a road boundary such pool or tennis court shall be screened to the satisfaction of the local authority.
- (xi) Cognisance shall be taken in all cases of the building restriction line imposed by the National or Provincial roads authority, and in such circumstances the building restriction line may not be relaxed by the Local Authority, without the consent of the roads authority.

## 10.2 SIDE AND REAR SPACE

- (i) The side and rear spaces of erven and subdivisions in the various zones are depicted in Table 1.
- (ii) Within a Medium Density Housing Site, side and rear space requirements do not apply to dwelling unit curtilages.
- (iii) In the case of the General Mixed Use Zone (commercial and service industrial) or the Industrial Zones, the side space requirement may be relaxed by Special Consent of the Local Authority except where it is necessary to provide access to the rear of the building for loading and parking accommodation or where such buildings adjoin erven zoned for residential purposes.
- (iv) In the case of residential only erven which are 350m<sup>2</sup> or less, the side and rear space may be waived with the Special Consent of the Local Authority and taking into account the amenity of the adjoining properties.
- (v) The Local Authority, may by Special Consent, allow the erection of a single storey outbuilding on the side and rear boundaries of erven in the residential zones.
- (vi) The Local Authority may, by Special Consent, permit in any zone any building to be erected closer to any boundary than the distances specified in this clause if on account of the siting of existing buildings or the shape, size or levels of the erf, the enforcement of this clause will, in the opinion of the Local Authority, render the development of the erf unreasonably difficult. In considering any application under this sub-clause the Local Authority shall have due regard to any possible detrimental effect on adjoining properties and the need for any sewer and drainage servitudes.
- (vii) Where access to parking courts is required, the side space of affected erven shall be calculated from the boundaries of such access road.
- (viii) Notwithstanding the foregoing provisions, the Local Authority may exempt an applicant from applying for Special Consent if it is satisfied that no interference with the amenities of the neighbourhood, existing, or as contemplated by this scheme, will result; provided that the prior written consent of the registered owner of each adjoining property, and those properties directly across the street and such other properties as the Local Authority may direct, has first been obtained. Where any such written consent is not forthcoming, the applicant shall, in seeking the relaxations, be required to apply for the Local Authority's Special Consent.

### 10.3 FLOODLINES

- (i) No building shall be erected on any land which in the opinion of the Local Authority is below a floodline as defined in these Clauses.
- (ii) Where an erf may be subject to a floodline, the Local Authority may require the owner to indicate the floodline as defined in Clause 2.1.49 on a site plan or building plan and to supply a supporting certificate signed by a professional engineer.
- (iii) Notwithstanding any other provisions contained in these Clauses the Local Authority may permit a building to be erected below the flood line as defined in Clause 2.1.49 provided that a certificate signed by a professional engineer is produced confirming that such proposed building will be clear of the appropriate flood level.
- (iv) No structure which may impede the flow of water may be constructed or erected below the floodline as defined in these clauses without the written authority of the Local Authority.

### 10.4 BUILDING RESTRICTIONS AND THE USE OF LAND

The Types of Building and Land Uses shall be as defined in Part 1: General Provisions, Chapter 2: General Definitions and Types of Building and Land Use. The extent and location of the various zones shall be as set out on the current adopted Zoning Maps.

### 10.5 ERECTION AND USE OF BUILDINGS AND USE OF LAND

Table 2 lists those uses in the various zones which are: Permitted (P), subject to the Special Consent of Council (C) or Prohibited (x), that is:

P = Buildings may be erected and used or land may be used subject to the approval of building/development plans by the Local Authority, where appropriate.

C = Buildings may be erected and used or land may be used only with the Special Consent of the Local Authority; and

X = Buildings may not be erected and used and land may not be used.

The types of applications and the procedures for making such applications are described in Part 1: Chapter 1, Basic Provisions, Section 1.7, 1.8 and 1.9 and in Part 4 : Chapter 12, Scheme Administration and Applications, Sections 12.3, 12.4 and 12.5.

### 10.6 SITING OF BUILDINGS AND ACCESS POINTS AND THE CONSERVATION OF INDIGENOUS FLORA AND WATER COURSES

- (i) No erf or subdivision shall be cleared of any vegetation without the authority of the Local Authority. No indigenous vegetation shall be disturbed or removed from any erf without the authority of the Local Authority.
- (ii) In considering any application for the development it shall be the duty of the Local Authority to ensure wherever it is considered appropriate, that adequate provision be made for the conservation of indigenous flora, the planting or replacement of trees and the protection of water-courses, by means of conditions qualifying the approval of such development.

- (iii) The siting of any buildings intended to be erected or the development or use of any land shall be subject to the approval of the Local Authority and persons intending to erect buildings or use land shall, before commencing, apply to the Local Authority for approval of the siting, use or development and submit a site development plan accurately depicting the physical characteristics of the site including the location of all natural features, for example, water courses, including all vegetation, and existing and proposed buildings, structures and services, including building lines, side and rear spaces, rights-of-way and servitudes.
- (iv) In respect of any application to develop an erf the Local Authority may determine the position and number of vehicular or pedestrian points of access and may, if it deems fit, prohibit pedestrian or vehicular access across any boundary or boundaries and require that a suitable fence or wall be erected to prevent such access.

### 10.7 NON-CONFORMING EXISTING USE

Any existing building or existing use which is not in conformity with the scheme, but for which authority was obtained from the Local Authority prior to the date of adoption, may be completed and continue to be used for the purpose for which it was designed, subject to compliance with any conditions which may have been imposed by the Local Authority, and provided that:

- (i) Any such non-conforming existing building or use of land may be increased on the erf by an amount not greater than 12,5% of its total floor area or area as the case may be, at the date of adoption, provided that the completed building or use is in conformity with the other provisions of the Scheme, relating to the zone in which such building or use is situated.
- (ii) Any alteration or addition or change of use which in the opinion of the Local Authority alters the character of an existing building or use of land, shall automatically remove such building or land from the category of "existing building" or "existing use".
- (iii) Where the non-conforming existing use of any building or land is discontinued for a continuous period of 18 months or longer, such existing use shall be deemed to have lapsed and shall not be recommenced.

### 10.8 DESIGN AND LAYOUT OF CARAVAN PARKS

The written authority of the Local Authority for the establishment of a Caravan Park shall only be given if the design and lay-out is in accordance with the standards laid down in the Code of Practice for Caravan Parks published by the South African Bureau of Standards, (Publication S.A.B.S. 092/1971 as amended).

### 10.9 GARAGES AND SERVICE STATIONS

- (i) The layout of a Garage or Service Station including the siting of pumps, buildings and of vehicular access or egress shall be to the satisfaction of the Local Authority.
- (ii) No Garage or Service Station shall have direct vehicular access to an existing or proposed major traffic arterial.

- (iii) The following prerequisites and conditions shall be observed whenever it is proposed to erect a new Garage or Service Station, or to extend an existing Garage or Service Station.
- (a) No vehicular entrance to or exit from a Garage or Service Station shall be within 150 metres of a freeway interchange, 60 metres from an intersection with a road which in the opinion of the Local Authority is a major road or 20 metres from an intersection with any road.
  - (b) The frontage of a Garage or Service Station erf shall not be less than 36 metres in length.
  - (c) Dwarf walls or other permanent structures satisfactory to the Local Authority shall be erected on the street frontage of the site so as to confine the movement of vehicles into or out of the Garage or Service Station to authorised access points.
  - (d) No Garage or Service Station shall be established upon any erf unless, in the opinion of the Local Authority, it has adequate depth so as to enable all activities to be carried on clear of the street. Filler points for underground tanks shall be so sited as to make it possible for tanker vehicles to stand wholly within the curtilage of the lot when recharging the tanks and for such vehicles to enter and leave the erf in a forward direction.
  - (e) Pump islands shall not be less than 5 metres from any boundary of the erf and all traffic routes within the forecourt shall have a minimum width of 5 metres.
  - (f) A Garage or Service Station shall be so sited and designed that traffic entering and leaving the erf will not adversely affect movement of pedestrians or vehicles on any heavily trafficked public street or place.
  - (g) Parking accommodation for motor vehicles to be provided on the erf in accordance with Clause 11.4.

The Local Authority may relax any of the above conditions (a) - (g) in respect of any application for a garage which, in the opinion of the Local Authority, is not a traffic generator in terms of Annexure F.

- (iv) In granting its permission for the establishment of a Garage or Service Station, the Local Authority shall take cognisance of the standards set out in Annexure F. (Planning Standards for Control of Traffic at Traffic Generating Sites).

#### 10.10 EXEMPTIONS

- (1) No part of any Dwelling House nor any additional freestanding building which may be erected for use in conjunction with such dwelling may be used as a separate dwelling unit unless such building or part thereof complies with Clause 2.1.98.
- (2) Nothing in this Scheme shall prohibit or restrict the use of a place of work, place of instruction, place of public assembly, or an institution as a place of public amusement, provided that such use is restricted to not more than twenty days in each calendar year;

- (3) Nothing in this Scheme shall prohibit or restrict the practice of any profession or occupation in a residential building or dwelling house, provided that the person practising such profession or occupation shall reside in the dwelling unit concerned; and provided further that there is no public display of goods, no sign larger than 0,2m<sup>2</sup> affixed to the premises and the formal authority of the local authority has been applied for and obtained; and the local authority shall take into consideration the nature of the profession or occupation in relation to the character of the area and the number of persons to be employed and shall impose whatever conditions it considers necessary to protect the amenities of the neighbourhood. It may call on the applicant to apply for Special Consent provided that if it is subsequently found that there is in fact, an interference with the amenities of the neighbourhood the Local Authority may impose further conditions or call on the occupant to cease the practice (See Home Activity 2.1.58 and Home Business 2.2.18).
- (4) Nothing in this Scheme shall prohibit the owner of a Home Plant Nursery in a residential zone from selling his plants by retail provided the special consent of the Local Authority has been applied for and granted with or without conditions, see 2.1.58.

#### 10.11 USE OF HOTELS FOR CERTAIN PURPOSES

- (i) The Local Authority may permit any one or more of the following shops or activities, viz:

Hairdressing salons;  
Bookshops or newsagents;  
Florists;  
Curio shops;  
Theatre Booking agents;  
Bank agents;  
Travel agents;  
Vending machines;

to be established:-

- (a) in any hotel graded as a five-star, four-star or three-star hotel in terms of the Hotels Act, 1965, or which, according to the nature of the accommodation and service provided therein, and its situation, is in the opinion of the Local Authority, likely to be graded as such;
- (b) by Special Consent in any hotel other than those referred to in sub-paragraph (a) hereof;

provided that no external advertising of any shop or activity shall be permitted and access thereto shall be gained only from within the hotel.

- (ii) The Local Authority may, by Special Consent and when it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorise, in terms of this scheme, the establishment of a bottle store in any licensed hotel premises.

#### 10.12 FLOOR AREA RATIO, COVERAGE AND HEIGHT

- (1) In any density zone as set out in Table 1, no building shall be erected which will exceed in floor area ratio, coverage and height the maximum figures permitted for that zone.

