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INTRODUCTORY INFORMATION

(i) The Polokwane/Perskebult Town Planning Scheme, 2016 is an approved Scheme as contemplated in Section 57 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) and constitutes a reviewed version of the prior Polokwane/Perskebult Town Planning Scheme 2007 in terms of the provisions of Section 18 of the Ordinance read with Regulation 2 thereto.

(ii) The purpose of this town planning Scheme is set out in Section 19, of the Ordinance, quoted below for convenient reference:

"The general purpose of a town planning scheme shall be the co-ordinate and harmonious development of the area to which it relates in such a way as almost effectively intended 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 a development".

(iii) Title

This Scheme shall be known as the Polokwane/Perskebult Town Planning Scheme, 2016 (as reviewed) and was brought into effect by virtue of Local Government Notice 2842 dated 04 August 2017 and is applicable to all land and buildings within the area of the Scheme, denoted on the Map as confirmed in Part 1 of the Scheme.
PART 1: GENERAL

1. TITLE

This Scheme shall be known as the Polokwane/Perskebult Town Planning Scheme, 2016.

2. RESPONSIBLE AUTHORITY

The Polokwane Municipality or its successor in title is the authority responsible for enforcing and executing the provisions of this Scheme in its capacity as Authorized Local Authority, contemplated in the Ordinance.

3. AREA OF THE SCHEME

The area of application of this Scheme is shown on the Map and is bordered by means of the following notation:

The area abutting the bordered notation and situated within the enclosed demarcation, indicating one or more of the Use Zones as described and portrayed by the notations provided in Part 4 of this Scheme, falls within the ambit of the Scheme.

4. CONFLICT BETWEEN PROVISIONS OF SCHEME, CONDITIONS OF TITLE AND LEGISLATION

(1) Any consent or authorization or approval granted by the Municipality by virtue of provisions of this Scheme does not entitle any person to use any land, or to erect or use buildings thereon in any manner or for any purpose which is prohibited by the provisions of any condition registered against the title deed under which such land is held, or any other law which prohibits such use in respect of such land or any rights which attach to land situated within the area of the Scheme.

(2) If the use of land for any purpose is permitted in terms of this Scheme, but is otherwise restricted in the Title Deed of such land, the onus lies with the owner of such property to:

(a) remove or amend the title restriction by following the required procedure provided in the applicable legislation; and

(b) submit proof to the satisfaction of the Municipality that such restrictive title condition has been removed.

(3) If the use of land for any purpose is permitted in terms of this Scheme, but is otherwise restricted in terms of any other law, the onus lies with the owner of such property to:

(a) procure the authorization required in terms of such law to use the land for such purpose or to remove or cancel such restriction in the manner prescribed or by other appropriate relief; and

(b) submit proof to the satisfaction of the Municipality that such authorization has been procured, alternatively that such restriction has been removed.
5. **ARRANGEMENT OF THE SCHEME**

This Scheme consists of the following documents:

(1) The Map which consists of:
   
   (a) The Index Sheet.
   
   (b) The Reference to the System of Notation.
   
   (c) Primary Sheets.
   
   (d) Annexure Sheets as hereinafter further defined.

(2) Annexure "P" as hereinafter defined.

(3) The Clauses which are divided into Parts relating to the following matters:

   - **Part 1**: General.
   - **Part 2**: Definitions.
   - **Part 3**: Conditions applicable to all properties.
   - **Part 4**: Use of Buildings and Land.
   - **Part 5**: Specific Conditions and Limitations Applicable to Use Zones.
   - **Part 6**: Special, Written and Temporary Consent.
   - **Part 7**: Application of the Scheme and Powers of the Municipality.
   - **Part 8**: Schedules.

6. **TRANSITIONALMATTERS**

(1) Any consent, permission or approval granted in terms of the provisions of the prior Polokwane/Perskebult Town Planning Scheme, 2007 for the erection or use of buildings or for the use of land, or any rights legally exercised in terms of such Scheme, before the Determined Date of this Scheme in respect of any property situated within the area of this Scheme, shall be deemed to be a consent, permission or approval in terms of the provisions of this Scheme: Provided that any such consent, permission or approval shall continue to be of force subject to the provisions of Section 43 of the Ordinance to the extent that the same may be in conflict with this Scheme.

(2) Where any application is, on the Determined Date of commencement of this Scheme, pending before the Municipality in terms of the prior Polokwane/Perskebult Town Planning Scheme, 2007, such application shall be dealt with as if this Scheme has not been brought into effect and be finalised accordingly.

7. **GUIDING PRINCIPLES**

Any competent authority taking a decision in respect of any matter contemplated in this Scheme, shall be guided by the Development Principles enshrined in Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).
8. DEFINITIONS

In this Scheme, unless the context otherwise indicates, the following expressions shall bear the meanings assigned to them herein, namely:

ACCESS CONTROL or ACCESS CONTROL FACILITY

Means land or buildings/structures used for managing the movement of vehicles and pedestrians to and from an enclosed area served by a restricted access.

AGRICULTURAL USE

Means land used for Agricultural Purposes and may include an Agricultural Building and a Dwelling-house and a Farm Stall (subject to Schedule 7).

AGRICULTURAL BUILDING

Means a building designed or used for Agricultural Purposes and may include a Dwelling-house.

ANCILLARY AND SUBSERVIENT USES

Means uses or activities which support and compliment the main use on the property and which shall not exist on their own when the main use on the property is discontinued.

ANNEXURE "P"

Means the set of documents showing details of land use rights permitted and conditions imposed in respect of a property marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other clause or provision of the Scheme, except that if no rights or conditions are so stipulated, the provisions of the Scheme Clauses shall apply (as per the example in Schedule 8).

ANNEXURE TO THE SCHEME

Means an Annexure "P" as contemplated in Clause 31 of the Scheme.

AERODROME

Means an area of land that is used for landing and departure of aircraft with the necessary runways, taxiways and sufficient clear areas around the runways, and includes office and terminal buildings for receiving and discharging passengers and cargo and which house administrative, traffic control, communication, and weather observation personnel as well as other facilities such as hangers (buildings for housing and maintenance of planes), and also includes a windsock. The following uses shall not be deemed incidental to an Aerodrome or terminal buildings, namely: “Shop”, “Restaurant”, “Warehouse”, “Parking Garage”, “Dwelling unit/s”, “Hotel”, “Residential Building”.

APPLICATION

Means any application contemplated in the Ordinance or in this Scheme, which the Municipality, as authority of first instance, and in its capacity as Authorized Local Authority, contemplated in the Ordinance, must receive, consider and determine.
ATTACHED DWELLING UNIT or ATTACHED BUILDING

Means a dwelling unit or building that abuts on or shares a wall with another building.

BACKPAKERS

Backpackers – means land and buildings connecting of habitable rooms, including dormitories, a communal kitchen and dining room, lounge and ablution facilities for accommodation of guests or tourists for short periods away from their permanent places of residence and shall be managed by the owner or manager who shall reside on the same property: Provided that the number of guest or tourists to be accommodated on the property shall be determined and restricted by the municipality in terms of an approved site development plan: Provided further that parking shall be provided to the satisfaction of the municipality at a ratio of 1 space per habitable room.

BAKERY

Means land used or a building in which bread, rusks, biscuits, pies, pastries, confectionery and other baked products are produced in bulk for distribution to wholesalers and/or retailers, as well as retail of goods produced.

BASEMENT

Means any part of a building the floor of which is two metres or more below the mean natural ground level of the ground covered by the building and of which no part of the ceiling is more than one metre above such mean level: Provided that, except with the Written Consent of the municipality, as contemplated in Clause 33, no basement shall be permitted between the building line and the street boundary.

BEAUTY PARLOUR or BEAUTY SALON

Means a building designed and used for providing services that include hair treatment, manicures, pedicures, waxing, facial treatments and make-up treatment, including the subordinate retail in products connected with the service, but it excludes any uses connected with medical consulting room.

BOARD

Means the Townships Board as constituted under the provisions of the Ordinance, or its successors in title from time to time in terms of superseding legislation.

BLOCK OF FLATS (see FLATS)

BLOCKS OF TENEMENTS (see TENEMENTS)

BUILDING

Means a building as defined in the National Building Regulations and Building Standards Act, 1977.

BUILDING LINE

Means an imaginary line on a property that demarcates a building restriction area and is at a fixed distance from any boundary of such property.
BUILDING RESTRICTION AREA

Means an area within which no building or structure may be erected save as set out in Clause 13 of this Scheme.

BUILDER’S YARD

Means land and buildings that are used for the storage and sale of building materials and equipment mainly for building contractors that:

(1) are required for building works; or
(2) have been obtained from demolitions or excavations; or
(3) are required or are usually required for improvements on land, such as material that is used for any building work, whether for public or private purposes.

CAFETERIA

Means a building or part of a building used for the preparation and sale of food and refreshments for the exclusive use of the employees and their guests or patrons of the building provided it is ancillary and subservient to the main use on the same property.

CARAVAN PARK

Means an area laid out in lots which provides a stopping point, rest place or overnight place or for weekly stays for people travelling and using a caravan, motor home, camper and/or tent for accommodation, and includes the necessary ablution facilities on the property.

CAR WASH

Means land and buildings used for the washing, polishing and cleaning of vehicles by means of mechanical apparatus or by hand.

CEMETERY

Means land and buildings designed or used for the burial of deceased persons and human ashes and may include a crematorium, a wall of remembrance, a chapel and offices and storerooms for the management of the cemetery, parking and ancillary and subservient uses which the Municipality deems necessary.

CENTRAL BUSINESS DISTRICT (CBD)

Means the area so denoted under Schedule 12 of the scheme for the purposes of interpreting Clause 13(5) – Building Lines.

CLINIC

Means a hospital for day patients with no overnight accommodation.

CLUB

Means land used or a building designed or used for the gathering of a group of persons being members of a club, sport club or association with a common objective, subject thereto that it is exclusively used by the members of the club or association and their invited guests.
CONFERENCE FACILITY

Means land and buildings used for congresses, seminars, training, meetings, cultural events and social activities and may include a restaurant that is subservient to the main conference facility.

COVERAGE

Means the percentage area of a property including any servitude area covered by the roofed area of all buildings as seen vertically from above but does not include a structure or building that has no roof. (see illustration Diagram 3, Clause 27)

CRèCHE

Means land and buildings used for the admission, protection and temporary or partial care of children/learners up to an age of seven (7) years and may be conducted as a pre-school, day-care centre or play group: Provided that the crèche shall not be brought into operation without the written consent of the municipality as contemplated in Clause 33 and based on the Standard Requirements for a crèche as set out in Schedule 16 of the Scheme.

CREMATORIUM

Means land and buildings used for the cremation of human or animal tissue.

DECISION MAKING AUTHORITY

Means the Decision Making Authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940), or the Commission as defined in the South African National Roads Agency Limited and National Roads Act (act 70 of 1998), or other superseding legislation.

DETACHED DWELLING UNIT

A dwelling unit which is not attached to any other dwelling unit on the same property and does not share any common wall or roofed structure with any other dwelling unit on the same property, save where shared parking structures form part of any such dwelling unit.

DETERMINED DATE

Means the date of publication, in the Provincial Gazette, by the municipality, of a notice bringing into effect any amendment to the Scheme.

DISTRIBUTION CENTRE

Means a warehouse or other building from where goods are distributed and includes a transport depot.

DROP-OFF ZONE

Means land where provision is made for one or more parking spaces or bays for quick on and off-loading of passengers from a motor vehicle and for such manoeuvring and movement space as may be required by the municipality to secure orderly traffic flow within such area as well as efficient connection with the flow of traffic in the adjoining street system. The drop-off zone may form integral part of a parking lot, parking garage or may also be provided separately.
DWELLING-HOUSE

Means a single dwelling-unit on property zoned “Residential 1”, “Agricultural” and “Undetermined”.

DWELLING UNIT

Means a self contained suite of rooms mutually connected and consisting of habitable room(s), a bathroom(s), toilet(s) and not more than one kitchen (without the Permission of the Municipality) for the purpose of occupation by a single household, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the dwelling-unit.

ELECTRICITY POWER STATION

Means land and buildings used for the generation of electricity and may include ancillary and subservient uses.

ERECTION OF A BUILDING

Means the construction of or any structural change or addition to, a building or ground works in connection therewith.

ERF

Means a single property in an approved township registered in a deeds registry as an erf, lot, plot or stand or as a portion or the remainder of any erf, lot, plot or stand or land indicated as such on the general plan of an approved township or any related Surveyor General Diagram.

EXISTING BUILDING

Means a building lawfully erected in accordance with a building plan approved by the local municipality, the construction of which:

(1) was completed on or before the determined date;

(2) was commenced with before the determined date and completed within a reasonable time but not later than 12 months thereafter.

EXISTING USE

Means, subject to Section 43 of the Ordinance, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.

FARMSTALL

Means a building on a property zoned "Agricultural" and “Municipal” used for the sale of agricultural produce and subject to Schedule 7.

FILLING STATION

Means land and buildings used for:

(1) the storage of fuels and the retail selling of vehicle fuel and lubricants;
(2) one working bay for emergency repairs to vehicles;
(3) a shop including a confectionery and take-away facility with a maximum gross floor area, accessible to the general public, of 250 m²;
(4) an automatic teller machine; and
(5) with the permission of the Municipality (Clause 34), a car wash.

FITNESS CENTRE

Means a building where people exercise with or without exercise apparatus.

FLATS (BLOCK OF)

Means two (2) or more dwelling-units on two or more storeys contained in a building with a common entrance or foyer to the dwelling-units.

FLOOD LINES

Means the flood lines as defined in Section 144 of the National Water Act, 1998 (Act 36 of 1998), including any other flood lines of shorter occurrence that the Municipality may require.

FLOOR AREA

Means the total of the gross area occupied by a building (or proposed to be occupied) at the floor level of each storey. The permissible floor area is determined by multiplying the area of the property by the F.A.R.: Provided that in the calculation of the permissible floor area the following areas shall not be included:

(1) unroofed buildings, open roofs and areas occupied by external fire-escapes;
(2) parking spaces for the occupants of the building;
(3) entrance passages and corridors (excluding entrance halls, porches and corridors in a dwelling unit or a residential building) where such entrance halls, porches and corridors are not enclosed by outer walls or windows;
(4) accommodation for the lift motors and other mechanical or electrical equipment necessary for the proper utilisation of the building;
(5) a veranda or balcony in a building: Provided that such veranda or balcony shall not be enclosed except by means of a parapet at most one metre (1m) high or a wire gauze screen;
(6) areas reasonably used for the cleaning, maintenance and care of the building or buildings, except dwelling units for supervisors, caretakers and maintenance personnel;
(7) passageways for pedestrians; and
(8) basements used primarily for parking.

FLOOR AREA RATIO (F.A.R.)

Means the ratio obtained by dividing the floor area of a building or proposed building, by the total area of the property on which the building is erected or is proposed, including any servitude area thus – F.A.R. = Total permissible floor area divided by the area of the property.

FUNERAL PARLOUR

Means land and buildings used for the administration of funeral arrangements including showrooms, offices, a parlour for the viewing of the dead, waiting room and the sale of
flowers, coffins, gravestones and other related products, as well as a display area for gravestones, but excludes a crematorium, a chapel or church and mortuary.

**GAME RESERVE**

Means land used for stocking and breeding of wild life and includes the subordinate use of the game as resource for tourism and sport: Provided that buildings generally associated with the management of the reserve will be permitted to be erected and used subservient to the main use and with the written consent of the municipality, may also include limited temporary residential accommodation such as a lodge or a resort.

**GARDEN CENTRE**

Means land and buildings used for the storage, cultivation and sale of plants, bulbs, seed, fish, birds, pots, compost, fertiliser, pesticides, herbicides and may include the sale of ancillary and subservient gardening products and a tea garden.

**GROUND FLOOR**

Means the floor of a building which is the entry point into the building and which is at or closest to the natural ground level of the property on which such building stands and excludes a basement.

**GUEST HOUSE**

Means a dwelling-unit, excluding a Home Enterprise used for overnight accommodation, consisting of a minimum of 3 rooms providing for not fewer than 3 guests and not more than 6 bedrooms for a maximum of 12 guests, a dining-room, lounge, bar and may include ancillary and subservient facilities for the exclusive use of such guests and which shall be managed by the owner or manager who shall reside on the same property. The permissible bedrooms may be increased with the special consent of the Municipality.

**GUIDING PRINCIPLES**

Means those principles and norms that shall guide and inform land development and decision making as set out in Clause 7.

**HABITABLE ROOM**

Means a room designed or used for human habitation according to the minimum standards prescribed in Part C of the National Building Regulations, but shall not include a storeroom, kitchen, scullery, toilet, bathroom or a passage.

**HAIR SALON**

Means a building designed and used to provide personal services where people have their hair cut, styled or coloured, including the subordinate sale of hair products connected with the service, but excluding a beauty parlour or beauty salon.

**HEIGHT**

Means the height of any part of a building as measured vertically from the natural ground level of the footprint of the building to the highest point of the building as indicated on Diagram 2 in Clause 26.
HOSTEL

Means a boarding house for persons attending a place of instruction or institution and which is owned or managed by or on behalf of the said place of instruction or institution.

HOSPITAL

Means land and buildings used for the accommodation and care of sick or injured persons or persons needing specialised medical treatment or operations and may include operating theatres, x-ray rooms, a place of refreshment, a shop, pharmacy and offices and consulting rooms directly related to the hospital and may include a caretaker’s flat and ancillary and subservient uses, subject to the licencing and regulatory requirements of the legislation controlling medical treatment facilities.

HOTEL

Means a building used for overnight accommodation that has been registered as a hotel in terms of Section 1 of the Hotels Act, 1965 (Act 70 of 1965), or any amendment thereof and may include a conference centre and a restaurant and ancillary and subservient uses required in terms of the afore-mentioned Act.

HOUSEHOLD

Means the following people that live together:

(1) a married couple with or without their parents and/or their children; or
(2) a single person with his/her parents and/or his/her children; or
(3) brothers and sisters; or
(4) a single person with his/her grandparents and/or his/her grandchildren; or
(5) grandparents with their grandchildren.

HOUSEHOLD ENTERPRISE

Means the practice of an activity, business, hobby or occupation in a dwelling-unit excluding a commune, a guest-house, a block of tenements, a boarding house, hostel and hotel, with the aim of deriving an income there from, subject to Clause 35.

INDUSTRY

Means land used or buildings designed and used for the purpose of manufacturing, processing, alteration, reclamation, repair, storage, distribution and cartage services, as well as offices and wholesale trade directly connected and subservient to the main use on the same property, as well as the sale of goods manufactured, assembled or processed on the same property.

INSTITUTION

Means a building designed and used as a public institution or charitable institution, hospital, step-down facility, nursing home, sanatorium, clinic whether public or private including ancillary but subservient medical consulting rooms and offices, place of public worship or place of instruction.

KENNELS

Means land and buildings used for the purpose of keeping, breeding, accommodating and lodging of any domestic animal.
KIOSK

Means a part of a building designed and used for the preparation or retail sale of meals and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets and/or any other products which may be specified by the Municipality from time to time. The area used for a kiosk shall not exceed a total floor area of 12m².

KITCHEN

Means a room or an area within a dwelling unit or dwelling house or any other building or place designed or used and equipped for preparing and cooking food or meals.

LAND

Means any portion of land, farm, erf, plot, agricultural holding or lot which is registered in the Deeds Registry and is denoted on survey diagram approved by the Surveyor General and "property" shall have the same meaning.

LOADING SPACE

Means a rectangular area of not less than 3m by 6 m in size, used to park a vehicle temporarily for loading or off-loading purposes, to be shown on a site development plan (see Clause 29).

LODGE

Means overnight accommodation which is normally secondary to the use of the property for a game reserve or nature reserve or wherever approved by the Municipality, together with the necessary and subservient facilities such as places of entertainment, restaurants, conference facilities, tavern, and other secondary recreational facilities such as billiards rooms, swimming pools and tennis courts for the exclusive use of visitors to the lodge and reserve.

LOFT

Means a storey in the roof of a building which can be used for the same purposes as the other storeys in the same building and which shall be calculated as gross floor area and height in terms of the relevant clause or Annexure P.

MAP

Means the Scheme map marked “Map 3” as defined in the Regulations to the Ordinance and as amended from time to time by any approved amendment Scheme.

MEDICAL CONSULTING ROOMS

Means land and buildings used for medical and dental practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as special therapists, psychiatrists and may include a dispensing chemist which does not exceed 36m² but does not include the uses which are included under the definition of Institution.
MINING and/or QUARRYING

Means the reconnaissance, exploration, production, excavation or extraction of minerals and soil deposits from the earth as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and includes typical ancillary uses such as administrative offices, warehouses and maintenance areas but excludes any dwelling units, tenements or flats for residential purposes.

MINOR STRUCTURAL ALTERATIONS

Means small structural changes as defined in the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977) to an existing building for which a building plan is not a requirement.

MOTOR DEALERSHIP

Means land and buildings used for an integrated service which provides a full range of related activities in respect of a specific vehicle range and includes a motor workshop, offices, the sale of new spare parts and the sale of new and used vehicles of that specific range only within a motor showroom: Provided that a motor showroom shall be in an approved building enclosed on all sides with brick and/or glass walls.

MOTOR WORKSHOP

Means land and buildings used for the following:

1. repair and servicing of vehicles, excluding panel-beating or spray-painting; and
2. installation of motor spare parts and accessories.

MORTUARY

Means land and buildings used for storage space and refrigeration facilities to keep corpses and to prepare corpses for burial or cremation.

MUNICIPAL PURPOSES

Means such purposes as the Municipality may be authorised to carry out in terms of any law governing municipalities, including but not limited to the Local Government Municipal Structures, 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) and may but is not limited to Parks, Recreation, Playgrounds, Squares, Reservoirs, Cemetery, Landfill Site, Sewerage Disposal Facility.

MUNICIPALITY


NATURAL GROUND LEVEL

Means the natural level of a property before any excavations or filling takes place and is the level which is used for measuring the height of a building.
NATURE CONSERVATION AREA and/or HISTORICAL CONSERVATION AREA

Means land and buildings designated by ruling legislation other than this Scheme to be used for purposes normally or otherwise reasonably associated with the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land or buildings against undesirable use, exploitation, neglect or human activity and with the written consent of the municipality, may also include limited temporary residential accommodation such as a lodge.

NATURE RESERVE

Means land accommodating unique ecosystems, geological, natural or physiological features and/or where species of wildlife and plants are left generally undisturbed by man: Provided that buildings generally associated with the management of the reserve will be permitted to be erected and used subservient to the main use and with the written consent of the municipality, may also include limited temporary residential accommodation such as a lodge or a resort.

NOXIOUS INDUSTRY

Means an industry which involves potentially harmful or poisonous activities and which is listed in Schedule 5 to the Scheme: Provided that upon production of a certificate issued by the Medical Officer of Health of the Municipality, certifying that the process proposed to be used in connection with an industry or factory, will effectively eliminate any nuisance or health hazard in the vicinity of the property due to:

1. vapours, smoke or odours;
2. fluids or effluent originating on the property; and in the event of it being proposed to dispose of such materials by land treatment, the nature, slope and surface of the land concerned, as well as its location in relation to streams or water courses shall be disclosed;
3. solid waste matter;
4. any residue or dust particles originating from the property which may be transported by wind or stormwater onto another property;

the Municipality shall consent to such use on land zoned “Industrial 1”.

NURSERY

Means land used or buildings designed or used for the purposes of growing plants or seed for horticulture, growing of vegetables, flowers or any other shrub or tree or the purchasing of plants and/or retail trading therein, including subservient retail trading in related gardening equipment, garden furniture or decorations as well as irrigation equipment, excluding however agricultural equipment.

OCCUPANT

Shall include any person in actual occupation of any land, or building or structure or premises without regard to the title under which he occupies, and in the case of premises subdivided and let to lodgers, various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and includes the agent of any person absent from the area or whose whereabouts is unknown.
OFFICE

Means land and buildings or part of a building used for professional, clerical, administrative, management, marketing and consulting services, but excludes a call centre, security and emergency response vehicles, courier services in post, parcels and money.

OPEN SPACE

Means land which is predominantly free of buildings or structures and which provides ecological, socio-economic and place-making functions such as natural areas, nature conservation areas, protected areas, nature reserve and includes ridges, watercourses, wetlands, ecological sensitive areas, parks, and squares and may include ablution facilities, pergolas, benches, and related facilities.

ORDINANCE


OUTBUILDING

Means a building other than the main building, which, in the opinion of the local municipality, is usually functionally necessary in connection with the use of the main building, but ancillary and subordinate to such main building on the same property.

