# Index

## Description

### PART 1: INTRODUCTION AND GENERAL MATTERS

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Responsible Authority</td>
</tr>
<tr>
<td>2</td>
<td>Description of the Scheme Area</td>
</tr>
<tr>
<td>3</td>
<td>Citation</td>
</tr>
<tr>
<td>4</td>
<td>Contents of the Scheme</td>
</tr>
<tr>
<td>5</td>
<td>Use of Annexures</td>
</tr>
<tr>
<td>6</td>
<td>Purpose of the Town Planning Scheme</td>
</tr>
<tr>
<td>7</td>
<td>Aims of the Town Planning Scheme</td>
</tr>
<tr>
<td>8</td>
<td>Powers, Functions and Duties of the Municipality</td>
</tr>
<tr>
<td>9</td>
<td>Spatial Development Framework / Local Development Plan</td>
</tr>
<tr>
<td>10</td>
<td>Purpose of a Spatial Development Framework Local Development Plan</td>
</tr>
<tr>
<td>11</td>
<td>Local Planning Policy</td>
</tr>
<tr>
<td>12</td>
<td>Rescission of a Local Planning Policy</td>
</tr>
<tr>
<td>13</td>
<td>Prevailing conditions with design of the Scheme</td>
</tr>
<tr>
<td>14</td>
<td>Relationship with other local legislation / laws</td>
</tr>
<tr>
<td>15</td>
<td>Interpretation of definitions</td>
</tr>
</tbody>
</table>

### PART 2: STREETS, BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Lines of No Access</td>
</tr>
<tr>
<td>17</td>
<td>Splaying of Corners</td>
</tr>
<tr>
<td>18</td>
<td>Closure or diverting of streets and parks</td>
</tr>
<tr>
<td>19</td>
<td>Building lines: Observance and Relaxation</td>
</tr>
</tbody>
</table>

#### TABLE A: Building restrictions applicable to properties where no building line is indicated on the Scheme Maps.

### PART 3: BUILDING RESTRICTIONS AND USE OF LAND

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>Buildings used for more than one purpose (Excluding Residential 1 buildings)</td>
</tr>
<tr>
<td>21</td>
<td>Erection and Use of Buildings or Use of Land, Development Permits and Conditional Use Permits</td>
</tr>
<tr>
<td>22</td>
<td>Non-Conforming Use Rights</td>
</tr>
<tr>
<td>23</td>
<td>Permitted Uses and Objectives of Use Zones</td>
</tr>
</tbody>
</table>

#### TABLE B: Zoning Table

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>Temporary Use of Land</td>
</tr>
<tr>
<td>25</td>
<td>Conditions applicable to all erven</td>
</tr>
<tr>
<td>26</td>
<td>Conditions applicable to Residential 2 erven</td>
</tr>
<tr>
<td>27</td>
<td>Conditions applicable to Residential 3 erven</td>
</tr>
</tbody>
</table>
CLAUSE 28: Conditions applicable to Residential 4 erven
CLAUSE 29: Conditions applicable to Public Garage and Petrol Filling Station Sites
CLAUSE 30: Conditions applicable to townships or even in dolomite areas or on land
with detrimental soil conditions
CLAUSE 31: Parking

TABLE C: Parking requirements

CLAUSE 32: Number of Dwelling Houses that may be erected and subdivisions

TABLE D: Density Zones (Notation as per B Series of Town Planning
Scheme)

TABLE E: Height Zones

CLAUSE 33: Restriction on height of buildings
CLAUSE 34: Restriction on coverage of buildings
CLAUSE 35: Floor area ratio or number of dwelling units per hectare

PART 4: GENERAL AMENITY AND CONVENIENCE

CLAUSE 36: Removal of injurious conditions in private gardens
CLAUSE 37: Binding force of conditions
CLAUSE 38: Entry and inspection of properties
CLAUSE 39: Serving of notices
CLAUSE 40: Conflict between Scheme, Title Conditions and Township Conditions
CLAUSE 41: Title

Part 5: DEFINITIONS AND TERMINOLOGY

Part 6: PROCEDURES

A1 Application form for a Development Permit
B1 Application form for a Conditional Use Permit
C1 Prescribed Owners Consent Form for Special Consent of the Municipality. (Applicable
to Development Permit and Conditional Use Permit applications)
D1 Prescribed format for Advertisement and Site Notice for Special Consent
E1 Prescribed format for Notice to be served on a person specified by Council
(Application for Special Consent)
F1 Prescribed format for affidavit by Applicant (Application for Special Consent)
G1 Prescribed format for Contravention Notice
Steve Tshwete Town Planning Scheme - 2004

Part 1: Introduction and General Matters

CLAUSE 1: Responsible Authority

The responsible authority shall be the Steve Tshwete Municipality that came into being on the 5th December 2001. The Steve Tshwete Municipality shall be the authority responsible for enforcing and carrying into effect the provisions of this Town Planning Scheme.

CLAUSE 2: Description of the Scheme Area

The Scheme Area shall be the area of jurisdiction of the Steve Tshwete Municipality, as on the date of implementation, with the understanding that areas and functions that resort under the jurisdiction of the Mpumalanga Provincial Government and / or the Central Government of South Africa shall be excluded from the areas and functions of the Steve Tshwete Municipality.

CLAUSE 3: Citation

1. The Steve Tshwete Town Planning Scheme 2004 ("the Scheme") comes into operation on its publication in the Mpumalanga Provincial Gazette in terms of Section 39(1) of the Town Planning and Townships Ordinance 15 of 1986.

2. The following Schemes are revoked in as far as they apply to the Scheme Area.

2.1 The Middelburg Town Planning Scheme 1974;

2.2 The Hendrina / Kwazamokuhle Town Planning Scheme 1993;

2.3 The Peri-Urban Areas Town Planning Scheme 1975; and

3. All Annexures forming part of the Town Planning Schemes to be revoked in Sub clause 2, will remain valid and will form part of this Scheme where the development of the property has already taken place.

CLAUSE 4: Contents of the Scheme

1. The Scheme comprises:
   1.1 This Scheme Text, including all Schedules, Appendices, Annexures and Tables attached to the Scheme; and the Scheme Map(s).
   1.2 The Scheme Text is to be read in conjunction with the Scheme Map(s).

CLAUSE 5: Use of Annexures

1. Special rights, conditions and restrictions which may apply to any property within any use zone, may be indicated in an Annexure to the Scheme.

2. The special conditions and restrictions referred to in Sub clause (1) shall:
   2.1 Be in addition to the general conditions, restrictions and other provisions of the Scheme; and
   2.2 Prevail should they be in conflict with any other condition, restriction or provision of the Scheme.

3. An annexure contemplated in Sub clause (1) shall consist of:
   3.1 A sheet upon which is inscribed the number of such annexure, a description of the property to which it applies, the special rights, conditions and restrictions applying to the property, and the number and name of the relevant Scheme in terms of which the annexure was prepared; and
   3.2 A diagram of the relevant property, which diagram shall accord with the layout shown on the Map.
3.3 The number of the relevant annexure shall be inscribed in the format as contemplated in Schedule 1 (The Notation System in terms of Section 4(1) of the Town Planning and Townships Ordinance 15 of 1966) of the Town-Planning and Townships Regulations.

**CLAUSE 6: Purpose of the Town Planning Scheme**

1. The purpose of preparing a Town Planning Scheme is defined in Section 19 of the Town Planning and Townships Ordinance as follows:

   *The general purpose of a town planning Scheme shall be the co-ordinated and harmonious development of the area to which it relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such area as well as efficiency and economy in the process of such development.*

2. The Town Planning Scheme must therefore adhere to the following principles:

   **Healthy living environment** Some land uses such as open space and community facilities are required to create healthy communities. Other land uses may cause a nuisance and pollution, and need to be allocated strategically.

   **Safety** Some land uses are harmful to public health and need to be placed in areas where they can be controlled. Adequate space between neighbouring properties is needed to make provision for access for fire fighting equipment and for storm water. Accesses, parking and loading areas need to be designed with safety in mind.

   **Conservation** Some buildings, places or areas, need to be conserved for future generations.

   **Order** Land uses that are not compatible need to be separated. People need to be certain when they buy or rent property, that their amenity and property values will be protected.

   **Amenity** Amenity means a pleasant living environment. For example, people desire residential areas that look good, where they feel safe, and which are close to facilities.

   **Convenience** People need to be conveniently located in relation to employment opportunities and to community and other facilities.

   **General welfare** Good land use management can benefit the whole community by creating a healthy and safe environment, and by ensuring that adequate provision has been made for all the necessary services and facilities.

   **Efficiency and economy** Good land use management makes maximum use of scarce resources.
Participation

The procedures involved in managing land need to be simple, clear and easily accessible to all people. This principle also applies to the compilation of the Spatial Development Framework, as part of the IDP.

3. The purpose of this Scheme is to:

3.1 Set out the local authorities aims and intentions for the Scheme Area;

3.2 Zone land within the Scheme Area for the purposes defined in the Scheme;

3.3 Control and guide land use development;

3.4 Allow for effective public participation; and

3.5 Address other matters contained in the Town Planning and Townships Ordinance 15 of 1986.

CLAUSE 7: Aims of the Town Planning Scheme:

1. The aims of this Scheme are:

1.1 To assist the effective implementation of provincial and regional plans and policies;

1.2 To ensure there is sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreational and open space;

1.3 To provide for housing choice and variety in neighbourhoods with a community identity and high levels of amenity;

1.4 To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments as well as providing opportunities for home-based employment.
1.5 To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community;

1.6 To incorporate indigent heritage and cultural values into the land use planning of the Scheme Area;

1.7 To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.

1.8 To protect and enhance the environmental values and natural resources of the Scheme Area to promote ecologically sustainable land use and development; and

1.9 To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area.

CLAUSE 8: Powers, Functions and Duties of the Municipality:

1. The Municipality may require any agent applying on behalf of an applicant for the rezoning, subdivision, approval of a site development plan or for any other permission in terms of this Scheme to register on the municipal panel of consultants, and may stipulate the professional requirements for registration on this panel.

2. The Municipality may also establish a panel of different panels to assist with the assessment of applications in terms of this Scheme. These panels may include representatives from affected communities, or persons with specialised knowledge on relevant matters.

2. In terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), each Municipality is required to prepare an integrated development plan for the whole area of jurisdiction.

3. A key component of Integrated Development Plans is the requirement to prepare a Spatial Development Framework / Local Development Plan together with a Planning Scheme, which can be applied to the whole area of jurisdiction.

CLAUSE 9: Spatial Development Framework / Local Development Plan:
1. A Spatial Development Framework or Local Development Plan is strategic and indicative in nature, and is prepared at a broad scale. It is meant to guide and inform land development and management. It should contain at least the following four components:

1.1 Policy for land use and development;

1.2 Guidelines for land use management;

1.3 A capital expenditure framework showing where the Municipality intends spending its capital budget; and

1.4 A strategic environmental assessment.

**CLAUSE 10: Purpose of a Spatial Development Framework Local Development Plan**

1. The purpose of a Spatial Development Framework / Local Development Plan is to guide all decisions of a Municipality relating to the use, development and planning of land, and should guide and inform:

1.1 Directions of growth;

1.2 Major movement routes;

1.3 Special Development Areas for targeted management to redress past imbalances;

1.4 Conservation of both the built and natural environment;

1.5 Areas in which particular types of land use should be encouraged or discouraged; and

1.6 Areas in which the intensity of land development could either be increased or reduced.

**CLAUSE 11: Local Planning Policy**
1. As part of the Spatial Development Framework / Local Development Plan, the Municipality may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:

1.1 Generally or for a particular class or classes of matters; and

1.2 Throughout the Scheme Area or in one or more parts of the Scheme Area, and may amend or add to or rescind a policy so prepared.

2. Any Local Planning Policy must be consistent with the Spatial Development Framework, and should guide and inform any amendments to the Scheme.

3. A local planning policy is not part of the Scheme and it shall not bind the Municipality in respect of any application for planning approval, but the Municipality shall have due regard to the provisions of such Policy and the objectives which the policy is designed to achieve before making its decision.

4. A Local Planning Policy shall become operative only after the following procedures have been completed:

4.1 The Municipality having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.

4.2 The Municipality shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft policy with or without modification, or not to proceed with the draft Policy.

4.3 Following final adoption of the policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

4.4 Where, in the opinion of the Municipality, the provisions of any Policy affect the interests of any other authority, a copy of the policy shall be forwarded to such authority.
4.5 The Municipality shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.

4.6 Any amendment or addition to a Policy shall follow the procedures set out in Sub clauses 4.1 – 4.4 above.

CLAUSE 12: Rescission of a Local Planning Policy

1. A local planning policy may be rescinded by:

2.1 The preparation or final adoption of a new Policy pursuant to clause 4.1 specifically worded to supersede any existing policy; or

2.2 Publication of a formal notice of rescission by the Council in a local newspaper circulating within the Scheme area.

CLAUSE 13: Prevailing conditions with design of the Scheme

1. The proposed Mpumalanga Planning and Development Bill has not been drafted, and the Town Planning Scheme can therefore not be implemented in terms of this legislation.

2. This Town Planning Scheme for the Steve Tshwete Local Municipality was therefore designed to be promulgated in terms of the provisions of the Town Planning and Townships Ordinance 1966. (Ordinance 15 of 1966.)

3. Once the proposed new Mpumalanga Planning and Development Bill comes into effect, it is expected that existing planning legislation will be repealed. The need for amendment(s) / revision will need to be considered at that point.

CLAUSE 14: Relationship with other local legislation / laws

1. Where a provision of this Scheme is inconsistent with any other local by-law, the provisions of the Scheme shall prevail.
2. Any person making an application in terms of this Scheme, will be required to specifically comply with the provisions of the National Environmental Management Act 1998, the Environmental Conservation Act 1989 and the EIA Regulations (Implementation of Sections 21, 22 and 26 of the Environmental Conservation Act), where applicable.

**CLAUSE 15: Interpretation of definitions**

1. In the Scheme, unless the context otherwise requires or unless the Scheme otherwise provides, words and expressions have the respective meanings given to them in the Town Planning and Townships Ordinance 15 of 1986, the Town Planning and Townships Regulations No. R858/1987, and the Definitions and Terminology as contained in Part 5 of the Scheme.

2. If there is a conflict between the meanings of any word or expression in those instruments then the definition in the Town Planning and Townships Ordinance will prevail.

3. Words and expressions used in the Scheme but not defined in the Scheme Text, or any of the above mentioned instruments shall have their normal and common meanings.