- (2) Notwithstanding Clause 2.1.51 in considering an application for the development or use of land or the erection of or addition to a building which is carried out upon a lot which is subject to a servitude or right of way in favour of the public which has been donated to the Local Authority, the coverage shall be calculated on the net area of the lot and the Local Authority shall permit the FAR to be calculated on the gross area of the lot.
- (3) Subject to clause 2.1.51, in calculating the permissible floor area from the floor area ratio, the following floor areas may be excluded:
- (i) Any area used exclusively for the parking of motor vehicles, except as provided for in Clause 11.
  - (ii) Private garages and carports and private swimming pools, squash courts and Tennis courts.
  - (iii) Public arcades and malls in commercial zones which are not used for retail purposes or for the display, sale or storage of goods.
  - (iv) In the case of garages and service stations, the unwallied access ways and driveways covered by canopies.
- (4) In granting its authority for the erection, extension or rebuilding of a Place of Public Assembly, which is a religious building, the Council may approve of a height in excess of any maximum specified.

#### 10.13 ERF CONTROL

- (1) (i) No erf may be used for a use unless the Council is satisfied that it can be satisfactorily sewered, accessed, and serviced with water.
- (ii) Nothing in the scheme shall prohibit the Council from refusing to grant its approval or special consent for the erection of any building or for the development or use of land where, in the opinion of the Council, the arrangements made or to be made for the supply of water or for the disposal of sewerage, effluent or waste, or for access, are or will be inadequate or detrimental to amenity or health. Provided that the Council may grant its approval or special consent subject to such conditions as it deems necessary or appropriate. Any person aggrieved by any decision of the Council under this clause may, within twenty-one days from the date on which s/he received notice of the decision of Council, appeal to the Minister.
- (iii) The minimum sizes of erven and subdivisions shall be as depicted in Table 1 except as provided below, and where any such erf or subdivision was in existence prior to the date of adoption of this Scheme.
- (iv) Where a township is established for the erection of dwellings wholly or partly financed by the State, the Local Authority may authorise a reduction in the prescribed minimum for any erven so used provided that all such erven are served by a waterborne sewage disposal system to the satisfaction of the Local Authority.

- (v) Where on the date of adoption, two dwelling houses were existing lawfully on a single erf which is less in extent than the areas prescribed in these clauses, the Local Authority may, in its discretion, grant authority for the subdivision of the erf into two separate erven, provided also that the area of either of the subdivided erven is not less in extent than 700m<sup>2</sup> and each subdivision conforms to the other provisions of the Scheme. In giving any such authority the Local Authority shall take into account the amenity of the locality and of the adjoining properties.
  - (vi) Where an existing erf in the Residential Only 1 has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and for open space purposes, the Local Authority may allow the erection of a dwelling house on the erf provided that the erf has not been reduced in area to less than 700m<sup>2</sup> and provided further that arrangements for the disposal of sewage have been made to the satisfaction of the Local Authority.
  - (vii) Where an existing erf in the Medium Impact Residential zone has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and for open space purposes, the Local Authority may allow the erection of a residential building on the erf provided that the lot has not been reduced in area to less than 1350m<sup>2</sup> and provided further that arrangements for the disposal of sewage have been made to the satisfaction of the Local Authority.
  - (viii) In cases of hardship, the Local Authority may relax the minimum lot area in the Residential Zones, provided that such relaxation does not exceed 10% of the minimum prescribed area.
- (2) Not more than one Dwelling House shall be erected on any erf, provided that where the erf is at least double the lot size specified in Table 1, additional Single Family Dwellings may be erected on the erf provided the applicant has submitted to the Local Authority and received approval for a drawing showing that the land on which the additional dwelling house will stand is capable of being subdivided so that the subdivision will conform to the provisions of the Scheme; and provided that the applicant furnishes the Local Authority with an undertaking that any land required under the scheme for road construction or road widening purposes shall be transferred to the Local Authority at dates to be determined by the Local Authority; and provided further that sewage disposal arrangements have been made to the satisfaction of Council, which requirements may include the undertaking of evapo-transpiration tests in accordance with the requirements of the Department of Water Affairs.
- (3) Notwithstanding Clause 10.13 (2) above the Local Authority may permit the erection of a Second Dwelling Unit on any Residential erf by special consent. For the purposes of this sub-clause only, such Second Dwelling Unit shall be as defined in the Definitions of this Scheme (clause 2.1.98).
- (4) Except in special circumstances the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. An erf of irregular shape should be capable of containing within its boundaries a rectangle not exceeding the ratio 3 to 1 in proportion, having an area of 50 per cent of the minimum prescribed area.



#### 10.14 MINIMUM FRONTAGE REQUIREMENTS

- (i) Except in special circumstances the minimum frontage for all erven shall be as depicted in Table 1. The width of the access way for a "hatchet-shaped" erf is also specified in Table 1. Where an erf is of an irregular shape or occurs in a *cul-de-sac* or change of road direction, the frontage on the street may, with the authority of the Local Authority, be less than 18 metres provided the proportion of the lot is in conformity with the ratio provision set out in Clause 10.13 (4) and provided also that the frontage on the street is not less than 3.5 metres.
- (ii) Where a township is established for the erection of dwelling units wholly or partly financed by or through the State, the Local Authority may authorise a reduction in the minimum prescribed frontage to comply with the requirements of that Department.

#### 10.15 EXTERNAL APPEARANCE OF BUILDINGS

- (i) The character, design and external appearance of buildings, including the material used in their construction, alteration or extension, shall be subject to the approval of the Local Authority, and no building may be erected without the approval of the Local Authority.
- (ii) In considering any application, the Local Authority shall have regard to the character of the locality in which it is proposed to erect such building and shall take into account whether or not the building will be injurious to the amenities of the locality by reason of its external appearance or the materials it is proposed to use.
- (iii) Any person intending to alter, extend, rebuild or erect a building shall submit drawings to the Local Authority as set out in Clause 12.5, with whatever other indications the Local Authority may require, showing the external appearance of the proposed building together with a description of the materials to be used.
- (iv) Within two months from the date of submission of the drawings and particulars, or within such further time period to which the applicant agrees, the Local Authority shall approve the application either unconditionally or subject to such conditions as it may deem fit, or it may refuse to grant the application on the grounds that the external appearance of such building is unacceptable.
- (v) Any applicant aggrieved by any decision in terms of sub-clause (iv) hereof shall have the right of appeal to the Minister.

#### 10.16 ADVERTISEMENTS

No advertisements shall be displayed or hoardings erected without the written authority of the Local Authority. Any person proposing to erect any sign, advertisement or hoarding shall submit drawings, of any such sign or advertisement or hoarding to the Local Authority for approval. No hoarding or advertisement shall be permitted which is likely to cause injury to the amenity of the neighbourhood. Name plates not exceeding 0,2 m<sup>2</sup> in extent are not considered to fall under this heading. This clause does not apply to casual advertisements for entertainments, property for sale, auctions to be held on the premises or meetings provided they are not, in the opinion of the Local Authority, unduly ostentatious.

## CHAPTER 11

### OFF-STREET PARKING AND LOADING STANDARDS

#### 11.1 GENERAL PURPOSE

These regulations are intended to establish comprehensive standards to regulate the number, design and location of off-street parking and loading areas, so as to achieve the following:

- 11.1.1 To provide accessible, functional, attractive, secure, properly lighted, and well-maintained and screened off-street parking and loading facilities.
- 11.1.2 To reduce traffic congestion and hazards.
- 11.1.3 To protect neighbourhoods from the effects of vehicular noise and traffic generated by adjacent land uses.
- 11.1.4 To assure the manoeuvrability of emergency vehicles.
- 11.1.5 To provide an adequate number of appropriately designed parking and loading facilities in proportion to the needs generated by varying types of land use and which are clearly compatible with adjacent properties and the neighbourhood.
- 11.1.6 In mixed use areas, client parking should be provided, be accessible and maintained, to the satisfaction of the local authority.

#### 11.2 APPLICABILITY

Every use hereafter inaugurated, and every building hereafter erected or altered, shall have permanently maintained off-street parking areas pursuant to the following provisions. Moreover, every non-residential land use shall have permanently maintained off-street areas pursuant to the following provisions.

#### 11.3 GENERAL REGULATIONS

- 11.3.1 No structure or use shall be permitted or constructed unless off-street parking spaces are provided in accordance with the provisions of this Scheme.
- 11.3.2 In mixed use areas, client parking should be provided, be accessible and maintained, to the satisfaction of the local authority. Any alterations to the provision of client parking may not be undertaken unless specific authority has been obtained from the Local Authority.
- 11.3.3 The word “use” shall mean both the type and intensity of the use, and that a change in use shall be subject to all of the requirements of this Scheme.
- 11.3.4 When a structure is enlarged or increased, or when a change in use creates an increase in the required amount of parking, additional parking spaces shall be provided in accordance with the provisions of this Scheme. A parking study may be required to be prepared, to examine the proposed use in light of available off-street parking facilities in the Scheme area.

- 11.3.5 Requirements for uses not specifically listed herein shall be determined by the Council based upon the requirements for comparable uses and upon the particular characteristics of the use.
- 11.3.6 Fractional space requirements shall be rounded up to the next whole space.
- 11.3.7 Required guest parking in residential land use zones shall be designated as such and restricted to the use of guests.
- 11.3.8 All parking, including recreational vehicle parking in residential land use zones shall occur on paved or hardened areas to the satisfaction of Council.
- 11.3.9 Retirement village/senior citizen apartments' parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens including, but not limited to, medical offices, shopping areas, etc.
- 11.3.10 In the case of places of worship, parking requirements may be adjusted on an individual basis, subject to a parking study.

#### 11.4 SPECIFIC LOADING AND PARKING PROVISIONS

- (1) Any person intending to erect, alter or extend a building or develop or use any erf, shall provide loading and parking accommodation within the boundaries of the erf and shall submit proposals therefore in accordance with the following requirements and to the satisfaction of the Local Authority.
- (i) For every residential building and chalet there shall be provided 1 garage or covered parking space for each Dwelling unit. In addition there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Local Authority.
- (ii) For every dwelling unit within a Medium Density Housing site, there shall be one garage or carport plus one open or covered car space, of which at least one space for every 2 units, shall be situated in areas easily accessible to visitors, provided the additional car spaces are not placed on the private open area.
- (iii) For every building intended for shopping use within the General Mixed Use zone, there shall be provided 1 car space off the street for each 100 m<sup>2</sup> or major portion thereof for the Net Leasable Floor Area. In addition there shall be provided on the lot a loading and unloading area with suitable access to the satisfaction of the Local Authority.
- (iv) For every building intended for office use there shall be provided 1 car space for each 100m<sup>2</sup> or major portion thereof of gross floor area plus a loading and unloading area. Provided that for every Office Building or portion of Office Building used or intended to be used for accommodation of Medical Practitioners, there shall be provided one space for every 25 m<sup>2</sup> or major part thereof of gross floor area, plus loading and unloading area.