OVERNIGHT ACCOMMODATION

Means land and building used for purposes of a Guesthouse, Hotel, Lodge and Backpackers.

OWNER

Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes-

1) if the owner is deceased, the executor of the deceased estate;
2) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;
3) if the owner is a company or other juristic person the authorized representative (director, member or other);
4) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;
5) if the owner is under legal disability, the owners legal representative;
6) the authorised representative of the owner; or
7) in the case of a road or public space under the control of the Municipality, that Municipality.

PANEL BEATING

Means land and buildings used for the replacement, repair and spray-painting of the bodywork of motor vehicles.

PANHANDLE

Means the access portion of a panhandle erf, which is part of a property at least three (3) metres wide or as wide as the Municipality may determine, subject to conditions provided elsewhere in legislation it may deem expedient.
PANHANDLE ERF OR PANHANDLE PORTION

Means that part of a property to which access is gained by means of a panhandle.

PANHANDLE SUBDIVISION

Means a subdivision, which results in one or more of the portions created by such subdivision, gaining access by means of a panhandle or panhandles, the thin end of which abuts on a public street and where the panhandle area of the property shall not form part of the area when the calculations in respect of the density of the number of dwelling units are made.

PARKING AREA

Means a property or part of a property, which is used solely for the parking of motor vehicles, excluding busses and trucks, not being for sale or trade and subject to Schedule 10.

PARKING GARAGE

Means land used or a building designed or used exclusively for the parking of motor vehicles not destined for trade or sale, but does not include a building, any part of which is designed or used as a workshop for the repair of motor vehicles.

PARKING SPACE

Means an area, used exclusively for the parking of a motor vehicle not being for trade or sale, the extent of which area shall be a minimum of 2,5 metres wide and a minimum of 5,5 metres long, excluding access or manoeuvring space, ramps, columns, or other associated structures, as illustrated in Diagrams 4, 5 and 6 in Clause 30: Provided that any such parking space shall be demarcated on the property to the satisfaction of the Municipality.

PERMISSION OF THE MUNICIPALITY

Means the permission contemplated in Clause 34.

PHYSICAL BARRIER

Means a permanently-fixed barrier erected on the street boundary of an erf, consisting of an approved brick or concrete wall or fencing or chains and/or bollard-type or crossed-over wooden, iron or steel poles or concrete plant boxes or other type of barrier acceptable to the Municipality.

POST AND TELECOMMUNICATION SERVICES

Means those postal services rendered by the South African Post Office contemplated in the Postal Services Act, 1998 (Act 24 of 1998) and those telecommunication services rendered by government institutions or other institutions i.t.o. the Telecommunications Act, 1996 (Act 103 of 1996).

PLACE OF AMUSEMENT

Means land used or a building designed or used, with a view to profit, as a public hall, theatre, cinema, music hall, concert hall, billiards room, sports stadium, skating rink, dance
hall, night club, strip club, sport bar, for trade or industrial exhibitions or for other recreational purposes.

PLACE OF CHILD CARE

Means land and buildings used for the admission, protection and temporary or partial care of more than ten (10) children up to the age of 18 years away from their parents, but does not include a boarding school, school hostel, institution or place of instruction. Depending on its registration, a place of child care can admit babies, toddlers, pre-school aged children and school-going children on a full day or other basis and may include pre-primary school education.

PLACE OF INSTRUCTION

Means a building designed for use or used as a school, college, technical college, lecture hall, institute, or other educational centre and includes a place of child care, a convent or monastery, a public library, art school, museum or gymnasium, including a hostel for persons attending anyone of the afore-mentioned.

PLACE OF WORSHIP

Means land used or building designed or used for religious purposes including a building designed for use or used for religious instruction on the same site as and connected with any one of the afore-mentioned buildings, but excluding a funeral parlour, wall of remembrance or cemetery.

PREMIER

Means the Administrator as defined in the Ordinance.

PRIVATE OPEN SPACE

Means private land zoned for open space or for a sport field, play field or rest and recreation field or as an ornamental garden to which the general public does not have a right of access, except by consent.

PRIVATE STREET or PRIVATE ROAD

Means an area or portion of land or property which is privately owned land occupied by a street, road, bridge, subway, avenue, lane, thoroughfare or right of way for exclusive use by the owners of such property or parties permitted to use the land by means of a servitude, and where the general public doesn’t have a right of access, except by consent. Such property or erf, street, road, bridge, subway, avenue, lane, thoroughfare or right of way shall not be denoted on a General Plan of a township or agricultural holding as a street or road open to public use.

PROPERTY

Means any portion of land, farm, erf, plot, agricultural holding or lot which is registered in a Deeds Registry and is denoted on a survey diagram approved by the Surveyor General, and "land" shall have the same meaning.
PUBLIC GARAGE

Means land and buildings used for the storage and retail sale of vehicle fuel and lubricants and one or more of the following uses:

1. repair and servicing of vehicles, excluding panel-beating or spray-painting;
2. sale of new and used vehicles;
3. a shop including a confectionery and take-away facility including a kitchen with a maximum gross floor area of 250 m²; and
4. an automatic teller machine; and
5. with the permission of the Municipality (Clause 34), a car wash.

PUBLIC OPEN SPACE

Means land intended for use by members of the public as undeveloped land, a park, garden, conservation area, a playground, a square or recreation ground or uses as permitted under provisions of the Local Government Ordinance, 1939 (Ordinance 17 of 1939).

PUBLIC ROAD

See “Street or Road”.

RAILWAY PURPOSES


RECREATION

Means any land and buildings used for private or public sports fields, playgrounds and recreation site including any building, structure or facility associated therewith.

REGULATIONS

Means the Town Planning and Townships Regulations promulgated by the Premier in terms of the provisions of the Ordinance.

RESIDENTIAL BUILDING

Means block(s) of flats, tenement(s) and hostel(s) together with such outbuildings as are ordinarily used therewith.

RESORT

Means land and building designed or used as habitable rooms, including bathrooms and kitchens, for the purpose of non permanent holiday accommodation for guests and tourists, for short periods away from their permanent places of residence: Provided that such holiday accommodation shall be subservient to the use of the property for a game reserve or nature reserve, together with the necessary and subservient facilities such as places of entertainment, restaurant, conference facilities, tavern and subservient recreational facilities such as billiard rooms, swimming pools, tennis courts, all for the exclusive use of visitors to the resort and reserve.
RESTAURANT

Means a building or part of a building where the public pay to sit and enjoy meals prepared and served on the property and includes the subservient serving and consumption of liquor on the property and may include a drive-through restaurant, but excludes a “Place of Amusement” as primary right.

RETAIL TRADE

Means the sale or rental of goods direct to the public for use or consumption rather than for resale.

RETIREMENT CENTRE

Means land and buildings designed or used to provide residential accommodation for persons of 50 years and older. The centre may include dwelling-units and a service centre for the use of the residents only and includes an assembly hall with recreational facilities, sick bay, medical consulting rooms, exercise and treatment rooms, dining facilities, a library, a tuck shop, a laundrette, hairdressing facilities, banking facilities, an automatic teller machine and other ancillary uses for the use of the residents only.

RIGHTS

Means land use rights which attach to a property in the area of this Scheme, as defined and provided for in this Scheme.

SCHEDULE

Means a Schedule to the Clauses of this Scheme.

SCHEME

Means the Polokwane/Perskebult Town Planning Scheme, 2016 (as reviewed).

SCRAP YARD

Means land or buildings used as a junk-yard or scrap yard for the dismantling, stacking, storing or preparation for resale of any used material, waste materials, scrap vehicles, scrap machinery or any other scrap material, regardless of whether or not such dismantling or storage takes place with a view to disposal or re-use of such scrap.

SERVICES

Means engineering services and may include water, sewerage, electricity, stormwater, roads and telecommunication services and infrastructure.

SERVICE INDUSTRY

Means an industrial activity and related retail business, conducted on a small scale, incidental to the needs of the local community, which will not impair the amenity of surrounding properties or create a disturbance and which uses are listed in Schedule 5 to the Scheme, or similar uses approved by the local municipality. Schedule 5 may be amended by the Municipality from time to time.
SERVICE ENTERPRISE

Means a small scale enterprise regarded as Service Industry and permitted in Use Zones 1 and 2 as set out under column 2 of the table included in Schedule 2, and also includes a hair salon, a beauty parlour or beauty salon, which is used by the occupant for the conduct of a practice or occupation subject to provisions of Clause 17, with the aim of deriving income therefrom and which is practiced by a maximum of three (3) persons, of which the principal of such enterprise is a full time resident of the property, from a dwelling unit in such a way that the residential character and primary use of the dwelling unit and environment shall not, in the opinion of the local municipality, be in any way harmed or changed, and the enterprise shall, in the opinion of the local municipality, be conducted from a core part of the dwelling unit and/or main building and may not without the consent of the local municipality, be conducted from any outbuilding remotely removed from such main building. No retail trade, except retail trade that is subservient to the main enterprise and which will, in the opinion of the municipality, not prejudice the general character of the area, is permitted from the property. The activities not permitted in a dwelling unit are listed in Schedule 6 to this Scheme.

SEWERAGE WORKS

Means land and buildings designed or used for the treatment and purification of sewage and may include ancillary offices and storerooms and ancillary and subservient uses deemed necessary by the Municipality.

SHOP

Means land used or a building designed or used for the purposes of carrying out retail trade, and the necessary accompanying storage and packaging and includes a bakery, butchery, dry cleaner, hair salon, beauty parlour or beauty salon as well as any accompanying use on the same site connected with and subservient to the retail trade being conducted; provided that such accompanying storage and packaging and ancillary uses shall not give rise to any disturbance or nuisance. The following uses shall not be deemed incidental to a “shop”: a “Restaurant”, “Noxious Industry”, “Scrap yard”, “Wholesale”, “Public Garage”, “Filling Station”, "Warehouse", “Parking Garage”, “Place of Amusement”, “Builders Yard” and “Railway (Transnet) purposes”.

SHOWROOM

Means land and buildings designed or used only for display of products and materials and excludes the sale or delivery of such products or materials on the same property.

SITE

Means a property which includes the area of any building, yard, courtyard or garden forming part of such property, including the area of any servitude registered over such property.

SITE DEVELOPMENT PLAN

Means a plan as described in Clause 29 to the Scheme.

SOCIAL HALL

Means a building designed for use, or used for cultural activities, social meetings, gatherings and recreational purposes, that is not profit seeking in its primary purpose and includes a “Tavern” as subservient use and subject thereto that it is exclusively used by the visitors
attending the activities and gatherings intended for the social hall, but excludes a place of amusement.

**SPATIAL DEVELOPMENT FRAMEWORK**


**SPAZA**

Means a shop on a residential property only for the selling of daily convenience goods and prepared and pre-wrapped food, excluding alcoholic beverages, table games or electronic games, which shop shall not exceed 20m² in extent, alternatively not more than 20% of the area of the dwelling unit on the same property: Provided that, with special consent of the Municipality, this floor area component may be increased, subject to such conditions as the Municipality may deem appropriate.

**SPECIAL CONSENT**

Means the special consent of the Municipality contemplated in Clause 32 of the Scheme.

**SPECIAL USE**

Means land used or a building designed or used for any purposes not defined in this Scheme, or contained in Table "A" hereof. A special use is a consent use/right provided under provisions of Clause 32 (Special consent) of this Scheme, for any purposes not defined in the definitions, or contained in Table “A” thereof.

**SPECIAL ZONING or SPECIAL**

Means a “Use Zone” in its own right which does not contain standard purposes for which land may be used (uses) as well as conditions which the use is subject to. The purpose (use) for which the property may be used is separately stipulated by means of an Annexure P to this Scheme. A Special zoning must specify the purpose (uses permitted) for which the property may be used, and if necessary provide a definition for such use, and the specific conditions under which it may be used and buildings erected, including reference to parking ratio’s, Floor Area Ratio’s and coverage. A Special Zoning shall not be in conflict with the general purpose of a town planning Scheme, as provided in Section 19 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

**SPORTS GROUND**

Means land and buildings used for sporting activities such as soccer, rugby, cricket, hockey, tennis, golf etc. and may include spectator stands, change rooms, ablution facilities and other uses ancillary and subservient to the main use on the same property.

**STATE PURPOSES**

Means land and buildings owned by the State and used for purposes of the State, including offices, warehouses, parking garages, industry, telecommunications centre, hospital, institution, place of instruction and associated purposes.
STOREY

Means that part of a building which is situated between the top of any floor and the top of the floor above it or if there be no floor above it that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery being taken to be part of the storey in which it is situated).

STREET OR ROAD

Means the area or portion occupied by any street, road, bridge, subway, avenue, lane, thoroughfare or right of way shown on the General Plan of a township or agricultural holding or in respect whereof the public has acquired a right of way by prescription or otherwise [also refer Section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939)].

SURROUNDING OWNERS

Means the owners of any property abutting or sharing a common boundary with the relevant property including any property which is only separated by a road and any such other owners of property in the near vicinity as the Municipality may specifically identify.

TAVERN

Means land or a building on a residential property designed and used for the purposes of selling and serving liquor, other beverages and prepared food/snacks, to be consumed on the premises, which tavern floor area shall not exceed 50m² in extent, alternatively not more than 25% of the floor area of the dwelling unit on the same property: Provided that, with the special consent of the Municipality, this area may be increased, subject to such conditions as the Municipality may deem expedient.

TAXI HOLDING AREA

Means an area, usually off-street, where mini buses (taxis) hold before proceeding to loading points and where generally there is no passenger activity. A holding area can either be included within or separate from a terminal facility.

TAXI PARKING AREA

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

TAXI RANK

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

TAXIDERMY

Means the process of preparing, stuffing and mounting skins and horns of animals and taxidermist will have the same meaning.
TEA GARDEN

Means land and a building designed and used for the preparation or retail sale of meals and light refreshments, and includes a café, tea room or coffee shop, but does not include a “Restaurant” and/or the subservient serving and consumption of liquor on the property. The area used for a tea garden may be restricted by the Municipality and is further subject to the policy of the Municipality as amended from time to time.

TELECOMMUNICATION STRUCTURE/S

Means any tower, mast, pole, structure or building designed or constructed to accommodate telecommunication equipment and/or antennas.

TEMPORARY BUILDING

Means a building identified as such by the owner, after consultation with the Municipality and which building is used, or will be used, for a specified limited period for a specified purpose.

TEMPORARY USE

Means land and buildings used temporarily for purposes contemplated in Clause 20 which may be in conflict with other provisions of this Scheme, but for which the Municipality has granted Permission for a specific period of time.

TENEMENTS (BLOCK OF)

Means a set of habitable rooms forming part of a block of flats, where communal kitchens and ablution facilities serve multiple bedrooms, each capable of accommodating a maximum of two (2) persons.

TOWNSHIP

Means any land laid out or divided into or developed as sites for residential, business, or industrial purposes or similar purposes where such sites are arranged in such a manner as to be intersected or connected by or to abut on any street, and a site or street shall for purposes of this definition include a right of way or any site or street which has not been surveyed or which is only notional in character.

TRANSPORT DEPOT/SERVICE

Means land and buildings where vehicles used for cartage, transport services such as busses and trucks, security and emergency response vehicles, courier services in post, parcels and money or taxi services are parked, serviced, repaired and refuelled but excludes a transport terminus.

VEHICLE SALES LOT

Means land used or a building designed or used for the display and sale of motor vehicles, which are roadworthy and of good outward appearance.

VEHICLE SALES SHOWROOM

Means the display and sale of vehicles in a building only but does not include a scrap yard, public garage or vehicle sales lot or motor dealership.
VETERINARY CLINIC

Means land and buildings used for the treatment, care of and operations on animals and may include the sale of veterinary medicines and specialised animal food and ancillary animal products and overnight facilities for animals.

WALL OF REMEMBRANCE

Means a structure where containers with the ashes of the deceased are interred in openings or niches in the structure and thereafter sealed and/or on which appropriate commemorative plaque can be attached.

WAREHOUSE

Means land used or a building designed and used for purposes such as distribution centres, wholesale trade, storage, cartage and transport services and offices directly related and subservient to the main use conducted on the land.

WHOLESALE TRADE

Means land used or a building designed and used for purposes of the selling of goods, in large quantities to retailers but excludes retail trade and trading as a “shop”, except if the Special Consent of the Municipality is procured as contemplated in Clause 32 of the Scheme.

WRITTEN CONSENT

Means the written consent of the Municipality, contemplated in Clause 33 of the Scheme.

ZONE

Means a part of this Scheme, as shown on the Map, by means of a distinctive notation or edging or other distinctive manner.
PART 3: CONDITIONS APPLICABLE TO ALL PROPERTIES

9. EXCAVATIONS, BOREHOLES AND EARTH MOVING

Except where the land use zone otherwise permits or where the Written Consent of the Municipality has been granted or where an appropriate Water Use License has been procured as contemplated in the National Water Act, 1998, and subject to such conditions as the relevant authority may impose, neither the owner nor occupant (excluding where the local municipality, is the owner) shall, or allow any other person to—

(1) excavate any material from property within the area of the Scheme, save as may be necessary to prepare such property for building purposes in terms of an approved site development or building plan;

(2) sink wells or boreholes on such property within the area of the Scheme or extract any underground water there from; and

(3) manufacture or permit the manufacturing of tiles or earthenware, pipes or other articles of similar nature for any purpose whatsoever on a property within the area of the Scheme.

10. PROTECTION OF LAND

(1) No person may spoil or damage land so as to impair its use or the purpose for which it is zoned or otherwise earmarked.

(2) Where a nature conservation or historical conservation area or nature reserve occurs it shall be indicated by the following notation:

(3) Any application for a change in land use or the granting of a Special, Written or Temporary Consent for the use of land in terms of this Scheme shall be considered by the competent authority with the appropriate observation of:

(a) any required authorisation contemplated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) or succeeding legislation

(b) stipulations contemplated in the National Water Act, 1998 (or succeeding legislation); and

(c) the definition of a township as stipulated in the ruling legislation.

11. DRAINAGE OF STORMWATER

Where, in the opinion of the local municipality, it is impracticable for storm water to be drained from a higher lying property directly to a public street, the owner of the lower lying property shall be obliged to accept and permit the passage of such storm water over the lower lying property. Provided that the owner of a higher lying property from where the storm water is discharged over a lower lying property, shall be liable to contribute a proportionate share of the cost of a surface drain, or other device, which the owner of such lower lying property may find reasonably necessary to lay or construct for the purpose of draining the storm water so discharged over the property, subject to the prior approval of the surface drain, or other device by the Municipality.
12. PLACING AND DEVELOPMENT OF BUILDINGS

(1) The position of buildings, including outbuildings on a property as well as exits from and entrances to a public street system shall be to the satisfaction of the Municipality.

(2) Unless prior approval is procured from the Municipality and any other required authority, no building of any nature shall be erected on that portion of the property which is likely to be inundated by the flood water of a public stream on an average of 100 years, as may be determined by the relevant legislation from time to time.

(3) Any site development or building plan of a property which may be affected by a floodline, shall reflect the accurate position of the floodline and contain a certificate signed by a Registered Professional Engineer, confirming such facts.

13. BUILDING LINES, SIDE SPACES, BUILDING RESTRICTION AREAS, LINES OF NOACCESS AND ACCESS TO CERTAIN USE ZONES

(1) Save as may otherwise be consented to in writing by the Municipality in terms of Clause 33 of this scheme no building or structure or any alteration, extension or addition to an existing building or structure, shall be erected in such a manner that such building or structure or any part thereof projects over or encroaches on a building restriction area stipulated in Table D: Provided that the consent of the Municipality shall not be unreasonably withheld.

(2) Notwithstanding the provisions of Table D or any by-law -

(a) any step, gate, fence or wall, not exceeding 2,00 metres in height, measured from natural ground level, or any open porch, may encroach on the building restriction area;

(b) in the case of a building consisting of flats, balconies may project to a maximum distance of 0,70 meters over the building restriction area: Provided that:

   (i) such balconies are associated with single dwelling units and are not enclosed; and

   (ii) the aggregate length of all such balconies shall not exceed 50 % of the length of the building facing the building restriction area;

(c) a single storey garage, car-port or shelter for the parking of motor vehicles, laundry, private swimming-pool, change room for a private swimming-pool, tennis court, squash court; or storeroom may be erected on any portion of a building restriction area other than where such structures are adjacent to a street boundary: Provided that:

   (i) the position thereof is not considered by the Municipality to be detrimental to the amenities of the adjoining property or properties;

   (ii) the height above natural ground level thereof shall not exceed 3,00 meters;

   (iii) the external face of the boundary wall shall be of face brick, unless an alternative durable finish is agreed to in writing by the owner or owners of the adjoining property or properties;
(iv) except with the permission of the Municipality, the distance between the main building and such other building is a minimum of 2.0 meters;

(v) any car-port, shelter, which is attached to the main building and which is built on any boundary other than a street boundary, shall be completely open on two sides, and the length thereof shall not exceed 7.50 meters.

(vi) it be erected on or directly against the erf boundary or at least 1 metre from the boundary.

(d) the Municipality may, subject to such conditions as it may deem fit, grant permission, in terms of Clause 34, that:

(i) any building may encroach on any of the building restriction areas specified in Table D: Provided that where such building is adjacent to a property zoned for residential uses, including “Special” for residential uses, it shall be subject to the approval of a Site Development Plan as contemplated in Clause 29;

(ii) any other wooden and/or metal structure designed and used exclusively as a doll’s house, poultry-house, aviary, pigeon loft, potting-shed, tool-shed, coal-shed, cycle shed, summer-house, pump-house, reservoir or dog kennel may be erected within a building restriction area, provided it is screened off behind a wall of at least 2.0 m high and not visible from a street and adjacent properties and it shall not be used for residential purposes or a Household Enterprise;

(iii) the maximum height of buildings and structures and distances alluded to in this Clause 13 be exceeded;

(3) Reference to a southern boundary in Table D shall mean the boundary of a property, which approximates the southernmost side(s) of such property as may be determined at the sole discretion of the Municipality.

(4) The building restriction area on any southern boundary shall be maintained to prevent overshadowing onto the adjacent properties during winter, except where special circumstances will allow an encroachment with permission of the Municipality in terms of Clause 34, but shall not apply where such boundary is shared with a street or road.
**TABLE D: BUILDING RESTRICTION AREAS IN RESPECT OF ALL BUILDINGS**

<table>
<thead>
<tr>
<th>USE ZONE</th>
<th>BUILDING LINES APPLICABLE TO ALL BUILDINGS IN THE USE ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>REAR AND SIDE BOUNDARY</td>
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<tr>
<td>----------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Residential 1: Erf size of 200m² or smaller</td>
<td>2.0</td>
</tr>
<tr>
<td>Residential 1: Erf size of 201m² to 500m²</td>
<td>2.0</td>
</tr>
<tr>
<td>Residential 1: Erf size 501m² to 700m²</td>
<td>2.0</td>
</tr>
<tr>
<td>Residential 1: Erf size of larger than 700m²</td>
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</tr>
<tr>
<td>Residential 2</td>
<td>2.0</td>
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<tr>
<td>Residential 3</td>
<td>2.0</td>
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<tr>
<td>Residential 4</td>
<td>4.5</td>
</tr>
<tr>
<td>Business 1</td>
<td>4.5</td>
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<tr>
<td>Business 2</td>
<td>4.5</td>
</tr>
<tr>
<td>Business 3</td>
<td>4.5</td>
</tr>
<tr>
<td>Business 4</td>
<td>4.5</td>
</tr>
<tr>
<td>Special</td>
<td>4.5 or as specified in Annexure P</td>
</tr>
<tr>
<td>Industrial 1</td>
<td>4.5</td>
</tr>
<tr>
<td>Industrial 2</td>
<td>4.5</td>
</tr>
<tr>
<td>Institution</td>
<td>4.5</td>
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<tr>
<td>Educational</td>
<td>4.5</td>
</tr>
<tr>
<td>Municipal</td>
<td>4.5</td>
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<tr>
<td>Agricultural</td>
<td>5.0</td>
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<tr>
<td>Public Garage</td>
<td>5.0</td>
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<tr>
<td>Public Open Space</td>
<td>5.0</td>
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<tr>
<td>Private Open Space</td>
<td>5.0</td>
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<tr>
<td>Government</td>
<td>4.5</td>
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<tr>
<td>S.A.R</td>
<td>5.0</td>
</tr>
</tbody>
</table>

(5) Save as may be otherwise consented to in writing by the Municipality in terms of Clause 33 of this scheme, a building line of 3 metres shall apply along the boundary of any property in the area of the Scheme fronting on an existing road or street in all Use Zones other than the demarcated Central Business District (CBD) as denoted on the Scheme Map: Provided that, on a property which is zoned “Residential 1”, a minimum street building line of 3.0 m shall be applicable to a garage or car-port which provides access perpendicular to the street. See Diagram 1 hereunder. No building lines will apply to properties situated within the confines of the demarcated CBD.
(6) Where a property fronts on a national or provincial road, or if otherwise provided for in the conditions of title of such property, the applicable building line shall be the building line prescribed by the Decision Making Authority, or 3 metres whichever is the wider, and such building line shall not be relaxed, modified or amended without the written consent of the Decision Making Authority and Municipality. The provisions of Clause 33 will be applicable.

