

APPLICATION FORM

POLOKWANE INTEGRATED LAND USE SCHEME, 2022



APPLICATION FOR WRITTEN CONSENT I.T.O CLAUSE 37 OF THE SCHEME READ TOGETHER WITH SECTION 73 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017

DIRECTORATE PLANNING & ECONOMIC DEVELOPMENT

CITY PLANNING & PROPERTY MANAGEMENT BUSINESS UNIT, 2nd 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.

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APPLICATION FOR WRITTEN CONSENT FROM THE LOCAL MUNICIPALITY IN TERMS OF CLAUSE 37 OF THE POLOKWANE INTEGRATED LAND USE SCHEME, 2022

PART A: APPLICATION

1. I/we the undersigned

being the *owner* of land described herein after, hereby apply in terms of Clause 37(1) of the *Polokwane Integrated Land Use Scheme, 2022* for Written Consent of the municipality for:

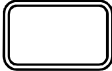

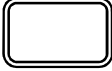
Mark appropriate blocks with X

- 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 3, Table “A”), namely:

Specify the use as provided for under Column 3 of **Table “A”**

- 1.2 Erection of additional (second) dwelling unit or relaxation of density/number of dwelling units on erf (Column 9, Table “C”);
- 1.3 Relaxation of height (Column 11, **Table “C”**);
- 1.4 Relaxation of coverage (Column 13, **Table “C”**);
- 1.5 Relaxation of Floor Area Ratio (Column 15, **Table “C”**);
- 1.6 Relaxation of building lines (**Table “D”**);
- 1.7 Amendment of a *Site Development Plan* (Clause 33);

Owner is defined in Clause 9 of the scheme.
Polokwane Integrated Land Use Scheme, 2022, herein-after only referred to as the “scheme”.
Site Development Plan is defined in Clause 9 and further set out in **Clause 33** of the scheme.

- 1.8 Relaxation of lines of no access; 
- 1.9 Display of signs for the sale or lease of properties; and 
- 1.10 Consents as envisaged in the following clauses and purposes, namely:
 - (a) Clause 25(2) i.r.o. subdivision of “Residential 2, 3 and 4” zoned erven into single dwelling units thereon;
 - (b) Clause, 27 i.r.o. relaxation of conditions associated with Public Garages and Filling Stations;
 - (c) Clause 29(3) i.r.o. conditions applicable to subdivisions and panhandle erven;
 - (d) Clause 29(4) i.r.o. number of persons permitted in one dwelling unit;
 - (e) Clause 28(3) i.r.o. access control facilities on a Public Road.
- 2. The complete application detail shall be set out in **Part C** below.
- 3. I/we hereby acknowledge and accept that:
 - 3.1 The local municipality may upon the granting of the consent contemplated in Clauses 37 of this scheme, impose conditions regarding the payment of contributions for the provision of services, open spaces and parks, as envisaged in Chapter 7 and Section 184 of the Polokwane Municipal Planning By-law, 2017;
 - 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.

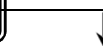
4.1 Full name/s or ¹other particulars of registered owner of land/property:

4.2 Full name and/or particulars of the duly authorized person or agent of such owner mentioned in par. 4.1 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 **Schedule 17** of the Polokwane Municipal Planning By-law, 2017:

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:


¹ Other particulars mean 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:

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 37(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 3, **Table “A”**), for:

Specify the use as provided for under Column 3 of **Table “A”**

Subsequently:

HOUSEHOLD ENTERPRISE & SERVICE ENTERPRISE (if applicable)

5.2 In the case of an application for a “Household Enterprise” or “Service Enterprise” read together with Clause 39 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:

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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.

Name	Position

Clause 39 and Schedule 8 of the scheme specifically deals with consent and conditions for Household or Service Enterprises.

Occupant is defined in Clause 9 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.

Name	Position/relationship

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.