- (v) For every Hotel, Guest House or Boarding House there shall be provided 1 car space for every bedroom together with a suitable and convenient area wherein may be parked a minimum of an additional 5 cars, with the addition, where the Hotel is licensed to sell alcoholic beverages, of a further convenient area provided for parking accommodation for an additional number of 15 cars, together with a loading and unloading area with suitable access to the satisfaction of the Local Authority.
- (vi) For every Bed and Breakfast facility there shall be provided 1 car space for every bedroom.
- (vii) For every Public Office there shall be provided a convenient area for parking accommodation for 15 cars.
- (viii) For every building or portion of a building intended for use as a Warehouse there shall be provided one car space for each 140 m<sup>2</sup> or major portion thereof of floor area and a loading and unloading area with suitable access to the satisfaction of the Local Authority.
- (ix) For every building or portion of a building intended for use as a hall without fixed seats there shall be provided a car space off the street for every 23 m<sup>2</sup> or major portion thereof of floor area.
- (x) For every building intended for use as a theatre, cinema, assembly hall or place of public worship, there shall be provided a car space for every 6 seats.
- (xi) For every building or portion of a building intended for use as a garage or service station there shall be provided one suitably located car space for every 50 m<sup>2</sup> or major portion thereof of floor area plus a loading and unloading area for bulk tankers to the satisfaction of the Local Authority.
- (xii) For every industrial building there shall be provided on the lot sufficient accommodation for parked cars, calculated on the number of persons engaged in the business, including management, office staff and factory employees, as follows:
  - (a) Up to 25 persons employed:  
1 car space for every 4 persons or part thereof.
  - (b) thereafter, for the next 25 persons:  
1 car space for every 5 persons or part thereof.
  - (c) thereafter, for any further number of persons:  
1 car space for every 10 persons or part thereof.

There shall be in all cases a minimum of 2 car spaces and, in addition to the foregoing, there shall be provided on the lot to the satisfaction of the Local Authority a further parking and turning space for every commercial vehicle used for the benefit of the industry and a loading and unloading area with suitable access.

Provided that:

- (a) in respect of employees that utilise public transport the Local Authority may relax the above requirements;
- and
- (b) the Local Authority may at any time vary the foregoing requirements if the character or type of manufacturing or processing activity being conducted on the site is changed or altered to an extent which, in the opinion of the Local Authority materially alters the number and type of vehicles attached to the site; provided that in no case shall such variation result in the number of car spaces provided exceeding a ratio of one car space per 150 m<sup>2</sup> of total floor area of the industrial buildings on the site.
- (xiii) (a) Car space or parking accommodation means a parking bay of dimensions not less than 5,5 x 2,5 metres and shall be surfaced and clearly marked to the satisfaction of the Local Authority.
  - (b) In addition to (a) above there shall be provided adequate space for vehicular access and manoeuvring to the satisfaction of the Local Authority.
- (xiv) Where in any building the area set aside for the parking or garaging of vehicles exceeds the minimum requirements by more than 50 percent, any such excess in area shall be taken into account when calculating the permitted floor area for that building.
- (xv) A totaliser depot, tattersalls club or similar institution shall be required to provide 2 car spaces.
- (2) For any use or development not specified in paragraph (1) above, loading and parking accommodation shall be provided to the satisfaction of the Local Authority.
- (3) Except with the prior approval of the Local Authority, no person shall bring onto any premises of a dwelling unit or cause or allow to be present thereon any public motor vehicle or trade vehicle, heavy or extra heavy vehicle for a period exceeding two hours, except for bona fide purposes of delivering or supplying goods or services to such premises. For the purposes of this clause, the expressions 'public motor vehicle', 'trade vehicle', 'heavy and extra heavy vehicle' shall have the meanings assigned thereto by the National Road Traffic Act (Act 93 of 1996) together with any schedule thereto, regulation made thereunder and amendment thereof.
- (4) The local authority may grant exemption from the provisions of Clause 11.4 (1) with or without conditions
    - (a) provided that there are special circumstances relating to the proposal and the local authority considers that the proposal will not prejudice the general purpose of the Scheme.
    - (b) If an application for exemption as described in paragraph (a) is made to the local authority for its authority, such application shall be deemed to be and be treated as an application for the Special Consent of the local authority.

- (c) When considering an application, for the reduction of the parking requirement, the Local Authority shall have regard to a report submitted by a traffic consultant with regard to the following:
- (i) accessibility of the site by private or public transport;
  - (ii) availability of off-street parking in the vicinity of the site;
  - (iii) the number of staff members and customers related to the use of the land or building on the site;
  - (iv) the socio-economic structure and density of the population which the development serves;
  - (v) the size and nature of the proposed development on the site and the size of vehicles to be used in connection with the activity conducted on the site;
  - (vi) the likelihood of reduction in parking provision causing injury to the amenity of the area in which it is or will be situated including, without prejudice to the generality of the foregoing, increased traffic and parking difficulties, and provided further than a payment, in lieu of the required parking, of a sum of money sufficient for the provision of such parking as a public parking facility shall be made. Where the Local Authority has agreed to a payment of money in lieu of parking, the amount payable shall be calculated as the market value of an area of the site in question adequate to provide for the parking accommodation which would otherwise be required on the site plus the estimated cost of constructing the paved parking area at ground level. Provided that for the purpose of determining the area of land required, one car parking space shall be taken to be a gross area of 23 m<sup>2</sup>. Such funds as are thus acquired shall be solely for the acquisition of land for public parking and the development of parking areas.
- (d) Any applicant or any objector who is aggrieved by the decision of the local authority in terms of these sub-clauses shall have the right of appeal.

**PART 4 : SCHEME ADMINISTRATION AND APPLICATIONS****CHAPTER 12****SCHEME ADMINISTRATION AND APPLICATIONS FOR CONSENT AND APPROVAL****12.1 GENERAL PURPOSE**

The purpose of this chapter is to outline Scheme administrative procedures together with various building and land use application options, including procedures for the amendment of this Scheme. (See also Part 1 : Sections 1.7, 1.8 and 1.9).

**12.2 INSPECTION OF SCHEME**

The Local Authority shall allow any person to inspect the Scheme at any reasonable time. A register of all applications and decisions on the Scheme shall be kept in accordance with the requirements of the Ordinance and shall be available for inspection by any person at any reasonable time.

**12.3 AMENDMENT TO THE SCHEME**

If the Local Authority desires to rescind, alter or amend any of the provisions of the Scheme in course of preparation it shall follow the procedure as set out in the Ordinance. (See Annexure A).

**12.4 PROHIBITION ON DEVELOPMENT/USE OF LAND AND/OR BUILDINGS AND APPLICATION REQUIREMENTS**

- (1) The requirements and procedures relating to both the prohibition of certain development/use of land and/or buildings and to the application for development/use of land are detailed hereunder and set out in Annexures A(1) and A(2) in the case of proposed amendments to Scheme (Rezoning) and Annexures B(1) and B(2) in the case of Special Consent applications. (See definition 2.1.103)
- (2) At any time after the Effective Date no person shall:
  - (i) erect a new building, or alter or add to an existing building or carry out any other proposed work, or
  - (ii) develop or use any land, or use any building or structure for any purpose different from the purpose for which it was being developed or used on such date, or
  - (iii) use any building or structure erected after such date for a purpose or in a manner different from the purpose for which it was erected:

until he has first applied in writing to the Local Authority for authority to do so and the Local Authority has granted its written authority thereto either with or without conditions;

- (a) provided that any authority granted by the Local Authority shall remain valid for 18 months from the date of granting of such authority; and
  - (b) where any building or work referred to in any such authority has not been substantially commenced within the said period of 18 months or where an appeal has been lodged, within a period of 18 months from the date of notification of the outcome of such Appeal, or where there has been an interruption in the development of the building or land for a continuous period of 18 months, the said authority shall automatically be considered to have lapsed and building operations shall not be commenced or recommenced unless fresh authority has first been applied for and obtained.
- (3) After the Date of Adoption no person shall erect or extend a building or institute work which is not in conformity with the provisions of the Scheme relating to the erection and use of buildings and use of land.
  - (4) No person shall use or cause to be used any building or portion thereof for any use other than that for which it has been lawfully erected unless such building has been altered for any proposed new use and any necessary special consent or authority of the Local Authority has first been applied for and obtained.
  - (5) No land in any use zone may be used for the purpose of the deposit or disposal of waste material or refuse, tipping, dumping, scrap yard, motor graveyard, used car lot, or any other similar purpose until the owner or his duly authorised representative has applied for and received the written approval of the Local Authority.
  - (6) Ordinary applications under the Bylaws/Regulations shall be sufficient notice for the purpose of administering the Scheme; provided that the Local Authority may call upon persons making such applications to provide any additional information or plans it deems necessary. The Local Authority may call upon any building owner who proposes to alter a building or to establish a new use, to provide a fresh building and contour survey of the property.
  - (7) Whenever the Local Authority deems it necessary, a report prepared by a registered Professional Engineer shall be provided, covering sewage and waste water disposal, drainage and/or flood line information. Furthermore the layout plan submitted for approval by the Local Authority shall be endorsed by the engineer to the effect that the plan is a satisfactory interpretation of the contents of the report.
  - (8) For uses as specifically identified in Table 2 the Local Authority may exempt an applicant from applying for Special Consent where it is satisfied that no interference with the amenities of the neighbourhood, existing, or as contemplated by this Scheme, will result; provided that the prior written consent of the registered owner of each adjoining property, and those properties directly across the street, and such other properties as the Local Authority may direct, has first been obtained. Where any such written consent is not forthcoming, the applicant shall be required to apply for the Local Authority's Special Consent.



- (9) In consideration of a Home Activity or Home Business the Local Authority shall assess the impact on the character of the surrounding residential area and impose whatever conditions it considers necessary to protect the amenities of the neighbourhood. If it is subsequently found that there is, in fact, an interference with the amenities of the neighbourhood the Local Authority may call upon the occupant to make a Special Consent application, impose further conditions or call upon the applicant to cease the practice.

## 12.5 BUILDING PLAN APPROVAL

- (1) For the purpose of securing the approval of the Local Authority in terms of Clauses 10.6, 10.15, 11.4 (2) and 12.4 (2) the following documents shall be lodged with the Local Authority;
- (i) Drawings in quadruplicate showing the elevations facing any National or Provincial Highway, railway line, street, or access way, together with side and rear elevations; the drawings shall be to a scale not less than 1 in 100 or in the case of projects too large to be shown conveniently to this scale, a scale of 1 in 200 will be acceptable; fences, gates and boundary walls being deemed to form part of the elevation for the purpose of this clause.
  - (ii) One set of drawings coloured or presented in such a manner as will clearly indicate the finished appearance of the proposed building or alterations or additions, and, if so required, supplemented by plans and sections to indicate the true intent and meaning of the elevations.
  - (iii) A Block Plan to a scale not less than 1 in 500 indicating the siting of the buildings on the lot, the position of any existing buildings on the adjoining lots, and servitudes, building lines and rights-of-way to which the lot is subject.
  - (iv) A brief schedule in quadruplicate, specifying the general construction and finishes of the proposed building, alterations or additions on the lot.
- (2) The approval by the Local Authority of the design and external appearance of the proposed buildings, additions or alterations shall not be deemed to be an approval in terms of any other provisions of the Scheme in course of preparation or of the Building Bylaws/Regulations, which approval shall first be applied for and obtained before any building work is commenced.