(7) All erven in approved townships are subject to the following conditions:

(a) A discretionary servitude 2.0 metres wide in favour of the Municipality shall, if required, be provided for municipal services along any boundary, other than a street boundary, where such services are required to be installed or are indeed planned to be installed: Provided that, at least one side boundary shall be subject to a 2.0 metre wide building restriction area: Provided further that the Municipality shall waive this requirement by granting its Written Consent as contemplated in Clause 33 of the Scheme where there is no intention to install a municipal service in such servitude area.

(b) No building or other structure or any part of its foundations may be erected in the servitude area referred to in the afore-mentioned Sub-clause (a) and no tree with a potentially large root system may be planted within the afore-mentioned servitude area or within 2.0 metres thereof except with the permission of the Municipality.

(c) The Municipality shall be entitled to reasonable access to the land adjoining the servitude area referred to in the afore-mentioned Sub-clause (a) for the construction, maintenance or removal of such services as it may in its discretion deem necessary and shall been titled to deposit temporarily on the afore-mentioned land material that may be excavated during the course of such activities subject to any damage thereby caused being made good by the Municipality at its cost.
(8) The Municipality may grant Written Consent to relax a building restriction area applicable to any property upon receipt of a written application by the owner as part of an application to have a Site Development Plan approved in terms of Clause 29, where:

(a) the Municipality is of the opinion that such relaxation will result in the improvement of the development potential and the aesthetical quality of the property;

(b) compliance with the building line requirements will unreasonably restrict development of the property due to the slope of the property or adjoining land, or the proximity of buildings already erected;

(c) the general character of the area permits such relaxation without prejudice to convenience of the area, privacy and traffic flow: Provided that if no building line is indicated on the Map, Annexure P or in these Clauses, the Municipality may, in its sole discretion, fix a building line and inform the owner in writing.

(9) Where access to and exit from a property to any public street or road, is prohibited across a boundary line, such prohibition shall be indicated on the Scheme map by the following symbol:

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Provided that the Municipality may, upon receipt of a written application from the owner grant Written Consent, in terms of Clause 33, to permit access to or exit from such property upon such conditions as it may deem fit, if, due to extraordinary circumstances, compliance with such restriction of access, will unreasonably restrict development of the property: Provided further that no relaxation of a restriction on access to or exit from a property, to a provincial or national road, shall be permitted without the consent of the Decision Making Authority.

(10) Where buildings and/or proposed buildings and/or extensions of buildings in Use Zones 5, 6, 7, 8, 9, 10 and 11 are situated and/or proposed to be situated in close proximity to any building in Use Zones 1, 2, 3, and 4, the Municipality may permit access to such afore-mentioned building or land with proper consideration of the character of the residential area as well as the impact such access may have on existing buildings and such considerations shall inform the consideration of a site development and/or building plan by the local municipality.

(11) The provisions of Table D pertaining to Use Zones Business 1, Business 2 and Business 4 will not apply to erven situated within the area denoted on the Map inserted as Schedule 12 hereto.

14. SCREEN WALLS AND FENCES

(1) A screen wall or fence shall be erected along the perimeter boundary of a property and maintained by the owner to the satisfaction of the Municipality, if and when required by it: Provided that any such screen wall will incorporate appropriate weep holes, alternatively stormwater outlets to the satisfaction of the Municipality.
(2) The Municipality may, in approving an application for a change in land use, require the owner to erect a wall or fence along the perimeter of the property to a height it deems appropriate in order to improve the privacy of any adjacent property and the overall aesthetical quality of any development.

15. MAINTENANCE OF BUILDINGS, GARDENS AND SITES

(1) The owner of a property within the area of the Scheme is responsible for the maintenance of the entire property to the satisfaction of the Municipality.

(2) Where the amenity of any part of the area of the Scheme is detrimentally affected by the condition of any garden, site, building or any development on a property, the Municipality may, by notice served upon the owner and/or occupant of the premises on which such condition exists, require of such owner and/or occupant to take such steps as may be necessary, to remedy such condition. Such notice shall stipulate that the required steps are to be taken within a period of 28 days from date of notice (or such further period as the Municipality may deem appropriate) and such notice shall furthermore describe the remedial measures to be fulfilled by the owner/occupant at his/her expense.

16. PROTECTION OF EXISTING BUILDINGS

Save for the exceptions provided for in Section 43 of the Ordinance and save for minor structural alterations, all rebuilding of, alterations and additions to existing buildings shall comply with the provisions of this Scheme in as far as it may be required.

17. BUILDINGS USED FOR MORE THAN ONE PURPOSE

(1) Where a building is used, or a proposed building is designed for more than one purpose, it shall, for the purposes of determining the permissible density, height, coverage, floor area ratio or applicable parking ratio, be deemed to be partially used or to have been partially designed, for each such purpose or use, provided that for the purposes of this clause, if more than 75 % of a building is otherwise designed or used for a single use or a single use is predominant in such building, it shall be dealt with as if used or designed for such predominant use. The Municipality shall, in its discretion when considering a site development or building plan, or upon application for this purpose being made by the person in charge of the erection of a building, or proposing to erect a building, determine which the predominant use is.

(2) The Municipality shall notify the applicant of its determination in terms of (1) above, within twenty-eight (28) days or such other period the Municipality, in its discretion, may deem reasonable, after receipt of a site development plan or building plan or application.
18. STRUCTURES WHICH MAY BE ERECTED IN ANY USE ZONE

Save for the owner of a property having to comply with the provisions of, inter alia, the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) or any other applicable law, nothing in this Scheme prohibits the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, garden walls and fences on any property within the Scheme area.

19. APPLICATION OF USE ZONES

(1) The purposes for which buildings and land in each of the Use Zones in Table A:

(a) may be erected and used (see Column 3 in Table A);
(b) may be erected and used only with the Special Consent of the Municipality, permanently or for a specified period (see Column 4 in Table A); or
(c) may be erected and used only with the Written Consent of the Municipality, permanently or for a specified period (see Column 5 in Table A); or
(d) may not be erected or used (see Column 6 in Table A);

are listed in Table "A"

(2) For the purposes of this clause, the expression “erection and use of a building” includes the use of land and a building as well as the conversion of a building for that use, whether or not it entails the structural alteration thereof.

(3) No person shall use or cause or allow to be used, any land or building or part thereof for a purpose other than that for which is provided for in this Scheme.

(4) Proposed streets and widening of existing streets shall not be deemed to be streets until such streets or any portions thereof fall within a township which may be established or they are proclaimed as streets or become vested in the Municipality for that purpose under any other law: Provided that, if a township is established or subdivision of land is permitted, the position of the aforementioned streets may be amended to conform to the layout of the township or subdivision.

(5) Where the Municipality has acquired, either by agreement or expropriation, any land together with buildings, structures or other erections thereon. The Municipality may execute thereon such works as may be required for or incidental to the purpose for which the land may be used in terms of this Scheme, or for Municipal Purposes.

20. TEMPORARY USE OF BUILDINGS AND LAND

Notwithstanding any contrary stipulation contained in this Scheme, the Municipality may grant Permission as provided for in Clause 34, for the temporary use of any building or land within any use zone for any of the following:

(1) The erection and use of temporary buildings or the use of existing buildings or sites for site offices, storage rooms, workshops or such other uses that are in the opinion of the Municipality necessary for the erection of any permanent building or structure on the land or the installation of engineering services shall be to the satisfaction of the Municipality: Provided that such permission shall lapse, ipso
facto, on completion of the permanent building or structure or the completion of the engineering contract.

(2) The temporary use of land or buildings for another purpose such as inter alia concerts, fairs, circuses, bazaars, street vendors (informal trade), parking, place of amusement, public gatherings, religious purposes or meetings, social halls, exhibitions, state or municipal purposes and subject to such conditions as the Municipality may impose and further subject to the provisos:

(a) the temporary uses described in (2), unless extended by the Municipality, shall be limited to a period not exceeding 6 consecutive hours per day, between the hours of 08:00 and 22:00;

(b) any temporary uses contemplated in this clause shall not be granted for a period exceeding 12 months, which period may be extended by the Municipality in further increments of 3 months: Provided that the maximum period of temporary consent shall not exceed 24 months;

(c) Permission may be withdrawn after 30 days written notice to the owner if any conditions of the Permission are not met, malpractice occurs or the amenity of the area is prejudiced; and
PART 5: SPECIFIC CONDITIONS AND LIMITATIONS APPLICABLE TO USE ZONES

21. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 1

(1) Where application is made for the subdivision of an erf zoned "Residential 1" into two or more portions (hereafter referred to as "resultant erf or erven") in terms of Section 92 of the Town-planning and Townships Ordinance, 1986, or any superseding legislative provision such application shall not be granted if, as a result of such subdivision, any resultant erf will –

(a) have a size, which is smaller than the minimum erf size specified in an adopted policy of the Municipality, as may be applicable from time to time;

(b) not have vehicular access to a public street to the satisfaction of the Municipality.

(2) Where the subdivision of an erf is approved, such subdivision shall, subject to the following conditions in addition to any conditions imposed by the decision making authority:

(a) The resultant erf shall have an acceptable shape and street frontage for vehicular access; or if such resultant erf is an erf with a panhandle then:

(i) the panhandle shall provide access from a street to the panhandle portion;
(ii) the panhandle shall be not less than 3 m wide along its entire length and not wider than 8 m, except with the Written Permission of the Municipality;
(iii) the area of the panhandle portion, excluding the panhandle, shall be in accordance with the minimum erf size requirements of this Scheme;
(iv) the slope of the panhandle shall not exceed 1:8: Provided that the Municipality may grant Permission to deviate from this requirement in special circumstances;
(v) a panhandle shall provide access only to the erf of which it forms a part, as well as a property in favour of which a servitude of right of way has been registered over the panhandle, except where the Municipality determines otherwise;
(vi) the registered owner of the panhandle portion shall, at own expense, pave the panhandle to the satisfaction of the Municipality prior to or simultaneously with the erection of any building on the erf and such paved panhandle access shall thereafter be maintained dust free to the satisfaction of the Municipality;
(vii) the registered owner of the panhandle portion shall when required by the Municipality, erect screen walls or appropriate fencing or barriers along the boundaries of the panhandle to the satisfaction of the Municipality;
(viii) no buildings or structures shall be erected in the panhandle access; and
(ix) the minimum street frontage of the panhandle access shall not be less than 3,0 m.
(b) The requisite minimum street frontage or width of a panhandle access to a resultant erf may be varied to the satisfaction of the Municipality on condition that:

(i) a servitude of right of way to a public street, to the satisfaction of the Municipality, is registered in favour of such resultant erf;
(ii) such servitude shall have a width of not less than 3,0 m and not more than 8,0 m; and
(iii) the boundaries of such servitude shall be deemed to be a side or rear boundary of the erf over which it is registered.

(3) Where any portion of a "Residential 1" erf is physically severed from such erf owing to the execution of municipal or similar works or where a portion of the erf stands to be severed by the proposed execution of such works, the portion so severed shall be deemed to be an existing erf and a dwelling-house may be erected thereon or an existing dwelling-house may be retained thereon: Provided that the size and shape of such erf, in relation to the surrounding erven, is to the satisfaction of the Municipality.

(4) Where a "Residential 1" erf has a density of "One dwelling-house per erf", as indicated in this Scheme, then such erf shall not be subdivided until the density restriction of the Scheme is appropriately amended.

22. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 2, 3 AND 4.

(1) The internal driveways or paths on the property shall be constructed and maintained by the owner as required by the Municipality.

(2) The erf or any group of erven shall not be subdivided by creating portions with detached or semi-detached dwelling units thereon, before full implementation of the proposals embodied in the approved site development plan relating to the particular erf or group of erven have been fully implemented or the Municipality granting Written Consent thereto. If it is not the intention to develop the whole of the erf or any group of erven simultaneously, the grouping of the dwelling units and programming of the development must be shown clearly on the site development plan.

(3) The Municipality may, when considering an application for a change in land use or when considering a Site Development Plan in respect of such erven, require the owner to erect a wall of 1,8 metre or any other height the Municipality may deem appropriate in order to improve privacy of an adjacent property and the overall aesthetical quality of any development.

(4) No construction may commence without the prior approval of a site development plan by the Municipality and subject to whatever conditions may be imposed in terms of such approval.

(5) Residential 2 erven are further subject to the conditions listed in Schedule 2

(6) Residential 3 erven are further subject to the conditions listed in Schedule 3
23. CONDITIONS APPLICABLE TO PUBLIC GARAGES AND FILLING STATIONS

(1) No material or equipment of any nature whatsoever shall be stored or stacked to a height exceeding the height of the screen wall: Provided that the Municipality may relax this condition if, in the opinion of the Municipality it shall not be detrimental to the general amenity of the neighbourhood.

(2) No repairs of any nature to vehicles or equipment shall be affected 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 grants its Written Consent to relax this condition where the erf 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: Provided that fuel pumps or oil and fuel installations may be sited outside the building to the satisfaction of the Municipality: Provided further that the Municipality may grants its Written Consent to relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.

(4) Canopies over fuel pump installations are not regarded as coverage but shall be considered as Floor Area in terms of this Scheme.

24. CONDITIONS APPLICABLE TO AN ACCESS CONTROL FACILITY AND PRIVATE STREETS/ROADS

(1) A property used for access control purposes and/or as a private street shall be subject to Written Consent by the Municipality first had and obtained and shall be owned by a Property Owner’s Association or company not for gain or any similar legal entity of which all owners of properties within the area served by the access control facility and/or private street are members/shareholders of such entity: Provided that the conditions imposed by the Municipality may be amended by Written Consent, as contemplated in Clause 33 of the Scheme.

(2) The Articles of Association or Constitution of the Property Owner's Association or Company not for gain or any similar legal entity referred as aforesaid must be accepted by the Municipality before any access control is applied and must, in the opinion of the Municipality, be consistent with any relevant municipal by-laws, municipal policies and the Constitution of the Republic of South Africa.

(3) The means by which access control is carried out and/or the property may be used, shall at all times, in the opinion of the Municipality:

(a) be lawful,
(b) not infringe on the rights of members of the public as reflected in the Bill of Rights in the Constitution of South Africa;
(c) not cause any danger and/or interference with normal traffic and pedestrian movement on any adjacent public road; and
(d) not create any danger to human lives.

(4) Access and free movement through any access control facility and/or across any private street, by persons rendering emergency services, the representing
Municipality or the post and telecommunication services or government services, shall at all times be permitted and shall not be hindered in any way.

(5) The Municipality may maintain a private street at the cost of the owner, should the owner not maintain the said private street to the satisfaction of the Municipality.

(6) The application of access control by the owner of a private street shall at all times, be to the satisfaction of Municipality. Should the owner, fail to comply with any condition imposed by the Municipality, the Municipality may amend the Scheme with regard to the use of such private street or access control facility in any way it deems appropriate: Provided that no compensation shall be payable to the owner under such circumstances.

(7) Buildings, screen walls, security gates and booms, shall be erected to the satisfaction of the Municipality in accordance with an approved Site Development Plan.

(8) Access gates or booms in operation after normal business hours shall be adequately illuminated to the satisfaction of the Municipality.

(9) Employees on duty at any access control facility shall be registered with the Security Officer’s Board, and shall produce registration cards to prove such status on request to any person passing through the control point.

(10) All signage erected within the reserve of a private street or at an access control facility shall comply with the policies and by-laws of the municipality and the conditions described in the South African Road Traffic Signs Manual to the satisfaction of the local municipality.

25. DENSITIES AND OCCUPATION

(1) Column 8 in Table “C” stipulates the maximum permitted density of dwelling units that may be erected per hectare of land or per erf or per land portion (whichever may be relevant). The extent to which the density may be increased by Special Consent or Written Consent of the Municipality, as the case may be, is stipulated in Columns 9 and 10 of Table "C".

(2) The subdivision of a property (where relevant) shall comply with the density stipulations as set out in Table “C”;

(3) In addition to any other conditions that may be applicable to the subdivision of a property, the following further conditions will be applicable to panhandle subdivisions:-

   (a) the panhandle shall provide access from a street to the subdivided property;
   (b) the panhandle shall be 3m or wider along its entire length, unless the Municipality grants Written Consent for a lesser width, subject to such conditions it may deem appropriate;
   (c) the area of the subdivided property, excluding the area of the panhandle, shall be in accordance with the density provisions of this Scheme;
   (d) except with the Written Consent of the Municipality, the slope of the panhandle shall not exceed 1:8;
(e) a panhandle shall provide access only to the property of which it forms part, as well as the property in favour of which a servitude of right of way has been registered over the panhandle, except where the Municipality determines otherwise;

(f) the registered owner of the panhandle property shall, when required by the Municipality, at his expense, pave the panhandle to the satisfaction of the Municipality prior to or simultaneously with the erection of any building on the property and such roadway shall thereafter be maintained dust free to the satisfaction of the Municipality;

(g) the registered owner of the panhandle property shall, when required by the Municipality, erect screen walls, fencing or barriers along the boundaries of the panhandle to the satisfaction of the Municipality.

(h) No buildings or structures except screen walls and barriers shall be erected in the panhandle portion of a property.

(4) Not more than one household, together with two other persons, which may not exceed a maximum of eight (8) persons may live on a permanent basis in a single dwelling unit: Provided that additional occupants may be permitted with the Written Consent of the Municipality first had and obtained.

(5) The Municipality may, upon application being made for its Special Consent or its Written Consent, as the case may be, permit the increase in density of dwelling units on a property as stipulated in Columns 9 and 10 in Table "C".

(6) Nothing in this Scheme shall prohibit the erection and/or use of outbuildings to accommodate bona fide employees on a productive farm on a property zoned "Agricultural" in terms of this Scheme.

26. HEIGHT OF BUILDINGS AND BALCONIES

(1) Column 11 in Table “C" stipulates the permissible height of a building on a property. The extent to which the height may be increased by Written Consent of the Municipality, prior to the erection of any new building, is stipulated in Column 12 of Table “C”.

(2) The Municipality shall consider a proposed increase in the height of any building exceeding five (5) storeys with due consideration to any height restriction and/or restrictions laid down by the South African Civil Aviation Authority and/or any other competent authority and/or restrictions in the Title Deed: Provided that, an application for an increase in height of buildings on properties in the demarcated CBD (as per Schedule 12) shall not be unreasonably withheld by the Municipality.

(3) If a proposed dwelling unit or proposed residential building on a property in use zones “Residential 1, 2, 3, 4” or “Agricultural” exceeds 1 storey and contains any balcony to be situated within 5 metres from any boundary thereof and, in the opinion of the Municipality, such building may impact on the amenity, privacy, aesthetic value of, or view from an adjacent property, an application for Written Consent shall be submitted to the Municipality for approval prior to the erection of such building. Diagrams 2 illustrates the manner in which height will be calculated when site development and building plans are evaluated by the Municipality.
27. COVERAGE OF BUILDINGS

(1) Column 13 in Table “C”, stipulates the permissible coverage of buildings and structures which may be constructed on a property. The extent to which the coverage may be increased (relaxed) by Written Consent of the local municipality, is stipulated in Column 14 of Table “C”.

(2) Coverage of buildings shall not exceed the coverage stipulated in Table “C” except in cases where the Written Consent of the Municipality is first had and obtained, and then only on condition that the total number of parking spaces required in terms of the Scheme and in accordance with Table “B”, Column 7 can be provided to the satisfaction of the Municipality. Diagram 3 illustrates the manner in which coverage will be calculated when site development and building plans are evaluated by the Municipality.

**DIAGRAM 3**

\[
\text{Coverage} = \frac{\text{Area of roofed buildings seen vertically from above}}{\text{Total area of property}} \times 100
\]

\[
= \frac{733\text{m}^2}{2500\text{m}^2} \times 100 = 29.4\% \text{ (Rounded off to 30\%)}
\]
28. FLOOR AREA RATIO (F.A.R.)

Column 15 in Table “C”, stipulates the permissible Floor Area Ratio which may be applied to determine the extent of permissible floor area that may be executed on a property. The extent to which the Floor Area Ratio may be increased with the Special Consent of the Municipality is stipulated in Column 14 of Table “C”. The calculation of floor area is as per Schedule 4.

29. SITE DEVELOPMENT PLANS

(1) The Municipality may require of the owner of any property intending to erect a building or structure thereon, to provide one or all of the following plans in addition to buildings plans required in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977):

(a) A Site Development Plan and, if required, a Landscape Development Plan to be considered for approval before any building plans are submitted.

(b) Such plan shall be fully detailed, to a minimum scale of 1:200 (or such other scale as may be acceptable to the Municipality), which shall be amplified by means of sketch plans, sections and elevations of all buildings to an appropriate scale of 1:100: Provided that the Municipality may accept scales other than the afore-mentioned and which fully illustrates the following aspects:

(i) the siting, height, FAR and coverage of all buildings and structures (proposed extensions included) and the number of dwelling-units per hectare;

(ii) landscaping, communal open spaces, children's play areas, private living areas, backyards, laundry rooms, drying areas for washing, refuse-bin area, and swimming pool, as well as the location, height, construction and finish of screen walls or other acceptable forms of screening;

(iii) entrances to and exits from the erf to any public street;

(iv) the proposed lines of subdivision if the erf is to be subdivided;

(v) entrances to buildings, parking spaces, loading spaces and vehicular and pedestrian traffic systems;

(vi) building restriction areas and the building set-backs on any boundary;

(vii) the location of existing buildings on adjoining erven;

(viii) contour lines with 0.5 m intervals or other intervals or height indications to the satisfaction of the Municipality;

(ix) the grouping of dwelling-units and the phasing of the development if it is envisaged not to develop the whole erf simultaneously;

(x) the design, height and finish of all buildings and physical barriers on the street boundaries if these are required by the Municipality;

(c) An approved Site Development Plan shall only be amended with the Permission of the Municipality and no building plan which does not comply with the details, provision and conditions as set out in the approved Site Development Plan, shall be approved by the Municipality.

(d) No individual dwelling-unit which is linked to another dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of
which the dwelling-unit forms part, is completely developed: Provided that
the Municipality may, in exceptional cases, grant Permission thereto.

(2) The landscaping in terms of the Landscape Development Plan shall be
completed within three months of the completion of the development or any
phase thereof. The continued maintenance of the landscape development shall
be to the satisfaction of the Municipality.

(3) A Professional Landscape Architect shall prepare the landscape development
plan, which shall comply with the following requirements:

(a) The plan shall be fully detailed to a scale of 1:200 (or such other scale as
may be acceptable to the Municipality).
(b) The existing natural features and vegetation on the property shall be
indicated.
(c) The proposed soft and hard landscape design information shall specify the
species, quantities and qualities of the plants.

(4) The Municipality shall, on receipt of a Site Development Plan and/or Landscape
Development Plan (hereafter referred to as "the plans"):

(a) consider same and, if found to comply with the aforesaid requirements,
approve the plans; or

(b) having regard to the character and quality of the area to which such plans
apply, or of the existing and/or future buildings or structures therein, the
proposed building or structure would, in the opinion of the Municipality,
detract from the character and quality thereof, refuse to approve plans and
shall give notice of its decision to the owner, if refused the reasons for such
refusal.

(5) Save as far as Section 7(6) of the National Building Regulations and Building
Standards Act, 1977 (Act 103 of 1977) no owner of any property shall commence
the erection of any building or structure before the afore-mentioned Site
Development, Landscape and Building Plans have been approved of by the
Municipality.

30. PARKING ZONES, LOADING ZONES AND DROP-OFF ZONES

(1) Parking spaces together with sufficient manoeuvring space shall be provided on
a property in accordance with the provisions in Column 7, Table “B”:

(a) Effective parking and manoeuvring space shall be provided, laid out,
constructed and maintained on a property to the satisfaction of the
Municipality, and the layout and construction thereof, shall be subject to
the approval of the Municipality, to generally accord with Diagrams 4, 5 and
6.

(b) The number of parking spaces to be provided in all Use Zones shall be in
accordance with the provisions in Table “B”.