4. Headings of parts of this Scheme shall be used as an aid to the interpretation of the Scheme, but the table of contents, notes and headings of clauses are intended for reference purpose only and do not affect the meaning of this Scheme.
Part 2: Streets, Building Lines, Building Restriction Areas and Lines of No Access

CLAUSE 16: Lines of No Access

The Municipality may prohibit entrances and exits to any property from any public road or street or any boundary. Boundaries and properties thus affected are contained in the Schedules and/or Annexures provided that:

(a) the Municipality may upon a written application relax such provision if it decides that such relaxation is necessary and desirable; and

(b) Provided that such relaxation shall not be applicable to provisions imposed in terms of Act 21 of 1940, unless approved by the "controlling authority".

CLAUSE 17: Splaying of Corners

In any township established, or land in an approved township subdivided after the date of commencement of the Scheme, the corners at all road junctions shall be splayed from the side of the street boundary for a distance of 5*(cotangent a/2) metres calculated to the nearest equal metre (where a is the intersecting point of the street boundaries), or for a distance to the satisfaction of the Municipality. The Municipality may in its sole discretion require the applicant of an application for subdivision to transfer the splayed corner into the name of the Municipality or to register a servitude in favour of the Municipality where such servitude does not exist.

CLAUSE 18: Closure or diverting of streets and parks

The Municipality may permanently close or divert any street or park, subject to the provisions of the Local Government Ordinance No. 17 / 1939, or any amendment thereof.

CLAUSE 19: Building lines: Observance and Relaxation

1. Unless otherwise indicated on the scheme maps, all erven in an approved township is subject to building lines as indicated in Table A below, with the exception of use zones where no building lines are applicable.
2. No building or structure other than boundary walls, fences or temporary buildings or structures which are required for the construction of a building shall be erected within any building restriction area.

3. Any building line along a proposed new road or widening shall be measured from that boundary of such proposed road or widening which is the common boundary of the road or widening and the remaining part of the property to which the building line applies.

4. The Municipality may, upon receipt of a written application grant or refuse permission for the erection of a building, swimming pool or tennis court within a building line, provided that the permission will be subject to the applicant submitting proof that any restrictive condition of title has been removed in terms of the Removal of Restrictions Act No. 84 of 1967, and provided further that the permission of any other relevant authority has been obtained.

5. An application for the relaxation of a building line shall be in the form as required by the Municipality, and shall be accompanied by the prescribed application fee and permission(s) of adjacent landowner(s).

6. The Municipality may formulate a local planning policy to attend to matters of relaxation of building lines.

**Table A:** Building restrictions applicable to properties where no building line is indicated on the Scheme Maps.

<table>
<thead>
<tr>
<th>Use Zone</th>
<th>Street Boundaries</th>
<th>Rear Boundaries</th>
<th>Other Boundaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential 1</td>
<td>5 m</td>
<td>2 m</td>
<td>2 m</td>
</tr>
<tr>
<td>Residential 1 (Density higher than 1 dwelling unit per 500 m²; i.e. Density Zones 1 – 5)</td>
<td>3 m</td>
<td>2 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>Residential 2</td>
<td>8 m</td>
<td>2 m</td>
<td>2 m</td>
</tr>
<tr>
<td>Residential 3</td>
<td>8 m</td>
<td>2 m</td>
<td>2 m</td>
</tr>
<tr>
<td>Residential 4</td>
<td>3 m</td>
<td>1.5 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>Residential 5</td>
<td>16 m</td>
<td>5 m</td>
<td>5 m</td>
</tr>
<tr>
<td>Business 1</td>
<td>5 m</td>
<td>2 m</td>
<td>2 m</td>
</tr>
<tr>
<td>Business 2</td>
<td>5 m</td>
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<td>Business 3</td>
<td>5 m</td>
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<td>Business 4</td>
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<td>Industrial 1</td>
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<td>Industrial 2</td>
<td>10 m</td>
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<td>Industrial 3</td>
<td>10 m</td>
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<td>2 m</td>
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<tr>
<td>Industrial 4</td>
<td>12 m</td>
<td>12 m</td>
<td>12 m</td>
</tr>
<tr>
<td>Public Garage / Filling Station</td>
<td>10m</td>
<td>2m</td>
<td>2m</td>
</tr>
<tr>
<td>Agriculture</td>
<td>16m</td>
<td>16m</td>
<td>16m</td>
</tr>
<tr>
<td>All other uses</td>
<td>5m</td>
<td>2m</td>
<td>2m</td>
</tr>
</tbody>
</table>
Part 3: Building Restrictions and Use of Land

Clause 20: Buildings used for more than one purpose (Excluding Residential 1 buildings)

1. Where a building is used, or a proposed building is designed, for more than one use, it shall for the purpose of clauses 21, 31, 32, 33, 34, and 35 hereof, be treated as being used or partly designed for each of those uses but for the purposes of the other provisions of this part of the Scheme, it shall be treated as though it were being used or designed for its predominant use and the Municipality shall, when considering a building plan, or if the registered owner of the property makes an application for that purpose, decide which is the predominant use.

2. In determining the desirability of the secondary use of the building, the Municipality shall consider the following:

2.1 The extent to which the secondary use is incidental to or supporting the predominant use;

2.2 The extent to which the secondary use may be detrimental to the development of the predominant use.

3. An application for a development permit / conditional use permit may be required by the Municipality in its sole discretion, in order to accommodate the secondary use, with due consideration to any negative impact that may be caused in terms of Sub-clause (2) above on the surrounding environment.

4. The Municipality may require a proper cadastral survey for any part of the building or land where a separate zoning is required on the same property, in order to delimit the extent of each respective zoning in relation to the property.

5. The Municipality shall give notice of any decision under this clause to the applicant.

Clause 21: Erection and Use of Buildings or Use of Land, Development Permits and Conditional Use Permits

1. This clause does not prohibit the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments garden walls and fences.
2. Table B (The Zoning Table) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

3. The purpose for which buildings may be used in each of the use zones, are specified in column 4 of Table B, and is referred to as Permitted Uses. This includes land uses that are considered to be compatible with the surrounding land uses, and no application needs to be made in order to access the land use rights.

4. The purposes for which existing buildings may be used only with the consent of the Municipality are specified in columns 5 and 6 of Table B (The Zoning Table). New buildings should be designed for use in accordance with the primary rights (permitted buildings) of the relevant zoning category, as specified in column 4 of Table B (The Zoning Table).

5. Uses permitted only after the Municipality has exercised its discretion by granting planning approval is referred to as Development Permits (Column 5). This category includes compatible ancillary uses that are considered to be low impact uses and require limited procedural mechanisms for consideration. The procedure involves giving special notice of the intended use by posting a notice on the subject property, in accordance with the provisions as set out below:

5.1. Any application for a Development Permit will be made in writing in the prescribed format contained in Part 6 of this Scheme (FORM A1), and will be accompanied by the relevant information as listed in FORM A1, provided that:

5.1.1. The Applicant may be required by the Municipality to submit any additional documentation or information.

6. Uses permitted only after the Municipality has exercised its discretion and has granted planning approval after giving special notice on the subject property, as well as in a local newspaper is referred to as Conditional Use Permits (Column 6). This category includes ancillary uses that might have a more intrusive impact and require special conditions to protect the amenity, or mitigate the impact, of the proposed use. The procedure requires public advertising and the Municipality may impose conditions of approval. The procedures to be followed for obtaining a conditional use permit, is set out below:
6.1 Any application for a Conditional Use Permit will be made in writing in the prescribed format contained in Part 6 of this Scheme (FORM B1), and will be accompanied by the relevant information as listed in FORM B1, provided that:

6.1.1 The applicant may be required by the Municipality to submit any additional documentation or information; and

6.1.2 The Municipality may require the applicant to serve notice on a person that may have a specific interest in an application for a Conditional Use Permit, and this notice shall be in the format of FORM E1 contained in Part 6 of this Scheme.

7. The applicant shall –

7.1 when applying for a Conditional Use Permit, or when so required by the Municipality, obtain the written consent of the owner of the property affected by the application, and submit to the Municipality proof of such consent in the format of FORM C1 contained in Part 6 of this Scheme; and

7.2 when applying for a Conditional Use Permit, or when so required by the Municipality, publish at his own expense, a notice containing full particulars of the consent for which he is applying, and the land to which it relates once per week for two consecutive weeks in a newspaper which circulates the area; and

7.3 post and maintain a similar notice in a conspicuous place on each separate portion of the land or building to which such consent applies for a period of not less than 14 consecutive days circulated from the date of the first notice in the newspaper mentioned in Sub clause (i) above.

8. The notices mentioned –

8.1 in Sub clause 7.2 and 7.3 shall contain the name and address of the applicant and shall state that any objection or representation in connection with such application shall be submitted in writing to the Municipality within 28 days calculated from the date of the first notice in the newspaper, and shall be in the format as set out in FORM D1 contained in Part 6 of this Scheme; and

8.2 the notice contemplated in Sub clause 7.2 shall comply with the minimum requirements set out in FORM D1, also in respect of the size of the notice and any letter thereon shall be at least 6mm in height.
9. The applicant shall, simultaneously with the submission of the application, submit a certificate in the format of FORM F1 contained in Part 6 of this Scheme that the notice referred to in Sub clause 4 (ii) was properly posted and maintained.

10. The Municipality shall take into consideration any objection or representation received within the said period of twenty-eight (28) days and shall notify the applicant and any person from whom any objection or representation was received of its decision.

11. The decision of the Municipality shall not take effect until the expiration of twenty eight (28) days from the date on which the applicant is notified thereof, or if an appeal has been noted in terms of the provisions of the Ordinance, until such appeal has been disposed of.

12. The provision of Sub-clause (11) shall not apply if no objection to the application was received as contemplated in Sub clause (10).

13. The purposes for which buildings may not be erected and purposes, for which they may not be used, are specified in column 7 of Table B. This includes land uses which are considered to be incompatible with the surrounding land uses, and which the Municipality is precluded from considering.

14. A change in the use of land from one use to another within the same use zone is permitted in the following circumstances:

   14.1. The change is to a use that is permitted and is listed in column 2 of Table B, and the proposed use complies with all the relevant development standards and requirements of the Scheme;

   14.2. Any extension of a use within the boundary of the property which does not change the predominant use of the property; and

   14.3. Any change in an incidental use / secondary use that do not change the predominant use of the land, provided that approval is obtained in terms of Clause 1.

15. Where a specific use is mentioned in of Table B, it is deemed to be excluded from the general terms used to describe any other permitted use in respect of that use zone.
16. In determining an application for approval, if a proposed use of the subject land for a particular purpose is not specifically mentioned in the Zoning Table (Table B) and cannot reasonably be determined as falling within the type, class or genus of any other use in the Zoning Table, the Municipality may:

16.1. Determine that the use is consistent with the objectives and purposes of the relevant zone in the application, and therefore may be treated as a permitted use;
16.2. Determine that the use is not consistent with the objectives and purposes of the particular zone in which case the use is to be treated as a use which is not permitted in that zone; or
16.3. Allow the applicant to apply for approval of the use under the use zone "Special".
16.4. No person shall use any land or any structure or buildings thereon, in a Special Use Zone except for a purpose set out against that land in the relevant annexure to the application.

**Clause 22: Non-Conforming Use Rights**

1. Except as otherwise provided for in this Scheme, no provision in the Scheme shall be deemed to prevent:

1.1. The continued use of any land or building for the purpose for which it was being lawfully used at the implementation date of the Scheme;
1.2. The carrying out of any development thereon for which, immediately prior to that time, an approval(s) lawfully required to authorise the development to be carried out was duly obtained and is valid.

2. The Municipality will be entitled to issue permits for the continued use of land and buildings which was unlawful at the implementation date of the Scheme, in its sole discretion. The Municipality may impose any condition to the granting of the permit that it may regard necessary or desirable.