Full names	Position	Shareholding

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:

→ **Annexure “_____”**

** Please complete the table*

	Floor Area (in square meter)
Existing total floor area of dwelling unit i.r.o proposed enterprise.	
<input type="checkbox"/> Main building:	m ²
<input type="checkbox"/> Outbuildings:	m ²
A: Total area:	m²
Total floor area of proposed additions to dwelling unit (describe):	
B: Total area:	m²
C: Grand Total area of dwelling unit:	m²

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.

Description of part of the building to be used for enterprise	Floor area of building/part to be used	Percentage of Grand Total Floor Area (as indicated in C) of dwelling unit
- from Main building (describe)	m ²	%
- from Outbuilding/s (describe)	m ²	%
TOTAL	m²	%

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:

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:

—————→

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 *Drop-off Zone* can be provided and the detail is set out as follows and also more clearly indicated on the draft SDF.

or

ELECTRONIC COMMUNICATION FACILITY (ECF)

5.5 In the case of an application for an Electronic Communication Facility (ECF), please specify the detail (see Schedule 11 of the Scheme)

Note: Information can be submitted in a separate annexure hereto

and/or

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

5.5 In terms of Clause 37(1)(c) for the relaxation of Height of an erf as contained in **Column 11, Table “C”** and as follows, namely:

From,
Existing/Primary right of:
(e.g. 2 storeys)

storeys

to

Relaxation to a ²⁸maximum height of:
(e.g. 3 storeys. See Footnote)

storeys

And/or

5.6 In terms of Clause 37(1)(d) for the relaxation of Coverage of an erf as contained in **Column 13, Table “C”** and as follows, namely:

From,
Existing/Primary right of:
(e.g. 50%)

%

to

Relaxation to a ²⁹maximum coverage of: (e.g. 70%)

%

And/or

5.7 In terms of Clause 37(1)(3) for the relaxation of the FAR of an erf as contained in **Column 15, Table “C”** and as follows, namely:

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

to

Relaxation to a maximum FAR of: (e.g. 1.2)

And/or

5.8 In terms of Clauses 37(1)(f) up to and including 37(1)(n), 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.

Drop-off Zone is defined in Clause 9 of the scheme.

Please note the maximum provided in the Column and opposite the specific Use Zone, may not be exceeded.

Please note that the maximum percentage provided in the Column and opposite the specific Use Zone, may not be exceeded.

5.9 In terms of Clause 37(1)(3) for the relaxation of the FAR of an erf as contained in **Column 15, Table “C”** and as follows, namely:

From,
Existing/Primary right of:
(e.g. 1.0) to

Relaxation to a maximum
FAR of: (e.g. 1.2)

And/or

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.

PART E: APPLICATION PROCEDURE

7 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 37(2) to 37(9)** of the scheme and **Schedule 17** of the Polokwane Municipal Planning By-law, 2017 and will submit the required information to the municipality, and further hereto:

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

7.1.1 The notice of the application as contemplated in Clause 37(2) of the scheme, will be posted for a period of at least 14 days, starting from the following date:

7.1.2 The objection period will lapse on the following date:

PART F: GENERAL

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

- 8.1 A **motivational memorandum**,
- 8.2 A Power of Attorney and Company Resolution (where applicable), marked “**Annexure A**”.
- 8.3 A copy of the Title Deed or Deed of Grant, marked “**Annexure B**”.

8.4 The following other documents contemplated in Schedule 17(2) of the Polokwane Municipal Planning By-law, 2017 (please list the documents and mark appropriately with Annexure numbers)

8.5 Application fee/proof of payment of the application fee as determined i.t.o Schedule 17(2) (a) of the By-laws.

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 above may lead to the rejection of the application and/or disqualification thereof.

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 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 _____ 20____.

SIGNATURE OF APPLICANT

Witnesses:

1. _____

2. _____

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

**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, 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 37. A crèche is further subject to provisions of Schedules 9 and 23 of the Scheme.

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 place of instruction, a place of childcare, a block of tenements, a boarding house, hostel and hotel, with the aim of deriving an income there from, subject to Clause 39.