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DIAGRAM 4

PARALLEL ON STREET PARKING

DIAGRAM 5

45° PARKING LAYOUT

DIAGRAM 6

90° PARKING LAYOUT
(c) In the case where an owner contracts a new building, or where additional building floor area is added to an existing building, the Municipality may grant Permission for the required parking, as stipulated in Table "B", not being provided on the property, subject to further provisions of the policy of the municipality which may be amended from time to time: Provided that the owner shall, in such event, provide the shortfall parking on an alternative site to the satisfaction of the Municipality and, at his cost effect a notarial tie, consolidation or the registration of a servitude, to link the properties in question to the satisfaction of the Municipality.

(d) The Municipality may, upon approval of a site development plan, and notwithstanding the provisions of Table B grant Permission for fewer parking spaces to be provided on the property, subject to such conditions it may deem expedient.

(e) Notwithstanding the provisions of the abovementioned Clauses, the municipality may upon receipt of a written request, in the case of existing buildings located in the area contemplated in Schedule 12 hereof, and which was legally developed prior to the commencement of this scheme, where a re-development or alternative use of the building is envisaged subject thereto that no building floor area is added, exempt the owners from providing any parking on the erf.

(f) The owner of a building in respect of which parking spaces are required in terms of the Scheme, shall maintain such parking spaces in a proper condition for such purposes to the satisfaction of the Municipality.

(2) Loading spaces and areas shall be provided as follows:

(a) The Municipality may, upon application being made for approval of a Site Development or Building Plan and any amendment thereof, require of the owner of the property to submit proposals for the provision, on the property, of appropriate and sufficient facilities for loading and off-loading of goods, which proposals shall, indicate positions for parking, stopping or fuelling of service vehicles.

(b) No owner or occupant of a building in respect whereof proposals in terms of this clause are required, may undertake or permit the loading, off-loading, parking or fuelling of vehicles otherwise than in accordance with the Written Permission from the Municipality and in accordance with any conditions imposed.

(c) In any Business or Industrial land use zone, the owner of a property shall, if required by the Municipality, provide loading space to the satisfaction of the Municipality, regardless of the size of the building erected thereon.

(d) In addition to normal parking requirements, the Municipality may require a drop-off zone in respect of a “Place of Instruction” or “Crèche” as provided under Use Zone 1, 2, 3 and 4.

31. USE OF ANNEXURES AND SPECIAL CONDITIONS

(1) Land use rights, conditions and limitations, other than those stipulated in this Scheme, applicable to any property within any use zone within the Scheme area
must be stipulated on an approved Annexure "P" to this Scheme, as per the format in Schedule 8.

(2) The land use rights, conditions and limitations referred to in an Annexure P to the Scheme shall:

(a) apply in addition to the general provisions of this Scheme; and
(b) prevail, in case of conflict between such rights, conditions and limitation stipulated in an Annexure P and any provision of this Scheme;

(3) An Annexure P contemplated in this Clause shall consist of a sheet or sheets upon which is shown:

(a) the number of such Annexure, prefixed by the letter "P";
(b) a description of the property to which it applies, to accord with the registered status of such property in the records of the Registrar of Deeds;
(c) the land use rights, conditions and limitations applicable to the property which will apply in addition to or in substitution of the standard provisions of this Scheme;
(d) the description and number of the Amendment Scheme to which the Annexure P pertains; and
(e) the signature of the relevant official of the Municipality duly authorized thereto by resolution, together with the date, to reflect the approved status of the document, which date shall accord with the date of promulgation of the amendment Scheme by notice in the Provincial Gazette.

(The format of a standard Annexure P sheet is illustrated in Schedule 8 hereto).

(4) Where relevant, an Amendment Scheme and Annexure P shall be accompanied by a map denoting the property by means of a diagram of the property concerned, which diagram shall correspond with the layout shown on the Map.

(5) The number of the Annexure P concerned shall be inscribed inside a double circle within or adjacent to the figure of the relevant property on the Map and, if adjacent to such figure, shall be joined thereto by means of a line.
32. APPLICATION FOR SPECIAL CONSENT OF THE LOCAL MUNICIPALITY

(1) Any owner of a property situated in the area of the Scheme (hereinafter referred to as "the applicant"), intending to apply to the Municipality for Special Consent for:

(a) the erection and use of a building or for the use of land in any use zone, for any purpose which requires the Special Consent of the Municipality in terms of Column 4, Table “A”; and/or

(b) an increase in the density of an erf (as per Column 10, Table “C”); and/or

(c) an increase of the floor area ratio (as per Column 16, Table “C”);

shall submit such application to the Municipality in writing, in the prescribed form supplied by the Municipality.

(2) The applicant shall, in the prescribed manner and format of the Municipality:

(a) publish a notice twice (for two consecutive weeks) in a local newspaper, circulating in the area of the application, which notice shall be in the official language/s as prescribed by the Municipality;

(b) display a placard notice, and maintain same, for a period of not less than 14 consecutive days which first date of notice shall accord with the first date of notice contemplated in (a), in a conspicuous position, visible from a public street on each separate property to which such notice shall apply; and

(c) serve notices on owners of properties situated adjacent to the applicant's property and such other persons or bodies which may be identified by the Municipality for such purpose by prepaid registered mail or by delivering such notice to such owner or a representative of such owner at the address on record with the Municipality.

(3) The notices referred to in (2) shall contain:

(a) the name and address of the applicant and the Municipality;

(b) the description and situational context of the property of the applicant;

(c) particulars of the purpose for which the land and buildings are proposed to be used;

(d) written confirmation that such notice, together with the application documents, shall lie for inspection at the office of the Municipality and the address of the applicant;

(e) written confirmation that any objection to or representation in connection with such application shall be lodged simultaneously with the Municipality and the applicant within a period of 28 days calculated from the day when the notice was first published, displayed on the site and served on the parties contemplated in (2).

(4) The placard notice contemplated in (2)(b) shall be not less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.
(5) The applicant shall, within 28 days from the date of expiry of the notice period contemplated in (3)(e) or such further period as the Municipality may allow, lodge any objection or comment received by the applicant during such notice period, together with his/her reply thereto, with the Municipality. If no comments and/or objections are received by the applicant during such notice period, the applicant shall inform the Municipality accordingly within 28 days from expiry of such notice period.

(6) The applicant shall submit an affidavit to the Municipality confirming that the notice referred to in (2)(b), was properly displayed and maintained and the applicant shall submit proof to the Municipality that the notices contemplated in (2)(a), were published and that the notice to be served on the parties contemplated in (2)(c) were properly served.

(7) Upon the applicant having complied with the provisions of (6) above, the Municipality shall:

(a) in the case where no objection or representation or any comment is received from any interested or affected party, consider the application and either refuse or approve such application and notify the applicant within a period of 56 (fifty six) days of receipt of the affidavit contemplated in Clause 32(6);

(b) in the case where an objection, representation or comment in opposition to the application or any part thereof is received from an interested or affected party before the expiry of the 28 day period contemplated in (3)(e), conduct a hearing as contemplated in (8).

(8) Should any objection, representation or comment in opposition to the application be received by the Municipality as contemplated in (7)(b), a time and place for the hearing of such matter in a manner complying with the requirements of ruling legislation, and shall give written notice thereof, by registered post or by electronic communication or facsimile, at least 14 days prior to the hearing, which notice shall be directed to the applicant and/or his duly authorised agent and all objectors and parties having submitted representations or comments in respect of the application with the 28 day period contemplated in (3)(e) and only such parties or their authorized representatives shall be permitted to attend such hearing and present their arguments to the Municipality.

(9) Where an objection, representation and/or comment contemplated in (8) is submitted by more than one person or body and is contained in a single document, it shall be deemed sufficient compliance with the provisions of (8) if only the person or body who lodged the document, is notified of the arrangements of the hearing.

(10) The Municipality shall, after considering any objection, representation and/or comment, notify the applicant and all other parties on record of its decision, together with the reasons for such decision with a period of 28 (twenty eight) days from concluding the hearing.

(11) The decision of the Municipality shall (where any objection to an application was received) not come into operation before expiry of 56 days, calculated from the date of notification of the parties contemplated in (10) above.
(12) Any party on record who is aggrieved by the decision of the Municipality may, subject to provisions of the Ordinance, lodge an appeal against such decision.

(13) The Municipality may, upon the granting of any Special Consent contemplated in this Scheme, impose any conditions it may deem appropriate, including the payment of contributions for the provision of services, open spaces and parks, as envisaged in Section 20(2)(c) of the Ordinance, for which purposes the provisions of Section 63 of the Ordinance shall apply mutatis mutandis.

(14) Any Special Consent granted by the Municipality shall be recorded on a Special Consent Schedule, the format of which is illustrated in Schedule 9 hereto.

(15) Any application for Special Consent shall be submitted to the Municipality in accordance with the application form illustrated under Schedule 14 hereto.

33. APPLICATION FOR WRITTEN CONSENT OF THE LOCAL MUNICIPALITY

(1) Any owner of a property situated within the area of the Scheme (hereinafter referred to as “the applicant”) intending to apply to the Municipality for Written Consent to:

(a) erect and use a building or to use land in any Use Zone, for any purpose which requires the Written Consent of the Municipality (contemplated in Column 5, Table “A”).
(b) erect an additional (second) dwelling unit or increase the density in respect of, or number of dwelling units on an erf (Column 9 Table “C”);
(c) increase (relax) the height of a building (Column 12 Table “C”);
(d) increase the coverage on a property (Column 14 Table “C”);
(e) decrease a building line (Clause 13);
(f) amend a Site Development Plan (Clause 29);
(g) amend a Line of No Access (Clause 13);
(h) display signs for the sale or lease of properties (Clause 37);
(i) subdivide erven zoned “Residential 2, 3 or 4” (Clause 22);
(j) amend conditions associated with Public Garages and Filling stations (Clause 23);
(k) amend conditions applicable to subdivided erven and panhandle erven (Clause 25);
(l) permit a larger number of persons to occupy a dwelling unit (Clause 25); and
(m) permit rental of parking spaces and access control systems (Clause 24);

shall submit such application in writing in the prescribed form supplied by the Municipality.

(2) The applicant shall, in the prescribed manner and format of the Municipality:

(a) post and display a placard notice in the official language/s as prescribed by the Municipality and maintain same, for a period of not less than 14 consecutive days, in a conspicuous position, visible from a public street, on each separate property to which such application shall apply; and

(b) serve notices on owners of properties situated adjacent to the applicant’s property and such other persons or bodies which may be identified by the Municipality for such purpose.
(3) The notices referred to in (2) shall:

(a) contain the name and address of the applicant and the local municipality;
(b) provide the description and situational context of the property of the applicant;
(c) particulars of the purpose for which the land and buildings are proposed to be used and the relevant relief sought, as contemplated in (1)
(d) state that such notice, together with the application documents shall lie for inspection at the office of the Municipality and the address of the applicant; and that any objection to or representation in connection with such application shall be lodged simultaneously with the Municipality and the applicant within a period of 28 days calculated from the day when the notice was first displayed on the site and served on the parties as contemplated in (2)

(4) The placard notice contemplated in (2)(a) shall not be less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.

(5) The applicant shall, within 28 days from the date of expiry of the notice period mentioned in (3)(d) or such further period as the Municipality may allow, lodge any objection or comment received by the applicant during the notice period together with his/her reply thereto, with the Municipality. If no comments and/or objections are received by the applicant during the notice period, the applicant shall inform the Municipality accordingly within 28 days from expiry of the notice period aforesaid.

(6) The applicant shall submit an affidavit to the Municipality confirming that the notice contemplated in (2)(a) was properly displayed and maintained and that the notices contemplated in (2)(b) were duly served.

(7) Upon the applicant having complied with provisions of (6) above, the Municipality shall:

(a) in the case where no objection or any representation is received from any interested or affected party consider the application and either refuse or approve such application and inform the applicant within a period of 56 (fifty six) days from date of receipt of the affidavit contemplated in Clause 33(6);
(b) in the case where an objection or representation is received from an interested or affected party in opposition to the application or any part thereof, conduct a hearing as contemplated in 32(8) and for such purpose, the provisions of 32(9) up to and including 32(13) shall apply, mutatis mutandis.

(8) Any Written Consent granted by the Municipality shall be recorded on a Written Consent Schedule, the format of which is illustrated in Schedule 10 hereto.

(9) Any application for Written Consent shall be submitted to the Municipality in accordance with the application form illustrated under Schedule 15 hereto.

34. PERMISSION OF THE MUNICIPALITY

(1) The permission of the Municipality to use land and buildings or to relax or amend certain conditions stipulated in this Scheme, its Schedules and Annexures,
where such Permission is explicitly required, shall be subject to an application procedure as determined by the Municipality and such application shall be subject to the following:

(a) documents as prescribed by the Municipality shall be submitted with the prescribed fee;

(b) the prescribed notification procedure shall be complied with: Provided that the Municipality may waive this requisite wholly or partly if its satisfied that such non-compliance is not of such a material nature that it is likely to effect anyone detrimentally: Provided that, where notification is required by the Municipality, the provisions of Clause 33(7) shall apply mutatis mutandis.

(c) the Municipality may approve or refuse such application subject to such conditions the Municipality deems necessary to regulate such permission; and

(d) the Municipality may require that a contribution in respect of engineering services is payable in terms of Section 20 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as and when required by the Municipality.

(2) Any Permission, granted by the Municipality shall be recorded on a Consent Schedule, the format of which is illustrated in Schedule 11 hereto.

35. SPECIAL CONDITIONS APPLICABLE TO THE PRACTICE OF A HOUSEHOLD ENTERPRISE OR SERVICE ENTERPRISE WITHIN USE ZONES 1, 2, 3, 4 and 15.

(1) In addition to any conditions imposed by the Municipality in the granting of Special or Written Consent, the conducting of a Household Enterprise or Service Enterprise, from a dwelling unit, shall be subject to the following:

(a) No title condition applicable to the property may be transgressed.
(b) No activity and/or use listed in Schedule 6 to this Scheme shall be permitted to be conducted on the property;
(c) Where the Special or Written Consent of the Municipality has been granted, the owner may practice his/her occupation from the dwelling unit or may permit such practice of the occupation by an occupant under the control of the owner, subject thereto that the occupant, if a natural person or if a juristic person, then the authorized representative thereof is:

   (i) personally in charge of the enterprise;
   (ii) is a full time resident on the property; and
   (iii) holds the majority interest in the enterprise.

(2) A maximum of three (3) persons, which shall include the applicant, may be employed on the property. For the purposes of this clause the following will be regarded as an employee of such applicant, notwithstanding the number of enterprises conducted from the property, namely:

(a) an agent or representative;
(b) an apprentice or trainee;
(c) a partner, director, member or trustee of each partnership, company, close corporation or trust under which the applicant is conducting the enterprise.
(3) The residential character and function of the dwelling unit must be maintained, and not more than 20% of the floor area of the dwelling unit, outbuildings excluded, or a maximum floor area of 75m² (whichever is the larger) may be used for such practice.

(4) No goods may be displayed in public, in a window or in any other manner.

(5) No notice or sign, except such notice or sign as is normally displayed at the dwelling unit, to reflect the name of the applicant and the nature of the household enterprise, may be displayed, provided that the size of such notice shall not exceed 600mm by 450mm.

(6) The amenity or character of the area may not be detrimentally affected by the conducting of the occupation of the applicant.

(7) No retail trade, except retail trade that is subservient to the main enterprise and which will not, in the opinion of the Municipality, prejudice the general character of the area may be conducted from the property.

(8) The Household or Service Enterprise shall be conducted from within the dwelling unit, but if conducted from any outbuilding, it shall, in the opinion of the Municipality, not reflect the appearance or character of an office or non-residential building normally associated or recognisable under Use Zones 4, 5, 6 and 7, and shall also reflect the same architectural style which complements the existing dwelling unit on the property and without prejudice to the residential character of the area/ neighbourhood.

(9) A Site Development Plan and building plans, to indicate the change in use, shall be submitted to the Municipality within a period of 30 days after approval of the application or such further period as the Municipality may permit. Failure to submit the required plans and/or change the building in accordance with approved plans shall result in a withdrawal of the consent without any further notice.

(10) Parking shall be provided to the satisfaction of the Municipality in accordance with the Scheme and subject to any other conditions and/or additional parking spaces required by the Municipality. In the case of a Household Enterprise or Service Enterprise on a property zoned “Residential 2, 3 or 4” and/or where a dwelling unit forms part of a sectional title complex, the applicant shall satisfy the Municipality that additional parking has been provided and that none of the parking required in respect of the normal operation of the main use, is/will be utilised for the purpose of conducting the occupation of the applicant in any manner.

(11) The Municipality may require one (1) loading zone in respect of a Service Enterprise.

36. LAND USE NOT SUBJECT TO TABLES "A", "B" AND "C"

(1) Without prejudice to any powers of the Municipality derived from any law, or the provisions of this Scheme, nothing in the foregoing provisions of this Scheme shall be construed as prohibiting or restricting the following:

(a) the letting by the owner of a dwelling unit for occupancy of a single family;
(b) the letting by the owner of not more than two rooms in a dwelling unit also occupied by the owner;

(c) the continued lawful use of land or a building which use was lawfully approved prior to the commencement of this Scheme in terms of any prior Scheme; and/or by any Decision Making Authority in terms of any other law pertaining to the use of land, including restrictions in the Title Deed: Provided that:

(i) the conditions, if any, imposed as part of the original approval, remain applicable and must be adhered to;
(ii) on request of the Municipality, the owner of such property is able to disclose proof of such prior approval or consent so granted.


37. SIGNS FOR THE SALE OR LETTING OF PROPERTY OR BUILDING

(1) No person may, without the prior Written Consent of the Municipality, display or permit to be displayed, on a single property, more than four (4) temporary signs for the sale or letting of a property or building.

(2) For the purposes of this clause a “temporary sign” shall:

(a) not exceed 600 mm by 450 mm in size, and may not extend beyond 2,5 m above ground level at its highest point;
(b) if larger than the size prescribed in sub-clause (a) hereof, be limited to one sign only on the property;
(c) be removed within seven (7) days from the date of sale or conclusion of the agreement of lease, failing which such sign shall be removed by the Municipality at the cost of the owner.

(3) The Municipality may, on merit, in its sole discretion, subject to such conditions it may deem expedient, relax certain limitations pertaining to the aforesaid signs upon good cause shown by the applicant.
38. BINDING FORCE OF CONDITIONS

Where authorization to erect a building, or to execute any works, or to use any buildings or land for a particular purpose is granted in terms of this Scheme subject to conditions, such conditions shall have the same legal force as if incorporated herein and shall be deemed to be so incorporated.

39. OVERRIDING RIGHTS OF THE MUNICIPALITY

Nothing in this Scheme shall prevent the erection, use or maintenance of any building or works by the Municipality on its own property: Provided that such erection, use or maintained shall be directly related to the purpose and/or function of a Municipality and the services it must render.

40. ENTRY UPON AND INSPECTION OF PROPERTY

(1) The Municipality may, through its authorized officials, enter upon any property at all reasonable times to conduct any inspection which the Municipality or its representative may consider necessary for the application of the provisions of this Scheme.

(2) No person shall in any manner hinder, obstruct or interfere with the execution of any duties by any authorized official of the Municipality, or in so far as it may fall within his power, permit such official to be hindered, obstructed or interfered with.

(3) The Municipality shall, in investigating any matter contemplated in Clause 41 –

(a) designate a municipal official or appoint any other person as an inspector to investigate any non-compliance with its land use scheme; and

(b) issue each inspector with a written designation or appointment in the prescribed form, stating that the person has been appointed for such purpose.

(4) When an inspector contemplated in (3) performs any such function, the inspector –

(a) shall on request produce his or her written designation or appointment; and

(b) shall not be a person having a direct or indirect personal or private interest in the matter to be investigated.

(5) An inspector contemplated in (3) may, subject to the other sub-clauses below–

(a) enter upon any property at any reasonable time without previous notice for the purpose of ascertaining an issue required to ensure compliance with this Scheme;

(b) question any person who is or was on or in such property, either alone or in the presence of any other person, on any matter to which this Scheme relates;
(c) require from any person who has control over or custody of a book, record or other document on or in such property, to produce to the inspector forthwith, or at such time and place as may be determined by the inspector, such book, record or other document;

(d) examine any such book, record or other document or make a copy thereof or an extract there from;

(e) require from such a person an explanation of any entry in such book, record or other document;

(f) inspect any article, substance, plant or machinery which is or was on the property, or any work performed on the property or any condition prevalent on the property, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;

(g) seize any book, record or other document or any article, substance, plant or machinery or a part or sample thereof, which in his or her opinion may serve as evidence at any hearing or trial of any person charged with an offence in terms of this Scheme or the common law: Provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure; and

(h) direct any person to appear before him or her at such time and place as may be determined by the inspector and question such person either alone or in the presence of any other person on any matter to which this Scheme relates.

(6) When an investigator enters any property in terms of (5), a person who controls or manages the property must at all times provide such facilities as are reasonably required by the inspector to enable him or her to perform his or her functions effectively and safely in terms of this Scheme.

(7) When an inspector removes or seizes any article, substance, plant, machinery, book, record or other document, he or she must issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized.

(8) An inspector may, where necessary, be accompanied by a police official or any other person reasonably required to assist him or her in conducting the inspection.

(9) An inspector may issue a compliance notice in the prescribed form to the person who controls or manages the property or the owner or person in control of a private dwelling if a provision of this Scheme has not been complied with.

(10) A compliance notice remains in force until the relevant provision of the Scheme has been complied with and the inspector has issued a compliance certificate in respect of that notice.

(11) An inspector who enters and searches any land or private dwelling under this clause, must conduct such search or seizure with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security and privacy.
41. CONTRAVENTION AND ENFORCEMENT OF THE SCHEME

(1) Any person who commits or knowingly permits a contravention of any of the provisions of this Scheme or of the requirements of any order or notice issued or conditions imposed in terms of this Scheme, shall be deemed to be guilty of an offence.

(2) Where a member of the public is aware of a possible contravention of the scheme with regard to the use of a property in the scheme area, such a member of the public may file a complaint of alleged contravention with the Municipality. For such purpose the pro forma complaint sheet under Schedule 13 must be used.

(3) The municipality -
   (a) may on its own accord; or
   (b) must on request of any person of the public,

investigate any alleged contravention of the scheme, land use on land and/or an erf and/or within a building and for this purpose may inspect the land, erf and/or building implicated in the matter as set out in Clause 40 herein.

42. SERVING OF NOTICES

(1) Any order, notice or other document to be served by the Municipality on any owner or occupier of a building or land situated within the area of the Scheme, shall be signed by the authorised official of the Municipality and shall be served in one of the following ways:

   (a) to the owner or occupier personally or to his/her authorized agent;
   (b) by registered post to the owner or occupier or his/her duly authorized agent at his/her last known address of abode, place of business or employment, or post office box number;
   (c) at the domicilium citandi of the person to be served; or
   (d) by fixing such order, notice or other document on a conspicuous part of the property if there is no such person on the premises at which service is to be effected.

(2) Where any service is affected in accordance with the aforesaid provisions of this clause, such service shall be deemed to have been effected at the time when such order, notice or other document would normally have been delivered and in providing such service, it shall be sufficient to prove that the order, notice or other document was properly addressed.

(3) Any order, notice or other document required to be served on the owner or occupier of any property may be addressed to the “Owner” or “Occupant” without any further name or description.

43. POWERS OF THE MUNICIPALITY IN CASE OF CONTRAVENTION OF SCHEME

(1) Where any person, in conflict with any provision of this Scheme –

   (a) undertakes or proceeds with erection or alteration of or addition to a building or causes it to be undertaken or proceeded with;
(b) performs, undertakes or proceeds with any other works or causes it to be performed, undertaken or proceeded with; or
(c) uses any land or building or causes it to be used;

the Municipality shall direct such person in writing:

(i) to discontinue such erection, alteration, addition or other works or to discontinue such use or cause it to be discontinued and, if applicable;
(ii) at such person's expense to:

(aa) remove such building or other works or cause it to be removed; or
(ab) cause such building or other works or such use to comply with the provisions of the Scheme.

(2) If a person fails to comply with a directive issued in terms of the aforesaid sub-clauses, the Municipality may, irrespective of the fact that such a person has been criminally charged or prosecuted, remove the building or other works at the expense of such a person, obtain a court order to remove the building or other works or cause the building or other works to comply with the provisions of this Scheme and to recover all expenditure incurred in connection therewith, from such person.

44. COMPLIANCE WITH TITLE DEEDS, DEEDS OF GRANT AND CONDITIONS OF ESTABLISHMENT

(1) No consent or permission of the Municipality granted in terms of this Scheme may be construed as conferring upon any person the right to erect or use any building or to use any land for any purpose which is prohibited in any condition registered against the Title Deed of such land or imposed in respect of such land under any law relating to the establishment of townships.