**Clause 23: Permitted Uses and Objectives of Use Zones**

1. Land may be used for the purposes as indicated in Table B.

2. Where uncertainty exists with regard to the suitability of a use within a specific zone, the Municipality shall determine the suitability or desirability of the use by referring to the objective of the relevant zone, as recorded in Table B.
3. Where part of a property zoned for agricultural use is to be rezoned, the Municipality may require a proper cadastral survey of the area to be rezoned, as well as a site development plan in support of the proposed development.
<table>
<thead>
<tr>
<th>Use Zone</th>
<th>Zone Description</th>
<th>Objective of Use Zone</th>
<th>Permitted Buildings</th>
<th>Development Permit</th>
<th>Conditional Use Permit</th>
<th>Buildings which may not be used or erected</th>
</tr>
</thead>
</table>
| 1        | RESIDENTIAL 1    | To protect the residential use and amenity by limiting the compatible ancillary uses allowed to those that can be accommodated within the residential.zone with minimal impact or disruption. | - Dwelling House  
- Domestic hostel  
- Residential outbuildings  
- Home business in terms of the Municipal Policy  
- One additional dwelling house in terms of the Municipal Policy  
- Ancillary dwelling / Granny Flat / Service's Quarters  
- Child Minding Facility  | - Place of Public Worship  
- Educational Building  
- Place of assembly  
- Institutional  
- Guest House in terms of the Municipal Policy  
- Commune  
- Day Care Centre  
- Sports Grounds  
- Retail & Wholesale Establishment  
- Space Shops / Tuck Shops in terms of the Municipal Policy.  | - Other uses not in Columns (3), (5) and (6), and specifically excluding the following  
- Amenity  
- Bulk stores  
- Car Park  
- Caterers rooms  
- Catering shop  
- Commercial workshop  
- Fences  
- Estate Sales Office  
- Flea markets  
- Freight depots  
- Hospitals and Clinics  
- Hostels  
- Place of entertainment  
- Industry  
- Junk yards  
- Kiosk  
- Landscape and gardening supplies  
- Licensed clubs  
- Liquid fuel storage  
- Latrine  
- Parking of vehicles with a payload of more than 2 tons  
- Passenger terminals  
- Retail showrooms  
- Roadside stalls  
- Shop  
- Undertakes establishments  
- Vehicle Sales Room / Motor Sales Market  
- Veterinary hospital/ clinic  
- Waterwheels |
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<th>Conditional Use Permit (6)</th>
<th>Buildings which may not be used or erected (7)</th>
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</thead>
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<tr>
<td>2</td>
<td>RESIDENTIAL 2</td>
<td>To create the opportunity for interface areas around the core mixed use zones or in association with transportation corridors as independent zones. To widen the scope for the introduction of residential uses other than Residential 1 within a residential area. To widen the scope for the introduction of non-residential uses through permits, where there is due protection of a neighbourhood amenity by limiting such uses to local non-disruptive intermediate scale activities. To provide for areas where medium density housing schemes can be introduced.</td>
<td>Dwelling Units, Dwelling House, Duplex Flat, Semi-detached Flat.</td>
<td>Place of Public Worship, Educational Building, Place of Assembly, Institutions.</td>
<td>Guest House in terms of the Municipal Policy, Home-office, Retirement Villages, Home Business in terms of the Municipal Policy.</td>
<td>Other uses not in Columns (4), (5) and (6).</td>
</tr>
<tr>
<td>3</td>
<td>RESIDENTIAL 3</td>
<td>To create the opportunity for - Interface areas around the core mixed use zones or; Along corridors as independent zones And where the intention is to permit a wider range of ancillary uses to facilitate larger scale activities. To ensure that the higher densities proposed in this zone also gives cognisance of the need for additional public spaces and places for recreational activities. To ensure that the built and natural environments are integrated within a sustainable urban system.</td>
<td>Dwelling Units, Dwelling House, Residential Buildings, Hotel, Guest House, Retirement Village, Bed &amp; Breakfast Establishment.</td>
<td>-</td>
<td>Place of Public Worship, Educational Building, Place of Assembly, Institutions, Mobile Home Park, Luau/Bar, Place of entertainment, Convenience Shop, Carpark, Health Club, Conference Centre.</td>
<td>Other uses not in Column (4), (5) and (6).</td>
</tr>
<tr>
<td>4</td>
<td>RESIDENTIAL 4</td>
<td>To provide a mechanism to delineate areas where the primary use is settlement or residential development in Tribal Authority and rural settlement areas. To ensure that settlement occurs in appropriate locations without compromising agricultural resources, environmental considerations or local economic opportunities, e.g. tourism. To provide for where Traditional Agriculture &amp; Scattered Residential activities can be exercised. To provide a mechanism whereby the homeless families can be settled in an area where the basic services could be made available whilst awaiting the provision of formal housing, thereby preventing concentrations of squatters from occurring.</td>
<td>Dwelling Houses, Dwelling, Multi Family / Traditional Settlement, Tent in terms of the Municipal Policy.</td>
<td>Place of Public Worship, Educational Building, Place of Assembly, Institutions, Mobile Dwelling Unit, Garden Nursery, Tea Gardens, Amenity Area.</td>
<td>Space Shops / Tuck Shops, Guest House in terms of the Municipal Policy, Conference Centre, Conservancy, Farm etc.</td>
<td>Other uses not in Column (4), (5) and (6).</td>
</tr>
<tr>
<td>5</td>
<td>RESIDENTIAL 5</td>
<td>To create the opportunity for people to avail them of a semi-rural style of living and yet be proximity to the full range of physical and social services which are available in the adjacent urban areas. To allow only a limited number of ancillary uses so as to protect the primary low density residential or agricultural use. To ensure that urban agricultural activities are undertaken in a sustainable manner and in accordance with the relevant environmental principles.</td>
<td>Dwelling House, Agriculture.</td>
<td>Agricultural building, Garden Nursery, Tea Garden, Bed &amp; Breakfast Establishment, Amenity Area, Veterinary Clinic.</td>
<td>Farm, Mobile Dwelling Unit, Extractive Industry, Agricultural Industry, Factory Shop, Guest House in terms of the Municipal Policy, Communications Tower, Caravan Park, Conference Centre, Conservancy, Kernel.</td>
<td>Other uses not in Columns (4), (5) and (6).</td>
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<td>6</td>
<td>BUSINESS 1</td>
<td>To encourage the development of a typical central business district focus to accommodate a full range of compatible land uses including light industry, and service industry. To provide design and economic mechanisms that encourage the appropriate development of compatible land uses to form a focal point. To ensure that the spatial development and sustained functioning of the core mixed use area is supported by the appropriate levels of transportation and pedestrian access ways. To promote the integration of Business Areas of the formerly segregated towns. To improve access to the central business district from all residential areas.</td>
<td>Places of refreshment, Shop, Business premises, Service Industry, Service Workshop, Dwelling Units, Residential Buildings, Commercial workshop, Parking Garages, Place of Public Worship, Education Building, Motor Sales, Place of assembly, Government Buildings, All types of Offices, Garage Nursery, Health Club, Conference Centre, Exhibition Centre.</td>
<td>Bar / Tavern, Bowling Depot, Funeral Parlour.</td>
<td>Buildings not in Columns (4), (5) or (6). Communications Tower, Petrol Filling Station, Repair workshop, Night Club, Adult entertainment, Kinema, Veterinary Clinic.</td>
<td>Other uses not in Columns (4), (5) and (6).</td>
</tr>
<tr>
<td>7</td>
<td>BUSINESS 2</td>
<td>To provide for the development of the range of the typical specialised activity and suburban shopping centres, as they occur within a suburban context or on the fringes of mixed-use, industrial and residential areas.</td>
<td>Place of refreshment, Shop, Business Premises, Service Industry, Service Workshop, Commercial Workshop, Dwelling Units, All types of Offices, Garden Nursery, Health Club, Bar / Tavern</td>
<td>Place of Public Worship, Educational Building, Place of assembly, Conference Centre, Exhibition Centre.</td>
<td>Communications Tower, Petrol Filling Station, Kinema, Veterinary Clinic, Buildings not in Columns (4), (6) or (7).</td>
<td>Other uses not in Columns (4), (5) and (6).</td>
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<td>8</td>
<td>BUSINESS 3</td>
<td>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.</td>
<td>Place of refreshment, Shop, Business Premises, Service Industry, Service workshop, Funeral Parlour, Betting Depot, Bar / Tavern, Commercial Workshop, Dwelling Units, Residential Buildings, Place of Public Worship, Educational Building, Place of assembly, Informal Trading, Motor Sales Market, Motor Workshop, All types of Offices, Garden Nursery, Health Club, Conference Centre, Exhibition Centre, Kennel, Veterinary Clinic.</td>
<td>Night Club, Adult entertainment.</td>
<td>Communications Tower, Buildings not in Columns (4), (5) or (7)</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
</tr>
<tr>
<td>9</td>
<td>BUSINESS 4</td>
<td>To provide for the development of distinct office areas, in any location in an independent form or in association with other uses. To create the opportunity for the development of office parks or estates. To ensure that the appropriate levels of landscaping and environmental management are undertaken to protect the amenity levels in adjacent suburban areas.</td>
<td>Residential Buildings, All types of Offices, Educational Building, Place of assembly, Place of Public Worship, Garden Nursery, Health Club, Conference Centre, Exhibition Centre, Kiosk.</td>
<td></td>
<td>Service Industry, Place of refreshment, Centreen.</td>
<td>Other uses not in Columns (6), (5) and (6)</td>
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<tr>
<td>10</td>
<td>SPECIAL</td>
<td>To provide only for uses that cannot be accommodated under any of the other zones.</td>
<td>Special buildings, Uses only as indicated in the relevant Annexure to the Scheme.</td>
<td></td>
<td></td>
<td>Other uses not in Columns (4), (5) and (6)</td>
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<td>11</td>
<td>INDUSTRIAL 1</td>
<td>To provide appropriate locations for light and service industries that has limited impact. To ensure that the location of low impact industry is compatible with adjacent residential or other land uses and contributes to local economic development. To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located near them.</td>
<td>o Service Industry, o Light Industry, o Commercial Workshop, o Workshops, o Parking Garages, o Parking Sites, o Garden Nursery, o Motor Workshop, o Motor Sales Market.</td>
<td>o Warehouses.</td>
<td>o Place of refreshment, o Shop, o Business Premises, o Bedding Depot, o Bar &amp; Tavern, o Place of Amusement, o Fuel Filling Station, o Institution, o Residential Buildings, o Place of assembly, o General Industry, o Communications Tower, o Kiosk, o Veterinary Clinic.</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
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<tr>
<td>12</td>
<td>INDUSTRIAL 2</td>
<td>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 do not negatively impact on the natural environment or watercourses located near them.</td>
<td>o Service Industries, o Light Industry, o General Industry, o Industrial Building, o Workshops, o Motor workshop, o Business Premises, o Petrol Filling Station, o Parking Sites and Parking Garages, o Warehouses.</td>
<td>o Canoeing, o Vet Clinic.</td>
<td>o Communications Tower, o Canoeing, o Place of refreshment, o Kiosk, o Factory Shop, o Petrol Warehouse Outlet, o Truck Stop, o Buildings not in Columns (4), (5) or (7)</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
</tr>
<tr>
<td>13</td>
<td>INDUSTRIAL 3</td>
<td>To provide an area where heavy industry with noxious by-product products can be accommodated, but where the potential negative impacts it may have on other proportion or the environment, can be limited and/or efficiently managed. To ensure that the location of these industries is near to emergency services able to redress potential hazards and the pollution of air, land or watercourses due to accident or other actions. To direct the appropriate development of high impact industrial uses to specific locations, which are able to accommodate their requirements and minimise their impacts on surrounding uses. To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located near them.</td>
<td>o General Industry, o Industrial Building, o Warehouses, o Workshops, o Abattoir, o Veterinary Clinic.</td>
<td>o Canoeing, o Canoeing, o Kiosk, o Factory Shop, o Petrol Warehouse Outlet, o Recycling Centre, o Buildings not in Columns (4), (5) or (7)</td>
<td>o Communications Tower, o Canoeing, o Kiosk, o Factory Shop, o Petrol Warehouse Outlet, o Recycling Centre, o Buildings not in Columns (4), (5) or (7)</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
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<td>14</td>
<td>INDUSTRIAL 4</td>
<td>To provide for scenarios where the nature and/or extent of the industrial activity on the property cannot be regulated by normal planning control mechanisms, due to safety, engineering or other requirements. To ensure that the location of these industries is near to emergency services able to reduce potential hazards and the pollution of air, land or watercourses due to accidents or other actions. To ensure that the location and development of these sites do not negatively impact on the natural environment or watercourses located near them. To ensure that the buildings to be erected is designed in such a way that it could be re-used for other purposes or rehabilitated where the main industry is related to mining or other non-renewable resources.</td>
<td>o General Industry, o Industrial Building, o All buildings incidental to the main activity on the property, as may be approved by the mayor.</td>
<td>o Recycling Centre</td>
<td>o Communications Tower, o Caravan, o Kiosk, o Factory Shop, o Buildings not in Columns (4), (5) or (6)</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
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<tr>
<td>15</td>
<td>INSTITUTIONAL</td>
<td>To provide an adequate number of accessible, social and civic facilities to meet the needs of communities in the fields of health, education social and cultural services. 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.</td>
<td>o Institutional buildings, o Place of Public Worship, o Place of Instruction, o Place of assembly, o Health Club, o Clinic, o Hospital, o Crisis Centre, o Day Care Centre, o Retirement Village, o Holiday House, o Recreational Building, o Child Minding Facility</td>
<td>o Conference Centre, o Exhibition Centre.</td>
<td>o Residential Buildings, o Special Buildings, o Communications Tower, o Commercial Workshop, o Restricted Building</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
</tr>
<tr>
<td>16</td>
<td>EDUCATIONAL</td>
<td>To ensure that there are 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 physically or mentally challenged children and adults.</td>
<td>o Educational Buildings, o Place of Public Worship, o Place of assembly, o Health Club, o Recreational Building, o Child Minding Facility</td>
<td>o Institution, o Dwelling Houses, o Residential Buildings, o Day Care Centre, o Crisis Centre, o Conference Centre, o Exhibition Centre.</td>
<td>o Special Buildings, o Communications Tower, o Commercial Workshop.</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
</tr>
<tr>
<td>17</td>
<td>AMUSEMENT</td>
<td>To provide appropriate facilities in the form of buildings, landscaping, vehicle sites for small boats, and public sites to slow areas to function as public recreational areas.</td>
<td>o Recreational building, o Place of Amusement, o Place of assembly, o Health Club, o Amusement Park, o Conference Centre, o Exhibition Centre, o Recreational Building.</td>
<td>o Camping ground, o Caravan Park, o Chalet, o Holiday Resort, o Marina.</td>
<td>o Place of refreshment, o Communications Tower, o Bar / Tavern, o Night Club.</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
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<td>18</td>
<td>MUNICIPAL</td>
<td>To ensure that public institutional, and administrative services and facilities are provided to permit the efficient and proper administration and functioning of the cities, towns' small settlements and rural areas. 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 physically challenged, and the elderly. To ensure that the land required for the necessary services infrastructure is set aside for development. To create the opportunities to utilise this land on a temporary basis until it is required. 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. 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. 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.</td>
<td>Government &amp; Municipal Purposes, Agricultural building, Agricultural land, Clinic, Crisis Centre, Exhibition Centre, Amenity Area.</td>
<td>Dwellings, houses, Institutions, Parkings Garages, Parking Sites, Place of Public Worship, Residential Buildings, Place of assembly, Special Buildings, Holiday Resort, Conference Centre.</td>
<td>Communications Tower, Caravan Park, Place of Instruction, Recycling Centre.</td>
<td>Other uses not in Columns (4), (5) and (6).</td>
</tr>
<tr>
<td>19</td>
<td>UNDETERMINED</td>
<td>To ensure that areas that are not agricultural in nature and where the destination zoning has not been determined, can be accommodated within the Scheme area.</td>
<td>Temporary buildings, Controlled Area, Amenity Area.</td>
<td></td>
<td>Any use that may be approved by the Municipality</td>
<td>Other uses not in Columns (4), (5) and (6).</td>
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<td>20</td>
<td>AGRICULTURAL</td>
<td>To utilize agricultural land on a sustainable basis. To ensure that land deemed to have 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. 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 cognizance of its impact on the site and surrounding properties and seeks to minimize the long-term effects of the activity. To ensure that the relevant environmental considerations are adhered to regarding the actual extraction process, its impact on the environment, and to the rehabilitation of a site or sites once the activity has ceased. To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, biodiversity, habitat, or cultural values. To provide facilities which assist in public education and the integration of built and the natural environment within minimal degradation of the natural environment or natural processes. To ensure the sustainable provision of ecosystem services to the community. To protect largely undisturbed natural areas which serve human physical and spiritual well-being. To protect areas of the highest quality natural landscapes with the focus being on the protection of biodiversity and ecosystem processes. To ensure that recreational usage, if any, shall be clearly restricted to very low intensity (and may include uses such as foot, canoe, animal trails, and game viewing from hides.) To permit a wide range of land uses and activities specifically orientated towards intensive use of the environment for tourism and recreation purposes. To prevent any land use or development which could more appropriately be located in a local urban area or development node.</td>
<td>Agricultural building, Agricultural land, Dwelling House, Agri-Fresh, Farm, Forestry, Amenity Area, Conservancy.</td>
<td>One additional dwelling house, Farm stall, roadside stall, Garden Nursery, Tea Garden, Clinic, Child Minding Facility, Educational Building, Institutional Building, Dwelling, multi family, Traditional Settlement, Agricultural Industry, Bed &amp; Breakfast, Establishment, General Game Reserve, Spacial Nature Reserve, Nature Reserve, Chalet, Kennel, Veterinary Clinic, Marina.</td>
<td>Institutions, Places of Instruction, Places of Public Worship, Places of entertainment, Places of assembly, Special Buildings, Sports Grounds, Place of Amusement, Additional Dwelling Houses, General Industry, Communications Tower, Acatior, Major Game Reserve, Extractive Industry, Airfield, Guest House in terms of the Municipal Policy, Camping Ground, Caravan Park, Holiday Resort, Conference Centre, Truck Stop, Major Game Reserves.</td>
<td>Other uses not in Columns (4), (5) and (6).</td>
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<td>21</td>
<td>PUBLIC GARAGE</td>
<td>To provide land where filling stations, public garages truck ports, and the like could be accommodated, including uses ancillary to it and in support of it, so as to promote the long term viability of these premises. To ensure that the provisions of the National Environmental Management Act is carried out prior to allowing the establishment of the allowable uses on the property. To ensure that the location and development of these sites are undertaken in accordance with EIA requirements and ongoing environmental management monitoring procedures.</td>
<td>o Public Garage, o Petrol Filling Station</td>
<td>o Place of retirement, o Shop.</td>
<td>o Communications Tower, o Truck Stop.</td>
<td>Other uses not in Columns (4), (5) and (6).</td>
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<tr>
<td>22</td>
<td>PARKING</td>
<td>To ensure that such developments serve the national, provincial and local economy and provide the correct levels of service to both tourists and broader community. To locate these strategic developments such that they provide the catalyst for local economic development.</td>
<td>o Parking garage, o Parking area.</td>
<td>-</td>
<td>o Bus and Taxi terminus, o Communications Tower, o Food Market, o Informal Trading Area, o Kiosk, o Transportation Terminal, o Truck Stop.</td>
<td>Other use not in Columns (4), (5) and (6).</td>
</tr>
<tr>
<td>23</td>
<td>PUBLIC OPEN SPACE</td>
<td>To provide adequate numbers of appropriately situated sites that are easily accessible for recreational purposes and activities for local and wider communities. To ensure that such parks address the special needs of physically challenged, the elderly, women, and children. To ensure that such facilities are located and maintained to attract visitors and tourists. 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 the passive recreational purposes. To ensure that the needs of special groups are addressed through landscaping and use of appropriate signage.</td>
<td>o Parks, o Public sports and recreation grounds, o Public open space, o Gardens, o Amenity Area</td>
<td>o Marina.</td>
<td>o Communications Tower, o Garden Nursery, o Food Market, o Kiosk, o Tea Garden, o Informal Trading Area.</td>
<td>Other use not in Columns (4), (5) and (6).</td>
</tr>
<tr>
<td>24</td>
<td>PRIVATE OPEN SPACE</td>
<td>To provide in the needs of private land owners, for appropriately situated sites to serve the purpose as for Public Open Space, for the benefit of private groups or for local and wider communities.</td>
<td>o Private Clubs, o Private open space, o Incidental buildings, o Gardens, o Amenity Area</td>
<td>-</td>
<td>o Communications Tower, o Tea Garden, o Food Market.</td>
<td>Other use not in Columns (4), (5) and (6).</td>
</tr>
<tr>
<td>25</td>
<td>CEMETARY</td>
<td>To provide land suitable for the purpose of cemeteries, and to locate such sites within accessible distance from the area it serves. To provide sufficient sites or space within or on a site to accommodate the needs of all cultures and religions. To set aside areas as well as accommodate additional cemetery space that may be required in order to meet the demands of any expected epidemic.</td>
<td>o Cemetery.</td>
<td>o Chapel, o Garden Nursery.</td>
<td>o Cemetery, o Tea Garden, o Funeral Parlour.</td>
<td>Other use not in Columns (4), (5) and (6).</td>
</tr>
<tr>
<td>26</td>
<td>SEWAGE FARM</td>
<td>To provide land for the establishment of bulk sewage facilities taking into account any negative associated impacts that it may have on mankind and the environment. To ensure that any pollution impact is limited to acceptable standards.</td>
<td>o Sewage works, o Utilities Facility.</td>
<td>-</td>
<td>o Communications Tower.</td>
<td>Other use not in Columns (4), (5) and (6).</td>
</tr>
<tr>
<td>Use Zone (1)</td>
<td>Zone Description (2)</td>
<td>Objective of Use Zone (3)</td>
<td>Permitted Buildings (4)</td>
<td>Development Permit (5)</td>
<td>Conditional Use Permit (6)</td>
<td>Buildings which may not be used or erected (7)</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------------</td>
<td>---------------------------</td>
<td>-------------------------</td>
<td>------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>27</td>
<td>AERODROME</td>
<td>To provide land for an airfield, air strip or airport. To ensure that compliance with the ruling authorities take place. To provide for the extension of the facility in future.</td>
<td>• Aerodrome and incidental buildings, • Airfield, • Airport, • Transportation Terminal.</td>
<td></td>
<td>• Place of refreshment, • Shop, • All types of Offices.</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
</tr>
<tr>
<td>28</td>
<td>SAR</td>
<td>To provide for existing and future rail infrastructure requirements. To provide adequate and attractive passenger depots and stations for rail. To ensure that where rail sidings and depots are located near watercourses, the necessary environmental and pollution controls are adhered to.</td>
<td>• Railway Purposes, • Utilities Facility, • Transportation Terminal.</td>
<td></td>
<td>• Communications Tower, • Truck Stop, • Buildings not in Columns (4), (5) or (7).</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
</tr>
<tr>
<td>29</td>
<td>RESERVOIR</td>
<td>To provide for the needs of land for the purpose of bulk storage of water, and any process of making water ready for consumption.</td>
<td>• Reservoir and incidental buildings, • Utilities Facility.</td>
<td></td>
<td></td>
<td>Other uses not in Columns (4), (5) and (6)</td>
</tr>
<tr>
<td>30</td>
<td>PUBLIC WALKWAYS</td>
<td>To provide for existing and future movement corridors for the local communities and visitor. To ensure that pedestrian walkways are viewed as an integral part of the urban environment. To provide adequate shelters and stopping points along main pedestrian routes for 'rest', bus and tram to collect and deposit passengers and for changes in modes of transport.</td>
<td>• Public walkway, • Utilities Facility.</td>
<td></td>
<td>• Informal Trading Area, • Kiosk.</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
</tr>
<tr>
<td>31</td>
<td>EXISTING PUBLIC ROADS</td>
<td>Altered existing roads</td>
<td>• Street or road, • Government &amp; Municipal Purposes, • Utilities Facility.</td>
<td>Informal Trading Area in terms of the Municipal Policy and/or Town's Policy.</td>
<td>• Parking Site, • Parking Garage, • Kiosk, • Taxi Rank, • Communications Tower.</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
</tr>
<tr>
<td>32</td>
<td>PROPOSED NEW ROADS AND WIDENINGS</td>
<td>To make provision for freeways, toll roads, major arterial roads, and minor roads to accommodate vehicular traffic. To make provision for the activities and buildings associated with road construction and maintenance, e.g. toll booths, construction camps and road depot sites. To ensure that road depots and road fill sites are operated and maintained with due cognizance to the environmental impacts they may have on surrounding areas.</td>
<td>• Proposed new road and widening, • Utilities Facility.</td>
<td></td>
<td>• Parking Site, • Parking Garage, • Temporary use.</td>
<td>Other uses not in Columns (4), (5) and (6)</td>
</tr>
</tbody>
</table>
Clause 24: Temporary Use of Land