## 12.6 CONFLICT OF LAWS

- (1)
- (i) Nothing in this Scheme shall be construed as enabling any person to erect or use any building or to develop or use any land which is in conflict with any condition of title imposed by the Minister by the State under any other law.
  - (ii) The owner of any erf which is subject to a condition of title, referred to in sub-clause (i) above which is in conflict with any provision of this Scheme, may make application to the Minister for the alteration, suspension or removal of such condition.
  - (iii) The Scheme provisions shall apply over and above the Bylaws/Regulations where they are more onerous than the Bylaws/ Regulations or where the Scheme makes no provision, the Bylaws/Regulations shall apply.

- (2) Any decision, order or authorization given by Appeal shall be deemed to be a valid authority granted by the Local Authority, in terms of Clause 12.3 and, as such, shall be construed as being in accordance with the duly adopted provisions of the Scheme.

## 12.7 ENTRY AND INSPECTION

12.7.1 The Local Authority shall be entitled, through its duly authorised officers, to enter into and upon any premises within the area at any reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of the Scheme.

12.7.2 No person shall in any way hinder, obstruct or interfere with any duly authorised officer of the Local Authority in the execution of his duties and functions in terms of this Scheme, nor shall any person cause or allow any hindrance or obstruction to, or interference with, such officer.

## 12.8 SERVICE OF NOTICES

Any notice required or authorised to be served in terms of the LUMS, shall be served in terms of the Ordinance.

## 12.9 OFFENCES

Any person who:

- (a) contravenes or fails to comply with any provision of this LUMS, or
- (b) contravenes or fails to comply with any requirements set out in a notice issued and served in terms of this LUMS, or
- (c) contravenes or fails to comply with any condition set out in terms of any provision of this LUMS, or
- (d) knowingly makes a false statement in connection with any provision of this LUMS, shall be guilty of an offence.

**TABLE 1: MATATIELE MUNICIPALITY: DEVELOPMENT STANDARDS**

REGULATION / STANDARD (See End of Table for Additional Controls) SEE ANNEXURES F, H, I	RESIDENTIAL ONLY ZONE		MEDIUM IMPACT RESIDENTIAL ZONE	TOURIST RESIDENTIAL ZONE	SPECIAL ZONES
	RES 1	RES 2	MIR 1	TOURIST RES 1 (CARAVAN PARK / CHALET DEV)	SPECIAL ZONE 1
MINIMUM ERF AREA (m <sup>2</sup> / hectares)	900 (1)	300	1 800	1 ha	10 ha
MINIMUM ERF AREA FOR DETACHED / ATTACHED MULTI-UNITS (m <sup>2</sup> / hectares)	1 800	N/A	1 800	1 ha	
MAXIMUM NUMBER DWELLING UNITS / NET HECTARE	1 Dwelling Unit per 900m <sup>2</sup>	1 Dwelling Unit per 300m <sup>2</sup>	30	(4)	See Additional Controls (12)
MINIMUM ERF WIDTH (m) FRONTAGE	18	10	21	18	
DEPTH TO FRONTAGE RATIO	3 : 1	3 : 1	3 : 1	3 : 1	
BUILDING LINE (m) SINGLE DETACHED	5m	3m	7.5	7.5	
BUILDING LINE (m) ATTACHED OR MULTIPLE UNITS	5m (2)	3m	7.5 (8)	7.5	
REAR SPEACE (m) SINGLE DETACHED	2m	1.5 (11)	2	2	
REAR SPACE (m) ATTACHED OR MULTIPLE UNITS	3m	1.5m	4.5	4.5	
SIDE SPACE (m) SINGLE DETACHED	2m	1.5 (11)	2	2	
SIDE SPACE (m) ATTACHED OR MULTIPLE UNITS	3m	1.5m	4.5	4.5	
FLOOR AREA RATIO	0.50	0.60	0.35	0.20	0.20
COVERAGE (%)	50	60	30 (3)	25	20
MAX HEIGHT (STOREYS) SINGLE UNIT DETACHED / ATTACHED MULTI-UNITS	2	2	3	2	3
MINIMUM WIDTH OF ACCESS WAY (m)	4	3.5	9	6	
OTHER					See Additional Controls at end of Table 1 (12)

**TABLE 1: MATATIELE MUNICIPALITY: DEVELOPMENT STANDARDS**

ZONE (1) SEE ANNEXURE D, E, F AND G	GENERAL MIXED USE ZONE			INDUSTRIAL ZONE		
	COMMERCIAL RESIDENTIAL ETC.	GAR / SS	SERVICE INDUSTRY	LOW IMPACT (LIGHT INDUSTRY)	MEDIUM IMPACT (GENERAL INDUSTRY)	EXTRACTIVE INDUSTRY (QUARRYING AND MINING)
<b>REGULATIONS / STANDARD</b>						
MINIMUM ERF AREA (m <sup>2</sup> ) FOR A COMPOSITE BUILDING	1 800 (5)	N/A	N/A	N/A	N/A	N/A
MINIMUM ERF AREA (m <sup>2</sup> ) EXCLUSIVE	450	1800	900	900	1800	N/A
MINIMUM ERF WIDTH (m) FRONTAGE	15/ (6)	36	7.5	18	18	N/A
DEPTH TO FRONTAGE RATIO	3:1	3:1	3:1	3:1	3:1	N/A
BUILDING LINE (m)	0 (9)	7.5	7.5	7.5	7.5	N/A
REAR SPACE (m)	2 (10)	2	2 (10)	2 (10)	2 (10)	N/A
SIDE SPACE (m)	2 (10)	2	2 (10)	2 (10)	2 (10)	N/A
FLOOR AREA RATIO	1.0	0.40	0.50	0.50	1.0	N/A
COVERAGE (%)	80	60	50	50	70	N/A
MA HEIGHT (STOREYS)	3	2	2	2	U.R	N/A
OTHER	FAR 0.35 COV 50% RES COMP	See 10.9	N/A	Hatchet Shared Lot Width 9m.	Hatchet Shared Lot Width 9m.	* In Accordance With Environmental Guidelines

**TABLE 1: MATATIELE MUNICIPALITY: DEVELOPMENT STANDARDS**

ZONE	OPEN SPACE	AGRICULTURE	CIVIC AND SOCIAL			
			EDUCATION	HEALTH AND SOCIAL SERVICES		
REGULATION / STANDARD	ACTIVE OPEN SPACE	AGRICULTURE	PUBLIC AND PRIVATE EDUCATION	ZONE 1 (PUBLIC BUILDINGS AND INSTITUTIONS)	ZONE 2 (HEALTH / WELFARE / COMMUN. HALL)	ZONE 3 (WORSHIP)
MINIMUM ERF AREA (m <sup>2</sup> / OR ha)	N/A	2 ha	1 800	N/A	N/A	1 800
MINIMUM ERF WIDTH (m)	N/A	18	18	18	18	18
DEPTH TO FRONTAGE RATIO	N/A	3 : 1	3 : 1	3 : 1	3 : 1	3 : 1
BUILDING LINE (m)	7.5	7.5	7.5	7.5	7.5	7.5
REAR SPACE (m)	2	2	2	2	2	2
SIDE SPACE (m)	2	2	2	2	2	2
FLOOR AREA RATIO	0.15	0.125	1	N/A	N/A	0.5
COVERAGE (%)	15	12.5	50	N/A	N/A	30
MAXIMUM HEIGHT (STOREYS)	2	2	3	N/A	N/A	U/R
OTHER		ACCESS WAY: 6M	DEPT EDUCATION AND HEALTH STANDARDS TO APPLY		HEALTH STANDARDS TO APPLY	

**ADDITIONAL CONTROLS APPLICABLE TO TABLE 1:****SPECIFIC CONTROLS**

- 1) Erf sizes of 750m<sup>2</sup> in the two blocks between Balloon Street and Davey Street for may be allowed for subdivisional purposes.
- 2) In Residential only areas the building line may be relaxed to 4.5m on corner erven.
- 3) Where it is developed for MDH purposes, the coverage may be increased to 35 %.
- 4) In accordance with Publication S.A.B.S 092/1971 as amended. (See 10.8)
- 5) Minimum Erf size for composite building (1800m<sup>2</sup>).
- 6) Minimum Frontage for a Composite Building (21m)
- 7) Cognisance should be taken of Annexure F in the Development of all Erven.
- 8) See Clause 10.1 (ii)
- 9) See Clause 10.1 (iii)
- 10) See Clause 10.2 (iii)
- 11) See Clause 10.2 (iv)
- 12) Additional Controls for Special Zone 1:
  - 12.1 Minimum Erf Area of 10 Hectares.
  - 12.2 Accommodation for motor vehicles to be provided on the lot as per Clause 11.
  - 12.3 An environmental management plan shall be prepared for the site in conjunction with, and to the satisfaction of the Council.
  - 12.4 Provision to be made for landscaping and maintaining the grounds to the satisfaction of the local authority.
  - 12.5 Subject to the provision of a water supply and sewage disposal system to the satisfaction of the local authority.
  - 12.6 Medium density housing shall be restricted to that which will form an integral part of the resort function of any such development.

<b>.TABLE 2: MATATIELE MUNICIPALITY : BUILDING USES BY ZONE</b>					
<b>LAND / BUILDING USES</b> <b>P = PERMITTED</b> <b>X = PROHIBITED</b> <b>C = PERMITTED BY SPECIAL CONSENT</b> <b>C1 = IF NEIGHBOURS CONSENT OBTAINED</b> <b>SPECIAL CONSENT MAY BE WAIVED</b> <b>C2 = STAFF / CARETAKER</b> <b>ACCOMMODATION ONLY</b> <b>P1 = RESTRICTED AS PER THE</b> <b>ADDITIONAL CONTROLS</b> <b>P2 = AS PER CLAUSE 10.11</b>	<b>ZONES</b>				
	<b>RESIDENTIAL ONLY</b>		<b>MEDIUM IMPACT RESIDENTIAL</b>	<b>TOURIST RESIDENTIAL</b>	<b>SPECIAL "AREAS"</b>
	<b>RES 1</b>	<b>RES 2</b>	<b>MIR 1</b>	<b>TOURIST RES 1</b>	<b>SPECIAL ZONE 1</b>
AGRICULTURAL BUILDING	X	X	X	X	P
AGRICULTURAL INDUSTRY	X	X	X	X	X
AGRICULTURAL LAND	X	X	X	X	P
BED AND BREAKFAST	C	C	C1	C	C
BOARDING HOUSE	C	C	C1	C	C
CARAVAN PARK	X	X	X	P	C
CHALET / HOLIDAY DWELLING	X	X	X	P	C
COMMERCIAL WORKSHOP	X	X	X	X	X
CRECHE	C	C	C	X	C
DWELLING HOUSE	P	P	P	C2	P
EDUCATIONAL BUILDINGS	C	C	C	X	C
EXTENDED RESIDENTIAL BUILDING	X	X	C	X	X
EXTRACTIVE INDUSTRY	X	X	X	X	X
FUNERAL PARLOUR	X	X	X	X	X
GARAGE	X	X	X	X	X
GENERAL INDUSTRIAL BUILDING	X	X	X	X	X
GUEST HOUSE	C	C	C1	C	C
HOME BUSINESS	C	C	C	X	C
INSTITUTION	C	C	C	X	C
LAUNDRETTE	X	X	C	P	C
LIGHT INDUSTRIAL BUILDING	X	X	X	X	X
MEDIUM DENSITY HOUSING	C	C	P	X	P1
OFFICE BUILDING	X	X	X	X	X
PARKING GARAGE	X	X	C	X	C
PLACE OF PUBLIC AMUSEMENT	X	X	X	X	C
PLACE OF PUBLIC ASSEMBLY	C	C	C	C	C
PRIVATE RECREATION AREA	C	C	C	P	P
PUBLIC OFFICE	X	X	X	X	C
RECREATIONAL BUILDING	C	C	C	P	P
RESIDENTIAL BUILDING	X	X	P	C	P
RESTAURANT	X	X	C	C	P
RESTRICTED BUILDING	X	X	X	X	X
SCRAP YARD	X	X	X	X	X
SERVICE INDUSTRIAL BUILDING	X	X	X	X	X
SERVICE STATION	X	X	X	X	P
SHOP	X	X	X	C	P2
SPECIAL INDUSTRIAL BUILDING	X	X	X	X	X
TRANSPORTATION / TERMINAL	X	X	X	X	X
WAREHOUSE	X	X	X	X	X