(2) Any land or building used in such a way that it will or is intended to generate income from the sale of goods or provision of services other than the letting of a building for residential purposes, shall be regarded as a business for the purposes of the meaning of a business where it is stated in a condition in any Title Deed and such condition in the Title Deed shall be deemed to be restrictive.

*End of Scheme Clauses (Refer to attached Schedules)*
SCHEDULE 1

FORMULA FOR CALCULATING BLOCKS OF FLATS, TENEMENTS AND HOSTELS

The maximum permitted number of habitable rooms in a tenement, block of flats and hostel shall be determined by the following formula:

\[
NOR = \frac{AOP}{50}
\]

where
\(NOR\) = maximum permitted number of habitable rooms, and
\(AOP\) = Area of property in square metres.

SCHEDULE 2

CONDITIONS GOVERNING THE ERECTION OF DWELLING-UNITS IN USE ZONE 2: RESIDENTIAL 2

<table>
<thead>
<tr>
<th></th>
<th>Use Zone</th>
<th>2: RESIDENTIAL 2</th>
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<tbody>
<tr>
<td>1</td>
<td>Uses permitted</td>
<td>Dwelling-units.</td>
</tr>
<tr>
<td>2</td>
<td>Use with Special or Written Consent</td>
<td>Table A, Columns (4) and (5)</td>
</tr>
<tr>
<td>3</td>
<td>Use not permitted</td>
<td>Table A, Column (6)</td>
</tr>
<tr>
<td>4</td>
<td>Definitions</td>
<td>Clause 8</td>
</tr>
<tr>
<td>5</td>
<td>Density</td>
<td>31 dwelling-units per hectare of gross erf area (i.e. prior to any part of the erf being cut off for a public street or communal open space). Table C, Column (8)</td>
</tr>
<tr>
<td>6</td>
<td>Coverage</td>
<td>60%, Table C, Column (13)</td>
</tr>
<tr>
<td>7</td>
<td>Height</td>
<td>2 storeys: Provided that a second storey shall only be allowed if the Municipality is satisfied that such storey will not detrimentally affect the privacy of the adjoining property owners. Table C, Column (11)</td>
</tr>
<tr>
<td>8</td>
<td>Floor area ratio</td>
<td>1.2, Table C, Column (15)</td>
</tr>
</tbody>
</table>

10 Site development plan and landscape development plan

1. A site development plan and a landscape development plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans.

2. The landscaping, in terms of the landscape development plan shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.

3. When the Site Development Plan is evaluated, special attention must be given to elements such as residential character, communal and private open space, exterior finishes and style in order to establish an appropriate character compatible and in harmony with the surrounding residential area.
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<tbody>
<tr>
<td>(4)</td>
<td>An approved site development plan shall only be amended with the permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved site development plan, will not be approved by the Municipality.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Building lines</td>
<td>To the satisfaction of the Municipality: Clause 13</td>
</tr>
<tr>
<td>11</td>
<td>Parking requirements</td>
<td>Demarcated parking spaces, together with the necessary paved manoeuvring space, shall be provided on the erf in the following ratios to the satisfaction of the Municipality:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(1) One covered and paved parking space for each dwelling unit with two habitable rooms or less.</td>
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<tr>
<td></td>
<td></td>
<td>(2) One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3) One paved parking space per three dwelling-units for visitors.</td>
</tr>
<tr>
<td>12</td>
<td>Paving areas</td>
<td>All parts of the erf upon which motor vehicles may move or park, shall be provided with a permanent dust-free surface, which surface shall be paved, drained and maintained to the satisfaction of the Municipality.</td>
</tr>
<tr>
<td>13</td>
<td>Access to the erf</td>
<td>(1) Entrances to and exits from the erf shall be sited, constructed and maintained to the satisfaction of the Municipality.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) Any panhandle must be at least 3 metres wide or as wide as the Municipality may determine.</td>
</tr>
<tr>
<td>14</td>
<td>Loading and off-loading facilities</td>
<td>The loading and off-loading of goods shall only take place within the boundaries of the erf.</td>
</tr>
<tr>
<td>15</td>
<td>Turning facilities</td>
<td>Not required.</td>
</tr>
<tr>
<td>16</td>
<td>Physical barriers</td>
<td>In accordance with the site development plan.</td>
</tr>
<tr>
<td>17</td>
<td>Health measures</td>
<td>(1) Any requirements for air pollution-, noise abatement- or health measures set by Municipality shall be complied with to the satisfaction of the Municipality without any costs to the Municipality.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior permission of the Municipality.</td>
</tr>
<tr>
<td>18</td>
<td>Outdoor advertising</td>
<td>Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first being obtained in terms of municipal by-laws for outdoor advertising.</td>
</tr>
<tr>
<td>19</td>
<td>General:</td>
<td>(1) Each dwelling-unit shall have direct access to its own private adjoining outdoor living area to the satisfaction of the Municipality.</td>
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<td></td>
<td>(2) That portion of the erf between the building(s) and the street boundary which is not used for traffic purposes, shall, within six months from the date on which the erf is first used for the permitted purposes, be laid out and maintained as a garden at the owner's cost and to the satisfaction of the Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost.</td>
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<td>(3) The Municipality shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the elevation and architectural treatment of the proposed building or structure.</td>
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<td>(4) Subject to the provision of the relevant legislation but notwithstanding any other provision contained herein, the Municipality may grant permission to the subdivision of the erf, where such subdivision corresponds with the subdivision proposals shown on the approved site development plan applicable to the erf.</td>
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<td>(5) No individual dwelling-unit which is linked to another dwelling-unit and/or ancillary outbuilding shall be occupied before the relevant building of which the dwelling-unit forms part, is completely developed. Provided that the Municipality may, in exceptional cases, grant permission thereto.</td>
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</tbody>
</table>
(6) No dwelling-unit may be sold before the whole development or the phase on the property is completed. (7)
In addition to the above conditions the erf and buildings thereon are further subject to the general
provisions of the scheme in operation.

SCHEDULE 3
CONDITIONS GOVERNING THE ERECTION OF DWELLING-UNITS IN USE ZONE 3:
RESIDENTIAL 3

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<td>Use with Special and Written consent</td>
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<td>4</td>
<td>Uses not permitted</td>
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<td>Density</td>
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<td>Coverage</td>
<td>60%, Table C, Column (13)</td>
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<td>8</td>
<td>Height</td>
<td>3 storeys: Provided that a third storey shall only be allowed if the Municipality is satisfied that such storey will not detrimentally affect the privacy of the adjoining property owners.</td>
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<td>9</td>
<td>Floor area ratio</td>
<td>1.8, Table C, Column (15)</td>
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</tbody>
</table>

10 Site development plan and landscape development plan
(1) A site development plan and a landscape development plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans.
(2) The landscaping, in terms of the landscape development plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.
(3) When the Site Development Plan is evaluated, special attention shall be given to elements such as residential character, communal and private open space, exterior finishes and style, in order to establish an appropriate character compatible and in harmony with the surrounding residential area.
(4) An approved site development plan shall only be amended with the Permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved site development plan, will not be approved by the Municipality.

11 Building lines
To the satisfaction of the Municipality, Clause 13.

12 Parking requirements
Demarcated parking spaces, together with the necessary paved manoeuvring space, shall be provided on the erf in the following ratios to the satisfaction of the Municipality:
(1) One covered and paved parking space for each dwelling-unit with two habitable rooms or less
(2) One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more.
(3) One paved parking space per three dwelling-units for visitors.

13 Paving areas
All parts of the erf upon which motor vehicles may move or park, shall be provided with a permanent dust-free surface, which surface shall be paved, drained and maintained to the satisfaction of the Municipality.

14 Access to the erf
(1) Entrances to and exits from the erf shall be sited, constructed and maintained to the satisfaction of the Municipality.
(2) Any panhandle must be at least 3 metres wide or as wide as the Municipality may determine.

15 Loading and off-loading facilities
The loading and off-loading of goods shall only take place within the boundaries of the erf.

16 Turning facilities
Not required.

17 Physical barriers
In accordance with the site development plan.

18 Health measures
(1) Any requirements for air pollution-, noise abatement- or
(1) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior permission of the Municipality.

### 19 Outdoor advertising

Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first being obtained in terms of municipal by-laws for outdoor advertising.

### 20 General:

1. Each dwelling-unit shall have direct access to its own private adjoining outdoor living area to the satisfaction of the Municipality.
2. That portion of the erf between the building(s) and the street boundary which is not used for traffic purposes, shall, within six months from the date on which the erf is first used for the permitted purposes, be laid out and maintained as a garden at the owner's cost and to the satisfaction of the Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost.
3. No individual dwelling-unit which is linked to another dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of which the dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant permission thereto.
4. No dwelling-unit may be sold before the whole development or the phase on the property is completed.
5. The Municipality shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the elevation and architectural treatment of the proposed building or structure.
6. Subject to the provision of the relevant legislation but notwithstanding any other provision contained herein, the Municipality may grant permission to the subdivision of the erf, where such subdivision corresponds with the subdivision proposals shown on the approved site development plan applicable to the erf.
7. In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the scheme in operation.
SCHEDULE 4
METHOD OF CALCULATING GROSS FLOOR AREA

CONDITIONS GOVERNING THE CALCULATION OF GROSS FLOOR AREA OF A BUILDING:

1. Gross Floor Area = (TFA - D) (1 - X) where –
   
   (1) "TFA" means the total floor area of a building, including, but not limited to, the floor area of mezzanine floors, and the floor area of basements, internal passages, the area covered by a roof over fuel pumps at a filling station or public garage, external passages and balconies as illustrated by the accompanying Diagrams 7, 8 and 9.

   (2) "D" means the sum of -

      (a) the total area of a building used solely as a Parking Garage;
      (b) the total area of any floor in any other building used for the parking and circulation of motor vehicles;
      (c) 75% of the total area of any arcade, mall or atrium in a building; Provided that such area complies with all the requirements relating to health and safety, to the satisfaction of the Municipality; or 100% of the total area of any arcade, mall or atrium in a shopping centre building; Provided that such area is used exclusively as a pedestrian way; and
      (d) The total floor area of a building used exclusively as a children's recreation area).

   (3) "X" represents 5% or such other percentage which shall be certified by a Quantity Surveyor or an Architect: Provided that such percentage -

      (a) is truly and accurately calculated as contemplated by paragraph (2) of this Schedule; and
      (b) is acceptable to the Municipality.

2. Only the following areas of a building may be measured and expressed as a percentage for the purposes as contemplated in paragraph 1(3) hereof:

   (1) Ducts.
   (2) Stairs, stairwells, stair-landings and external passages.
   (3) Lift shafts and lift motor-rooms.
   (4) External and internal walls and their finishing.
   (5) Fire escapes.
   (6) Areas used for mechanical, electrical, cleaning and maintenance equipment.
   (7) Projections and architectural features only if they form part of the calculations as per paragraph 1(1) hereof.
   (8) Refuse rooms.
   (9) Municipal electricity substations.
   (10) Such other areas as may be approved by the Municipality.
1. The use of buildings or land for any of the following purposes:

   (1) asbestos-processing;
   (2) the burning of building bricks;
   (3) chromium-plating;
   (4) cement production;
   (5) carbonisation of coal in coke ovens;
   (6) charcoal-burning and/or storing, stockpiling or hoarding or burnt charcoal, charcoal products and/or charcoal residue;
   (7) converting, reheating, annealing, hardening or carburizing, forging or casting of iron or other metals;
   (8) crushing or screening of stone or slag or plants for the preparation of road-surfacing material;
   (9) distilling, refining or blending of oils;
   (10) galvanising;
   (11) lime- and dolomite-burning;
   (12) lead-smelting;
   (13) pickling and treatment of metal in acid;
   (14) recovery of metal from scrap;
   (15) smelting, calcining, sintering or other reduction of ores or minerals;
   (16) salt glazing; and
   (17) sintering of sulphur-bearing materials and viscose works.

2. The use of buildings or land for the production of or the employment in any process of:

   (1) carbon bisulphide, cellulose lacquers, hot pitch orbitumen, pyridine, or pulverised fuel (except when used for a spray-painting trade);
   (2) cyanogen or its compounds;
   (3) liquid or gaseous sulphur dioxide; and
   (4) sulphur chlorides or calcium carbide.

3. The use of buildings or land for the production of:

   (1) amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, hexamine, iodoform, Bnaphthol, salicylic acid, lamp-black, sulphurated organic compounds, sulphur dyes, glass, and resin products (except synthetic resins, plastic-moulding or extrusion compositions and plastic sheets, rods, tubes, filaments or optical components produced by casting, calendering, moulding, shaping or extrusion);
   (2) paint or varnish manufacture (excluding mixing, milling and grinding);
   (3) rubber from scrap; and
   (4) ultra marine, zinc chloride and oxide.

4. For the purpose of:

   (1) an abattoir, animal bristle sterilizing and storing, and animal charcoal manufacture;
   (2) a bacon factory, a brewery or distillery, blood-albumen making, blood-boiling, bone-boiling, -steaming, -burning, -storing or -grinding, breeding of maggots from putrescible matter;
   (3) candle-making, catgut manufacture, boiling of chitterlings of pigs or other animals which are not subsidiary to a retail business or trade;
   (4) dealing in rags or bones (including receiving, storing or manipulating of rags in, or likely to become in, an offensive condition, or any bones, rabbit skins, fat or putrescible animal products of a like nature);
   (5) fellmongery, fat-melting or -extracting, fish-curing (other than a subsidiary to the business or trade as a fishmonger), fish-skin dressing or scraping, fish-canning;
   (6) glue-making, gut-cleaning or -scraping;
   (7) a knacker's yard;
(8) leather-dressing;
(9) the making of meal for feeding poultry, dogs, cattle or other animals from any fish, blood, bone, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia, manufacturing or storing of manure from bones, fish, fish offal, blood, spenthops, beans or other putrescible animal or vegetable matter, manufacturing of malt;
(10) parchment-making, a paper mill;
(11) size-making, skin-drying, -storing and -curing, soap-boiling, a slaughter-house, a sugar-mill or -refinery;
(12) tallow-melting or -refining, tanning, tripe-boiling or -cleaning;
(13) wool-scouring, wattle-bark grinding or extracting;
(14) yeast-making; and
(15) taxidermy.

SCHEDULE 6
CONDITIONS GOVERNING A HOUSEHOLD ENTERPRISE

1. With respect to a dwelling-unit and its outbuildings, but apart from the exceptions mentioned in Conditions 3 and 4, a Household Enterprise is restricted to -

(1) Only one bona fide occupant who shall reside permanently in the dwelling-unit together with his/her family members as a single household.

(2) A maximum of 20% of the gross floor area of the dwelling-unit: Provided that without the Permission of the Municipality such area shall not exceed 75 m².

(3) The display of one sign showing only the name of the occupant intended in condition 1(1) hereof, the address and the telephone number and the nature of the home enterprise shall be subject to the Municipality’s Permission.

(4) The storage of goods of whatever nature, reasonably essential for such household enterprise, within the area contemplated in Condition 1(2) hereof.

(5) The display of goods contemplated in Condition 1(4) hereof in such a way inside the dwelling unit that it is not visible from the outside.

(6) The loading and off-loading of goods contemplated in Condition 1(4) hereof by means of a private motor vehicle or commercial vehicle with a mass not exceeding 3,500 kg (loading capacity included) and a maximum length, width and height of 5,500 m, 1,800 m and 2,100 m respectively, and of which only one such vehicle may be parked regularly at the dwelling-unit out of sight from the street.

(7) Place of Child Care, where a maximum of ten (10) pre-school children are cared for:

Provided that –
(a) the health and safety requirements of the Municipality shall be complied with;
(b) no activities shall be held on weekdays after 17:30, or on Saturdays, Sundays or public holidays;
(c) an acoustically-acceptable screen wall of at least 1.8 m high, shall be erected on the property boundary, where the play area abuts the living-room(s) of an adjoining dwelling unit, to the satisfaction of the Municipality; and
(d) the dwelling-unit shall be on property zoned “Residential 1” and “Agricultural”.

2. One parking space per 25m² or portion thereof of the area referred to in Condition 1(2), hereof shall be provided on the property.
3. Only in the case of a dwelling-house on property zoned “Residential 1” or “Agricultural”; may a maximum of two persons be employed, whether on the property or off the property.

4. Noxious Industries and Industries are not permitted.

5. No disturbance or pollution through noise, smell, dust, radio-activity, gases or vibrations or other offensive condition, which results in inconvenience to the public, is permitted. Any waste, especially medical waste, shall comply with the Municipality’s requirements for the temporary storage and removal from the property.

6. The following uses shall not be permitted in any dwelling-unit:

   (1) Animal boarding place; bank agency; blasting contractor; builder’s yard/storage of building equipment, building contractor’s business, building society agency; butcher; call centre; car wash; escort agency; fire fighting enterprise/service; fish-fryer; funeral parlour; hiring and selling of vehicles; institution; (other) light industries; manufacturing of concrete products; medical rescue and/or paramedic emergency rescue service; micro-lender; motor workshop; packaging contractor; panel-beater; parcel delivery service and/or courier service; pet salon; place of amusement; place of child care for more than 10 children; place of instruction for more than ten persons; restaurant; transport depot; radio control/telephone exchange; shooting range; spray-painter; taxi business; tow-in service; travel agency; vehicle tracking agent/enterprise; veterinary hospital; and visitors’ information bureau.

   (2) Shops (excluding the sale of liquor) and Retail Industries.

   (3) Spaza Shops except with the Permission of the Municipality.

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**SCHEDULE 7**

**SPECIFIC CONDITIONS REGULATING CERTAIN PRIMARY USES**

1. Dry cleaners and carpet cleaners, launderettes, lawnmower workshops, printing works, farm stalls, parking garages, parking sites, places of refreshment and vehicle sales marts are regarded as primary uses on specific use zones, but subject to specific conditions:

2. The following light industries are permitted on “Business 2” and “Business 1” zones, subject to the following conditions:

   (1) Dry-cleaner and carpet-cleaner:

      (a) Steam and hot water shall be provided by means of electric boilers only or, with the Municipality’s permission, by means of gas or automatic oil operated boilers.

      (b) Provision shall be made for the discharge of industrial effluent into the municipal sewer to the satisfaction of the Municipality.

      (c) Only chemicals of a non-flammable or non-explosive character as approved by the Municipality shall be used in the cleaning process.

      (d) The public shall not be allowed in the work section which shall be partitioned off from public view.

      (e) Provision for the disposal of fumes shall be made to the satisfaction of the Municipality.

   (2) Launderette:

      (a) The minimum open floor area per machine, be it washing machine or dryer, shall not less than 2,25 m².

      (b) Provision shall be made for the discharge of industrial effluent into the municipal sewer to the satisfaction of the Municipality.
(3) Lawnmower workshop:

(a) The servicing, repairing and storing of all lawnmowers shall take place in a building, out of public view.
(b) All loading activities shall take place on the premises.
(c) The screening-off of noise shall be to the satisfaction of the Municipality.
(d) Provision shall be made for the discharge of industrial effluent into the municipal sewer to the satisfaction of the Municipality.

3. Farm stalls are permitted on “Agricultural” and “Municipal” Use Zones, subject to the following conditions:

(1) The area of the building shall not exceed 35 m², excluding parking and manoeuvring space: Provided that the Municipality may grant Permission to enlarge the area of such building in terms of Clause 34.
(2) The farm stall shall be situated at least 10 m from any property boundary, subject also to the building line as defined in the Scheme and/or title deed: Provided that the Municipality may grant Permission to reduce the building line in terms of Clause 34.

4. Parking Garages are permitted on “Business 1”, “Business 2”, “Industrial 1”, and “Industrial 2” Use Zones, subject to the following conditions: A site development plan and a landscape development plan shall be submitted in terms of Clause 31 of the Scheme.

5. Parking Sites are permitted on “Residential 4”, “Business 2”, “Business 1”, “Industrial 1” and “Industrial 2” Use Zones, subject to the following conditions:

(1) A site development plan and a landscape development plan shall be submitted in terms of Clause 31 of the Scheme.
(2) The following aspects shall be indicated on the site development plan to the satisfaction of the Municipality:

(a) Demarcation of the parking spaces and the layout of the site
(b) Position of the access control point
(c) Position of the screen walls and other physical barriers
(d) Positions, construction and maintenance of all vehicular entrances to and exits from the site
(e) The surfacing of the entrances and exits from the tar edge or kerbing to the site boundary as well as the internal roads and parking areas.

6. Vehicle Sales Lots are permitted on “Business 2” and “Business 1” Use Zones, subject to the following conditions:

(1) Where the area between the property boundary and the building line is used for the display or storage of vehicles being offered for sale, a physical barrier shall be erected.
(2) Vehicles may only be displayed on the natural ground level of the site, and no podium or platform shall be erected or used for display purposes, without the written permission of the Municipality.
(3) The surface of the display area shall be graded, drained, paved and maintained to the satisfaction of the Municipality.
(4) Where the vehicle sales mart adjoins residential property, an approved wall or fence shall be erected along the affected boundary of the property to the satisfaction of the Municipality.
## PROPERTY DESCRIPTION:

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<thead>
<tr>
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<tbody>
<tr>
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<td>Use with “Special Consent”</td>
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<td>Uses with “Written Consent”</td>
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<td>Height</td>
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<td>Floor Area Ratio (F.A.R.)</td>
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<td>Site development plan and landscape development plan</td>
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<td>16</td>
<td>Building lines</td>
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<td>17</td>
<td>Parking requirements</td>
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<td>Outdoor advertising</td>
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<td>19</td>
<td>General:</td>
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**APPROVED**

PROMULGATED ON: ........................................................

CITY OF POLOKWANE LOCAL MUNICIPALITY COMES INTO OPERATION ON
**SCHEDULE 9**
**PRO FORMA: CONSENT SCHEDULE**

### POLOKWANE/PERSKEBULT TOWN PLANNING SCHEME 2016

### SCHEDULE OF CONSENT

#### REF: ……………..  

### PROPERTY DESCRIPTION:

#### CONDITIONS APPLICABLE TO THE CONSENT OR PERMISSION GRANTED BY THE MUNICIPALITY

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1. Approval hereof does not in any way imply approval of any Site Development Plan as may be required.

2. The Special Consent shall be null and void if the requirements imposed by the Municipality are not complied with.

3. (a) The owner of the property is not absolved from complying with the requirement(s)/restriction(s) of any title deed, law, bylaw or ordinance.

   (b) The Municipality is not bound in any way whatsoever to issue any further Consent related hereto.

4. Should the manner in which the Special Consent is exercised, interfere in any way or constitute a nuisance, the Municipality reserves the right to take appropriate steps for the removal of the cause of such interference or nuisance or to withdraw this Special Consent.

5. In addition to the above conditions the property and buildings thereon are subject to the general provisions of the Town Planning Scheme in operation.

### APPROVED

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**PROPERTY DESCRIPTION:**

**CONDITIONS APPLICABLE TO THE WRITTEN CONSENT GRANTED BY THE MUNICIPALITY**

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<td>Parking Requirements</td>
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<td>Paving of traffic areas</td>
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<td>Loading and off-loading facilities</td>
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## CONDITIONS APPLICABLE TO THE PERMISSION SCHEDULE GRANTED BY THE MUNICIPALITY

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POLOKWANE/PERSKEBULT TOWN PLANNING SCHEME, 2016

FILING OF COMPLAINT BY MEMBER OF PUBLIC (ALLEGED CONTRAVENTION OF THE SCHEME)

CLAUSE 41(2)

I, the undersigned

______________________________________________________
(Full Names/Surname)

Of address

______________________________________________________

(address of complainant)

Contact telephone number

______________________________________________________

Hereby file the following complaint with regard to an alleged contravention of the provisions of the prevailing town planning scheme:

1. Property on which the alleged contravention occurs:
   - Erf/Portion Number
   - Township/Farm
   - Street address
   (if possible, enclose a map indicating the situational context of the relevant property)

2. Description of alleged contravention:
   __________________________________________
   __________________________________________
   __________________________________________
   (Describe in simplified terms. If space is inadequate, please attach details on a separate sheet(s))

3. When did the complainant become aware of the alleged contravention?
   Date ___________________________________

4. Can the complainant provide any photographic evidence of the alleged contravention?  
   YES  NO
   This is not a requirement but may assist the Municipality in assessing the facts of the complaint.