1. Notwithstanding anything to the contrary contained in this Scheme, it shall be competent for the Municipality to consent to the temporary use of any land or building within any use zone for any of the following:

1.1. The erection and use of temporary buildings or the use of existing buildings for purposes of site offices, store rooms, workshops, or such other uses as are in the opinion of the Municipality necessary during the construction of any permanent building or structure on the land: Provided that such consent shall ipso facto lapse on completion of the permanent building or structure.

1.2. The ad hoc use of land or buildings for concerts, fairs, circuses, bazaars or public gatherings.

1.3. The use of the land or buildings thereon for Government and Municipal Purposes: Provided that any such consent shall be for a period of not exceeding 12 months which period may be extended by the Municipality for further periods not exceeding 12 months, subject thereto that the total of such periods shall not exceed 5 years.

Clause 25: Conditions applicable to all erven

1. No person shall use or cause or permit any building or portion thereof to be used for a purpose other than that for which it has been erected, unless the necessary consent of the Municipality has been obtained therefore.

2. Subject to the provisions for advertising and objections contained in this Scheme, the Municipality may where any application is made for a Development Permit / Conditional Use Permit to the erection and use of a building in a use zone in which a building of the type proposed may be erected and used only with a Development Permit / Conditional Use Permit, give or withhold its consent and shall in giving its special consent be entitled to impose such conditions governing the erection of use of the building as it may deem fit: Provided that consideration shall be given to the question whether the use of which the building is intended or designed might possibly cause injury to the amenity of the neighbourhood or area.

3. The reference to “the erection and use” of a building for a particular use in this part of the Scheme, includes the conversion of the building for that use, whether or not involving the structural alteration thereof.
4. Nothing herein contained shall be deemed to grant exemption from any of the Municipality's by-laws not inconsistent herewith.

5. Except with the written consent of the Municipality, and subject to such conditions as it may impose, neither the owner nor any other person shall –
   
   5.1. Have the right, save and except to prepare the lot for building purposes, to excavate any material there from; or
   
   5.2. Sink any wells or boreholes thereon or abstract any subterranean water there from.

6. Where in the opinion of the Municipality it is impracticable for storm water to be drained from higher-lying erven direct to a public street the owner of the lower-lying lot shall be obliged to accept and permit the passage over the lot of such storm water: Provided that the owners of any higher-lying erven, the storm water from which is discharged over any lower-lying lot, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower-lying lot may find necessary to lay or construct for the purpose of conducting the water so discharged over the lot.

7. The siting of buildings, including outbuildings, on the lot and entrances to and exits from the lot to a public street system shall be to the satisfaction of the Municipality.

8. Where applicable, the loading and off-loading of goods shall take place only within the boundaries of the lot to the satisfaction of the Municipality, unless the Municipality has provided loading facilities in the street reserve.

9. No material or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is required by the Municipality for a screen well to be erected on such a boundary this condition may be relaxed by the Municipality and subject to such conditions as may be determined by it.

10. A screen wall(s) shall be erected and maintained by the owner to the satisfaction of the Municipality as and when required by it.

11. If the property is fenced, such fence and the maintenance thereof shall be to the satisfaction of the Municipality.
12. The registered owner is responsible for the maintenance of the whole development on the property. If the Municipality is of the opinion that the property, or any portion of the development is not being satisfactorily maintained the Municipality shall be entitled to undertake such maintenance at the cost of the registered owner.

13. The Municipality may require the submission of a site development plan for approval prior to the submission of any building plans, and may determine the minimum requirements of such plan, for any development regardless the zoning of the property.

14. The Municipality may also require the submission of a development report explaining the detail of a proposed development and motivating the design and planning of the proposal.

15. The documents referred to in Sub-clauses 13 and 14, may also be required by the Municipality where an application for rezoning or subdivision of a property or part of a property is made.

Clause 26: Conditions applicable to Residential 2 erven

1. The internal roads on the lot shall be constructed and maintained by the registered owner to the satisfaction of the Municipality.

2. A site development plan, drawn to a scale of 1:500 or such other scale as may be approved by the Municipality shall be submitted to the Municipality for approval prior to the submission of any building plans. No building shall be erected on the lot before such site development plan has been approved by the Municipality and the whole development on the lot shall be in accordance with the approved site development plan; Provided further that amendments or additions to buildings which in the opinion of the Municipality will have no influence on the total development of the lot, shall be deemed to be in accordance with the approved site development plan. Such site development plan shall show at least the following:

2.1 The siting, height, coverage, number of dwelling unit per hectare, and where applicable the floor area retention of all buildings and structures;

2.2 Open spaces, children’s playgrounds, screen walls or other acceptable methods of screening, and landscaping;

Steve Tshwete Town Planning Scheme - 2004 (Final)
August 2004

Page 33 of 61
2.3 Vehicular entrances and exits to and from the lot (as well as any proposed subdivision of the lot) to any existing or proposed public street;

2.4 The proposed sub divisional lines, if the lot is to be subdivided;

2.5 Entrances to buildings and parking areas;

2.6 Building restriction areas (if any);

2.7 Parking areas and, where required by the Municipality, vehicular and pedestrian traffic systems;

2.8 The elevational and architectural treatment of all buildings and structures; and

2.9 The grouping of the dwelling unit and the programming of the development of the property if it is not proposed to develop the whole property simultaneously.

3. The Municipality shall not approve any building plan which does not comply with the proposal in the approved site development plan with particular reference to the elevational and architectural treatment of the proposed building or structure.

4. Buildings may be sited contrary to any provision of the Municipality’s building by-laws, if such siting is in accordance with an approved site development plan.

Clause 27: Conditions applicable to Residential 3 erven

1. In Use Zones 3 and 4 where development takes place at a density not greater than 20 dwelling units per hectare the provisions of clause 26 shall apply.

2. Where the development takes place at a density greater than 20 dwelling units per hectare the following conditions shall apply
2.1 The registered owner of the lot shall make available and accessible, to the satisfaction of the Municipality, at least 250m² of the lot as children’s playground which area may include paved areas and lawns. Play apparatus, according to the requirements of the residents, shall be provided on the lot by the registered owner to the satisfaction of the Municipality.

2.2 A site development plan, drawn to a scale of 1:500 or such other scale as may be approved by the Municipality shall be submitted to the Municipality for approval prior to the submission of any building plans. No building shall be erected on the lot before such site development plan has been approved by the Municipality and the whole development on the lot shall be in accordance with the approved site development plan; Provided further that amendments or additions to buildings which in the opinion of the Municipality will have no influence on the total development of the lot, shall be deemed to be in accordance with the approved site development plan. Such site development plan shall show at least the following:

2.2.1 The siting, height, floor areas, floor area ratio and coverage of buildings and structures and the number of dwelling unit per hectare;
2.2.2 Open spaces, children’s playgrounds and landscaping;
2.2.3 Entrances to and exists from the lot, internal roads and parking areas;
2.2.4 Entrance to buildings and parking areas
2.2.5 Building restriction areas;
2.2.6 Parking areas and, where required by the Municipality, the vehicular and pedestrian traffic system;
2.2.7 The elevational treatment of all buildings and structures; and
2.2.8 The proposed subdivisional lines, if the lot is to be subdivided.

Clause 28: Conditions applicable to Residential 4 erven

1. No building shall exceed two storeys in height.

2. The Municipality shall in its sole discretion allow or disallow the establishment of an informal settlement or any new traditional settlement, and may impose any condition to the granting of approval of the development on the property.

3. An approval by the Municipality for the establishment of any right in terms of Residential 4 zoned properties will always remain temporary in nature, and the Municipality may in its sole discretion impose further conditions to the approval at any time.
4. No fencing shall be erected around an informal or traditional settlement without the written consent of the Municipality.