See Clause 10.10 (3)

**TABLE 2 : MATATIELE MUNICIPALITY : BUILDING USES BY ZONE**

LAND / BUILDING USES P = PERMITTED X = PROHIBITED C = PERMITTED BY SPECIAL CONSENT P1 = RESTRICTED TO A CARETAKER P2 = RESTRICTED TO THE MANUFACTURE AND STORAGE OF THE RAW MATERIAL P3 = EXCEPT ON GROUND FLOOR C1 = SEE ANNEXURE G C2 = SEE ANNEXURE D C3 = SEE ANNEXURE F	ZONES			
	GENERAL MIXED USE	INDUSTRIAL ZONE		
	INCLUDES COMMERCIAL GARAGES STATION / SERV INDUSTRY / RESIDENTIAL	LOW IMPACT INDUSTRY	MEDIUM IMPACT INDUSTRY	EXTRACTIVE INDUSTRY
AGRICULTURAL BUILDING	X	X	X	X
AGRICULTURAL INDUSTRY	X	X	X	X
AGRICULTURAL LAND	X	X	X	X
BED AND BREAKFAST	C	X	X	X
BOARDING HOUSE	C	X	X	X
CARAVAN PARK	X	X	X	X
CHALET / HOLIDAY DWELLING	X	X	X	X
COMMERCIAL WORKSHOP	P	P	P	X
CRECHE	X	X	X	X
DWELLING HOUSE	X	X	X	P1
EDUCATIONAL BUILDINGS	C	X	X	X
EXTENDED RESIDENTIAL BUILDING	X	X	X	X
EXTRACTIVE INDUSTRY	X	X	X	P
FUNERAL PARLOUR	C	C	X	X
GARAGE	C	P	P	X
GENERAL INDUSTRIAL BUILDING	X	X	P	P2
GUEST HOUSE	C	X	X	X
HOME BUSINESS	C	X	X	X
INSTITUTION	C	X	X	X
LAUNDRETTE	P	C	C	X
LIGHT INDUSTRIAL BUILDING	P	P	P	X
MEDIUM DENSITY HOUSING	X	X	X	X
OFFICE BUILDING	P	C	C	X
PARKING GARAGE	C	X	X	X
PLACE OF PUBLIC AMUSEMENT	P	X	X	X
PLACE OF PUBLIC ASSEMBLY	C	C	C	X
PRIVATE RECREATION AREA	P	P	P	X
PUBLIC OFFICE	P	P	P	X
RECREATIONAL BUILDING	P	C	C	C
RESIDENTIAL BUILDING	P3	P1	P1	P1
RESTAURANT	P	C	C	X
RESTRICTED BUILDING	X	X	X	X
SCRAP YARD	P	P	P	X
SERVICE INDUSTRIAL BUILDING	P	P	P	X
SERVICE STATION	P	P	P	X
SHOP	P	C1	C1	X
SPECIAL INDUSTRIAL BUILDING	X	X	C2	X
TRANSPORTATION / TERMINAL	C3	C3	X	X
WAREHOUSE	P	P	P	X



**TABLE 2 : MATATIELE MUNICIPALITY : LAND / BUILDING USES BY ZONE**

LAND / BUILDING USES P = PERMITTED X = PROHIBITED C = PERMITTED BY SPECIAL CONSENT C1 = IF NEIGHBOURS CONSENT OBTAINED SPECIAL CONSENT MAY BE WAIVED C2 = SHOP RESTRICTED TO 100 m <sup>2</sup> C3 = FOR STAFF / CARETAKER ONLY P1 = FOR STAFF / CARETAKER ONLY P2 = RESTRICTED TO SERVE STAFF AND PUPILS ONLY	ZONES					
	OPEN SPACE	AGRICULTURE	CIVIC AND SOCIAL SERVICES			
			EDUCATION	HEALTH AND SOCIAL SERVICES		
	ACTIVE OPEN SPACE	AGRICULTURE	PUBLIC & PRIVATE	ZONE 1 PUBLIC BUILDINGS & INSTITUTIONS	ZONE 2 HEALTH WELFARE COMM HALL	ZONE 3 WORSHIP
AGRICULTURAL BUILDING	X	P	C	C	C	X
AGRICULTURAL INDUSTRY	X	C	X	X	X	X
AGRICULTURAL LAND	X	P	C	C	C	X
BED AND BREAKFAST	X	C1	C1	C1	C1	C1
BOARDING HOUSE	X	C	C	X	C	C
CARAVAN PARK	X	C	X	X	X	X
CHALET / HOLIDAY DWELLING	X	C	X	X	X	X
COMMERCIAL WORKSHOP	X	X	X	X	C	X
CRECHE	C1	C1	P	P	P	C1
DWELLING HOUSE	C3	P	P1	P1	C3	P1
EDUCATIONAL BUILDINGS	X	C	P	P	P	C
EXTENDED RESIDENTIAL BUILDING	X	X	C	X	C	X
EXTRACTIVE INDUSTRY	X	C	X	X	X	X
FUNERAL PARLOUR	X	X	X	X	P	X
GARAGE	X	X	X	X	X	X
GENERAL INDUSTRIAL BUILDING	X	X	X	X	X	X
GUEST HOUSE	X	C	X	X	X	C
HOME BUSINESS	X	C1	C1	C1	C1	C1
INSTITUTION	X	C	C	P	P	C
LAUNDRETTE	X	X	X	C	X	X
LIGHT INDUSTRIAL BUILDING	X	X	X	X	X	X
MEDIUM DENSITY HOUSING	X	X	C3	C3	C3	X
OFFICE BUILDING	X	X	C	C	P	X
PARKING GARAGE	X	X	C	C	X	X
PLACE OF PUBLIC AMUSEMENT	C	X	X	P	X	X
PLACE OF PUBLIC ASSEMBLY	C	C	P	P	P	P
PRIVATE RECREATION AREA	P	C	P	C	C	P
PUBLIC OFFICE	X	X	C	P	P	X
RECREATIONAL BUILDING	P	C	P	P	C	P
RESIDENTIAL BUILDING	C3	X	C3	C3	C3	C
RESTAURANT	C2	C	C	C	C	C
RESTRICTED BUILDING	X	X	X	X	P	X
SCRAP YARD	X	X	X	C	X	X
SERVICE INDUSTRIAL BUILDING	X	X	X	X	X	X
SERVICE STATION	X	X	X	X	X	X
SHOP	C2	C2	P2	C2	X	X
SPECIAL INDUSTRIAL BUILDING	X	X	X	X	X	X
TRANSPORTATION / TERMINAL	X	X	X	C	X	X
WAREHOUSE	X	X	X	C	X	X

<b>TABLE 3: RESERVATION OF LAND</b>		
<b>ZONE</b>	<b>DISTRICT</b>	<b>ADDITIONAL CONTROLS</b>
<b>OPEN SPACE</b>	<p><b>PUBLIC OPEN SPACE</b>  <b>STATEMENT OF INTENT:</b>            The provision of land for passive and active recreational activities associated with</p> <ul style="list-style-type: none"> <li>• Public owned land</li> <li>• Private owned land</li> </ul> <p>in accordance with recognised guidelines, appropriate thresholds and the requirements of the broader community and visitors.</p> <p><b>OBJECTIVES:</b></p> <ul style="list-style-type: none"> <li>• To provide adequately appropriately situated sites that are easily accessible for recreational purposes and activities for local and wider communities.</li> <li>• To ensure that such parks address the special needs of physically challenged, the elderly, women and children.</li> <li>• To ensure that such facilities are located and maintained to attract visitors and tourists.</li> </ul> <p><b>DEFINITION:</b>            A zone where public and private land is set aside for recreational activities including parks of differing sizes, green areas for bowling, ball sports, cycling and green belts for walking and hiking.</p>	<p>1.This land is reserved for the use and enjoyment of the Public, once such area is in local authority ownership.</p> <p>2. Works permitted may include public parks and gardens, recreational grounds, zoological gardens and similar such uses.</p> <p>3.Attention is drawn to Chapter 3 of these clauses.</p>

<b>TABLE 3: RESERVATION OF LAND</b>		
<b>ZONE</b>	<b>DISTRICT</b>	<b>ADDITIONAL CONTROLS</b>
	<p><b>PASSIVE OPEN SPACE</b> STATEMENT OF INTENT: The provision of independent or linked open space areas and green lung areas as part of the sustainable open space system for the passive recreational enjoyment of the broader community and visitors.</p> <p>OBJECTIVES:</p> <ul style="list-style-type: none"> <li>• To set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for passive recreational purposes.</li> <li>• To ensure that the needs of special groups are addressed through landscaping and use of appropriate signage</li> </ul> <p>DEFINITION: A zone to accommodate any open space owned and maintained by a public agency for passive recreational purposes that is used and enjoyed by the general public and may include ancillary facilities or buildings.</p>	<p>Open land along water courses/streams for the passive enjoyment of the public - walking, etc. Owned by the local municipality.</p> <p>The additional controls, as above, are also applicable.</p>
<p><b>UTILITIES AND SERVICES</b> STATEMENT OF INTENT The provision of all necessary land areas for capital works mains, overhead and underground cables, and essential services</p>	<p>1. <b>REFUSE SITE</b></p> <p>2. <b>SEWAGE DISPOSAL WORKS</b></p> <p>3. <b>ESC</b></p>	<p>1. Buildings and other works incidental thereto permitted.</p> <p>2. Buildings and other works incidental thereto permitted.</p>