The complaint sheet must be signed and delivered to the following address:

Polokwane Local Municipality

______________________________________________________

Or faxed to: ______________________________________
Or posted to: _____________________________________
SCHEDULE 14
APPLICATION FOR SPECIAL CONSENT I.T.O CLAUSE 32 OF THE SCHEME READ TOGETHER
WITH SECTION 20 OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986
(ORDINANCE 15 OF 1986):
APPLICATION FORM

DIRECTORATE PLANNING & DEVELOPMENT
SPATIAL PLANNING & LAND USE MANAGEMENT BUSINESS UNIT, 1ST FLOOR WEST
WING, CIVIC CENTRE, c/o LANDROS MARE & BODENSTEIN STREETS, POLOKWANE.

NB: Please read the Footnotes

NB: Submit two (2) copies of the complete application and annexure.

Contents

PARTS OF THIS APPLICATION TO BE COMPLETED & SUBMITTED BY APPLICANT

PART A Application
PART B Particulars of applicant and property
PART C Application detail
PART D Merits of application
PART E Application procedure
PART F General
PART G Declaration by applicant

PART H: EXPLANATORY SUPPLEMENTS (not to be re-submitted)

(i) Definitions as contained in Clause 8 of the scheme
(ii) Regulations contained in Ordinance 15 of 1986
(iii) Merits of application – Criteria i.t.o. Clause 20.1 of the scheme
(iv) Application for a “Tavern”
(v) Application for “Household Enterprise” or “Service Enterprise”
(vi) Procedure to lodge an application i.t.o. Clause 32
(vii) Examples (Notice, Affidavit, Power of Attorney, etc.)

PART A: APPLICATION

1. I/we the undersigned

being the 1owner of land described herein after, hereby apply in terms of Clause 32.1(a) of the 2Polokwane/Perskebult Town Planning Scheme, 2016 for Special Consent of the municipality for:

Mark appropriate blocks with X

(i) the erection and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the Special Consent of the local municipality in terms of Column 4, Table “A”; and

(ii) an increase in the density of an erf (see Column 10, Table “C”); and

(iii) an increase of the floor area ratio (see Column 16, Table “C”).

2. The complete application detail shall be set out in Part C, Paragraph 5 below.

3. I/we hereby acknowledge and accept that:

3.1 The local municipality may upon the granting of the consent contemplated in Clauses 32 of this scheme, impose conditions regarding the payment of contributions for the provision of services, open spaces and parks, as envisaged in Section 20(2)(c) of the Ordinance, for which purposes the provisions of Section 63 of the Ordinance shall mutatis mutandis apply;

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

3.3 If any land use is permitted in terms of this scheme but otherwise restricted in the Title Deed, the onus lies with the owner of such property to:

(i) remove or wave the restriction by following the necessary procedure provided in legislation; and

(ii) to submit proof to the local municipality that such restrictive conditions has been removed.

1Owner is defined in Clause 8 of the scheme.
2Polokwane/Perskebult Town Planning Scheme, 2016, herein-after only referred to as the “scheme”.

PART B: PARTICULARS OF APPLICANT & PROPERTY

4. I hereby furnish the following information and particulars in respect of the owner and land.

4.1 Full name/s or other particulars of registered owner of land/property:

4.2 Full name and/or particulars of the duly authorized person or agent of such owner mentioned in par. 2.1 above (if any):

4.3 In the case of an authorized person or agent, I hereby attach the Power of Attorney as well as company resolution, as contemplated in Regulations 45 and 46 of the Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986):

   No, not attached or not applicable
   Yes, attached hereto

   If answered “yes”, attached the documents and mark as “Annexure A” hereto.

4.3 Property description according to the Title Deed or Deed of Grant (e.g. Erf 1001 Bendor Extension 9):

4.4 I hereby attach a copy of the Title Deed, namely:

   (e.g. T 1222/2007)

   T

   The copy of the Title Deed is attached hereto and marked as “Annexure B”.

4.5 Size of the property:

   (e.g. 2 855m²)

4.6 Street address of property:

3Other particulars means full particulars in the case of a company, close corporation, trust or any other legal entity, or a person charged with the administration of the estate thereof.
4.7 Existing zoning of the property in terms of the scheme
(e.g. "Residential 1"): 

4.8 Has any other land use rights been granted on the property which may impact on this application?

No
Yes

If “yes”, state the complete extent thereof and attach necessary proof of documentation and/or reference numbers where applicable.

Note: Information can be submitted in a separate annexure hereto.

4.9 Other contact detail of applicant:

Postal address: 

Tel. no: Cell. no: 

Fax. no: 

e-mail address: 

PART C: APPLICATION DETAIL

5. In terms of Clause 32.1(a) of the scheme the application is made for the Special Consent from the Municipality:

Application for secondary land use rights.

5.1 The erection and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the Special Consent of the local municipality in terms of Column 4, Table “A” of the scheme, namely:

4 Other land use rights may include consent from other the controlling authorities, e.g. i.t.o. provisions of Act 21 of 1940, or consent i.t.o. the title.
5.2 In the case of application for a “Special Use” as defined in Clause 6.110 of the scheme, the proposed use/s rights to be permitted and conditions thereto, are set out as follows:

A “Special Use” for...

subject to the following conditions:

Note: Information can be submitted in a separate annexure hereto.

5.3 In the case of an application for a “Tavern”, I/we hereby confirm that I am/we are aware that additional information shall be submitted and that additional procedure shall be followed, as contemplated in the relevant policy of the municipality, which may be amended from time to time.

---

* In the case of a “Special Use”, the proposed land use/use rights to be permitted and conditions thereto, shall be set out separately. Please complete Paragraph 5.2 below.

* In the case of a “Tavern”, also complete paragraph 5.3 below;

* In the case of a “Household Enterprise” or “Service Enterprise”, also complete paragraph 5.4 below.

---

5 Please note that although a complete list of uses are provided in this form, application can only be made for those uses provided in Column 4 and the rows as contained opposite that specific Use Zone (e.g. “Residential 1” only contains 7 uses).

*Tavern* is defined in Clause 8 of the scheme. Please note special provisions.

*Service Enterprise* is defined in Clause 8 of the scheme. Please note special provisions

*Household Enterprise* is defined in Clause 8 of the scheme. Please note special provisions

8 Noxious Industry uses are set out in Schedule 5 of the scheme.

9 A “*Special Use*” is defined in Clause 8 of the scheme.
I/we hereby attach an annexure in this regard, which is marked as follows:

ANNEXURE “ “

or

5.4 In the case of an application for a Household Enterprise or Service Enterprise, I am/we are aware of the additional requirements contemplated in Clause 35 of the scheme, and hereby submit additional information in this regard as part of a motivational memorandum as also contemplated in Part D, Paragraph 6 below.

No, additional information/motivation is not attached

Yes, additional information/motivation is attached

5.5 Application for increased density.

The increase in the density of an erf as contained in Column 10, Table “C” and as follows, namely:

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<tr>
<th>From.</th>
<th>Existing/Primary right of:</th>
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<tr>
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<td>(e.g. 1 detached)</td>
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<tr>
<th>To.</th>
<th>11 Relaxation of:</th>
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<td>(see Footnote)</td>
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<th>NB: *Delete not applicable</th>
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<td>*dwelling units/erf; or</td>
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<td>*dwelling units/ha; or</td>
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<tr>
<td>*rooms/ha.</td>
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<th>Relaxation of:</th>
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<tbody>
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<td></td>
<td>(see Footnote)</td>
</tr>
</tbody>
</table>

**NB:** Only those densities contained in the rows opposite a specific Use Zone can be applied for (e.g. “Residential 1” - 30 d.u./ha)
Application for increased FAR.

5.6 An increase of the floor area ratio (FAR) as contained in Column 16, Table “C” and as follows, namely:

From,
Existing/Primary right with a FAR of: (e.g. 1.0)

To,
12 Relaxation with a maximum FAR of: (e.g. 1.2. See Footnote)

PART D: MERITS OF THE APPLICATION

Purpose.

6. The purpose of this application and intended consent can be summarized as follows:

Note: Information may be submitted in a separate motivational memorandum hereto.

Merits of intended use.

7.1 I/we hereby furnish a detail motivational memorandum in this regard and attached it hereto.

   No, I have not submitted any motivational memorandum

   Yes, a motivational memorandum is attached hereto

12 Please note that only the maximum FAR contained in the row opposite a specific Use Zone can be applied for (e.g. “Residential 1” - FAR = 1.2). It may however be lower.
PART E: APPLICATION PROCEDURE

8.1 I/we hereby confirm that I/we are aware of the procedure to follow and responsibilities on the applicant as more clearly set out in Clause 32.(2) to (6) of the scheme and will submit the required information to the municipality, and further hereto:

8.2 I/we submit the following information to assist the municipality, namely:

8.2.1 The first notice of the application as contemplated in Clause 32.(2)(a) of the scheme, will appear on the following date:

8.2.2 The objection period will lapse on the following date:

NOTE: The provisions of Clause 32 of the scheme with specific reference to the procedure to be followed, is set out in explanatory pages hereto.

PART F: GENERAL

9. I/we hereby attach two (2) copies of the following documentation and information, namely:

9.1 A motivational memorandum.

9.2 A Power of Attorney [Regulation 46] and Company Resolution (where applicable) [Regulation 45], marked “Annexure A”.

9.3 A copy of the Title Deed or Deed of Grant, marked “Annexure B”.

9.4 Application fee/proof of payment of the application fee as determined i.t.o Schedule 17 of the Town Planning and Townships Ordinance, 1986.

Application fee payable: [Official Use Only] R

NB: I/we confirm that I am/we are aware that failure to submit the documents set out in par. 9.1 to 9.4, may lead to the rejection of the application and/or disqualification thereof.

13 Regulations 45 and 46 of the Town-Planning & Townships Ordinance, 1986 (Ord. 15 of 1986)
9.5 Other documentation (where applicable), namely:

Please note: Additional documents should be marked as annexures

PART G: DECLARATION BY APPLICANT

10.1 I hereby declare that the information contained in this application is true and the application is done to the best of my knowledge. I am/we are also aware of the stipulations of Section 132 of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), which stipulates that any person who willfully and with intent to defraud, furnishes false or misleading information in connection with an application, shall be guilty of an offence.

10.2 I/we also undertake to submit any further information that may be required by the municipality to finalise the application.

Signed in ______________________ on this ________ day

of ______________________ 200__.

______________________________
SIGNATURE OF APPLICANT

Witnesses:

1. ______________________

2. ______________________
*Please note that the following information is attached hereto only to assist the applicant. The onus remains with the applicant to comply with provisions of the scheme and Ordinance 15 of 1986, at all times and the municipality take no responsibility should an applicant fail to comply with any provision in legislation.

(i) Definitions as contained in Clause 8 of the scheme:

**HOUSEHOLD ENTERPRISE**

Means the practice of an activity, business, hobby or occupation in a dwelling-unit excluding a commune, a guest-house, a block of tenements, a boarding house, hostel and hotel, with the aim of deriving an income there from, subject to Clause 35.

**OWNER**

Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes:

1. if the owner is deceased, the executor of the deceased estate;
2. if the estate of the owner has been sequestrated, the trustee of the insolvent estate;
3. if the owner is a company or other juristic person the authorized representative (director, member or other);
4. if the owner is a company or other juristic person that is being wound up, the liquidator thereof;
5. if the owner is under legal disability, the owner's legal representative;
6. the authorised representative of the owner; or
7. in the case of a road or public space under the control of the Municipality, that Municipality.

**SERVICE ENTERPRISE**

Means a small scale enterprise regarded as Service Industry and permitted in Use Zones 1 and 2 as set out under column 2 of the table included in Schedule 2, and also includes a hair salon, a beauty parlour or beauty salon, which is used by the occupant for the conduct of a practice or occupation subject to provisions of Clause 17, with the aim of deriving income there from and which is practiced by a maximum of three (3) persons, of which the principal of such enterprise is a full time resident of the property, from a dwelling unit in such a way that the residential character and primary use of the dwelling unit and environment shall not, in the opinion of the local municipality, be in any way harmed or changed, and the enterprise shall, in the opinion of the local municipality, be conducted from a core part of the dwelling unit and/or main building and may not without the consent of the local municipality, be conducted from any outbuilding remotely removed from such main building. No retail trade, except retail trade that is subservient to the main enterprise and which will, in the opinion of the municipality, not prejudice the general character of the area, is permitted from the property. The activities not permitted in a dwelling unit are listed in Schedule 6 to this Scheme.
SPECIAL USE

Means land used or a building designed or used for any purposes not defined in this Scheme, or contained in Table “A” hereof. A special use is a consent use/right provided under provisions of Clause 32 (Special consent) of this Scheme, for any purposes not defined in the definitions, or contained in Table “A” thereof.

TAVERN

Means land or a building on a residential property designed and used for the purposes of selling and serving liquor, other beverages and prepared food/snacks, to be consumed on the premises, which tavern floor area shall not exceed 50m² in extent, alternatively not more than 25% of the floor area of the dwelling unit on the same property: Provided that, with the special consent of the Municipality, this area may be increased, subject to such conditions as the Municipality may deem expedient.

(ii) Regulations provided in Ordinance 15 of 1986:

Regulation 45: “In respect of an application or request in terms of the ordinance whereto the land to which the application or request relates -
(a) is held in joint ownership, the application or request shall be signed by each of the registered owners of a share therein or by his authorised agent;
(b) is registered in the name of a partnership, the application or request shall be signed by one or more of the partners on behalf of the partnership or by the authorised agent of the partnership;
(c) is registered in the name of a company, the application or request shall be signed by a director of the company over his designation on behalf of the company or by the authorised agent of the company.”

Regulation 46: “Where any application or request in terms of the Ordinance is made on behalf of the registered owner of land, the person making the application or request shall submit a power of attorney by the owner in terms of which he is authorised to do so.”

(iii) Merits of the application – Criteria for the consideration of application

Subject to the provisions of Clauses 32, 33 and 34 hereof when application is made for its special, written or temporary consent in terms of this Scheme, the local municipality shall at least take the following criteria into consideration, but not limited hereto namely:

(a) The Spatial Development Framework (SDF) and/or the Integrated Development Plan (IDP);
(b) Directive principles as contemplated in Clause 7.1 of this Scheme;
(c) Any relevant policy and/or land use strategy and/or development plan adopted by the municipality;
(d) the need of the use concerned, including but no limited to aspects such as
   (i) market trends;
   (ii) proximity of the proposed use to similar uses as well as the relationship between such uses;
   (iii) the impact of the proposed uses on sustainability;
(e) the desirability of the use concerned, including but not limited to aspects such as:
   (i) traffic flow;
   (ii) privacy;
   (iii) orientation and layout of buildings and uses on the site, including parking;
   (iv) the amenities and character of the area;
   (v) convenience and safety of the area.
(iv) **Application for a “Tavern”**

Apart from procedure generally set out in this application, the applicant shall comply with the procedure and requirements as contained in the relevant policy of the municipality, which may be amended from time to time.

**Summary of procedure & steps to be taken by applicant:**

In addition to procedure and notification set out in paragraph (vi) below, the applicant shall also notify the following persons and/or bodies, namely:

- The Ward Councillor of the area/ward;
- All owners of the properties within a distance of 50 meters from the subject property (application site);
- The governing body of each educational institution (schools, pre-schools) AND place of public worship (church) of the properties within a radius of 250 meters from the subject property (application site).

(See examples)

**Additional Information:**

- The applicant shall submit a list of as well as a corresponding locality map, indicating all adjacent owners/property description within 50m as well as places of instructions and places of public worship within a radius of 250m; AND
- The applicant shall submit proof of such notification and/or acknowledgement of receipt by such person/body or an affidavit confirming that such notice was served.

**Other requirements and conditions to be complied with by the applicant:**

- The floor area of the business shall not exceed 50m²;
- Parking be provided on site as required in the scheme;
- The primary use shall remain residential;
- The residential amenities, health and safety and character of the area shall not be prejudiced;
- Trading hour shall be limited to the hours between 06:00 and 22:00 each day as determined by the Liquor Act;
- A Liquor License shall be obtained by the applicant and proof submitted within 3 months of the date of approval of the Special Consent (should it be granted);
- Selling and/or serving of liquor and other beverages including food shall be conducted from within the building structure which also complies with National Building Regulations;
- No serving and/or selling of liquor and/or other beverages shall take place outside a building structure on the premises;
- Advertisements signs shall not exceed 600mm x 450 mm and may not be illuminated;
- Additional toilet facilities for both sexes shall be provided as required by the municipality;
- The requirements of the Liquor Act and of any of the municipal departments shall be complied with to the satisfaction of the relevant authorities;
- The local municipality shall impose or remove any condition it deem fit due to changes and/or unforeseen circumstances prior and/or after consent have been granted;
- The Special Consent shall lapse if the municipality is of the opinion that:
  - The residential amenities, health and safety and character of the area are being disturbed;
  - The owner does not reside on the premises;
  - The hours of operation are being violated;
  - Any of the conditions of the consent (if granted) or stipulations of the scheme are not complied with.

---

14 This part and deliberation of conditions should be incorporated into the application as an additional part/annexure as contemplated in par. 5.3 of this application form.
Application for “Household Enterprise” or “Service Enterprise”

(1) In addition to any conditions imposed by the Municipality in the granting of Special or Written Consent, the conducting of a Household Enterprise or Service Enterprise, from a dwelling unit, shall be subject to the following:

(a) No title condition applicable to the property may be transgressed.
(b) No activity and/or use listed in Schedule 6 to this Scheme shall be permitted to be conducted on the property;
(c) Where the Special or Written Consent of the Municipality has been granted, the owner may practice his/her occupation from the dwelling unit or may permit such practice of the occupation by an occupant under the control of the owner, subject thereto that the occupant, if a natural person or if a juristic person, then the authorized representative thereof is:

(i) personally in charge of the enterprise;
(ii) is a full time resident on the property; and
(iii) holds the majority interest in the enterprise.

(2) A maximum of three (3) persons, which shall include the applicant, may be employed on the property. For the purposes of this clause the following will be regarded as an employee of such applicant, notwithstanding the number of enterprises conducted from the property, namely:

(a) an agent or representative;
(b) an apprentice or trainee;
(c) a partner, director, member or trustee of each partnership, company, close corporation or trust under which the applicant is conducting the enterprise.

(3) The residential character and function of the dwelling unit must be maintained, and not more than 20% of the floor area of the dwelling unit, outbuildings excluded, or a maximum floor area of 75m² (whichever is the larger) may be used for such practice.

(4) No goods may be displayed in public, in a window or in any other manner.

(5) No notice or sign, except such notice or sign as is normally displayed at the dwelling unit, to reflect the name of the applicant and the nature of the household enterprise, may be displayed, provided that the size of such notice shall not exceed 600mm by 450mm.

(6) The amenity or character of the area may not be detrimentally affected by the conducting of the occupation of the applicant.

(7) No retail trade, except retail trade that is subservient to the main enterprise and which will not, in the opinion of the Municipality, prejudice the general character of the area may be contacted from the property.

(8) The Household or Service Enterprise shall be conducted from within the dwelling unit, but if conducted from any outbuilding, it shall, in the opinion of the Municipality, not reflect the appearance or character of an office or non-residential building normally associated or recognisable under Use Zones 4, 5, 6 and 7, and shall also reflect the same architectural style which complements the existing dwelling unit on the property and without prejudice to the residential character of the area/neighbourhood.

(9) A Site Development Plan and building plans, to indicate the change in use, shall be submitted to the Municipality within a period of 30 days after approval of the application or such further period as the Municipality may permit. Failure to submit the required plans and/or change the building in accordance with approved plans shall result in a withdrawal of the consent without any further notice.
(10) Parking shall be provided to the satisfaction of the Municipality in accordance with the Scheme and subject to any other conditions and/or additional parking spaces required by the Municipality. In the case of a Household Enterprise or Service Enterprise on a property zoned “Residential 2, 3 or 4” and/or where a dwelling unit forms part of a sectional title complex, the applicant shall satisfy the Municipality that additional parking has been provided and that none of the parking required in respect of the normal operation of the main use, is/will be utilised for the purpose of conducting the occupation of the applicant in any manner.

(11) The Municipality may require one (1) loading zone in respect of a Service Enterprise.

(vi) **Procedure to lodge an application i.t.o. Clause 32 of the scheme:**

**Summary of procedure & steps to be taken by applicant:**

- Complete prescribed form & submit all required documents as well as proof of payment of application fee;
- Publish a notice in local newspaper as prescribed;
- Display a notice on property as prescribed for period not less than 14 days;
- Obtain comments (where applicable) from persons/institutions which may be prescribed;
- Reply within 28 days from lapse of objection period, to any objections or comments received;
- Submit an Affidavit i.r.o. notice;
- Submit proof of notice being published.

**Procedure of Clause 32 application in more detail:**

(1) Any owner of a property situated in the area of the Scheme (hereinafter referred to as “the applicant”), intending to apply to the Municipality for Special Consent for:

(a) the erection and use of a building or for the use of land in any use zone, for any purpose which requires the Special Consent of the Municipality in terms of Column 4, Table “A”; and/or

(b) an increase in the density of an erf (as per Column 10, Table “C”); and/or

(c) an increase of the floor area ratio (as per Column 16, Table “C”);

shall submit such application to the Municipality in writing, in the prescribed form supplied by the Municipality.

(2) The applicant shall, in the prescribed manner and format of the Municipality:

(a) publish a notice twice (for two consecutive weeks) in a local newspaper, circulating in the area of the application, which notice shall be in the official language/s as prescribed by the Municipality;

(b) display a placard notice, and maintain same, for a period of not less than 14 consecutive days which first date of notice shall accord with the first date of notice contemplated in (a), in a conspicuous position, visible from a public street on each separate property to which such notice shall apply; and

(c) serve notices on owners of properties situated adjacent to the applicant's property and such other persons or bodies which may be identified by the Municipality for such purpose by prepaid registered mail or by delivering such notice to such owner or a representative of such owner at the address on record with the Municipality.
(3) The notices referred to in (2) shall contain:

(a) the name and address of the applicant and the Municipality;
(b) the description and situational context of the property of the applicant;
(c) particulars of the purpose for which the land and buildings are proposed to be used;
(d) written confirmation that such notice, together with the application documents, shall lie for inspection at the office of the Municipality and the address of the applicant;
(e) written confirmation that any objection to or representation in connection with such application shall be lodged simultaneously with the Municipality and the applicant within a period of 28 days calculated from the day when the notice was first published, displayed on the site and served on the parties contemplated in (2).

(4) The placard notice contemplated in (2)(b) shall be not less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.

(5) The applicant shall, within 28 days from the date of expiry of the notice period contemplated in (3)(e) or such further period as the Municipality may allow, lodge any objection or comment received by the applicant during such notice period, together with his/her reply thereto, with the Municipality. If no comments and/or objections are received by the applicant during such notice period, the applicant shall inform the Municipality accordingly within 28 days from expiry of such notice period.

(6) The applicant shall submit an affidavit to the Municipality confirming that the notice referred to in (2)(b), was properly displayed and maintained and the applicant shall submit proof to the Municipality that the notices contemplated in (2)(a), were published and that the notice to be served on the parties contemplated in (2)(c) were properly served.

(7) Upon the applicant having complied with the provisions of (6) above, the Municipality shall:

(a) in the case where no objection or representation or any comment is received from any interested or affected party, consider the application and either refuse or approve such application and notify the applicant within a period of 56 (fifty six) days of receipt of the affidavit contemplated in Clause 32(6);

(b) in the case where an objection, representation or comment in opposition to the application or any part thereof is received from an interested or affected party before the expiry of the 28 day period contemplated in (3)(e), conduct a hearing as contemplated in (8).

(8) Should any objection, representation or comment in opposition to the application be received by the Municipality as contemplated in (7)(b), a time and place for the hearing of such matter in a manner complying with the requirements of ruling legislation, and shall give written notice thereof, by registered post or by electronic communication or facsimile, at least 14 days prior to the hearing, which notice shall be directed to the applicant and/or his duly authorised agent and all objectors and parties having submitted representations or comments in respect of the application with the 28 day period contemplated in (3)(e) and only such parties or their authorized representatives shall be permitted to attend such hearing and present their arguments to the Municipality.

(9) Where an objection, representation and/or comment contemplated in (8) is submitted by more than one person or body and is contained in a single document, it shall be deemed sufficient compliance with the provisions of (8) if only the person or body who lodged the document, is notified of the arrangements of the hearing.

(10) The Municipality shall, after considering any objection, representation and/or comment, notify the applicant and all other parties on record of its decision, together with the
reasons for such decision with a period of 28 (twenty eight) days from concluding the hearing.

(11) The decision of the Municipality shall (where any objection to an application was received) not come into operation before expiry of 56 days, calculated from the date of notification of the parties contemplated in (10) above.