Clause 29: Conditions applicable to Public Garage and Petrol Filling Station Sites

1. No material or equipment of any nature whatsoever shall be stored or stacked to a height greater than the height of the screen wall. Provided that the Municipality may relax this condition where the lot is situated within, adjacent to or surrounded by industrial uses.

2. No repairs of any nature to vehicles or equipment shall be effected outside the garage building, except in an area which is screened to the satisfaction of the Municipality for that purpose. Provided that the Municipality may relax this condition where the lot is situated within, adjacent to or surrounded by industrial uses.

3. No material or equipment of any nature shall be stored or stacked outside the garage building except in an area which is screened to the satisfaction of the Municipality for that purpose:

   3.1. Provided that fuel pumps or oil and fuel installations shall be sited outside the building to the satisfaction of the Municipality;

   3.2. Provided further that the Municipality may relax this condition where the lot is situated within, adjacent to or surrounded by industrial uses.

4. All properties zoned for the purposes of a Public Garage / Filling Station needs to comply with the requirements of the National Environment Management Act, and building plans for new development will not be approved unless an Environmental Impact Assessment has been carried out.

Clause 30: Conditions applicable to townships or even in dolomite areas or on land with detrimental soil conditions

1. In addition to any condition specified in the approval of an application for the use of land in respect of any specified lot or township, such lot or, if no lot in a township is specified, all erven in such township shall be subject to the following conditions:
1.1. No french drain shall be permitted on the lot.

1.2. Trenches and excavations for foundations, pipes, cables or for any other purpose, shall be properly refill with damp soil in layers not thicker than 150mm, and shall be compacted until the same grade of compaction as that of the surrounding material is obtained to the satisfaction of the Municipality.

1.3. All pipes which carry water shall be watertight and shall be provided with watertight flexible couplings.

1.4. The entire surface of the lot shall be drained to the satisfaction of the Municipality in order to prevent surface water from damming up, and water from roof-gutters shall be discharged away from the foundation.

1.5. Proposals to overcome detrimental soil conditions to the satisfaction of the Municipality shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Municipality.

1.6. If required by the Municipality, a soil report drawn up by a qualified person acceptable to the Municipality indicating the soil conditions of the lot and recommendations as to suitable tamping methods and depths shall be submitted to the Municipality simultaneously with the submission of building plans prior to the commencement of any building operations on the lot.

**Clause 31: Parking**

Effective and paved parking as set out in Table C, together with the necessary manouvring area, shall be provided on the property to the satisfaction of the Municipality, with the provision that the Municipality may in its discretion relax or waive any requirement to provide parking in terms of its Local Planning Policy, or may accept payment of an amount to be determined by the municipality where in the opinion of the municipality it would not be necessary to provide the required number of parking spaces, or where parking could be provided elsewhere to support the proposed development.
<table>
<thead>
<tr>
<th>Use Zone / Use</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential 2, and other use zones where dwelling units at a density of 20 dwelling units per hectare or less are erected.</td>
<td>(1) 1 Covered parking space to each dwelling unit; and</td>
</tr>
<tr>
<td></td>
<td>(2) 1 Uncovered parking space per dwelling unit if so required by the Municipality.</td>
</tr>
<tr>
<td>Residential 3, and in other use zones where dwelling units at a density greater than 20 dwelling units per hectare are erected.</td>
<td>(1) 1 Covered parking space to each dwelling unit of 3 living rooms or less;</td>
</tr>
<tr>
<td></td>
<td>(2) 1 Covered and 1 uncovered parking space to each dwelling unit with 4 or more living rooms; and</td>
</tr>
<tr>
<td></td>
<td>(3) 1 Uncovered parking space to every 3 dwelling units for visitors.</td>
</tr>
<tr>
<td>Shops in Height Zone 0 to 5, excluding shops in Use Zone 6</td>
<td>6 Parking spaces to 100 m² gross leasable floor area</td>
</tr>
<tr>
<td>Shops in Height Zone 6 to 9, excluding shops in Use Zone 6</td>
<td>4 Parking spaces to 100 m² gross leasable floor area</td>
</tr>
<tr>
<td>Shops in Use Zone 6</td>
<td>As required by the Municipality</td>
</tr>
<tr>
<td>Offices in Height Zone 0 to 5</td>
<td>2 Parking spaces to 100 m² gross leasable floor area</td>
</tr>
<tr>
<td>Offices in Height Zone 6 to 9</td>
<td>3 Parking spaces to 100 m² gross leasable floor area</td>
</tr>
<tr>
<td>Medical rooms</td>
<td>6 Parking spaces to 100 m² gross leasable floor area</td>
</tr>
<tr>
<td>Industrial 1, 2 and 3</td>
<td>1 Parking space to 100 m² gross leasable industrial floor area; and 2 Parking spaces to 100 m² gross leasable office and commercial floor area</td>
</tr>
<tr>
<td>Show Rooms</td>
<td>2 Parking spaces to 100 m² gross leasable floor area</td>
</tr>
<tr>
<td>Hotels</td>
<td>1 Parking space to 1 bedroom or suite plus 6 parking spaces to 100 m² public room floor area</td>
</tr>
<tr>
<td>Hospitals and nursing institutions</td>
<td>0.7 Parking space to 1 bed</td>
</tr>
<tr>
<td>Place of public worship</td>
<td>1 parking space to 6 seats, or in accordance with Municipal Policy.</td>
</tr>
<tr>
<td>Place of amusement</td>
<td>1 parking space to 4 seats, or 6 parking spaces to 100 m² floor area</td>
</tr>
<tr>
<td>Public Garage / Filling Station</td>
<td>40% of the area of the site, including the area around the fuel pump islands, but excluding workshops, show rooms, work areas, lubricating and washing areas, shops</td>
</tr>
<tr>
<td>Other uses</td>
<td>As required by the Municipality</td>
</tr>
</tbody>
</table>
Clause 32: Number of Dwelling Houses that may be erected and subdivisions

1. No dwelling house shall be erected in such a manner that the number of dwelling houses on an existing lot exceeds the number specified in Table D for the density zone in which the existing lot is situated, with an allowable tolerance of 10% of the minimum area of the site required.

2. The Notation for the B-Series of the Maps reflecting the Density Zones as listed in Table B, shall be in accordance with the Notation System in terms of Regulation 4(1) as indicated in Schedule 1 of the Town Planning and Townships Regulations, or any other notation approved by the Municipality.

3. The Municipality may compile a Local Planning Policy for any area of land within its jurisdiction, to serve as guide for the consideration of applications for subdivision and consolidation of properties. Such policy shall be compiled in accordance with the provisions of Clause 11 of this Scheme.

Table D: Density Zones (Notation as per B Series of Town Planning Scheme)

<table>
<thead>
<tr>
<th>Density Zone</th>
<th>Number of Dwelling Houses per Existing Lot</th>
<th>Minimum Area of Site Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>200</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>300</td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>400</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>500</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>600</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>700</td>
</tr>
<tr>
<td>9</td>
<td>1</td>
<td>800</td>
</tr>
<tr>
<td>10</td>
<td>1</td>
<td>900</td>
</tr>
<tr>
<td>11</td>
<td>1</td>
<td>1000</td>
</tr>
<tr>
<td>12</td>
<td>1</td>
<td>1250</td>
</tr>
<tr>
<td>13</td>
<td>1</td>
<td>1500</td>
</tr>
<tr>
<td>14</td>
<td>1</td>
<td>2000</td>
</tr>
<tr>
<td>15</td>
<td>1</td>
<td>2500</td>
</tr>
<tr>
<td>16</td>
<td>1</td>
<td>3000</td>
</tr>
<tr>
<td>17</td>
<td>1</td>
<td>4000</td>
</tr>
</tbody>
</table>
### Table E: Height Zones

<table>
<thead>
<tr>
<th>Height Zone</th>
<th>Notation as shown on the B-Series of the Map</th>
<th>Height</th>
<th>Coverage (%)</th>
<th>FAR</th>
<th>Number of Dwelling Units per Hectare for Residential 2 only</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Area not bordered</td>
<td>3</td>
<td>Use Zones 6,7,11&amp;12:</td>
<td>Residential Buildings and Hotels 1.8</td>
<td>Residential Buildings and Hotels 2.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dwelling Houses 50%</td>
<td>Other buildings:</td>
<td>Other buildings 2.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Residential Buildings and Hotels 60%</td>
<td>Ground floor 80%</td>
<td>Ground floor 80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Other buildings:</td>
<td>Other floors 50%</td>
<td>Other floors 50%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Use Zones 20&amp;21:</td>
<td>All buildings 80%</td>
<td>All buildings 80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Other use zones:</td>
<td>Dwelling Houses 50%</td>
<td>Dwelling Houses 50%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Residential Buildings and Hotels 40%</td>
<td>Ground floor 80%</td>
<td>Ground floor 80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Other buildings: 70%</td>
<td>Other floors 50%</td>
<td>Other floors 50%</td>
</tr>
</tbody>
</table>

| 1           | H1                                          | 2      | -             | -   | 10 |
| 2           | H2                                          | 2      | 30            | 0.4 | 15 |
| 3           | H3                                          | 2      | 40            | 0.5 | 20 |
| 4           | H4                                          | 3      | 50            | 0.6 | 25 |
| 5           | H5                                          | 3      | 75            | 1   | 25 |
| 6           | H6                                          | 4      | Ground floor 90% | 1           | 30 |
|             |                                             |        | Other floors 75% |             | |
| 7           | H7                                          | 6      | Ground floor 90% | 2           | - |
|             |                                             |        | Other floors 75% |             | |
| 8           | H8                                          | 6      | Ground floor 90% | 4           | - |
|             |                                             |        | Other floors 75% |             | |
| 0           | H9                                          | 10     | Ground floor 90% | 6           | - |
|             |                                             |        | Other floors 75% |             | |
Clause 33: Restriction on height of buildings

1. No building shall be higher than the number of storeys set out in column (3) of Table "E" or on the applicable Annexure, provided that:

1.1. The Municipality may permit the number of storeys prescribed in any height zone to be increased by 1 (one) storey if it is satisfied that a greater height is necessary or desirable as a result of the topography and location of the site;

1.2. Where 75 percent or more of a floor is used for the parking of vehicles, it shall not be counted as a storey;

1.3. In Use Zones 22 (Public open space) and 23 (Private open space) buildings may not exceed one (1) storey in height unless otherwise permitted in the Scheme;

1.4. For the purposes of this clause basements shall not be included in height, provided further that the floor area ratio as determined in the Scheme is not exceeded; and

1.5. For the purpose of this clause the maximum height of a storey shall not exceed 6m in respect of the ground storey and 4.5m in respect of any other storey.

Clause 34: Restriction on coverage of buildings

1. No building shall be erected with a greater coverage than that set out in column (4) Table "E" or on the applicable Annexure, provided that:

1.1. Where a proposed building is designed for more than one use (composite building), the maximum portion of the site which may be covered by buildings at the floor level shall be in accordance with the coverage shown in Table "E" for the predominant use for the particular storey; and

1.2. In Use Zones 6, 7 and 9 (Business 1, 2 and 4), the Municipality may if a mechanical or electrical air conditioning system is installed, consent to a maximum coverage of 97.5 percent on ground floor of buildings of corner erven and 95 percent on ground floor of buildings on other erven. Provided that in the case of a
building erected or used for banking purposes, such consent may be given in respect of ground and first floors.

Clause 35: Floor area ratio or number of dwelling units per hectare

1. No building shall be erected on such a way that it has a greater floor area ratio than that indicated in Table "E" column 5 or on the applicable Annexure.

2. The number of dwelling units as set out in Table "D" may not be exceeded.
PART 4: GENERAL AMENITY AND CONVENIENCE

Clause 36: Removal of injurious conditions in private gardens

Where the amenity of any use zone is in the opinion of the Municipality injured by the condition of any garden, curtilage, building or any development on any lot in the area the Municipality may serve a notice on the owner or occupant of the premises on which the injurious condition exists, requiring him, within such period not being less than twenty-eight (28) days from the date of the service upon him of the notice, to take such action as may be necessary to abate the injurious condition and the said notice may specify the measures to be taken to abate the injurious condition.

Clause 37: Binding force of conditions

Where permission to erect any building or execute any works or to use any building or land for a particular purpose has been granted in terms of the Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of the Scheme and shall be regarded as though they were part of this Scheme.

Clause 38: Entry and inspection of properties

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

2. No person shall in any way hinder, obstruct, or interfere with any authorised officer of the Municipality, or in so far as he has any authority, permit such officer to be hindered, obstructed or interfered with in the exercise of the powers hereby conferred upon him.
Clause 39: Serving of notices

1. Any order, notice or other document, required or authorized to be served under the Scheme shall be signed by the Municipal Manager or other official duly authorized there to by the Municipality and shall be served by delivering it in one or other of the following manners:

1.1. To the said person personally, or to his duly authorized agent

1.2. If service cannot be effected in terms of sub-clause (a), at his residence or place of business or employment to some person apparently not less than sixteen (16) years of age and apparently residing at or employed there;

1.3. If there is no such person as in mentioned in sub-clause (b) on the premises, by fixing such order, notice or other document to some conspicuous part of the premises and by dispatching a copy of such order, notice, or other document by prepaid registered post in an envelope on which is written his last known address which may be his last known abode, place of business or employment, or post office box number; and

1.4. If such person to be served has chosen a domicilium citandi, at the domicile so chosen.

2. Where any service is effected in accordance with the provisions of the preceding sub-clause (1) (c), such service shall be deemed to have been effected at the time when the letter containing such order, notice, or other document would have been delivered in the ordinary of post and, in providing such service, it shall be sufficient to prove that the order, notice or other document, was properly addressed and registered.

3. Any order, notice or other document, which in terms of the provisions of this Scheme, is required to be given to the owner or occupant of any particular premises, may be addressed to the “owner” or “occupant” of such premises, in respect of which the order, notice or other document, is given, without any further name or description.

Clause 40: Conflict between Scheme, Title Conditions and Township Conditions

No consent of the Municipality given under the provisions of this Scheme shall be construed as conferring upon any person the right to use any land or to erect or use any building thereon in any manner or for any purpose which is
prohibited in any condition registered against the title deed of the land or imposed in respect of the land under any law relating to the establishment of townships.