<b>TABLE 3: RESERVATION OF LAND</b>		
<b>ZONE</b>	<b>DISTRICT</b>	<b>ADDITIONAL CONTROLS</b>
<p>required to promote sustainable development and in accordance with national laws and provincial and local guidelines.</p> <p><b>OBJECTIVES:</b></p> <ul style="list-style-type: none"> <li>• To ensure that the land required for the necessary services infrastructure is set aside for development.</li> <li>• To create opportunities to utilise this land on a temporary basis for other uses until it is required.</li> <li>• To ensure that land used for service provision is appropriately located away from residential or other land uses where they detract from levels of amenity or safety.</li> <li>• To protect residential areas, health and educational facilities from any potential negative impacts or health hazards related to the installation of main line services e.g. gas or petro-chemical pipelines and radio masts.</li> <li>• To ensure that any disruption to natural areas and water courses by the laying of service pipelines or cables is minimised by adhering to environmental management principles.</li> </ul> <p><b>DEFINITION:</b> A zone for the identification of existing and future infrastructural service corridors and areas required for the installation, maintenance and proper functioning thereof. Until required, these areas may be utilised on a temporary basis for specified activities and purposes.</p>	<b>4. WATER WORKS</b>	<p>3. Buildings and other works incidental thereto permitted.</p> <p>4. Reserved for water supply authority</p>

<b>TABLE 3: RESERVATION OF LAND</b>		
<b>ZONE</b>	<b>DISTRICT</b>	<b>ADDITIONAL CONTROLS</b>
<p><b>TRANSPORTATION AND ACCESS</b> STATEMENT OF INTENT: The provision of land in appropriate and strategic locations for airports and other terminals and custom posts in accordance with national legislation and provincial and local policy guidelines.</p> <p>OBJECTIVES:</p> <ul style="list-style-type: none"> <li>• To ensure that such developments serve the national, provincial and local economy and provide the correct levels of service to both tourists and the broader community.</li> <li>• To locate these strategic developments such that they provide the catalyst for local economic development.</li> <li>• To ensure that the location and development of these sites is undertaken in accordance with EIA and ongoing environmental management monitoring procedures.</li> </ul> <p>DEFINITION: A zone that makes provision for large scale developments and buildings associated with public and private transportation in all its forms e.g. air and land and access into and</p>	<p><b>1.TRANSPORTATION TERMINAL (BUS AND TAXI RANK) See definition 2.2.38</b></p> <p><b>2.AIRFIELD</b></p>	<p>1. (1)Acquisition or development to be negotiated with erf owners. (2)Parking Garage permitted</p> <p>2. Works ancillary to the function of an airfield are permitted</p>

<b>TABLE 3: RESERVATION OF LAND</b>		
<b>ZONE</b>	<b>DISTRICT</b>	<b>ADDITIONAL CONTROLS</b>
out of the provincial and national boundaries		
<p><b>ROADS</b></p> <p>STATEMENT OF INTENT: The provision of land for the full range of road infrastructure within rural and urban areas to ensure an optimal road transport network can be constructed and maintained.</p> <p>OBJECTIVES:</p> <ul style="list-style-type: none"> <li>• To make provision for freeways, toll roads, major arterial roads and minor roads to accommodate vehicular traffic.</li> <li>• To make provision for the activities and buildings associated with road construction and maintenance e.g. toll booths, construction camps and road depot sites.</li> <li>• To ensure that road depots and road fill sites are operated and maintained with due cognisance to the environmental impacts they may have on surrounding areas.</li> </ul> <p>DEFINITION: A zone that provides for the identification, development and maintenance of the existing and future road network, buildings and related sites.</p>	<b>EXISTING AND FUTURE ROADS</b>	Proposed reservations for new roads as shown on the Scheme map to be effective at dates to be determined.

<b>TABLE 3: RESERVATION OF LAND</b>		
<b>ZONE</b>	<b>DISTRICT</b>	<b>ADDITIONAL CONTROLS</b>
<p><b>RAILWAYS</b> STATEMENT OF INTENT: The provision of necessary commuter, passenger and goods railway infrastructure within the rural and urban context.</p> <p>OBJECTIVES:</p> <ul style="list-style-type: none"> <li>• To provide for existing and future rail infrastructural requirements.</li> <li>• To provide adequate and attractive passenger depots and stations for trains.</li> <li>• To ensure that where rail siding and depots are located near watercourse sensitive areas, the necessary environmental and pollution controls are adhered to.</li> </ul> <p>DEFINITION: A zone that allows the identification of existing and future railways, stations and associated activities.</p>	<p><b>EXISTING AND FUTURE RAILWAYS</b></p> <p><b>RAILWAY RESERVE</b></p>	<p>Railway purposes and incidental uses permitted.</p>

<b>TABLE 3: RESERVATION OF LAND</b>		
<b>ZONE</b>	<b>DISTRICT</b>	<b>ADDITIONAL CONTROLS</b>
<b>CONSERVATION</b>	<p><b>1.PROTECTED LAND</b> STATEMENT OF INTENT: The identification and management of protected land which by its nature, location or juxtaposition to other development may require additional protective or environmental measures.</p> <p>OBJECTIVES:</p> <ul style="list-style-type: none"> <li>• To ensure the harmonious interaction of people and nature.</li> <li>• To maintain biological and cultural diversity.</li> <li>• To ensure that development is compatible with and enhances the landscaping aspects of the site.</li> <li>• To promote the use of natural materials in developing look out areas or viewing platforms.</li> </ul> <p>DEFINITION: A zone, which characterises the harmonious interaction of nature and cultural activities by providing for public recreation and tourism, and which maintains a balance between accepted lifestyles and economic activities.</p> <p><b>2.NATURE RESERVE</b> STATEMENT OF INTENT: The identification and preservation of reserves in accordance with international treaties, national and provincial laws and policies. The promotion of the sustainable development of reserves for the benefit of surrounding communities and visitors alike.</p>	<p>This is a natural area of land and/or water within which the conservation of the scenic beauty, indigenous flora and fauna, and other topographical features, places of historic or scientific interest and the like is of primary importance. No indigenous flora, fauna or any naturally occurring material shall be disturbed or removed.</p> <p>Consideration shall be given to the statements of intent and requirements for Protected land/nature reserve/recreation as contained in Chapter 3.</p> <p>Where land is to be developed for recreational/tourism purposes, consideration will need to be given to the formulation of specific controls for these areas. This may be specific to each development in the form of a Special Zone.</p>



<b>TABLE 3: RESERVATION OF LAND</b>		
<b>ZONE</b>	<b>DISTRICT</b>	<b>ADDITIONAL CONTROLS</b>

<b>TABLE 3: RESERVATION OF LAND</b>		
<b>ZONE</b>	<b>DISTRICT</b>	<b>ADDITIONAL CONTROLS</b>

	<p>The protection of reserve areas as an integral part of the national provincial and local heritage.</p> <p><b>OBJECTIVES:</b></p> <ul style="list-style-type: none"> <li>• To protect natural and scenic areas of provincial, national or international significance for spiritual, scientific, educational recreational and tourism purposes.</li> <li>• To perpetuate in a natural state, representative samples of physiographic regions, biotic communities and genetic resources and species, to provide ecological stability and diversity.</li> <li>• To promote development that is reconcilable with the objectives of the area.</li> <li>• To protect cultural resources.</li> </ul> <p><b>DEFINITION:</b></p> <p>A zone to accommodate outstanding and extensive examples of at least one of the recognised biomes of the province or country in a near natural state and which is of a sufficient size to sustain viable free-living populations of all wild plants and animals which occur naturally or in historical times. Such areas shall be managed by a competent nationally recognised authority and have controlled public access.</p>	
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<b>TABLE 3: RESERVATION OF LAND</b>		
<b>ZONE</b>	<b>DISTRICT</b>	<b>ADDITIONAL CONTROLS</b>
<b>HEALTH AND WELFARE</b>	<p><b>CEMETERY</b> STATEMENT OF INTENT: The provision for and development of all facilities and services required for the administrative, social, health and cultural well-being and benefit of rural and urban communities.</p> <p>OBJECTIVES:</p> <ul style="list-style-type: none"> <li>• To ensure that the health and social services requirements and facilities are located in convenient core, suburban and residential locations which are conveniently accessible to all people.</li> <li>• To provide adequately designed health and welfare facilities to address the special needs of the physically or mentally challenged, children and elderly.</li> </ul> <p>DEFINITION: A zone which provides for the full range of public and private hospital, medical centres, clinics, community care, welfare and social requirements including public and private cemeteries, memorial parks and crematoria.</p>	Reserved for burial purposes and ancillary buildings, including crematoria and contained under Health and Welfare 1.

**ANNEXURE A(1)****SCHEME AMENDMENT/REZONING**

1. Upon request the Local Authority shall issue a rezoning application form (See Annexure A(2) for an example) to the person wishing to make an application for the rezoning of his property and/or amendment of the Scheme.
2. The applicant shall complete the form and submit this to the Local Authority together with all the necessary fees and documentation as set out in the application form. Only when all the necessary fees and documentation have been received shall the application be regarded as complete (for the purposes of the register).
3. The Local Authority shall place a rezoning advertisement in a newspaper circulating in the area. The Local Authority shall also serve a copy of such advertisement on any land owner or other party that it believes has an interest in the matter.
4. On the expiry of the period open for objection the Local Authority shall, within one month, submit the application together with any objections received, to the Council for comments.
5. Thereafter the application shall together with the objections and Council's comments be submitted to the Department of Local Government and Traditional Affairs.
6. The Advisory Board shall consider the application, together with any objections received, and shall make a recommendation to the Minister.
7. The Minister shall make a final decision on the application and the Council shall be informed of his decision.
8. The Municipal Manager shall inform the applicant and any objectors, of the Minister's decision.

**2. ADVERTISING OF A REZONING APPLICATION**

With reference to Paragraph 1, advertising of a rezoning application shall be done by the Local Authority at the expense of the applicant.

The advertisement shall be according to Advertisement Form A.1 as set out below and the following are the requirements:-

- 2.1 The advertisement shall be placed in a newspaper circulating in the area, in English and Xhosa.
- 2.2 The period allowed for objections shall be 21 days from the date of the appearance of the advertisement.
- 2.3 The Local Authority shall also serve a copy of such advertisement on any land owner or other party that it believes has an interest in the matter.

**FORM A. 1**

THE FORM OF ADVERTISEMENT TO BE USED IN THE CASE OF REZONING APPLICATION  
ENGLISH

REZONING OF ERF NO.....

MUNICIPALITY.....  
(Name of Municipality)

The Council proposes, subject to the approval of the honourable Minister of Local Government and  
Traditional Affairs to consider rezoning Erf

No.....

from..... (existing zoning)

to..... (proposed zoning)

The plan and details of the proposal may be inspected in the Municipal Managers office, during  
normal office hours

Any objection to this proposal must be lodged in writing with the undersigned by no later  
than.....