(12) Any party on record who is aggrieved by the decision of the Municipality may, subject to provisions of the Ordinance, lodge an appeal against such decision.

(13) The Municipality may, upon the granting of any Special Consent contemplated in this Scheme, impose any conditions it may deem appropriate, including the payment of contributions for the provision of services, open spaces and parks, as envisaged in Section 20(2)(c) of the Ordinance, for which purposes the provisions of Section 63 of the Ordinance shall apply mutatis mutandis.

(14) Any Special Consent granted by the Municipality shall be recorded on a Special Consent Schedule, the format of which is illustrated in Schedule 9 hereto.

(vii) **Examples**

*Please note that the following examples are attached hereto only to assist the applicant. The onus remains with the applicant to comply with provisions of the scheme and Ordinance 15 of 1986, at all times and the municipality take no responsibility should an applicant fail to comply with any provision in legislation.*

- Notices to be published in newspaper and posted on the land;
- Affidavit;
- Power of Attorney.
Example of notices (in English) to be published in newspaper and posted on the land.

POLOKWANE PERSKEBULT TOWN PLANNING SCHEME, 2016

SPECIAL CONSENT FOR

(Use of land, e.g. “Place of Instruction”)

Notice is hereby given in terms of provisions of Clause 32 of the Polokwane/Perskebult Town Planning Scheme, 2016, that I/we, the undersigned,

(Full names of owner/s and/or authorized agent)

intend applying to the Polokwane Municipality for the Special Consent for

(Use of Land as provided in Column 4, Table “A” of the Scheme, e.g. “Place of Instruction”)

for purposes of

(Purpose of the proposed use and/or use of buildings, e.g. “…the use of the existing building for purposes of a crèche”)

on located in

(Property description, e.g. Erf 1001 Bendor Extension 9)

(Street address, e.g. 101 Outspan Drive, Polokwane)

Particulars of the application will lie for inspection during normal office hours at the applicant at the address mentioned herein, and at the offices of the Town Planners, first floor, west wing, Civic Centre, Polokwane, for the period of 28 days from (date).

Any objections to or representations in respect of the application shall be lodged in writing simultaneously with the applicant and with the Municipal Manager, Polokwane Municipality at the above address or at PO Box 111, Pietersburg, 0700, within a period of 28 days from (date).

Address and contact detail of applicant/agent:

Example of Affidavit
AFFIDAVIT

Reference: Special Consent ito Polokwane/Perskebult Town Planning Scheme, 2016 i.r.o.

(Property description)

I/we, the undersigned __________________________, hereby declare that I/we have posted and maintained the notice for a period of at least 14 days in the prescribed form and manner in a conspicuous place as prescribed in Clause 32(2)(b) of the Polokwane/Perskebult Town Planning Scheme, 2016, on the following land:

(Property description)

Signed in ______________ on this __________ day of ______________ 200     . ___

(Signed) APPLICANT

I certify that the above mentioned affidavit was declared to me and that the declarant confessed that he/she is familiar with the contents of this sworn affidavit and understands it. The affidavit was confirmed by oath in my presence and the declarant’s signature was administered in my presence.

Sworn and signed in my presence at ______________ on this __________ day ______

of ______________ 200     . ___

(Signed) COMMISSIONER OF OATHS

Example of Power of Attorney
SPECIAL POWER OF ATTORNEY

I/We, the undersigned

(Full names) (id.  )

being the registered owner/s of (property description), do hereby nominate, constitute and appoint:

(Full names)

with power of Substitution to be my lawful Town Planners and appointed Agent in name, place and stead, to make application in terms of the Polokwane/Perskebult Town Planning Scheme, 2016 read together with Ordinance 15 of 1986, for:

The Special Consent of the municipality on the mentioned erf/land, for

(Proposed Use and purpose)

and generally affecting the aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as I might or could do if personally present and acting herein hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my said Town Planner and Agent shall lawfully do, or cause to be done, by virtue of these present.

Signed at  on this  day of  20  in  

the presence of the undersigned witnesses.

(Signed)

As witnesses:

1. 

2. 
Example of Notice to owners and other parties i.r.o. a Tavern use

POLOKWANE PERSKEBULT TOWN PLANNING SCHEME, 2016

SPECIAL CONSENT FOR A TAVERN

Notice is hereby given in terms of provisions of Clause 32 of the Polokwane/Perskebult Town Planning Scheme, 2016, that I/we, the undersigned,

(Full names of owner/s and/or authorized agent)

intend applying to the Polokwane Municipality for the Special Consent for a Tavern for purposes of selling and serving liquor and other beverages and prepared food, to be consumed on

(Property description, e.g. Erf 1001 Bendor Extension 9)

located in

(Street address, e.g. 123, Outspan Drive, Polokwane)

As you are an owner within a distance of 50 meter, or an Educational Institution, or Place of Public Worship within a radius of 250 meter, you are specifically notified of the proposed use in order to comment and/or be provided with the opportunity to lodge any objection.

Particulars of the application will lie for inspection during normal office hours at the applicant at the address mentioned herein, and at the offices of the Town Planners, first floor, west wing, Civic Centre, Polokwane, for the period of 28 days from (date).

Any objections to or representations in respect of the application shall be lodged in writing simultaneously with the applicant and with the Municipal Manager, Polokwane Municipality at the above address or at PO Box 111, Pietersburg, 0700, within a period of 28 days from (date).

Should no comments and/or objections be received as set out above, the municipality will assume that you are in support of the application and may approve the proposed land use rights.

Address and contact detail of applicant/agent:

__________________________________________________________

DATE OF NOTICE: __________________________
SCHEDULE 15
APPLICATION FORM

DIRECTORATE PLANNING & DEVELOPMENT
SPATIAL PLANNING & LAND USE MANAGEMENT BUSINESS UNIT, 1ST FLOOR WEST WING, CIVIC CENTRE, c/o LANDROS MARE & BODENSTEIN STREETS, POLOKWANE.

NB: Please read the Footnotes
NB: Submit two (2) copies of the complete application and annexures.

Contents

PARTS OF THIS APPLICATION TO BE COMPLETED & SUBMITTED BY APPLICANT

PART A Application
PART B Particulars of applicant and property
PART C Application detail
  PART C(A): Application for secondary land use rights, including:
  Household & Service Enterprise, Spaza/Kiosk & Creche
  PART C(B): Applications for relaxation of height, coverage, building lines, site development plan & lines of no-access & others.
PART D Merits of application
PART E Application procedure
PART F General
PART G Declaration by applicant

PART H: EXPLANATORY SUPPLEMENTS (not to be re-submitted)

  (i) Definitions as contained in Clause 8 of the scheme
  (ii) Regulations contained in Ordinance 15 of 1986
  (iii) Merits of application – Criteria i.t.o. Clause 20.1 of the scheme
  (iv) Application for a “Spaza” or “Kiosk”
  (v) Application for “Household” or “Service Enterprise” – provisions of Clause 35
  (vi) Provisions of Schedule 6 iro Household & Service Enterprise
  (vii) Procedure to lodge an application i.t.o. Clause 33
  (viii) Examples (Notice, Affidavit, Power of Attorney, etc.)
APPLICATION FOR WRITTEN CONSENT FROM THE LOCAL MUNICIPALITY IN TERMS OF

PART A: APPLICATION

1. I/we the undersigned

being the 15owner of land described herein after, hereby apply in terms of
Clause 33.1 of the 16Polokwane/Perskebult Town Planning Scheme, 2016 for
Written Consent of the municipality for:

Mark appropriate blocks with X

1.1 Erect and use of a building or for the use of land in any use zone, whether
wholly or partially for any purposes which requires the Written Consent of the
local municipality (Column 5, Table “A”), namely:
(i) the carrying on of a 17Household Enterprise or 18Service
Enterprise from a dwelling unit in Use Zones 1, 2, 4 or 15,
subject to provisions of Clause 23;

(ii) the use of a 19Spaza or 20Kiosk;

(iii) the use of a 21Crèche;

1.2 Erection of additional (second) dwelling unit or relaxation of
density/number of dwelling units on erf (Clause 25(5) and Column 9
Table “C”);

1.3 Relaxation of height (Clause 14 and Column 12 Table “C”);

1.4 Relaxation of coverage (Clause 15 and Column 14 Table “C”);

1.5 Relaxation of building lines (Clause 13);

1.6 Amendment of a 22Site Development Plan (Clause 29);

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15 Owner is defined in Clause 8 of the scheme.
16 Polokwane/Perskebult Town Planning Scheme, 2016, herein-after only referred to as the “scheme”.
17 Household Enterprise is defined in Clause 8 of the scheme.
18 Service Enterprise is defined in Clause 8 of the scheme.
19 Spaza is defined in Clause 8 of the scheme.
20 Kiosk is defined in Clause 8 of the scheme.
21 Crèche is defined in Clause 8 of the scheme.
22 Site Development Plan is defined in Clause 8 and further set out in Clause 29 of the scheme.
1.7 Relaxation of lines of no access (Clause 13); 

1.8 Display of signs for the sale or lease of properties (Clause 37.1); and 

1.9 Consents as envisaged in the following clauses and purposes, namely:
(a) Clause 22(2) i.r.o. subdivision of “Residential 2, 3 and 4” zoned erven into single dwelling units thereon;
(b) Clause 23 i.r.o. relaxation of conditions associated with Public Garages and Filling stations;
(c) Clause 25(3) i.r.o. conditions applicable to subdivisions and panhandle erven;
(d) Clause 25 i.r.o. number of persons permitted in one dwelling unit;
(e) Clause 24 i.r.o. rentals of parking spaces and access control systems.

2. The complete application detail shall be set out in Part C, Paragraph 5 below.

3. I/we hereby acknowledge and accept that:

3.1 The local municipality may upon the granting of the consent contemplated in Clauses 33 of this scheme, impose conditions regarding the payment of contributions for the provision of services, open spaces and parks, as envisaged in Section 20(2)(c) of the Ordinance, for which purposes the provisions of Section 63 of the Ordinance shall mutatis mutandis apply;

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

3.3 If any land use is permitted in terms of this scheme but otherwise restricted in the Title Deed, the onus lies with the owner of such property to:
(i) remove or wave the restriction by following the necessary procedure provided in legislation; and
(ii) to submit proof to the local municipality that such restrictive conditions has been removed.
PART B: PARTICULARS OF APPLICANT & PROPERTY

4. I hereby furnish the following information and particulars in respect of the owner and land.

4.1 Full name/s or other particulars of registered owner of land/property:

4.2 Full name and/or particulars of the duly authorized person or agent of such owner mentioned in par. 2.1 above (if any):

4.3 In the case of an authorized person or agent, I hereby attach the Power of Attorney as well as company resolution, as contemplated in Regulations 45 and 46 of the Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986):

- No, not attached or not applicable
- Yes, attached hereto

If answered “yes”, attached the documents and mark as “Annexure A” hereto.

4.3 Property description according to the Title Deed or Deed of Grant (e.g. Erf 1001 Bendor Extension 9):

4.4 I hereby attach a copy of the Title Deed, namely:
(e.g. T 1222/2007)

The copy of the Title Deed is attached hereto and marked as “Annexure B”.

4.5 Size of the property:
(e.g. 2 855m²)

4.6 Street address of property:

23 Other particulars means full particulars in the case of a company, close corporation, trust or any other legal entity, or a person charged with the administration of the estate thereof.
4.7 Existing zoning of the property in terms of the scheme
(e.g. “Residential 1”):

4.8 Has any other land use rights been granted on the property which may impact on this application?

No

Yes

If “yes”, state the complete extent thereof and attach necessary proof of documentation and/or reference numbers where applicable.

Note: Information can be submitted in a separate annexure hereto.

4.9 Other contact detail of applicant:

Postal address:

Tel. no:   

Cell. no:   

Fax. no:   

e-mail address:   

24 Other land use rights may include consent from other the controlling authorities, e.g. i.t.o. provisions of Act 21 of 1940, or consent i.t.o. the title.
PART C: APPLICATION DETAIL

5. The application is made for the Special Consent from the Municipality:

PART C(A): Application for secondary land use rights.

5.1 In terms of Clause 33(1)(a) to erect and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the Written Consent of the local municipality (Column 5, Table “A”), for:

   (i) the carrying on of a Household Enterprise from a dwelling unit, subject to provisions of Clause 35.

   (ii) the carrying on of a Service Enterprise from a dwelling unit, subject to provisions of Clause 35.

   (iii) the use of a Spaza

   (iv) the use of a Kiosk

   (v) the use of a Crèche

Subsequently:

HOUSEHOLD ENTERPRISE & SERVICE ENTERPRISE

5.2 In the case of an application for a “Household Enterprise” or “Service Enterprise” read together with Clause 35 of the scheme, the proposed use/s rights to be permitted and conditions thereto, are set out as follows:

5.2.1 Full name/s of all occupant/s of land/property/building:

5.2.2 I/we hereby provide the names and positions of all the persons who will practice the enterprise (including the principal of the enterprise) from the dwelling unit on land as described in paragraph 4 of Part B above.

---

25 Clause 35 specifically deals with consent and conditions for Household or Service Enterprises.
26 Occupant is defined in Clause 8 of the scheme.
5.2.3 I/we hereby provide the name of the person who is/will be the principal or in charge of the proposed enterprise, which will be conducted from the dwelling unit on land as described in paragraph 4 of Part B above.

Name of principal:

5.2.5 I/we hereby provide the names and positions/relationship of all employees, including any agent or representative, any apprentice or trainee, any partner, of such enterprise.

<table>
<thead>
<tr>
<th>Name</th>
<th>Position/relationship</th>
</tr>
</thead>
</table>

5.2.6 I/we hereby provide the names and detail i.r.o. shareholding (existing or proposed) of all partners or shareholding members of such enterprise, including any partner, director or member of a partnership, company or close corporation under which the applicant is/will be conducting the enterprise.

<table>
<thead>
<tr>
<th>Full names</th>
<th>Position</th>
<th>Shareholding</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5.2.7 In the case of a Company or Close Corporation, I/we hereby attach a copy of the relevant documentation (CK 2 documentation) issued by the Registrar of Companies & Close Corporations (CIPRO), as annexure hereto, marked:

Annexure “___”
5.2.8 In the case where a Company or Close Corporation is not registered yet, but the intention is to do so, I/we attach a copy of application in this regard or other relevant information, and further undertake to submit the relevant proof of registration of such entity within a period of three (3) months from approval of the application (should it be approved).

5.2.9 The proposed enterprise entails the following use of the land/dwelling unit and activities, namely:

5.2.10 I/we hereby provide the following information in the table below, pertaining to the dwelling unit and all buildings on the land described in paragraph 4 of Part B above and where the enterprise will be conducted from, AND also attach a sketch plan/draft building plan hereto, marked:  

* Please complete the table

<table>
<thead>
<tr>
<th>Floor Area (in square meter)</th>
</tr>
</thead>
</table>
| **A: Total area:**
| M² |
| **B:**
| M² |
| **C: Grand Total area of dwelling unit:**
| M² |

(Note: Use this area for calculations in par. 5.2.11 below)
5.2.11 The enterprise will be conducted from the following part/s of the dwelling unit, as also clearly indicated on the attached plan contemplated in par. 5.2.10 above.

<table>
<thead>
<tr>
<th>Description of part of the building to be used for enterprise</th>
<th>Floor area of building/part to be used</th>
<th>Percentage of Grand Total Floor Area (as indicated in C, par 5.2.10) of dwelling unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>- from Main building</td>
<td>M²</td>
<td>%</td>
</tr>
<tr>
<td>(describe)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- from Outbuilding/s</td>
<td>M²</td>
<td>%</td>
</tr>
<tr>
<td>(describe)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>M²</td>
<td>%</td>
</tr>
</tbody>
</table>

5.2.12 If the part of the dwelling unit where the enterprise will be conducted from is in any way removed or detached from the main building, please state the distance and submit a draft Site Development Plan (SDP) whereby location of proposed enterprise is clearly indicated.

5.2.13 If the proposed enterprise is to be conducted from any part of the dwelling unit which does not form the core part of the dwelling unit or main building, or which is remotely removed from the main building, I/we hereby provide the following reasons to indicate the exceptional circumstances why the municipality may consider the approval of such application. I/we further understand that the municipality may, only in exceptional circumstances, approve such application.

*Complete reasons may be submitted in a separate annexure hereto.*

5.2.14 The following number of parking spaces will be provided on the property itself as more clearly indicated on the draft SDP. (Please note that no parking may be indicated on the road reserve and/or sidewalk along any street).

Number of parking spaces to be provided on the property/erf:

5.2.15 In the case of a “Service Enterprise” and should the municipality require any loading zone, state whether at least one (1) loading zone can be provided on the property. Provide an indication of such location on a draft SDP.

Yes, at least one (1) loading zone can be provided, should the municipality require so
No, I/we will not be able to provide a loading zone; or in case of Household Enterprise, Not Applicable

5.2.16 Will any retail trade be conducted as part of the proposed enterprise?
If so, please state the extent thereof

5.2.17 If any retail trade will be conducted from the property, is the retail trade in your opinion the main activity of the enterprise, or can it be regarded as a secondary outflow or subservient activity resulting from the main purpose/activities of the proposed enterprise?

5.2.18 Will any goods be displayed in public, in a window or in any other manner?
If so, please describe.

Or

SPAZA & KIOSK

5.3 In the case of an application for a “Spaza” or “Kiosk”, I/we hereby provide the following information:

5.3.1 The total floor area of all buildings, including proposed additions to buildings, from where the spaza/kiosk will be conducted from and on the land described in paragraph 4 of Part B above, is indicated on an attach a sketch plan/draft building plan hereto, marked:

Annexure “_____”
5.3.2 I hereby intend to conduct the following use from land mentioned in paragraph 4, Part B, namely:

- Spaza, not exceeding 20m² alternatively not more than 20% of the area of the dwelling unit
- Kiosk, not exceeding 12m²

5.3.3 The total floor area of the proposed spaza/kiosk is: __________ M²

5.3.4 In the case where a part of a dwelling unit will be used for the spaza/kiosk, I/we hereby submit the following detail i.r.o. the part of the building to be used for such purpose as also clearly indicated on a sketch plan/building plan referred to in par. 5.3.1 above.

*Describe the part to be used:*

5.3.4 The following number of parking spaces will be provided on the property itself as more clearly indicated on the draft SDP. (Please note that no parking may be indicated on the road reserve and/or sidewalk along any street).

Number of parking spaces to be provided on the property/erf: __________

5.3.5 I am/we are aware that in the case of a “Spaza” or “Kiosk”, additional information shall be submitted and that additional procedure shall be followed, as contemplated in the relevant policy of the municipality, which may be amended from time to time.

I/we hereby attach an annexure in this regard which is marked as follows:

Annexure “__________

5.3.6 Will any alcohol beverages be sold and/or served on the property and/or from the proposed spaza/kiosk?

- Yes
- No

or

CRECHE

5.4 In the case of an application for a “Crèche”, I/we hereby provide the following information:

5.4.1 The total floor area of all buildings, including proposed additions to buildings, from where the crèche will be conducted from and on the land described in paragraph 4 of Part B above, is indicated on an attach a sketch plan/draft building plan hereto, marked:

Annexure “__________

5.4.2 The total floor area for the proposed crèche is: __________ M²

(see footnote below)
5.4.3 The total number of learners to attend the facility is: learners

5.4.4 The total number of personnel or tutors to be employed at the facility is: persons

5.4.5 The maximum age of learners to attend the facility is: years

5.4.6 The following number of parking spaces will and can be provided on the property itself as more clearly indicated on the draft SDP. (Please note that no parking may be indicated on the road reserve and/or sidewalk along any street).

Number of parking spaces to be provided on the property/erf:

5.4.7 Apart from the parking spaces mentioned in par. 5.4.6 above, I/we hereby confirm that an additional 27 Drop-off Zone can be provided and the detail is set out as follows and also more clearly indicated on the draft SDF.

PART C(B): Relaxation of height, coverage, building lines, site development plan & lines of no-access & others.

5.5 In terms of Clause 33(1)(c) for the relaxation of Height of an erf as contained in Column 12, Table “C” and as follows, namely:

From,
Existing/Primary right of: (e.g. 2 storeys)
storeys to
Relaxation to a 28 maximum height of: (e.g. 3 storeys. See Footnote)
storeys And/or

5.6 In terms of Clause 33(1)(d) for the relaxation of Coverage of an erf as contained in Column 14, Table “C” and as follows, namely:

From,
Existing/Primary right of: (e.g. 50%)
% to
Relaxation to a 29 maximum coverage of: (e.g. 70%)
% And/or

27 Drop-off Zone is defined in Clause 8 of the scheme.
28 Please note the maximum provided in the Column and opposite the specific Use Zone, may not be exceeded.
29 Please note that the maximum percentage provided in the Column and opposite the specific Use Zone, may not be exceeded.
5.7 In terms of Clauses 33(1)(e) up to and including 33(1)(m), an application as follows:

The application is in terms of Clause

For the purpose of:

And subsequently set out as follows:

Note: More detail may be submitted in a separate annexure hereto.
PART D: MERITS OF THE APPLICATION

Purpose.

6. The purpose of this application and intended consent can be summarized as follows:

Note: Information may be submitted in a separate motivational memorandum hereto.

PART E: APPLICATION PROCEDURE

8.1 I/we hereby confirm that I/we are aware of the procedure to follow and responsibilities on the applicant as more clearly set out in Clauses 33(2) to 33(6) of the scheme and will submit the required information to the municipality, and further hereto:

8.2 I/we submit the following information to assist the municipality, namely:

8.2.1 The notice of the application as contemplated in Clause 33(2) of the scheme, will be posted for a period of at least 14 days, starting from the following date:

8.2.2 The objection period will lapse on the following date:

NOTE: The provisions of Clause 33 of the scheme with specific reference to the procedure to be followed, is set out in explanatory pages hereto.

PART F: GENERAL

9. I/we hereby attach two (2) copies of the following documentation and information, namely:

9.1 A motivational memorandum.

9.2 A Power of Attorney [Regulation 46] and Company Resolution (where applicable) [Regulation 45], marked “Annexure A”.

9.3 A copy of the Title Deed or Deed of Grant, marked “Annexure B”.

9.4 Application fee/proof of payment of the application fee as determined i.t.o Schedule 17 of the Town Planning and Townships Ordinance, 1986.

Application fee payable: [Official Use Only]

30 Regulations 45 and 46 of the Town-Planning & Townships Ordinance, 1986 (Ord. 15 of 1986)
NB: I/we confirm that I am/we are aware that failure to submit the documents set out in par. 9.1 to 9.4, may lead to the rejection of the application and/or disqualification thereof.

9.5 Other documentation (where applicable), namely:

Please note: Additional documents should be marked as annexures
PART G: DECLARATION BY APPLICANT

10.1 I hereby declare that the information contained in this application is true and the application is done to the best of my knowledge. I am/we are also aware of the stipulations of Section 132 of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), which stipulates that any person who willfully and with intent to defraud, furnishes false or misleading information in connection with an application, shall be guilty of an offence.

10.2 I/we also undertake to submit any further information that may be required by the municipality to finalise the application.

Signed in ___________________________ on this _______ day

of ___________________________ 200__.

________________________ SIGNATURE OF APPLICANT

Witnesses:

1. ___________________________

2. ___________________________
*Please note that the following information is attached hereto only to assist the applicant. The onus remains with the applicant to comply with provisions of the scheme and Ordinance 15 of 1986, at all times and the municipality take no responsibility should an applicant fail to comply with any provision in legislation.*

(i) **Definitions as contained in Clause 6 of the scheme:**

**CRèCHE**

Means land and buildings used for the admission, protection and temporary or partial care of children/learners up to an age of seven (7) years and may be conducted as a pre-school, daycare centre or play group which shall not exceed a maximum floor area of 65m² and a maximum of ten (10) learners, and three (3) persons as tutors or employees: Provided that the aforesaid requirements may be amended with the permission of the Municipality as contemplated in Clause 34.

**DROP-OFF ZONE**

Means land where provision is made for one or more parking spaces or bays for quick on and off-loading of passengers from a motor vehicle and for such manoeuvring and movement space as may be required by the municipality to secure orderly traffic flow within such area as well as efficient connection with the flow of traffic in the adjoining street system. The drop-off zone may form integral part of a parking lot, parking garage or may also be provided separately.

**HOUSEHOLD ENTERPRISE**

Means the practice of an activity, business, hobby or occupation in a dwelling-unit excluding a commune, a guest-house, a block of tenements, a boarding house, hostel and hotel, with the aim of deriving an income there from, subject to Clause 35.