**Clause 41: Title**

This Scheme shall be known as the **Steve Tshwete Town Planning Scheme 2004**.
### Part 5: Definitions and Terminology

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td>A place where livestock is killed and prepared for distribution to butcher shops and food markets.</td>
</tr>
<tr>
<td>Adult Entertainment</td>
<td>A building or portion of a building used for the provision of massage facilities, making the services of an escort available to any other person, or the offering of goods or services of an adult nature which includes the display, exhibition, sale and/or renting of sexually-explicit materials.</td>
</tr>
<tr>
<td>Agricultural Building</td>
<td>A building used in connection with, or which would ordinarily be incidental to, reasonably necessary in connection with the use of the site of that building as agricultural land and may include an ancillary building and caretakers dwelling.</td>
</tr>
<tr>
<td>Agricultural Industry</td>
<td>A building used for the intensive production in any form whatsoever, of poultry, game birds, livestock, vegetables, fruit and allied products, and includes any processing of these commodities.</td>
</tr>
<tr>
<td>Agricultural Land</td>
<td>The use of land for the production of food and fibre, including farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry.</td>
</tr>
<tr>
<td>Agri-forestry</td>
<td>The use of land for agricultural purposes and timber production.</td>
</tr>
<tr>
<td>Aerodrome</td>
<td>A place where aircraft can land and take off, usually equipped with hangars, facilities for refuelling and repair, and various accommodations for passengers, and incidental buildings. (Airport, Airfield)</td>
</tr>
<tr>
<td>Ambience</td>
<td>The character or tone of an area, as determined by building scale and design, amount and type of activity, intensity of use, location and design of open space, and related factors that influence the perceived quality of the environment.</td>
</tr>
<tr>
<td>Amenity</td>
<td>A natural or created feature or aspect that enhances a particular property,</td>
</tr>
</tbody>
</table>
place or area from the perspective of its aesthetic quality, visual appeal which makes it more attractive or satisfying.

**Amenity Area**
Land reserved for the protection of Place of scenic beauty, natural vegetation, rivers and other topographical features, fauna and flora, Place of historical interest and the like, but which may with the permission of the owner be used by the public for passive recreation.

**Place of Amusement**
A primarily outdoors facility that may include structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, restaurants, fast-food outlets and souvenir sales. Land for a temporary amusement park may also be included herein.

**Ancillary Dwelling**
A building ancillary to a dwelling house and comprising an inter-loading group of rooms which shall not consist of more than two bedrooms, a combined lounge/dining area, and shall at least have a cooking area or kitchen, a bathroom and toilet. (Granny room, servants quarters) (A Municipality may stipulate: (1) the maximum gross floor area of the unit; (2) whether or not the unit shall be attached to the main dwelling; (3) the maximum number of occupants; (4) the minimum size of a lot upon which an ancillary unit may be permitted; (5) conditions regarding access or shared access; (6) architectural compatibility; (7) the number and size of rooms.)

**Ancillary Use**
A use incidental to or customarily associated with, a specific use.

**Approval**
The written approval of the relevant Municipality.

**Area of Scheme**
The area of jurisdiction of the Steve Tshwete Municipality

**Attic**
That part of a building that is immediately below and wholly or partly within the
Bar / Tavern

Premises used primarily for the sale or dispensing of alcoholic beverages for on-site consumption and where food may be available for consumption on the premises as ancillary to the principal use. (Tavern) {A Municipality may stipulate: (1) whether live entertainment or dancing shall be permitted; (2) setback requirements; (3) the amount and location of parking, particularly if live entertainment or dancing is permitted; (4) whether the consumption of liquor and food may take place inside or outside the buildings.}

 Basement

A storey partly underground and having at least one half of its height below the natural mean ground level adjoining the building on all sides.

Bed and Breakfast Establishment

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. A bed and breakfast establishment shall have the owner or operator of the establishment as permanent resident on the property. {A Municipality may stipulate: (1) particular parking requirements; (2) a maximum number of bedrooms/beds which may be rented out; (3) the maximum number of guests; (4) that breakfasts shall be limited to guests only; (5) control of signage.}

Betting Depot

A building used for the purpose of a bookmakers premises or a totalisator agency in terms of section 22(1) and 23(3) of the Horse Racing and Betting Control Consolidation Ordinance, 1957 (Ordinance No. 28 of 1957) as amended.

Boarding House

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. {A Municipality may stipulate: (1) particular parking requirements in terms of number and location; (2) a maximum number of
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Body Corporate</td>
<td>A controlling body for a sectional title Scheme that is established on any lot in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), as amended.</td>
</tr>
<tr>
<td>Building</td>
<td>Any building, structure or erection of an immovable nature for whatever purpose used, including any tank, swimming pool, radio mast, telecommunications mast and any wall or close boarded fence more than two metres in height, but excluding any open fence, post, pier, ramp, fountain, statue, fish pond, pergola or other garden ornamentation.</td>
</tr>
<tr>
<td>Buildingline</td>
<td>A line parallel to a strict boundary and the distance there from.</td>
</tr>
<tr>
<td>Building Use</td>
<td>&quot;Building Use&quot;, &quot;Use of a building&quot; and similar expressions include the specific purpose for which buildings may be used as defined in the Planning Scheme and the erection of a building.</td>
</tr>
<tr>
<td>Business Premises</td>
<td>A property from which business is conducted and includes a shop, office, office park, financial institution and building for similar uses, but does not include a place of assembly, place of entertainment, institution, service station, motor repair garage, industry, industrial hive, noxious trade, risk activity, restaurant, adult entertainment business or bottle store.</td>
</tr>
<tr>
<td>Bylaw</td>
<td>The bylaws or regulations of the Steve Tshwete Municipality, as promulgated.</td>
</tr>
<tr>
<td>Camping Ground</td>
<td>Any lot on which tents, but excluding caravans, intended for temporary use by persons for dwelling or sleeping purposes, are erected or used or intended to be erected or used and on which shall be provided adequate ablation and...</td>
</tr>
</tbody>
</table>
sanitary facilities, water points and approved refuse receptacles.

**Canteen**
A building or part thereof and/or premises used for the preparation and disposal of foodstuff and allied products, to the staff of an industrial or commercial undertaking, public office, or educational building, to which it is related.

**Car Parking Space**
A demarcated space with the minimum dimensions of 2.4 m x 4.4 m for the parking of a vehicle, excluding manoeuvring space.

**Caravan Park**
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, static caravans, which are used primarily as temporary holiday dwelling units and provided also with permanent water points, approved refuse receptacles and containing within the curtilage a sufficient open space for recreational purposes. The Park may also include one dwelling house or flat for the use of a caretaker or manager.

**Caretaker's Dwelling**
A dwelling unit for the use of the caretaker or supervisor of the premises and his family. *(A Municipality may stipulate: (1) maximum size.)*

**Cemetery**
Any place which is intended to be permanently set aside for and used for the purposes of the burial of human or animal remains and may include a crematorium and funeral chapel.

**Chalet**
A dwelling unit used as a holiday dwelling, consisting of not more than three living rooms with or without sanitary convenience, bathroom, shower and kitchen. *(A Municipality may stipulate (1) a maximum and/or minimum size for a chalet)*

**Child Minding Facility**
A building or portion of a building, which is used for the daytime care of six or less children.

**Clinic**
A facility providing medical, psychiatric, or surgical service for sick or injured
persons including emergency treatment, diagnostic services and services to outpatients, employees or visitors and may include a day-ward.

**Commercial Workshop**
A light industrial workshop 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, have access. It includes such uses as watch repairer, shoe repairer, electronic media repairer and electrician but excludes a garage or petrol service station.

**Common Land**
Means that portion of a Medium Density Housing site or Mobile Home Park 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.

**Common Open Space**
That portion of the common land which is not covered by vehicular road reserves and parking areas but may include walkways, whether grassed or hardened, and structures or buildings intended for recreational use of the occupants of the dwelling units to the satisfaction of the Municipality.

**Communications Tower**
A structure on which an antenna or dish is installed for the transmission, broadcasting or receiving of radio, television, radar or microwaves, and similar types of devices.

**Composite Building**
A building, which is used simultaneously for two or more purposes, recognised as uses in a Planning Scheme.

**Conference Centre**
A building, or group of buildings, including associated land, used for conferences, gatherings, indoor recreation, commercial exhibition hall, related catering facilities, and such other uses considered by the Municipality to be ancillary to or reasonably necessary for the use of the building as a conference centre.
Conservancy

A group of individual farms or similar contiguous land parcels which, through their owners' initiative, are combined together for the protection and preservation of the natural bio-diversity of the eco-systems in that area.

Conservation

Protecting, using and saving resources wisely, especially the bio-diversity found in the area.

Controlled Area

Any area where for reasons of the topography, the unsuitability or instability of the soil or other like reasons, development or building may be prohibited, restricted or permitted upon such conditions as may be specified having regard to the nature of the said area.

Convenience Shop

A building or portion of a building restricted to the sale of convenience goods such as bread and confectionery, dairy products, fresh produce, beverages, canned foods, magazines and newspapers, at the discretion of the Municipality. (A Municipality may stipulate: (1) the maximum size of the shop)

Coverage

The proportion of lots covered by the roofed area of all buildings, expressed as a percentage of the lot area as defined. Thus 25% coverage means that only one quarter of the lot is covered by buildings.

Crisis Centre

A facility providing temporary protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape or abuse.

Critical Area

An area with one or more of the following environmental characteristics:
- Steep slopes;
- Flood plain;
- Soils classified as having high water tables;
- Soils classified as highly erodible, subject to erosion, or highly acidic;
- Land formerly used for landfill operations or hazardous industrial use;
- Stream corridors;

Steve Tshepo Town Planning Scheme – 2004 (Final)
August 2004
- Mature stands of indigenous vegetation;
- Aquifer recharge and discharge areas;
- Wetlands and wetland transition areas; and
- Habitats of endangered species

**Curtilege**

Means the whole of the area of ground within the boundaries of the building lot or lots forming the site of any building or proposed buildings.

**Customary Harvesting**

The harvesting and collection of natural grasses and medicinal plants in environmentally sensitive or protected areas or parks for traditional practices and which may require permits from the relevant authority.

**Date of Adoption**

The date upon which a Town Planning Scheme was first adopted by the Municipality in terms of the Town Planning and Townships Ordinance 15 of 1986; provided that, where any provision of this Land Use Management Plan is subsequently varied by way of amendment or revision, the 'date of adoption' of any such varied provision shall be the date upon which it is adopted in terms of the Town Planning and Townships Ordinance 15 of 1986, or the proposed Land Use Management Bill.

**Day Care Centre**

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. This term includes créches, nursery schools, preschools, day care centres for individuals, and other similar uses but excludes public and private education facilities or any facility offering care to individuals for a full 24-hour period. {A Municipality may stipulate (1) a maximum number of children permitted in a créche or nursery school; (2) the area of buildings and land to be used; (3) on or off-site parking requirements; (4) hours of operation; (5) design requirements}

**Develop Land / Development**

To erect a building or structure on any land or to alter or extend any building or structure or to create a lay out for, or adopt such land for any use or purpose.
Developable Area
The registered, surveyed area of a lot excluding those areas which are, in the opinion of the Municipality, rendered undevelopable by virtue of such factors as soil instability, liability to flooding, topographic inaccessibility and/or slopes steeper than 1 in 3 and further excluding the area(s) occupied by any public right-of-way, road servitudes, new roads or road-widening.

Development Tribunal / Appeal Tribunal
The Appeal Tribunal, or any of its divisions, established in terms of the Development Facilitation Act, 1995 (Act No.57 of 1995) or Town Planning Ordinance No.15 of 1986, or the proposed Land Use Management Bill.

District
A defined area of land, which indicates the restrictions, imposed by a Planning Scheme on the use of land, the erection and use of buildings and structures, as well as the regulation parameters pertaining to the configuration of development within each District. (Planning District)

Duplex Flat
A dwelling unit in a building, where each unit consists of a ground floor and one upper floor which is connected by an internal staircase and where the unit has direct access to a private open area.

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

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

Dwelling, Multi-family / Traditional settlements
A building or portion thereof which contains two or more dwelling units, regardless of the method of ownership and may include an Umuzi or cluster of traditional dwellings.
<table>
<thead>
<tr>
<th><strong>Ecosystem</strong></th>
<th>The relationship and interaction between humans, plants, animals and the non-living environment.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Educational Building</strong></td>
<td>A building used as a school, college, technical institute, academy, research laboratory, library, lecture hall, art gallery, museum or for other instruction together with any associated land or buildings and includes a hostel but does not include a reformatory. (Place of instruction)</td>
</tr>
<tr>
<td><strong>Engineering Services</strong></td>
<td>Infrastructure for the provision of water, electricity, sewerage, storm water, disposal, streets, roads and pedestrian walkways, including all related services and equipment.</td>
</tr>
<tr>
<td><strong>Environment</strong></td>
<td>The surroundings within which humans exist and include: -</td>
</tr>
<tr>
<td></td>
<td>1. The land, water and atmosphere of the earth;</td>
</tr>
<tr>
<td></td>
<td>2. Micro organism, plant and animal life;</td>
</tr>
<tr>
<td></td>
<td>3. Any part or combination of the above and the interrelations amongst and between them; and,</td>
</tr>
<tr>
<td></td>
<td>4. The physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influences human health and well being</td>
</tr>
<tr>
<td><strong>Environmental Impact</strong></td>
<td>A positive or negative environmental change caused by a human act.</td>
</tr>
<tr>
<td><strong>Environmental Implementation Plan</strong></td>
<td>A plan referred to in section 24 of the National Environmental Management Act (Act No. 107 of 1998).</td>
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<td><strong>Environmental Management Plan</strong></td>
<td>A plan referred to in section 24 of the National Environmental Management Act (Act No. 107 of 1998).</td>
</tr>
<tr>
<td><strong>Exhibition Centre</strong></td>
<td>Any building used or constructed or designed or adapted to be used for the display of goods or for public entertainment and may include offices for the administration of such centre and other uses considered by the Municipality to be ancillary to or reasonably necessary for the use of the building as an</td>
</tr>
</tbody>
</table>
exhibition centre.

Existing Lot
A lot or any subdivision thereof lawfully approved before the effective date.

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 Municipality at that date.

Extractive Industry
The process of extracting, mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone and includes buildings connected with such operations and a crushing plant.

Factory Shop
Means a building used primarily as a direct retail trade outlet of products originating from a factory either on the same premises or in close proximity. It is characterised by discounting, limited internal displays and no external shop frontage.

Family
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.

Farm Stall
A building used for retailing of fresh farm produce produced on site including homemade items. (A Municipality may stipulate: (1) the maximum size of the farm stall)

Flat
A dwelling unit on one floor within a building containing one or more floors.

Flea Market
An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Flood Line

Floor Area
The sum of the roofed areas of the building at each floor level, measured over and including wall thickness, lift shafts, staircases, storage rooms, balconies...
and access galleries but excluding mandatory external, open emergency stairways and basements.

Floor Area Ratio

The ratio of the total floor area of the buildings on the lot (or a defined piece of land in the case where there are no cadastral boundaries), to the lot 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 lot is half the lot area.

Forestry

The use of land primarily for timber production, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.

Frontage

The space between the full height of a building facade and the street boundary.

Frontage

The length of the boundary of a lot, which fronts onto an existing or proposed street.

Funeral Parlour / Undertakers Establishment

A building used for the purpose of funeral management which may include a place of worship specifically set aside for funeral services, a crematorium, a shop intended primarily for the sale and display of those commodities required for cemetery purposes and services ordinarily ancillary to funeral management, but which does not include a monumental mason.