(a date being at least 21 days after the date of the first advertisement)

.....  
Municipal Manager

.....  
(Name of Municipality)

.....  
(Physical and postal address of the Municipality)

.....  
(Date)

THIS FORM OF ADVERTISEMENT TO BE USED IN THE CASE OF A REZONING APPLICATION – ISI XHOSA

UMISELO NGOKUTSHA LWESIZA.....  
(Inombolo yesiza)

UMASIPALA WASE.....  
(igama ledolophu)

Ikhansela iceba, evuma oHloniphekileyo uMphathiswa noLawulo ziDolophu noMiwoMhlaba ukumisela ngokutsha isiza.....  
(Inombolo yesiza)

Ekubeni..... ukuze sisetyenziwe  
ngendawo.....  
(umiselo olukhoyo ngoku) (umiselo olucetywayo)

Iplani namavadlakanyo olucebo ingahlolwa kwi-Ofisi ka Nobhala weDolophu..... Ngamaxesha aqhelekileyo omsenzi  
(igama ledolophu)

Naluphi na uchaso kulo cello lungathunyelwa ngembalelwano nalo ugama lusaiyinwe ngezantshi

.....  
(zingekagqithi)

.....  
(iintsuku ezima – 28 ukususela kusuku lokuqala lokubhengezwa kulo cebo)

.....  
(igama lika Nobhala weDolophu)

.....  
(igama leDolophu)

.....  
(Umhla)

**ANNEXURE A (2)**

**FORM OF APPLICATION BY AN OWNER IN TERMS OF THE ORDINANCE FOR AN AMENDMENT TO THE SCHEME (REZONING) (TO BE SUBMITTED IN TRIPLICATE AND ACCOMPANIED BY THE RELEVANT APPLICATION FEE).**

**APPLICATION TO THE LOCAL AUTHORITY IN TERMS OF  
THE LAND USE PLANNING ORDINANCE**

A. I, the undersigned

.....

being the registered owner/duly authorised agent of the registered owner hereby apply for the amendment of the Matatiele Scheme.

**B. PARTICULARS OF THE APPLICATION**

1. Title Deed description of the land which is the subject of the application.

.....

2. Title Deed number/s.

.....

3. Full name/s of registered owner/s.

.....

4. Postal address of applicant.

.....

.....

.....

.....

5. General Plan or S.G. Diagram/s on which the property is shown.

.....

- 6. Servitudes registered in the Title Deed/s or shown on the General Plan or S.G. Diagram/s.
  - Description .....
  - In favour of .....
  - S.G. Reference .....
- 7. The area of the property .....
- 8. Existing zoning in terms of the Scheme.
  - .....
- 9. Proposed zoning in terms of the Scheme.
  - .....

C. The following is attached appropriately marked as Annexures:

- 1. Photostat copy of the Title Deed/s.
- 2. Photostat copy of the General Plan or S.G. Diagram/s.
- 3. Power of Attorney in favour of the applicant by the registered owner/s.
- 4. Three copies of the proposed amendment to the Town Planning Scheme Clauses.
- 5. Three copies of the proposed amendment to the Town Planning Scheme Map.
- 6. Three copies of the proposed Town Planning Scheme Annexures.
- 7. Three copies of the proposed amendment to the Town Planning Scheme Tables.
- 8. Three copies of a plan showing the present zoning of the site and of the surrounding properties.
- 9. Three copies of a plan showing the existing land use of the site and of the surrounding properties.
- 10. Five copies of a report in motivation of the application which includes the following:



- a full description of the physical characteristics and use of the site and the buildings on the site;
- a description of the surrounding area;
- a description of the proposed conditions applicable to the zoning;
- the purpose of the proposed amendment and how it will affect the area;
- a description of the local road system and access to the site;
- the availability of essential (engineering) services and the proposed arrangements with the Local Authority for the provision of services which will be required as a result of the proposed amendment to the Scheme.
- a comprehensive explanation of the need for and the desirability of the proposed amendment in relation to the intended use or development of the site and in relation to the development of the area to which the amendment relates.

D. SIGNATURE AND DATE OF APPLICATION

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

\_\_\_\_\_  
**DATE**

NOTES

- (a) This application form together with any additional relevant information which you may consider to be necessary should be forwarded to the Municipal Manager
- (b) The Minister may not lawfully amend the Scheme unless he is satisfied that such amendment is based on sound town planning grounds and is to the advantage of the scheme generally and not merely to the advantage of an individual. Your application must accordingly be fully motivated on sound town planning grounds
- (c) The following fees should accompany this application  
 Advertisement fee, municipality  
 Rezoning fee, municipality

**ANNEXURE B (1)****GUIDE TO SPECIAL CONSENT**

1. Any person (hereinafter referred to as the applicant) intending to apply to the local authority for its special consent to the erection and use of the building or to the use of land in any use zone whether wholly or partially for any purpose requiring the special consent of the local authority, shall after the submission of such application:-
  - (a) publish at his own expense, in both English and Xhosa, a notice of such application in a newspaper circulating in the area and shall serve a copy of the notice on such surrounding land owners as directed by the Municipality.
  - (b) post and maintain a notice of such application on the land or building to which the application applies for a period of twenty one days from the date of publication in the newspaper as mentioned in sub-clause (a).
2. Such notice shall state that any person having any objection to erection and use of the building or the use of the land, may lodge such objection in writing with the local authority and with the applicant within twenty one days after the date of the last publication. The notice shall further state where the plans, if any, may be inspected.
3. Proof of the publication and display of the notices referred to in sub-clause (a) and (b) shall be provided to the local authority.
4. The Council shall consider any objections received within the said period of twenty one days and shall come to a decision. The local authority shall notify the applicant and the objectors, if any, of the Council's decision.
5. The decision of the Council shall not take effect until the expiration of twenty eight days from the date on which the letters of notification to the applicant and objectors are posted, or if any appeal is lodged, after such appeal is disposed of.
6. For the purposes of this clause, any applicant or objector shall have the right to appeal against a Council decision or any condition set in terms of that decision.

***LAPSING OF APPROVAL OR SPECIAL CONSENT***

1. If the rights obtained by virtue of the grant by Council of its approval or special consent to the erection and use of the building or for the use of the land are not exercised within 24 months of the grant of such approval or special consent or, the rights having been exercised, the use permitted thereunder is interrupted for a continuous period of eighteen months, the approval or special consent shall ipso facto lapse, unless any condition upon which such approval or special consent was granted specifically provides otherwise in regard to the lapsing of such approval or special consent.
2. The period of validity of an approval or special consent granted by the local authority for the erection and use of a building shall not extend beyond the life of a building used, or erected for such use pursuant to the approval or special consent.

**ANNEXURE B (2)**

**FORM OF APPLICATION BY AN OWNER OR OCCUPIER IN TERMS OF THE MATATIELE SCHEME FOR THE SPECIAL CONSENT OF THE COUNCIL**

**APPLICATION TO THE LOCAL AUTHORITY FOR SPECIAL CONSENT**

A. 1, the undersigned

.....

hereby apply for the Special Consent of the Local Council

**B. PARTICULARS OF THE APPLICATION**

1. Title Deed description of the property concerned

.....

2. Title Deed Number/s

.....

3. Postal address of the applicant

.....

.....

.....

4. General Plan or S.G. Diagram/s on which the property is shown

.....

5. Servitudes registered in the Title Deed/s or shown on the General Plan or S.G. Diagram/s

- Description .....

- In favour of .....

- S.G. Reference .....

6. The area of the property

.....

7. Existing zoning in terms of the Scheme

.....

8. Proposed use or development of the property for which Special Consent is required.

.....

.....

C. The following is attached:

1. Photostat copy of the Title Deed/s.
2. Three copies of a plan showing any proposed development of the site for which Special Consent is required.
3. Five copies of a report in motivation of the application explaining the need for and desirability of the proposed Special Consent.

D. SIGNATURE AND DATE OF APPLICATION

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

\_\_\_\_\_  
**DATE**

**ANNEXURE C(1)****GUIDE TO SUBDIVISION OF LAND**

1. Upon request the Local Authority shall issue a subdivision application form (See Annexure C(2) for an example) to the person wishing to make an application for the subdivision of his property..
2. The applicant shall complete the form and submit this to the Local Authority together with all the necessary fees and documentation as set out in the application form. Only when all the necessary fees and documentation have been received shall the application be regarded as complete (for the purposes of the register).
3. Should it be of the opinion that any person shall be adversely affected thereby, the Local Authority shall place a subdivision advertisement in a newspaper circulating in the area. The Local Authority shall also serve notice on any land owner or other party that it believes has an interest in the matter.
4. On the expiry of the period open for objection the Local Authority shall, within two months, submit the application together with any objections received, to the Council for consideration.
5. The Local Authority shall notify the owners and the Surveyor-General of the Council's decision to grant the application and furnish them with a copy of the conditions imposed by the Council.
6. It should be noted that the Council may refuse the application on the basis set out in Section 36 of the Ordinance.
7. The applicant may apply for conditions to be waived or amended.
8. The applicant or any objectors may appeal the Council's decision.

**ANNEXURE D****DEFINITION OF A SPECIAL INDUSTRY**

For the purposes of this LUMS a Special Industry is defined as follows:

Chemical works, dye works, manure, superphosphate, or fertilizer works or stores; fell mongery, tanning and leather-dressing works; works or premises used for storing, drying preserving or otherwise dealing with bones, horns, hoofs or hides, whaling stations and premises or works used for storing or dealing with material derived from whales; knackers- yards; glue or size factories; soap and candle works; fat-melting or tallow-melting works and any similar works or establishment for dealing with meat, bones, blood, offal, horns, hoofs, or other animal organic matter; wattle-bark (grinding or extracting) works; brick burning and limeburning works; breweries and distilleries; sugar mills and sugar refineries; fish canning works; bacon factories, sausage factories and similar works; gut scraping works; tripe-cleaning or tripe-boiling works; destructors, depositing sites or other works for the treatment of house refuse, trade refuse, street refuse, sewage or "night-soil".

**ANNEXURE E****DEFINITION OF A FACTORY**

- (1) For the purposes of this Scheme, 'factory' means:
- (a) Any premises on which any person performs work in connection with any business, undertaking or institution, whether an employer or employee, pupil or inmate of an institution or otherwise, in any one or more of the following activities:
    - (i) the making of any article or part of any article;
    - (ii) the altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any article;
    - (iii) the adaption for sale or use of any article;
    - (iv) the sorting, assembling or packing (including washing or filling bottles or other containers) of any articles;
    - (v) the construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out);
    - (vi) printing or letterpress, lithography, photogravure or other similar process, including any activity associated with the printing industry;
    - (vii) the production and storage of gas in a holder of more than five thousand cubic feet (141,6 cu. metres) storage capacity;
    - (viii) the freezing, chilling or storage in cold storage of any article;
    - (ix) the slaughtering of livestock;
    - (x) the generation of electricity;
    - (xi) photographic work;
    - (xii) any activity that is necessarily or ordinarily incidental to any activity referred to in subparagraphs (i) to (xi), inclusive, if the premises on which it is carried on or form part of or are adjacent to the premises on which the activity to which it is so incidental is carried on; and
  - (b) any premises on which bookkeeping, typewriting or any other clerical work incidental to any activity referred to in paragraph (a) is performed, if such premises form part of or are adjacent to the premises in which the said activity is carried on.
- (2) Notwithstanding the provisions of sub-section (1) 'factory' shall not include:

- (a) Any premises on which fewer than three persons perform work in any activity referred to in sub-section (1) unless:
    - (i) mechanical power (other than for ordinarily lighting purposes) is used in the activity conducted on such premises, whether such power is derived from steam, electricity, gas, liquid or from any other source;
    - (ii) such premises have been registered as a factory under Section thirteen;
  - (b) Premises on which any activity referred to in sub-paragraph (iv) or (viii) of paragraph (a) of sub-section (1) is only incidental to the conduct of a business engaged mainly in the sale of goods by retail;
  - (**bis**) Premises on which any activity referred to in sub-paragraph (iv) of paragraph (a) of sub-section (1) is only incidental to the conduct of a business engaged mainly in the sale of goods by wholesale;
  - (c) Any mine or works as defined in Section two of the Mines and Works Act, 1911 (Act No. 12 of 1911); or subsequent valid legislation that may become law from time to time;
  - (d) Private houses, hotels, boarding houses, restaurants, refreshment or tea rooms or eating houses in respect of any activity referred to in sub-section (1) which is ordinarily and necessary incidental to the conduct of such establishment.
  - (e) Premises used temporarily and exclusively for the carrying on of any activity connected with the construction, alteration, renovation, repair or demolition of any building, bridge, road or irrigation work, or any other similar works;
  - (f) Premises (on a farm) on which a farmer, including a partnership or group of persons, other than a company performs work in any activity referred to in paragraph (a) of sub-section (1) solely in connection with products which he has produced on a farm occupied by him, or solely in connection with his farming operations; or
  - (g) A workroom in connection with a prescribed class of institution;
  - (h) The danger area of an explosives factory as described in the regulations made under the Explosives Act, 1956 (Act No. 26 of 1956)
- (3) For the purpose of this section, "power" does not include hand or foot power used to operate any mechanical appliance or power derived from machinery that is rated to develop not more than 0,7457 kw machine power.