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:

- (1) 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-
 - (a) if the owner is deceased, the executor of the deceased estate;
 - (b) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;
 - (c) if the owner is a company or other juristic person the authorized representative (director, member or other);
 - (d) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;
 - (e) if the owner is under legal disability, the owners legal representative;

- (f) the authorised representative of the owner;
- (2) the person who is the holder of any right in land or informal right in land:
- (a) which previously formed part of the former Lebowa which was declared by Proclamation No. R.224 in Government Gazette No. 3666 of 29 September 1972 a self-governing territory in accordance with the provisions of the Self-governing Territories Constitution Act, 1971 (Act 21 of 1971);
- (b) who holds a Permission-to-Occupy (PTO) land in terms of Proclamation R188 of 1969 (Government Gazette No.2486 of 11 July 1969) issued in terms of Section 25 of the Black Administration Act 25 of 1938, read with the South African Development Trust Act 18 of 1936; or
- (c) on communal land where it is assumed that such communal land is subject either to traditional leadership structures or a Community Property Associations (CPA)/Community Property Institution established since 1994; or
- (3) 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, 2, 4 and 5 in a dwelling unit, and also includes a hair salon, a beauty parlour, a beauty salon, a tailor shop or shoe repair shop which is used by the occupant for the conduct of a practice or occupation subject to provisions of Clause 18, 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 8 to this Scheme.

SITE DEVELOPMENT PLAN

Means a plan as described in Clause 33 to the Scheme.

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) 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.

³¹Other 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.

(iii) **Application for “Household Enterprise” or “Service Enterprise” –Provisions of Clause 39 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:
- (a) No title condition applicable to the property may be transgressed.
 - (b) No activity and/or use listed in Schedule 8 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) A Household Enterprise or Service Enterprise is restricted to only one bona fide occupant who shall reside permanently in the dwelling-unit together with his/her family members as a single household.
- (4) 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.
- (5) No goods may be displayed in public, in a window or in any other manner
- (6) A Household Enterprise or Service Enterprise is restricted to the storage of goods of whatever nature, reasonably essential for such household enterprise, within the area contemplated in sub-clause (4) hereof
- (7) 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.
- (8) The amenity or character of the area may not be detrimentally affected by the conducting of the occupation of the applicant.
- (9) 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.
- (10) 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.
- (11) 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 6, 7, 8 and 9, 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.
- (12) 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 a withdrawal of the consent without any further notice.
- (13) 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.
- (14) The Municipality may require one (1) loading zone in respect of a Service Enterprise.
- (15) A Household Enterprise or Service Enterprise is restricted to the loading and off-loading of goods 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.
- (16) A Place of Childcare is not permitted as a Household Enterprise, and can only be conducted with the Special Consent of the Municipality as contemplated in Clause 36.
- (17) Noxious Industries and Industries are not permitted

- (18) 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.

(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 37 application in more detail:

- (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 3, 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 11 Table "C");
 - (d) increase the coverage on a property (Column 13 Table "C");
 - (e) an increase of the floor area ratio (as per Column 16, Table "C");
 - (f) decrease a building line (Clause 14 and Column 17 of Table "D");
 - (g) amend a Site Development Plan (Clause 33(1)(c));
 - (h) amend a Line-of-No-Access (Clause 14);
 - (i) display signs for the sale or lease of properties (Clause 42);
 - (j) subdivide erven zoned "Residential 2, 3 or 4" (Clause 25);
 - (k) amend conditions associated with Public Garages and Filling stations (Clause 27);
 - (l) amend conditions applicable to subdivided erven and panhandle erven (Clause 29);
 - (m) permit a larger number of persons to occupy a dwelling unit (Clause 29); and
 - (n) permit rental of parking spaces and access control systems (Clause 28);

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 as aforesaid.
- (6) 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.
- (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 37(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 36(8) and for such purpose, the provisions of 36(9) up to and including 36(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 18 hereto.
- (9) Any application for Written Consent shall be submitted to the Municipality in accordance with the prescribed application form/s.