Garden Nursery

Land used for the purpose of growing, displaying and selling of plants and items incidental thereto and includes the erection of buildings and structures ordinarily used therewith.

General Game Reserve

Game reserves providing a wide, but not necessarily complete spectrum of big game, and may not contain certain of the large and/or dangerous species, which occur in Major Game Reserves.

General Industry

A factory or a building used as a factory or a use of land (not being a Special General Industry or use of land) as originally defined in Section 3 of the Factories, Machinery and Building Work Act, 1941. (Now repealed) and includes the repair, spray-painting and panel beating of motor vehicles.
Government and Municipal Purposes / Buildings

A building or structure used by or on behalf of the Government or Municipality for the purpose of carrying out one or more government or municipal functions which may include the supply of essential protective, health, community, administrative, support or other similar services and recreational or other similar facilities.

Ground Floor

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.

Guest House

A building or group of buildings under single management containing bedrooms and dwelling units available for temporary rental to transient individuals or families. (A Municipality may stipulate: (1) particular parking requirements; (2) a maximum number of bedrooms/beds, which may be rented out; (3) maximum number of guests; (4) that the owner shall also be resident on the property.)

Halfway House

An establishment providing accommodation, rehabilitation, counseling, and supervision to persons suffering from alcohol or drug addiction, to persons re-entering society after being released from a correctional facility or other institutions.

Hatchet Shaped Lot

A lot not meeting the minimum frontage requirements and where access to a public or private road is by a narrow, private right of way or driveway.

Hawking

The sale of goods and services from a public place, primarily streets and pavements, usually from either a fixed stall or at a fixed place. (A Municipality may stipulate: (1) the size of hawking stalls/areas; (2) licensing requirements.

Health Club

An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers, massage rooms and ancillary uses which may include a shop, coffee
bar, doctors and physiotherapist rooms and a beauty parlour.

**Height**

The vertical distance of a building measured from the average finished grade surrounding the building to the highest point of the building.

**Holiday Resort**

A combination of holiday resort facilities, including a chalet development in association with a caravan park and a resort or public picnic place together with such entertainment facilities, service rooms, ablution and sanitary facilities as are ordinarily used therewith, all under the supervision of a resident supervisor or caretaker.

**Home business**

The conducting of an occupational activity or use in, or in conjunction with a dwelling or residential building. (A Municipality may stipulate: (1) that the home business shall be conducted by the owner of the property, who shall be also be resident therein; (2) under what circumstances the activity may be operated by a person other than the owner; (3) a maximum number of vehicles permitted on the premises at any one time; (4) the maximum weight of vehicles; (5) the location of parking; (6) the amount of parking; (7) the maximum number of non-resident employees; (8) the maximum noise level above the prevailing noise level in the surrounding area; (9) hours of operation; (10) a maximum size or floor area to be used; (11) that the activity shall not be such as to impose a greater load on any public utility service than that which is ordinarily required by other uses permitted in the area; (12) that the activity shall not detrimentally affect the amenity of the surrounding area through the emission of ash, dust, fumes, grit, noise, oil, smell, smoke, soot, steam, vapour, vibration and waste products; (13) controls for signs; (14) which activities and occupations shall be specifically excluded.

**Horticulture**

The use of land for the production of flowers, fruit and vegetables.

**Hospital**

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and
deformity and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences, and may include for those purposes those activities normally associated therewith that are set out under sections 132 and 157 of Public Health Act of 1919 and published in Government Notice 2103 of 30 December 1966, such as the operation of an incinerator.

Hotel ( Licensed )

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 license has been or is intended to be issued under the Liquor Act, 1989 ( Act No. 27 of 1989 ), as amended, but excludes any off-sales facility.

Industrial Building / Industry

The use of land or buildings for the manufacture, production, extraction, adaptation, alteration, renovation, repair, processing or servicing of any article or material and shall include the use thereof:

- As a factory defined in the General Administrative Regulations made in terms of section 35 of the Machinery and Occupational Safety Act, 1983 ( Act No. 6 of 1983 ), under Government Notice R2206 of 5 October 1984, as amended.
- By a building contractor for the storage of builders material.
- For the stacking, storing or preparation for resale of scrap material.
- As a storage warehouse.
- As a cartage contractor.
- As an office, caretaker's flat or for any other purpose which is incidental to or reasonably necessary in connection with the use thereof as a factory, builder's yard or scrap-yard.

Provided that the activity carried out is not unacceptably detrimental to the amenity of surrounding properties by virtue of noise, dust, fumes, vibration, aesthetics or any other cause.

Informal Trading Area

An area, within which any small scale economic activity is permitted, provided that each operator occupies a defined space. Provided further that,

Steve Tshwete Town Planning Scheme - 2004 ( Final )
August 2004

Page 60 of 84
notwithstanding anything stated to the contrary in these clauses, no specific provision shall apply to such area, unless considered necessary and so specified by the Municipality.

**Institutional Building**
A building or portion of a building used or designed for use as a charitable institution including the administration thereof, and a building designed for use as a hospital, home for the aged or for mentally or physically disabled people, nursing home, sanatorium, clinic, convalescence home, orphanage, crisis centre, halfway-house or other building used as a public or private institution, but does not include a restricted building.

**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.

**Kiosk**
A building or structure used for any retail trade or business wherein the primary purpose is the selling of goods and appliances by retail and includes a building or structure used for the sale of light refreshments. *(A Municipality may stipulate: (1) a maximum kiosk size.)*

**Laundrette / Laundromat**
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 of a type that shall not cause harmful effluent to be discharged into the sewerage system.

**Light Industry**
An industry which can be carried on without causing nuisance to other properties 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 or other causes.

**Limited Development Area**
An area declared as a limited development area in terms of section 23(1) of the Environmental Conservation Act (Act No. 73 of 1989).
Listed Building

Any building, structure or place of architectural, historic or artistic interest which is listed in the Planning Scheme and is indicated on the relevant maps by means of an asterisk.

Loading Space

A demarcated area where vehicles shall be parked while loading or unloading goods.

Lot

- A piece of land registered in the Deeds Registry or other registration office as a lot, site, plot or stand or shown as a lot on a general plan of an approved township, and includes: more than one lot if such lots are tied or consolidated;
- Every defined portion of a piece of land laid out as a township but not approved or recognized as such under any law;
- Part of a lot;
- A farm portion or part thereof which is subject to a Planning Scheme
- Provided that where, as a provision of a Planning Scheme, a proposed road or a change in zoning divides a registered subdivision into two or more portions, the term "lot" shall apply to each portion as if they had been separately registered.

Lot Area

The area of a lot, less the area of any public right of way, road servitude, new road or road widening to which the lot may be subject, but shall include any registered servitude for overhead or underground services.

Maisonette / Duet

A building designed or constructed or adapted to contain two self-contained dwelling units, separated horizontally with individual access.

Major Game Reserves

Major, international class game reserves which contain the full spectrum of large and dangerous game endemic to the region, such as lion, elephant, rhino, leopard, and buffalo.

Marina

A facility for the storing, servicing, fuelling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews and guests.
Medium Density Housing  A group of two or more dwelling units, together with such outbuildings as are ordinarily ancillary thereto, with each dwelling unit having access to common land, the whole development having been designed as a harmonious entity. Such development may include duplex flats, semi-detached houses, terrace houses, maisonettes, simplexes or dwelling houses.

Mixed-Use  The development of a parcel(s) of different land uses on adjacent sites.

Mobile Home / Mobile Dwelling Unit  A factory assembled structure, constructed in accordance with the requirements of the S.A.B.S. specification for Mobile Homes, with the necessary service connections and designed as a permanent dwelling.

Mobile Home Park  An area of land upon which mobile homes and ancillary facilities are accommodated. Such a park shall be designed as a harmonious entity.

Motor Sales Market / Vehicle Sales Room  Land used with or without buildings, for the sale or display of vehicles, but does not include any form of workshop.

Motor Workshop / Repair Garage  A business or concern where motor vehicles are provided with fuel for payment or reward and includes the repair or overhauling of motor vehicles, spray-painting, panel beating, black smithery or body work and a service station.

Multi-Use Development  The development of a structure(s) with two or more different land uses, such as, but not limited to a combination of residential, office, retail, public services and manufacturing in a single or physically integrated group of structures.


Natural Environment  Our physical surroundings, including plants and animals when they are unspoiled by human activities.

Natural Features  Includes topographical, drainage, vegetation, and faunal features, such as
different landforms, rivers and streams, waterfalls and pools, plants, and fauna.

**Nature Reserve**
Areas in which human activities are very limited and where the natural environment is protected from man-made changes.

**Noxious Industry**
Any industry or trade that by reason of fumes, gases, vapours, dust, smell, noise, vibration or other causes, is deemed by the Municipality to be likely to become dangerous or harmful to the health, welfare and amenity of the general public such as, but not limited to, smelting ores and minerals, works for the production of sulphur dyes, the processing of hides and skins or the sintering of sulphur-bearing minerals.

**Occupant**
Any person occupying a building, structure or land, or legally entitled to occupy it, or anybody having the charge or management thereof, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.

**Office Park**
A development that may contain a number of office buildings with ancillary uses and open space designed, planned, constructed, and managed on an integrated and co-ordinated basis.

**Office, Business Services**
A building used for activities such as cleaning, delivery, security, repair, maintenance or other services for individual and business purposes.

**Office, General**
A building used for business, professional, medical or administrative offices but excluding a banking hall and the direct selling or storage or display of any goods or commodity. **{A Municipality may stipulate: (1) controls regarding the storage of goods at the premises; (2) parking requirements; (3) whether ancillary services for office workers, such as a restaurant, coffee shop and child-care facilities may be included.}**

**Office, Medical**
An establishment primarily engaged in the provision of health services but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners.
Office, Professional
An office used for conducting the profession of, or occupation of, an accountant, architect, consulting engineer, land surveyor, legal practitioner, quantity surveyor, town planner, bookkeeper, draughtsman, or any other profession or occupation, excluding a profession normally carried out in a medical office, which the Municipality may, at its sole discretion permit and which, in its opinion is not likely to interfere with the amenities of the surrounding area.

Office, Public
An office building used for any central, provincial or municipal purpose, and includes an administrative office, municipal office, town hall, government office, courthouse, police station, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.

Ordinance
The Town Planning and Townships Ordinance, 1986 (Ordinance No.15 of 1986), as amended.

Outbuilding
A building or portion of a building or portion of a building used, constructed, designed or adapted for use as rooms for domestic staff, a storeroom, a lape, 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.

Owner
The registered owner of the land which shall include the holder of a long term lease or the holder of a land tenure right such as a permission to occupy certificate, deed of grant, leasehold or initial ownership.

Owner's Association
A legal entity, the membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit courtages in a medium density housing Scheme or any development where landowners are required to form an Owner's Association.

Parking Garage / Parking Site
A building or portion of a building or any land with or without buildings used, constructed, designed or adapted to be used for the purpose of parking of motor vehicles for reward.

Public Garage
A building or portion of a building other than a parking garage used or
constructed or designed or adapted to be used for the sale of motor fuels, lubricants motor spares and motor accessories and may include a convenience shop, a caretaker's flat and provision for the maintenance and/or repair of motor vehicles for reward but shall not include panel beating and spray painting'. {A Municipality may stipulate: (1) size of the convenience shop and restaurant.)

**Place of Assembly**
A building or land, used for social meetings, gatherings, religious purposes or indoor recreation, but does not include a place of entertainment.

**Place of Entertainment**
Land or a building or portion of a building constructed or designed or adapted to be used as a place of entertainment and includes an exhibition hall, theatre, cinema, amusement park, circus arena, racetrack or skating ring.

**Place of Instruction**
A building for use or used as a school, college, technical college, lecture hall, or other educational centre and includes a creche, a convent or monastery, a public library, art gallery, museum or gymnasium.

**Place of Worship / Chapel**
A building or portion of a building used or constructed or designed or adapted to be used as a church, chapel, oratory, synagogue, mosque, temple, Sunday school or other place of public devotion, but does not include a funeral chapel. {A Municipality may stipulate: (1) the amount of on-site parking to be provided.)

**Premier**
The Premier of the Province of Mpumalanga.

**Private Club**
Land used or a building designed to be used as a private meeting place for a group of people with a collective aim.

**Private Open Area**
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 unit, but may include covered open areas (patios) and verandas.

**Public Open Space / Parks**
Land which is under or will be under the ownership of the Municipality or other public authority, which is not leased on a long term basis, and which is set aside for the public as an open space, park, garden, picnic area, playground or square or for nature conservation.

Steve Tshwete Town Planning Scheme – 2004 (Final)
August 2004
Page 56 of 84
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway Facilities</td>
<td>Railway marshalling yards, equipment servicing facilities, and terminal facilities.</td>
</tr>
<tr>
<td>Rear Boundary</td>
<td>That boundary of a lot which is furthest from any street boundary, and which does not meet any street boundary.</td>
</tr>
<tr>
<td>Rear Space</td>
<td>The space between the full height of a building facade and the rear boundary.</td>
</tr>
<tr>
<td>Recreational Building</td>
<td>A clubhouse, gymnasium, squash court, pavilion, change room and any similar building used in conjunction with a sport. A clubhouse may include dining facilities and lounges.</td>
</tr>
<tr>
<td>Recycling Centre / Junk Yard</td>
<td>An area of land, with or without buildings, upon which used materials are separated and processed for shipment and for eventual reuse in new products.</td>
</tr>
<tr>
<td>Residential Building</td>
<td>A building or portion of a building other than a dwelling house, chalet, duplex flat, semi-detached house, terrace house, maisonette or hotel, used for human habitation, together with such outbuildings as are ordinarily used therewith, and includes a block of flats, boarding house, residential club or hostel.</td>
</tr>
<tr>
<td>Residential Density</td>
<td>The number of permitted dwelling units, determined by dividing the surveyed area of the lot, (excluding the area of an access way on a &quot;hatchet-shaped&quot; lot), by the minimum lot size applicable to the zone in which the lot is situated, and adjusting this figure to the nearest whole number. The permitted density is expressed in terms of dwelling units per hectare.</td>
</tr>
<tr>
<td>Restaurant, Fast Food / Place of Refreshment</td>
<td>A building or portion of a building designed for use, or used primarily for the preparation of food and liquid refreshments for consumption on and / or off the premises.</td>
</tr>
<tr>
<td>Restricted Building</td>
<td>A building used for such purposes as a clinic or hospital for infectious diseases, a jail, home or hospital for mentally impaired people, or reformatory.</td>
</tr>
<tr>
<td>Retail Warehouse Outlet</td>
<td>A retail operation from a warehouse as an ancillary use to the principal warehouse use. (A Municipality may stipulate: (1) that the retail establishment shall be accessory to and incidental to the principal warehouse use; (2) the maximum floor area within the warehouse which may be used for retail sales; (3) the hours of operation; (4) that the items on sale in the retail establishment are actually part of the stock of the warehouse; (5) that adequate parking in accordance with the retail</td>
</tr>
</tbody>
</table>
standards, is required for the retail space.