**ANNEXURE F****POLICY IN REGARD TO  
PLANNING STANDARDS FOR CONTROL OF  
TRAFFIC-GENERATING SITES**

- (1) The term "road" shall mean for the purpose of this policy, a way intended, prepared, or used for foot-passengers, riders and vehicles to travel on, inclusive of the full extent of its width notwithstanding that only a portion thereof may be in actual use for traffic purposes, and shall include a street. It shall not include an alley, land or passage used solely by foot-passengers.

The terms "traffic generator" or "traffic-generating site" shall mean a site, business or activity whereon, or by reason whereof, a larger number of motor vehicles are required to leave or enter a public street or roadway, and shall include, but not be confined to, sites whereon petrol filling stations, parking garages, parking lots, churches, sports stadia, blocks of flats or shopping centres are established.

- (2) No vehicular entrance to, or exit from, a traffic generator should be permitted in the immediate vicinity of a road intersection, junction or interchange. In the case of an intersection or junction at grade, under rural conditions the distance from such entrance or exit to any intersection measured parallel to the direction of travel along the road to which entrance or from which exit is afforded should not be less than 150 metres. Under urban conditions this distance may be reduced, in which case the desirable minimum should be 20 metres from an intersection with a minor street or 60 metres from an intersection with a major street. No such entrance or exit should be permitted within a distance of 150 metres from the limits of an interchange, which limits should be determined by the road authority. Any unavoidable reduction of these minimum distances should be regarded as justified only by exceptional circumstances, and as requiring safeguards such as the imposition and enforcement of special speed limits, acceleration and deceleration lanes or other traffic controls.
- (3) Direct vehicular or pedestrian entrance to or exit from a traffic generator, from or to important Provincial main roads should not be permitted, nor should such entrance or exit be permitted from or to freeways, expressways or heavily-trafficked through arterial main roads in urban areas.
- (4) No commercial premises with direct access to a flanking service road should be permitted unless direct pedestrian access from the main carriageway to such service road has been rendered impracticable.
- (5) No traffic generator should be permitted upon any site which, by reason of its proximity to and situation in relation to schools, churches, cinemas, bus depots, railway stations, major recreation grounds, beaches or other similar places which generate heavy pedestrian movements at certain times, is likely to create conflict between the vehicular traffic and the pedestrian traffic.

- (6) In considering applications for the establishment of petrol filling stations the need within the area of such stations having regard to the location of other existing stations and the existing and/or contemplated development of the area should be taken into account. Any argument, based on the solo-site system, that all brands of petrol should be available within any particular area should not be taken into account.
- (7) The following standards should be adopted in considering the establishment of traffic generators:
- (a) Where separate entrance and exit are provided they should be placed at or near either end of a frontage of not less than 36 metres. The site should be of sufficient depth for the whole activity to be carried on clear of the street, and should in no case be less than 15 metres in depth. It should be in such area and so laid out that a waiting area is provided near the entrance large enough to accommodate vehicles awaiting service so that these do not queue in the public road.
  - (b) The minimum sight distance along the road should be 120 metres. Sight distance shall be measured from the entrance or exit as the case may be, height of eye being 1,37 metres, to an object 1,37 metres high.
  - (c) No traffic generator should be permitted with entrance from or exit to a street whose gradient is steeper than 1 in 8, and no access ramp should be steeper than 1 in 10.
  - (d) Outside an urban area buildings should be sited at least 36 metres from the nearest point of the road reserve of any main road.
  - (e) Pump islands in petrol filling stations should not be less than 5 metres from the property boundary.

**ANNEXURE G****POLICY WITH REGARD  
TO ADMISSION OF RETAIL USES INTO INDUSTRIAL ZONES**

1. Certain categories of retail outlets should be admitted to industrial zones by special consent and the remaining categories only by rezoning.
2. The categories of retail outlets which should be admitted to industrial zones by special consent are as follows:
  - (a) Low order convenience goods and service shops catering for the immediate day-to-day needs of people working within the industrial area concerned; provided that the total floor area of any shop or contiguous set of shops (including a set of shops separated by a road or pedestrian route) should in no case exceed 300 m<sup>2</sup>.
  - (b) Shops which are incompatible with the vast majority of the types of shops normally found in commercial zones but which fit in well in industrial areas (e.g. builders' supplies dealers; firms dealing in wire, gates and fences; timber merchants; firms dealing in agricultural implements).
  - (c) Shops which deal largely with other firms normally located in industrial areas such as service stations, specialist industrial concerns in the motor trade (like panel beaters and auto electrical specialists), builders and engineering firms (e.g. paint shops; firms dealing in engineering supplies; motor spares shops).
  - (d) Shops which -
    - (i) are situated on the same sites as the industrial activities concerned;
    - (ii) retail only products of the industrial concerns to which they relate or directly associated products;
    - (iii) have floor areas not exceeding 10 per cent of the total floor area of all buildings on the site or 150 m<sup>2</sup> whichever is the lesser;provided that there shall be only one shop for each industrial undertaking on the site.

**ANNEXURE H****POLICY WITH REGARD  
TO THE DEVELOPMENT OF PHYSICALLY DIFFICULT RESIDENTIAL SITES**

The development of land in the Residential zones, either by sub-division or for the Medium Density Housing purposes, as the case may be, shall be considered in the light of the following provisions:

1. **No subdivision of land should be permitted**
  - a) where 65% or more, of the area of the proposed sub-division is steeper than 1:3; and
  - b) where the land is in the opinion of the local authority otherwise affected by virtue of soil instability, liability to flooding, inaccessibility or topography;

unless the local authority is of the opinion that sufficient remaining area exists for development in terms of the zoning of the land, including the provision of adequate vehicular access on the proposed subdivision.
2. The calculation of the number of Medium Density Housing units which may be erected on a Medium Density Housing site, as well as the Coverage calculation shall be based on the net developable area of the site and shall be determined by deducting from the surveyed lot area:
  - a) all areas of the site which are steeper than 1:3; and
  - b) all areas of the site which, in the opinion of the local authority are otherwise undevelopable by virtue of any physical or topographical constraint such as soil instability, liability to flooding, inaccessibility or topography.

**ANNEXURE I****APPLICATION PROCEDURE, DESIGN AND LAYOUT OF MEDIUM DENSITY HOUSING DEVELOPMENT:**

1. Any person wishing to develop a site for Medium Density Housing shall apply to the local authority for approval in principle, and attach to the application a layout plan showing in outline, contours, proposed buildings, roads, access points and common open space areas.
2. The approval in principle having been granted, the applicant shall subsequently submit to the local authority for its approval:

a layout plan or plans showing:

- (i) the position, dimensions and materials to be used in the construction of all roads, drive-ways, parking areas, squares and pedestrian access ways, if any;  
  
the boundaries of all dwelling unit curtilages, private open areas and common open spaces;  
  
the position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;  
  
the proposed landscaping of the site;  
  
the proposed public open space if any;  
  
the position and nature of recreation facilities, if any;  
  
the position and extent of all utility areas.
- (ii) a set of sketch drawings prepared by an architect at a scale of 1 : 100 showing the plans, sections and elevation of each type of structure within the proposed development and particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs; together with both front and rear elevations of each typical group of dwelling units at a scale of 1 : 100 or 1 : 200.
- (iii) a table indicating:  
  
the total area of the site;  
  
the total number of dwelling units  
  
the total floor area;  
  
the total number of car parking spaces provided for visitors and for residents;  
  
the extent of the usable common land, the smallest private open area,

the smallest dwelling unit curtilage and the smallest utility area;

the areas of public open space and other public uses where applicable;

and

(iv) any other documents which the local authority may reasonably require.

3. (i) The following minimum areas per dwelling unit shall apply to a Medium Density Housing site:

Private Open Area	-	30 m <sup>2</sup>
Usable Common Open Space	-	50 m <sup>2</sup>
Utility Area	-	15 m <sup>2</sup>

(ii) The minimum floor area of a garage or carport shall be 20 m<sup>2</sup>.

(i) Where in the opinion of the local authority a road within a Medium Density Housing site should serve the public, the local authority may require the road to be registered as a public road, provided that for the purpose of bulk and coverage calculation, the area of the public road shall be included in the gross site area.

(ii) The minimum width of a road carriageway within a Medium Density Housing site shall be 3 metres where the carriageway is one-way and 5 metres where the carriageway is two-way.

(iii) Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the local authority.

Notwithstanding the provisions of Clauses 10.13 and Table 1, the individual dwelling unit curtilages which in this event shall not be less than 200 m<sup>2</sup> in extent, may be transferred in freehold or registered leasehold title. In the event of the different dwelling unit curtilages being so transferred, the local authority shall require that :-

(a) the common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and no co-owners shall be entitled to require the partition of the common land according to the proportion of his share;

(ii) a Home Owners' Association shall be established. Such Association shall administer and maintain the common land, control the external appearance of buildings within the Medium Density Housing site and deal with any other matter pertaining to the Medium Density Housing site which is of common interest to its members. The affairs of the Association shall be regulated by a memorandum and Articles of Association. The Memorandum and Articles of Association shall have been submitted to the local authority who shall have certified that it has no objection to these documents;

(iii) no dwelling unit curtilage within the Medium Density Housing site or within any portion of the site specified by the local authority shall be transferred or separately registered before the whole Medium Density Housing site or the

specified portion of the Medium Density Housing site within which the curtilage is situated has been developed to the satisfaction of the local authority.

- (i) Notwithstanding the requirements in 1. and 2. above wherever it is intended to develop a site for Medium Density Housing in a Residential only zone, the special consent of the local authority shall first be obtained,
- (ii) In the Residential only zone the maximum number of dwelling units which may be established on a Medium Density Housing site shall be obtained by dividing the registered surveyed area of the property concerned by the appropriate minimum lot area per dwelling house as specified in Table 1 and raised to the next whole number.