(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 INTEGRATED LAND USE SCHEME 2022

WRITTEN CONSENT FOR

(Use of land, e.g. "Household Enterprise")

Notice is hereby given in terms of provisions of Clause 37 of the Polokwane Integrated Land Use Scheme 2022, 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 3, 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 _____ 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: Written Consent in terms of the Polokwane Integrated Land Use Scheme 2022, in respect of.

_____ (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 37(2) of the Polokwane Integrated Land Use Scheme 2022,, on the following land:

(Property description)

Signed in _____ on this _____ day of _____ 20 _____

(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 _____ 20 _____

(Signed) **COMMISSIONER OF OATHS**

SPECIAL POWER OF ATTORNEY

I/We, the undersigned

_____ (id. _____)
(Full names)

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 Integrated Land Use Scheme 2022, read together with the Polokwane Municipal Planning By-law, 2017, 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 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 Additional Notice to adjacent owners i.r.o. a Spaza/Kiosk use

POLOKWANE INTEGRATED LAND USE SCHEME 2022

WRITTEN CONSENT FOR A SPAZA/KIOSK

Notice is hereby given in terms of provisions of Clause 37 of the Polokwane Integrated Land Use Scheme 2022,, 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, tobacco, 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:

SCHEDULE 23: STANDARD REQUIREMENTS FOR A CRÉCHE

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):

- (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) 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.
- (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.
- (4) Toilet facilities must be of the low-level type, or alternatively platforms of suitable height must be provided at the water closet pans and wash hand basins to be used by the children. Such platforms must be of an impervious material.
- (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):

- (1) An indoor floor area of at least 2m² per child must be provided.
- (2) A wash hand basin must be provided in the nursery (unless one is close-at-hand).
- (3) The following items must be provided in sufficient number:
 - (i) Potties – one for every 5 infants
 - (ii) Racks for the storage of potties.
 - (iii) Baby baths – one baby bath for every infant
 - (iv) Storage/refuse facilities for soiled nappies.

4. AFTERCARE:

- (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.
- (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.
- (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:

- (1) A kitchen of adequate size must be provided and kept in a clean and hygienic condition at all times.
- (2) Whilst the usual health requirements shall apply, the following may be required in addition for larger crèches:
 - (a) The kitchen must be provided with:
 - (i) A wash hand basin.
 - (ii) A double bowl, double drainage board, stainless steel sink. At least one of the bowls must be of the deep pot-washing type.
 - (iii) Adequate cooking and refrigeration facilities.
 - (b) 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.

- (c) The entrance of the kitchen must be adequately protected to prevent children from gaining free access thereto.
- (d) A separate space (not necessarily a separate room) for the preparation of food for infants must be provided.

6. INDOOR PLAY AREA:

The indoor play areas must be:

- (1) Provided with an insulating floor covering.
- (2) Kept free of private furniture and suitably equipped for crèche purposes.

7. OUTDOOR PLAY AREA:

- (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.
- (2) Any swimming pool on the same property must be covered with a safety net.
- (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).
- (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:

- (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 gully which is connected to the main drain line for the washing of refuse receptacles.
 - (c) Provided with a piped water supply to facilitate cleansing.
- (2) An adequate supply of washable refuse receptacles with close-fitting lids must be provided.

9. GENERAL:

- (1) All windows higher than 0,76m above outside ground level must be adequately protected to prevent children from falling out.
- (2) All low level glazed areas must be of safety glass.
- (3) The wall areas behind all sinks and wash hand basins must be tiled or suitably clad to a height of at least 300mm.
- (4) All internal walls must be painted with a light coloured, washable, lead-free paint.
- (5) All power points must be suitably protected.
- (6) The premises must be rodent proofed in accordance with the Government rodent proofing Regulations.
- (7) A first aid kit with the basic essentials must be provided.