Retirement Village
A medium density housing development intended for the accommodation or settlement substantially of persons upon their retirement and in which facilities may be provided for a frail care centre and place of communal activity. The Village may include an office building, medical consulting rooms, laundrette, shop and restaurant, which in each case shall be restricted as required by the Municipality and be for the sole use of occupants and guests.

Road Boundary / Street boundary
That portion of a boundary of a lot, which abuts on and is coincident with the boundary of a road.

Scheme Map
The map that forms part of the Planning Scheme as adopted by the Municipality.

Semi-Detached House
A building comprising two dwelling units contained in one building, each provided with a separate entrance.

Service Industry
A light General Industry 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, which in the opinion of the Municipality will not interfere with the amenity of the surrounding properties.

Service Workshop
A light industry, providing a direct service to the retail customer, in which not more than eight persons are employed, whether or not mechanical power is used and may include such activities as baker, dry cleaner, cobbler, dressmaker, seamstress or tailor.

Setback Line
A prescribed boundary along a hazardous area indicating the limit of development activity.

Shelter
A unit of residential accommodation of any material whatsoever, which may not comply with the National Building Regulations, as applicable to the area of jurisdiction of the Municipality.

Shop
A building or a portion of a building from which goods are sold or kept or exposed for sale to the public whether by wholesale or retail or a building or portion of a building constructed, designed or adapted for such use and shall include a fast-food restaurant, showroom and a depot for the reception of goods, but does not include an General Industry, petrol service station, milk
depot, warehouse, restaurant, adult entertainment or licensed hotel.

**Side Boundary**

Any boundary of a lot, which meets a street boundary, and any other boundary and which is neither a street boundary nor a rear boundary.

**Side Space**

The space between a side boundary of a lot and the elevation for the full height of a building facing the side boundary.

**Spatial Development Framework**

The spatial development framework required in terms of section 26(e) of the Municipal Systems Act.

**Special Building**

Any other type of building or use not specifically referred to in the Planning Scheme.

**Special Nature Reserve**


**State Land**

The land that is vested in national or provincial government, but excludes land belonging to a Municipality.

**Storey**

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 wholly below the level of the adjoining ground shall not count as a storey.
- A pitched roof containing a habitable room and any other type or style of roofing which contains or supports any rooms, structures or features and which the Municipality considers to be habitable shall count as a storey.
- A storey shall not be higher than 4.5 metres. If a storey is higher than this, each of the 4.5 metres or part thereof shall count as a storey.

**Tea Garden**

A building or portion of a building or land used primarily for the preparation, sale and consumption of light meals; confectionery, and non-alcoholic beverages, but shall preclude any use as defined under shop.

**Temporary Use**

A use established for a specified period of time, which is to be determined and placed in writing by the Municipality, and is not to exceed a period of 12 months.

**Traditional Agriculture & Scattered Residential**

The use of land under the administration of a Tribal Authority primarily for agricultural purposes.

**Transportation Terminal**

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

**Truck Stop**
Land or buildings used primarily as a stop over facility for commercial vehicles. A Truck Stop may include facilities for the maintenance or repair of commercial vehicles, the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A Truck Stop may also include overnight accommodation and restaurant facilities primarily for the use of truck crews.

**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 window, door way or hatchway and does not include a walk-in shop where goods are in public display. *(A Municipality may stipulate: (1) the maximum size of the tuck shop; (2) hours of operation; (3) that the tuck shop may be operated from a dwelling or a container; (4) whether the tuck shop should be separated from the residential component of a dwelling; (4) the type of other goods permitted to be sold (5) on or off-site parking requirements; (6) the amount of additional storage space permitted.)*

**Utilities Facility**
Land or buildings used for the accommodation and maintenance of plant, equipment, materials and horticultural requisites; and shall include engineering services and buildings related to the supply of utility services such as water reservoir, waterworks, sewage treatment plant, electrical sub-station, telephone exchange and such other utilities as may be necessary for health, communication and sanitation.

**Veterinary Clinic**
A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use and may include a grooming parlour and a retail outlet restricted to the sale of veterinary and animal maintenance products. *(A Municipality may stipulate: (1) the size of the retail outlet permitted.)*

**Warehouse**
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 business.
Any by-product or residue be it gaseous, liquid or solid, which is emitted in the course of loading, unloading, storage, manufacture and distribution of raw materials or products. Liquid waste includes domestic sewage, industrial effluent, and storm water run off containing impurities.

An area shown on a Planning Scheme Map, by distinctive colouring or edging or in some other distinctive manner, for the purpose of indicating the restrictions imposed by a Planning Scheme on the erection and use of buildings or structures, or the use of land.
Part 6: Procedures

The Steve Tshwete Town Planning Scheme provides prescribed application forms for Development Use Permits and Conditional Use Permits. The application forms also provide information on the processes and procedures to be followed.

A1 Application form for a Development Permit

B1 Application form for a Conditional Use Permit

C1 Prescribed Owners Consent Form for Special Consent of the Municipality. (Applicable to Development Permit and Conditional Use Permit applications)

D1 Prescribed format for Advertisement and Site Notice for Special Consent

E1 Prescribed format for Notice to be served on a person specified by Council (Application for Special Consent)

F1 Prescribed format for affidavit by Applicant (Application for Special Consent)

G1 Prescribed format for Contravention Notice
APPLICATION FORM FOR A DEVELOPMENT PERMIT

STEVE TSWETE MUNICIPALITY

A. I the undersigned ........................................................................................................ hereby apply for the approval of a Development Permit in terms of the provisions of the Middelburg Town Planning Scheme 2003.

B. The proposed use or development of the property will be for the following purposes:

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

(Give a full description of the proposed use or development of the property)

C. PARTICULARS OF THE APPLICATION

1. Title Deed description of the property concerned......................................................

2. Street Address...........................................................................................................

3. Existing zoning in terms of the Planning Scheme.....................................................

D. THE FOLLOWING IS TO BE ATTACHED:

1. Photoset copy of the current title deed/s.

2. Three copies of a plan showing the proposed development of the site for which Consent is required.

3. The Owner's consent

4. Proof that the notice was placed on site for the prescribed period of 14 days (The original notice needs to be submitted, together with an affidavit confirming that the notice was placed on site for the full duration of the 14 day period.)

It is understood that the application will not be considered by Steve Tswete Municipality until:

1. The end of the advertising period;

2. The applicant has lodged with the Municipal Manager proof in the form of an affidavit that the notices were displayed for the required period.

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

APPLICANT'S SIGNATURE

Steve Tshwete Town Planning Scheme – 2004 (Final)
August 2004
APPLICATION FORM FOR CONDITIONAL USE PERMIT

STEVE TSHWETE MUNICIPALITY

A. The undersigned…………………………………………………………………………….. hereby apply for the approval of a Conditional Use Permit in terms of the provisions of the Middelburg Town Planning Scheme, 2002.

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. List any servitudes registered in the title deed/s or shown on the General Plan or S.G. Diagram/s……………………………………………………………………

6. The area of the property……………………………………………………………………

7. Existing zoning in terms of the Planning Scheme……………………………………..
8. Proposed use or development of the property for which Special Consent is required.

C. The following is to be attached:
   1. Photostat copy of the current title deed(s).
   2. Three copies of a plan showing any proposed development of the site for which Special Consent is required.
   3. Three copies of a report in motivation of the application explaining the need for and desirability of the proposed Special Consent.
   4. The required Application fee.
   5. The Owner's consent.

D. It is understood that the application will not be considered by Steve Tshwete Municipality until:
   1. The end of the advertising period;
   2. Proof of advertising has been provided;
   3. Notices have been served on the persons indicated by Steve Tshwete Municipality; and,
   4. The applicant has lodged with the Municipal Manager proof in the form of an affidavit that the notices were displayed for the required period.

APPLICANT'S SIGNATURE

DATE: ___________________
OWNERS CONSENT FOR AN APPLICATION FOR SPECIAL CONSENT

STEVE TSHWETE MUNICIPALITY
(This form to accompany any application for a special consent; i.e. Development Permit or Conditional Use Permit)

Date: ..........................................................................
Name of Applicant: ......................................................
Address: ....................................................................

The Municipal Manager
P O Box 14
Middelburg
1050

OWNER'S CONSENT
{to "OWNER'S CONSENT " II 4} I / We .................................................................
Owner(s) of the property described as (Lot No.) ........................................
and known as (Road / Street No.) ...........................................................
do hereby confirm that permission has been given to ........................................... (person or business) to apply for the necessary Special Consent (authority) to enable him / them to-
.................................................................................................
.................................................................................................

Yours faithfully
....................................................... Signature
....................................................... Name of Owner of Property
APPLICATION FOR DEVELOPMENT PERMIT / CONDITIONAL USE PERMIT

STEVE TSHWETE MUNICIPALITY

Example of Advertisement and site notice. Note the site notice should be a minimum of A3 in size, AND IN portrait layout

Notice is hereby given that application has been made to the Steve Tshwete Municipality for authority to

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

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

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

(Full description of proposed development plan)

on the property described as (Lot Number) .................................................

and known as (road / street number) .................................................................

Any person desiring to object to this proposal may do so by lodging a written notice with the Municipal Manager setting out the grounds of his / her objection on or before * .....

Objectors MUST in notifying the Municipal Manager, certify that a copy of the notice has been served on the applicant at the address given below by registered or certified post or by hand.

Further particulars and other documents relating to this application may be inspected at: .................................................................

NAME AND ADDRESS OF APPLICANT {ie "NAME AND ADDRESS OF APPLICANT " \{5\}}

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

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

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

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

Date: ............................................................................................................................

Steve Tshwete Town Planning Scheme – 2004 (Final)
August 2004
Example of notice to be served on a person specified by Steve Tshwete Municipality

REGISTERED MAIL / PERSONAL DELIVERY

To: ..................................................

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

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

NOTICE is hereby given that an application will be made for a Development Permit / Conditional Use Permit to the Steve Tshwete Municipality for authority to:

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

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

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

(insert a full description of the proposed development)

at (Street Address) ...............................................

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

on (Full Property Description) ..................................

Any person desiring to object to this proposal may do so by lodging a written notice with the Municipal Manager, and the undersigned, setting out the grounds of his / her objection on or before * ..................

Objectors MUST in notifying the Municipal Manager, certify that a copy of the notice has been served on the applicant at the address given below by registered or certified post or by hand.

Any objection received AFTER the prescribed date and / or where a copy has NOT been served on the applicant, is NOT VALID.
Plans and particulars relating to this application may be inspected during normal office hours, Mondays to Fridays (excluding Public Holidays), at .................................................................

NAME AND ADDRESS OF APPLICANT
................................................................................................................
................................................................................................................
................................................................................................................
................................................................................................................

DATE OF PUBLICATION OF ADVERTISEMENT........................................20 ...........

N.B. The date to be inserted where marked * above shall be 21 days from the date on which the advertisement is published in the newspaper /s.
FORM F1

CERTIFICATE OF CONFIRMATION OF COMPLIANCE
WITH THE ADVERTISING PROCEDURE

STEVE TSHWETE MUNICIPALITY
(Example of Affidavit)

PROPOSAL: ..............................................................
PROPERTY DESCRIPTION: ....................................................
STREET ADDRESS: ............................................................
NAME AND ADDRESS OF APPLICANT: ................................
..................................................................................
..................................................................................
..................................................................................
POSTAL CODE ..............................................................

I, the undersigned, hereby certify the following:-

1. The above-mentioned proposal was advertised in the.........................
........................................................................ on ....................... 20 ....

2. The site notices were prominently displayed in the following positions on the site:
.................................................................................. for the required length of time.

3. A notice was posted, per registered post / hand delivered, to the following persons on ............ 20 ....
..................................................................................
..................................................................................
..................................................................................

Signature of Applicant / Agent

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

Name in BLOCK Capitals
NOTICE OF CONTRAVENATION SERVED

STEVE TSHWETE MUNICIPALITY

TO: ......................................................
ADDRESS: ..............................................
........................................................................

WHEREAS you are the registered owner/occupier of the property/building described as
........................................................................
situated in the ........ Municipality, Administrative District of Steve Tshwete Municipality (hereinafter referred to as “the property”);

which is zoned ........................................ in terms of the Middelburg Town Planning Scheme 2003 in course of
preparation (hereinafter referred to as the Scheme);

AND WHEREAS you are using the property for/ have undertaken the construction/development of a
........................................................................

AND WHEREAS in terms of Clause ................................ of the Scheme the development/use of land for
........................................................................ is a prohibited use/special consent use;

or

AND WHEREAS in terms of the Conditions of Establishment/conditions of approval/conditions of Title
dated .............. this is a prohibited use/condition .............. states
that ........................................................................

or

AND WHEREAS in terms of Section ........ of the Town Planning Ordinance No 27 of 1949, as amended, states that
........................................................................

........................................................................
WHERE THE NOTICE IS SERVED PERSONALLY ON THE PERSON AN ADDITIONAL COPY SHOULD BE SIGNED AND IT IS SUGGESTED THAT THE FOLLOWING IS ADDED TO THE NOTICE.

NOTICE received by ........................................................................................................
on this .................................................................... day of .............................................. 20 ...

SIGNED: ........................................................................

DELIVERED by ..................................................................

SIGNED: .................................................................... Data .........................................
AND WHEREAS the Steve Tshwete Municipality, as enforcement authority, is of the opinion that the use / activity / development is in contravention of said Scheme/conditions/Ordinance you are hereby ordered in terms of Section 77(1) of the Town Planning Ordinance No 27 of 1949, as amended, to cease the activity/development within.................(....) days calculated from the date of this notice, and, make the necessary application/demolish the structure;

AND FURTHER TAKE NOTICE that failure to comply with the terms of this notice within the aforementioned period will render you guilty of an offence and liable, inter alia, to:

a) to a fine not exceeding R5000.00 or a fine not exceeding the value of the work concerned as determined by the Steve Tshwete Municipality, whichever is the greater, and/or imprisonment not exceeding five (5) years; or,

b) to a fine not exceeding R5000.00, and/or imprisonment not exceeding five (5) years;

and

c) to pay the Municipality an infringement charge of R50.00 per day for every complete day from the date of the notice during which you fail to comply with the notice.

AND WHEREAS the Steve Tshwete Municipality reserves the rights to take such further action as it may deem necessary to rectify the contravention.

DATED at ......................... this.................. day of .................................. 20.............

BY ORDER OF THE STEVE TSHWETE MUNICIPALITY

THE MUNICIPAL MANAGER
STEVE TSHWETE MUNICIPALITY