**KIOSK**

Means a part of a building designed and used for the preparation or retail sale of meals and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets and/or any other products which may be specified by the Municipality from time to time. The area used for a kiosk shall not exceed a total floor area of 12m².

**OCCUPANT**

Shall include any person in actual occupation of any land, or building or structure or premises without regard to the title under which he occupies, and in the case of premises subdivided and let to lodgers, various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and includes the agent of any person absent from the area or whose whereabouts is unknown.
OWNER

Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes -

(1) if the owner is deceased, the executor of the deceased estate;
(2) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;
(3) if the owner is a company or other juristic person the authorized representative (director, member or other);
(4) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;
(5) if the owner is under legal disability, the owner's legal representative;
(6) the authorised representative of the owner; or
(7) in the case of a road or public space under the control of the Municipality, that Municipality.

SERVICE ENTERPRISE

Means a small scale enterprise regarded as Service Industry and permitted in Use Zones 1 and 2 as set out under column 2 of the table included in Schedule 2, and also includes a hair salon, a beauty parlour or beauty salon, which is used by the occupant for the conduct of a practice or occupation subject to provisions of Clause 17, with the aim of deriving income there from and which is practiced by a maximum of three (3) persons, of which the principal of such enterprise is a full time resident of the property, from a dwelling unit in such a way that the residential character and primary use of the dwelling unit and environment shall not, in the opinion of the local municipality, be in any way harmed or changed, and the enterprise shall, in the opinion of the local municipality, be conducted from a core part of the dwelling unit and/or main building and may not without the consent of the local municipality, be conducted from any outbuilding remotely removed from such main building. No retail trade, except retail trade that is subservient to the main enterprise and which will, in the opinion of the municipality, not prejudice the general character of the area, is permitted from the property. The activities not permitted in a dwelling unit are listed in Schedule 6 to this Scheme.

SITE DEVELOPMENT PLAN

Means a plan as described in Clause 29 to the Scheme.
(e) **Clause 29: Site Development Plan**: Such plan shall be fully detailed, to a minimum scale of 1:200 (or such other scale as may be acceptable to the Municipality), which shall be amplified by means of sketch plans, sections and elevations of all buildings to an appropriate scale of 1:100: Provided that the Municipality may accept scales other than the afore-mentioned and which fully illustrates the following aspects:

1. the siting, height, FAR and coverage of all buildings and structures (proposed extensions included) and the number of dwelling-units per hectare;
2. landscaping, communal open spaces, children's play areas, private living areas, backyards, laundry rooms, drying areas for washing, refuse-bin area, and swimming pool, as well as the location, height, construction and finish of screen walls or other acceptable forms of screening;
3. entrances to and exits from the erf to any public street;
4. the proposed lines of subdivision if the erf is to be subdivided;
5. entrances to buildings, parking spaces, loading spaces and vehicular and pedestrian traffic systems;
6. building restriction areas and the building set-backs on any boundary;
7. the location of existing buildings on adjoining erven;
8. contour lines with 0.5 m intervals or other intervals or height indications to the satisfaction of the Municipality;
9. the grouping of dwelling-units and the phasing of the development if it is envisaged not to develop the whole erf simultaneously;
10. the design, height and finish of all buildings and physical barriers on the street boundaries if these are required by the Municipality;

**SPAZA**

Means a shop on a residential property only for the selling of daily convenience goods and prepared and pre-wrapped food, excluding alcoholic beverages, table games or electronic games, which shop shall not exceed 20m² in extent, alternatively not more than 20% of the area of the dwelling unit on the same property: Provided that, with special consent of the Municipality, this floor area component may be increased, subject to such conditions as the Municipality may deem appropriate.

(ii) **Regulations provided in Ordinance 15 of 1986**:

Regulation 45: “In respect of an application or request in terms of the ordinance whereto the land to which the application or request relates -

(a) is held in joint ownership, the application or request shall be signed by each of the registered owners of a share therein or by his authorised agent;

(b) is registered in the name of a partnership, the application or request shall be signed by one or more of the partners on behalf of the partnership or by the authorised agent of the partnership;

(c) is registered in the name of a company, the application or request shall be signed by a director of the company over his designation on behalf of the company or by the authorised agent of the company.”
Regulation 46: “Where any application or request in terms of the Ordinance is made on behalf of the registered owner of land, the person making the application or request shall submit a power of attorney by the owner in terms of which he is authorised to do so.”

(iii) **Merits of the application – Criteria for the consideration of application**

Subject to the provisions of Clauses 32, 33 and 34 hereof when application is made for its special, written or temporary consent in terms of this Scheme, the local municipality shall at least take the following criteria into consideration, but not limited hereto namely:

(a) The Spatial Development Framework (SDF) and/or the Integrated Development Plan (IDP);
(b) Guiding principles as contemplated in Clause 7. of this Scheme;
(c) Any relevant policy and/or land use strategy and/or development plan adopted by the municipality;
(d) the need of the use concerned, including but no limited to aspects such as
   (i) market trends;
   (ii) proximity of the proposed use to similar uses as well as the relationship between such uses;
   (iii) the impact of the proposed uses on sustainability.
(e) the desirability of the use concerned, including but not limited to aspects such as:
   (i) traffic flow;
   (ii) privacy;
   (iii) orientation and layout of buildings and uses on the site, including parking;
   (iv) the amenities and character of the area;
   (v) convenience and safety of the area.

(iv) **Application for a “Spaza” or “Kiosk”**

Apart from procedure generally set out in this application, the applicant shall comply with the procedure and requirements as contained in the relevant policy of the municipality, which may be amended from time to time.

**Summary of procedure & steps to be taken by applicant:**

In addition to procedure and notification set out in paragraph (vi) below, the applicant shall also notify the following persons and/or bodies, namely:

- All owners of the properties within a distance of 50 meters from the subject property (application site).

(See examples)

**Additional Information:**

- The applicant shall submit a list of as well as a corresponding locality map, indicating all adjacent owners/property description within 50m; AND
- The applicant shall submit proof of such notification and/or acknowledgement of receipt by such person/body or an affidavit confirming that such notice was served.

31 **Other requirements and conditions to be complied with by the applicant:**

- The floor area of the spaza shall not exceed 20m², alternatively not more than 20% of the area of the dwelling unit on the same property, and that of a kiosk not 12m²;
- Parking be provided on site as required in the scheme;

31 This part and deliberation of conditions should be incorporated into the application as an additional part/annexure as contemplated in par. 5.3 of this application form.
In the case of a dwelling unit, the primary use shall remain residential;

- The residential amenities, health and safety and character of the area shall not be prejudiced (where applicable);
- Trading hour may be limited by the municipality to the hours between 06:00 and 22:00 each day;
- No selling and/or serving of liquor shall be done from the property;
- Advertisements signs shall not exceed 600mm x 450 mm and may not be illuminated;
- The local municipality shall impose or remove any condition it deem fit due to changes and/or unforeseen circumstances prior and/or after consent have been granted;

- The Written Consent shall lapse if the municipality is of the opinion that:
  - The residential amenities, health and safety and character of the area are being disturbed;
  - The owner does not reside on the premises;
  - The hours of operation are being violated;
  - Any of the conditions of the consent (if granted) or stipulations of the scheme are not complied with.

(v) Application for “Household Enterprise” or “Service Enterprise” –Provisions of Clause 23 of the scheme

(1) In addition to any conditions imposed by the Municipality in the granting of Special or Written Consent, the conducting of a Household Enterprise or Service Enterprise, from a dwelling unit, shall be subject to the following:

- No title condition applicable to the property may be transgressed.
- No activity and/or use listed in Schedule 6 to this Scheme shall be permitted to be conducted on the property;
- Where the Special or Written Consent of the Municipality has been granted, the owner may practice his/her occupation from the dwelling unit or may permit such practice of the occupation by an occupant under the control of the owner, subject thereto that the occupant, if a natural person or if a juristic person, then the authorized representative thereof is:
  - personally in charge of the enterprise;
  - is a full time resident on the property; and
  - holds the majority interest in the enterprise.

(2) A maximum of three (3) persons, which shall include the applicant, may be employed on the property. For the purposes of this clause the following will be regarded as an employee of such applicant, notwithstanding the number of enterprises conducted from the property, namely:

- an agent or representative;
- an apprentice or trainee;
- a partner, director, member or trustee of each partnership, company, close corporation or trust under which the applicant is conducting the enterprise.

(3) The residential character and function of the dwelling unit must be maintained, and not more than 20% of the floor area of the dwelling unit, outbuildings excluded, or a maximum floor area of 75m² (whichever is the larger) may be used for such practice.

(4) No goods may be displayed in public, in a window or in any other manner.

(5) No notice or sign, except such notice or sign as is normally displayed at the dwelling unit, to reflect the name of the applicant and the nature of the household enterprise, may be displayed, provided that the size of such notice shall not exceed 600mm by 450mm.

(6) The amenity or character of the area may not be detrimentally affected by the conducting of the occupation of the applicant.
(7) No retail trade, except retail trade that is subservient to the main enterprise and which will not, in the opinion of the Municipality, prejudice the general character of the area may be contacted from the property.

(8) The Household or Service Enterprise shall be conducted from within the dwelling unit, but if conducted from any outbuilding, it shall, in the opinion of the Municipality, not reflect the appearance or character of an office or non-residential building normally associated or recognisable under Use Zones 4, 5, 6 and 7, and shall also reflect the same architectural style which complements the existing dwelling unit on the property and without prejudice to the residential character of the area/neighbourhood.

(9) A Site Development Plan and building plans, to indicate the change in use, shall be submitted to the Municipality within a period of 30 days after approval of the application or such further period as the Municipality may permit. Failure to submit the required plans and/or change the building in accordance with approved plans shall result in a withdrawal of the consent without any further notice.

(10) Parking shall be provided to the satisfaction of the Municipality in accordance with the Scheme and subject to any other conditions and/or additional parking spaces required by the Municipality. In the case of a Household Enterprise or Service Enterprise on a property zoned “Residential 2, 3 or 4” and/or where a dwelling unit forms part of a sectional title complex, the applicant shall satisfy the Municipality that additional parking has been provided and that none of the parking required in respect of the normal operation of the main use, is/will be utilised for the purpose of conducting the occupation of the applicant in any manner.

(11) The Municipality may require one (1) loading zone in respect of a Service Enterprise.

(vii) **Procedure to lodge an application i.t.o. Clause 33 of the scheme:**

**Summary of procedure & steps to be taken by applicant:**

- Complete prescribed form & submit all required documents as well as proof of payment of application fee;
- Display a notice on property as prescribed for period not less than 14 days;
- Obtain comments (where applicable) from persons/institutions which may be prescribed;
- Reply within 28 days from lapse of objection period, to any objections or comments received;
- Submit an Affidavit i.r.o. notice.

**Procedure of Clause 33 application in more detail:**

(1) The applicant shall, in the prescribed manner and format of the Municipality:

(a) post and display a placard notice in the official language/s as prescribed by the Municipality and maintain same, for a period of not less than 14 consecutive days, in a conspicuous position, visible from a public street, on each separate property to which such application shall apply; and

(b) serve notices on owners of properties situated adjacent to the applicant's property and such other persons or bodies which may be identified by the Municipality for such purpose.

(2) The notices referred to in (2) shall:

(a) contain the name and address of the applicant and the local municipality;
(b) provide the description and situational context of the property of the applicant;
(c) particulars of the purpose for which the land and buildings are proposed to be used and the relevant relief sought, as contemplated in (1)
(d) state that such notice, together with the application documents shall lie for inspection at the office of the Municipality and the address of the applicant; and that any objection to or representation in connection with such application shall be lodged simultaneously with the Municipality and the applicant within a period of 28 days calculated from the day when the notice was first displayed on the site and served on the parties as contemplated in (2)

(3) The placard notice contemplated in (2)(a) shall not be less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.

(4) The applicant shall, within 28 days from the date of expiry of the notice period mentioned in (3)(d) or such further period as the Municipality may allow, lodge any objection or comment received by the applicant during the notice period together with his/her reply thereto, with the Municipality. If no comments and/or objections are received by the applicant during the notice period, the applicant shall inform the Municipality accordingly within 28 days from expiry of the notice period as aforesaid.

(5) The applicant shall submit an affidavit to the Municipality confirming that the notice contemplated to in (2)(a) was properly displayed and maintained and that the notices contemplated in (2)(b) were duly served.

(6) Upon the applicant having complied with provisions of (6) above, the Municipality shall:

(a) in the case where no objection or any representation is received from any interested or affected party consider the application and either refuse or approve such application and inform the applicant within a period of 56 (fifty six) days from date of receipt of the affidavit contemplated in Clause 33(6);

(b) in the case where an objection or representation is received from an interested or affected party in opposition to the application or any part thereof, conduct a hearing as contemplated in 32(8) and for such purpose, the provisions of 32(9) up to and including 32(13) shall apply, mutatis mutandis.

(7) Any Written Consent granted by the Municipality shall be recorded on a Written Consent Schedule, the format of which is illustrated in Schedule 10 hereto.

(viii) Examples

*Please note that the following examples are attached hereto only to assist the applicant. The onus remains with the applicant to comply with provisions of the scheme and Ordinance 15 of 1986, at all times and the municipality take no responsibility should an applicant fail to comply with any provision in legislation.*

- Notice to be posted on the land;
- Affidavit;
- Power of Attorney.
Example of notice (in English) to be posted on the land.

POLOKWANE PERSKEBULT TOWN PLANNING SCHEME, 2016

WRITTEN CONSENT FOR

(Use of land, e.g. “Household Enterprise”)

Notice is hereby given in terms of provisions of Clause 33 of the Polokwane/Perskebult Town Planning Scheme, 2016, that I/we, the undersigned,

(Full names of owner/s and/or authorized agent)

intend applying to the Polokwane Municipality for the Written Consent for

(Use of Land as provided in Column 4, Table “A” of the Scheme, e.g. “Household Enterprise”) for purposes of

(Purpose of the proposed use and/or use of buildings, e.g. “…the use of the dwelling unit for purposes of a administrative office”)

on

(Property description, e.g. Erf 1001 Bendor Extension 9)

located in

(Street address, e.g. 101 Outspan Drive, Polokwane)

Particulars of the application will lie for inspection during normal office hours at the applicant at the address mentioned herein, and at the offices of the Town Planners, first floor, west wing, Civic Centre, Polokwane, for the period of 28 days from __________ (date).

Any objections to or representations in respect of the application shall be lodged in writing simultaneously with the applicant and with the Municipal Manager, Polokwane Municipality at the above address or at PO Box 111, Pietersburg, 0700, within a period of 28 days from __________ (date).

Address and contact detail of applicant/agent:

________________________________________________________________________

________________________________________________________________________
Example of Affidavit

AFFIDAVIT

Reference: Written Consent to Polokwane/Perskebult Town Planning Scheme, 2016
i.r.o. __________________________________________________________ (Property description)

I/we, the undersigned _____________________________________________, hereby declare that I/we have posted
and maintained the notice for a period of at least 14 days in the prescribed form and manner in a
conspicuous place as prescribed in Clause 33(2) of the Polokwane/Perskebult Town Planning
Scheme, 2016, on the following land:

(Property description)

Signed in __________________ on this ______ day of _______ 200 . __

(Signed) APPLICANT

I certify that the above mentioned affidavit was declared to me and that the declarant confessed that
he/she is familiar with the contents of this sworn affidavit and understands it. The affidavit was
confirmed by oath in my presence and the declarant's signature was administered in my presence.

Sworn and signed in my presence at __________________ on this ______ day _______

of __________________ 200 . __

(Signed) COMMISSIONER OF OATHS

Example of Power of Attorney
SPECIAL POWER OF ATTORNEY

I/We, the undersigned

(Full names) (id. ______________) (id. ______________)

being the registered owner/s of _____________________ (property description), do hereby nominate, constitute and appoint:

(Full names)

with power of Substitution to be my lawful Town Planners and appointed Agent in name, place and stead, to make application in terms of the Polokwane/Perskebult Town Planning Scheme, 2016 read together with Ordinance 15 of 1986, for:

The Written Consent of the municipality on the mentioned erf/land, for

(Proposed Use and purpose)

and generally affecting the aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as I might or could do if personally present and acting herein hereby ratifying, allowing and confirming and agreeing to ratify, allow and confirm all and whatsoever my said Town Planner and Agent shall lawfully do, or cause to be done, by virtue of these present.

Signed at _________ on this ______ day of __________ 200 ______ in ______

the presence of the undersigned witnesses.

(Signed)

As witnesses:

1. __________________

2. __________________
Example of Additional Notice to adjacent owners i.r.o. a Spaza/Kiosk use

POLOKWANE PERSKEBULT TOWN PLANNING SCHEME, 2016

WRITTEN CONSENT FOR A SPAZA/KIOSK

Notice is hereby given in terms of provisions of Clause 33 of the Polokwane/Perskebult Town Planning Scheme, 2016, that I/we, the undersigned,

(Full names of owner/s and/or authorized agent)

intend applying to the Polokwane Municipality for the Written Consent for:

- a Spaza for purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments (delete part not applicable);
- a Kiosk for purposes of preparation or sale of meals and refreshments as well as the retail sale of cold drinks, tabacco, reading material and sweets (delete part not applicable), on

(Property description, e.g. Erf 1001 Bendor Extension 9)

located in ________________________________

(Street address, e.g. 123,Outspan Drive, Polokwane)

As you are an owner within a distance of 50 meter, you are specifically notified of the proposed spaza/kiosk in order to comment and/or be provided with the opportunity to lodge any objection.

Particulars of the application will lie for inspection during normal office hours at the applicant at the address mentioned herein, and at the offices of the Town Planners, first floor, west wing, Civic Centre, Polokwane, for the period of 28 days from (date).

Any objections to or representations in respect of the application shall be lodged in writing simultaneously with the applicant and with the Municipal Manager, Polokwane Municipality at the above address or at PO Box 111, Pietersburg, 0700, within a period of 28 days from (date).

Should no comments and/or objections be received as set out above, the municipality will assume that you are in support of the application and may approve the proposed land use rights.

Address and contact detail of applicant/agent:

__________________________________________________________________________________

DATE OF NOTICE: __________________________
1. **STAFF FACILITIES:**

An adequately lighted and ventilated office must be provided on the property. Such office may double as a staffroom and/or sickbay and/or in front changing room.

2. **CHILDREN'S SECTION (2 – 6 YEARS):**

2.1 An indoor floor area of at least 1.5m² per child must be provided. Not more than one third of the indoor area may be an enclosed veranda.

2.2 An outdoor play area of at least 1m² per child must be provided. Children may be divided into groups and be taken outside one group at a time. If no outdoor space is available a further 1m² of floor area must be provided indoors.

2.3 Water closets and wash hand basins must be provided in the ratio of 1 for every 20 children or part thereof, irrespective of sex. Plastic buckets/basins may be used in place of porcelain wash hand basins.

2.4 Toilet facilities must be of the low-level type, or alternatively platforms of suitable height must be provided at the water closest pans and wash hand basins to be used by the children. Such platforms must be of an impervious material.

2.5 The hot water supply to the hand wash hand basins used by the children must be thermostatically controlled at a suitable temperature, alternatively, only cold water need be provided.

3. **INFANTS SECTION (0 – 2 YEARS):**

3.1 An indoor floor area of at least 2m² per child must be provided.

3.2 A wash hand basin must be provided in the nursery (unless one is close-at-hand).

3.3 The following items must be provided in sufficient number:

   a. Potties – one for every 5 infants
   b. Racks for the storage of potties.
   c. Baby baths – one baby bath for every infant
   d. Storage/refuse facilities for soiled nappies.

4. **AFTERCARE:**

4.1 An indoor floor area of at least 1.8m² per child must be provided. Such area must be separate from the pre-school age groups.

4.2 An indoor floor area of at least 2m² per child must be provided. Such area must be separate from the pre-school age groups.

4.3 Water closets and wash hand basins, separate for sexes, must be provided in the ratio of one for every 20 children or part thereof.

5. **KITCHEN:**

5.1 A kitchen of adequate size must be provided and kept in a clean and hygienic condition at all times.
5.2 Whilst the usual health requirements shall apply, the following may be required in addition for larger crèches:

5.2.1 The kitchen must be provided with:
   a. A wash hand basin.
   b. A double bowl, double drainage board, stainless steel sink. At least one of the bowls must be of the deep pot-washing type.
   c. Adequate cooking and refrigeration facilities.

5.2.2 A hood and flue with an extraction fan and removable grease filters must be provided over all cooking apparatus. The flue must extend to at least 1 metre above roof height and the average catchment velocity measured over the face of the canopy must not be less than 0.5 m/s.

5.3 The entrance of the kitchen must be adequately protected to prevent children from gaining free access thereto.

5.4 A separate space (not necessarily a separate room) for the preparation of food for infants must be provided.

6. INDOOR PLAY AREA:

6.1 The indoor play areas must be:
   a. Provided with an insulating floor covering.
   b. Kept free of private furniture and suitably equipped for crèche purposes.

7. OUTDOOR PLAY AREA:

7.1 The outdoor play area:
   a. Must be provided with a fence with a height of at least 1.8m (if deemed necessary).
   b. Must be free of dangerous articles, poisonous plants, obstacles, steps or excavations.
   c. Should be provided with shady areas.

7.2 Any swimming pool on the same property must be covered with a safety net.

7.3 All access gates to the outdoor covered area and/or swimming pool area must be fitted with self-closing devices and childproof latches affixed at an appropriately high level (out of reach of children).

7.4 All sandpits must be covered with a suitable device, when not in use, to prevent the fouling of the sand, or alternatively the sand must be sanitized regularly and replaced with fresh sand at suitable intervals.

8. REFUSE YARD:

8.1 All refuse must be stored in a satisfactory manner pending removal, and for the larger crèches, a refuse yard of at least 9m² must be provided to serve the kitchen. Such yard must be:
   a. Suitably enclosed, cement-paved, and graded and drained to the storm water system.
   b. Provided with a curbed area of 1m², graded to a gulley which is connected to the main drain line for the washing of refuse receptacles.
   c. Provided with a piped water supply to facilitate cleansing.

8.2 An adequate supply of washable refuse receptacles with close-fitting lids must be provided.
9. GENERAL:

9.1 All windows higher than 0.76m above outside ground level must be adequately protected to prevent children from falling out.

9.2 All low level glazed areas must be of safety glass.

9.3 The wall areas behind all sinks and wash hand basins must be tiled or suitably clad to a height of at least 300mm.

9.4 All internal walls must be painted with a light coloured, washable, lead-free paint.

9.5 All power points must be suitably protected.

9.6 The premises must be rodent proofed in accordance with the Government rodent proofing Regulations.

9.7 A first aid kit with the basic essentials must be provided.
RESOLVED

1. That the review of the Town Planning Scheme entitled: “Polokwane/Perskebult Town Planning Scheme, 2016” be adopted in terms of the section 29 (2) of the Town Planning and Township Ordinance, Ordinance 15 of 1986 with changes.

2. That the general notice in terms of section 57 (1) of the Town Planning and Township Ordinance, Ordinance 15 of 1986 be published subsequently.

3. That the reviewed scheme be entitled: Polokwane/Perskebult Town Planning Scheme 2016”.
PROCLAMATION • PROKLAMASIE

PROCLAMATION 18 OF 2017

POLOKWANE/PERSKEBULT TOWN PLANNING SCHEME, 2016

NOTICE OF ADOPTION OF DRAFT AMENDMENT SCHEME IN TERMS OF SECTION 57(1)(a) read with Section 29(2) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) and the relevant provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), that the draft amendment scheme in the form of the revision of the Polokwane/Perskebult Town Planning Scheme, 2007 has been adopted by it, to be known as Polokwane/Perskebult Town Planning Scheme, 2016.

The Polokwane Local Municipality hereby gives notice in terms of the provisions of Section 57(1)(a) read with Section 29(2) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) and the relevant provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), that the draft amendment scheme in the form of the revision of the Polokwane/Perskebult Town Planning Scheme, 2007 has been adopted by it, to be known as Polokwane/Perskebult Town Planning Scheme, 2016.

The Polokwane/Perskebult Town Planning Scheme, 2016 is available during normal office hours at the office of the Manager Planning: Directorate Planning and Development, Room 124, First Floor, Civic Centre, c/o Bodenstein and Sanderson Road, Polokwane.

This draft amendment scheme is henceforth deemed to be an approved scheme in terms of the aforesaid Ordinance and replaces the former Polokwane/Perskebult Town Planning Scheme, 2007. The area of the scheme remains the same as was relevant to the 2007 scheme.

The aforesaid approved scheme shall come into operation 60 days after the date of this notice, as contemplated in Section 58(1)(a) of the aforesaid Ordinance.

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