



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

# Provincial Gazette Igazethi Yephondo Provinsiale Koerant

Vol. 27

BISHO/KING WILLIAM'S TOWN  
26 OCTOBER 2020  
26 OKTOBER 2020

No. 4464

## PART 1 OF 2

**We all have the power to prevent AIDS**



Prevention is the cure

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*

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**IMPORTANT NOTICE OF OFFICE RELOCATION****government  
printing**Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICAPrivate Bag X85, PRETORIA, 0001 149 Bosman Street, PRETORIA  
Tel: 012 748 6197, Website: [www.gpwonline.co.za](http://www.gpwonline.co.za)**URGENT NOTICE TO OUR VALUED CUSTOMERS: PUBLICATIONS  
OFFICE'S RELOCATION HAS BEEN TEMPORARILY SUSPENDED.**

Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at [Maureen.Toka@gpw.gov.za](mailto:Maureen.Toka@gpw.gov.za) or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website [www.gpwonline.co.za](http://www.gpwonline.co.za).

We apologies for any inconvenience this might have caused.

Issued by GPW Communications

**IMPORTANT NOTICE:**

**THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.**

**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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government  
printing

Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICA

## HIGH ALERT: SCAM WARNING!!!

### TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

[PROCUREMENT@GPW-GOV.ORG](mailto:PROCUREMENT@GPW-GOV.ORG)

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

*GPW* has an official email with the domain as [@gpw.gov.za](mailto:@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

*GPW* will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

*Government Printing Works* gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

## Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

### How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at [www.gpwonline.co.za](http://www.gpwonline.co.za)
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.  
Email: [Annamarie.DuToit@gpw.gov.za](mailto:Annamarie.DuToit@gpw.gov.za)

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.  
Email: [Bonakele.Mbhele@gpw.gov.za](mailto:Bonakele.Mbhele@gpw.gov.za)

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.  
Email: [Daniel.Legoabe@gpw.gov.za](mailto:Daniel.Legoabe@gpw.gov.za)

# Closing times for **ORDINARY WEEKLY** 2020

## EASTERN CAPE PROVINCIAL GAZETTE

*The closing time is **15:00** sharp on the following days:*

- **19 December 2019**, Thursday for the issue of Monday **30 December 2019**
- **27 December 2019**, Friday for the issue of Monday **06 January 2020**
- **06 January**, Monday for the issue of Monday **13 January 2020**
- **13 January**, Monday for the issue of Monday **20 January 2020**
- **20 January**, Monday for the issue of Monday **27 January 2020**
- **27 January**, Monday for the issue of Monday **03 February 2020**
- **03 February**, Monday for the issue of Monday **10 February 2020**
- **10 February**, Monday for the issue of Monday **17 February 2020**
- **17 February**, Monday for the issue of Monday **24 February 2020**
- **24 February**, Monday for the issue of Monday **02 March 2020**
- **02 March**, Monday for the issue of Monday **09 March 2020**
- **09 March**, Monday for the issue of Monday **16 March 2020**
- **16 March**, Friday for the issue of Monday **23 March 2020**
- **23 March**, Monday for the issue of Monday **30 March 2020**
- **30 March**, Monday for the issue of Monday **06 April 2020**
- **03 April**, Monday for the issue of Monday **13 April 2020**
- **09 April**, Thursday for the issue of Monday **20 April 2020**
- **20 April**, Monday for the issue of Monday **27 April 2020**
- **24 April**, Friday for the issue of Monday **04 May 2020**
- **04 May**, Monday for the issue of Monday **11 May 2020**
- **11 May**, Monday for the issue of Monday **18 May 2020**
- **18 May**, Monday for the issue of Monday **25 May 2020**
- **25 May**, Monday for the issue of Monday **01 June 2020**
- **01 June**, Monday for the issue of Monday **08 June 2020**
- **08 June**, Monday for the issue of Monday **15 June 2020**
- **12 June**, Friday for the issue of Monday **22 June 2020**
- **22 June**, Monday for the issue of Monday **29 June 2020**
- **29 June**, Monday for the issue of Monday **06 July 2020**
- **06 July**, Monday for the issue of Monday **13 July 2020**
- **13 July**, Monday for the issue of Monday **20 July 2020**
- **20 July**, Monday for the issue of Monday **27 July 2020**
- **27 July**, Monday for the issue of Monday **03 August 2020**
- **03 August**, Monday for the issue of Monday **10 August 2020**
- **07 August**, Friday for the issue of Monday **17 August 2020**
- **17 August**, Monday for the issue of Monday **24 August 2020**
- **24 August**, Monday for the issue of Monday **31 August 2020**
- **31 August**, Monday for the issue of Monday **07 September 2020**
- **07 September**, Monday for the issue of Monday **14 September 2020**
- **14 September**, Monday for the issue of Monday **21 September 2020**
- **18 September**, Friday for the issue of Monday **28 September 2020**
- **28 September**, Monday for the issue of Monday **05 October 2020**
- **05 October**, Monday for the issue of Monday **12 October 2020**
- **12 October**, Monday for the issue of Monday **19 October 2020**
- **19 October**, Monday for the issue of Monday **26 October 2020**
- **26 October**, Monday for the issue of Monday **02 November 2020**
- **02 November**, Monday for the issue of Monday **09 November 2020**
- **09 November**, Monday for the issue of Monday **16 November 2020**
- **16 November**, Monday for the issue of Monday **23 November 2020**
- **23 November**, Monday for the issue of Monday **30 November 2020**
- **30 November**, Monday for the issue of Monday **07 December 2020**
- **07 December**, Monday for the issue of Monday **14 December 2020**
- **11 December**, Friday for the issue of Monday **21 December 2020**
- **18 December**, Friday for the issue of Monday **28 December 2020**

# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

## NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

## EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R3026.32 per page.



## GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [www.gpwnonline.co.za](http://www.gpwnonline.co.za)

All re-submissions will be subject to the standard cut-off times.

**All notices received after the closing time will be rejected.**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days <b>after</b> submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication



### GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

### EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

### NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
    - 8.1.5. Any additional notice information if applicable.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES**

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

**QUOTATIONS**

13. Quotations are valid until the next tariff change.
  - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
  - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
  - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
  - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
  - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
    - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
  - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
  - 19.1. This means that **the quotation number can only be used once to make a payment.**

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

27. The Government Printer will assume no liability in respect of—
  - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
  - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

**CUSTOMER INQUIRIES**

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

**GPW** has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za) before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

### PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [www.gpwnonline.co.za](http://www.gpwnonline.co.za) free of charge, should a proof of publication be required.
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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**NOTICE 24 OF 2020**

REMOVAL OF RESTRICTIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013): ERF 2108 WESTERING PORT ELIZABETH, EASTERN CAPE

Under Section 42 read with Section 47 of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and upon instructions by the local Authority, a notice is hereby given that conditions 4 (a), (b), (c) & (d) in Deed of Transfer T95162/2007CTN, applicable to Erf 2108 WESTERING are hereby removed.

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 176 OF 2020****Nelson Mandela Bay Municipality (EASTERN CAPE)**

**Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

**ERF 48, Kini Bay, Measuring, Nine Hundred and Nine (909) square meters, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s 5 and 6(a), (b) and (b)[i and ii] in Deed of Transfer No. T27733/1971 applicable to Erf 48, Kini Bay is/are hereby removed.

**PROVINCIAL NOTICE 177 OF 2020**

Buffalo City Metropolitan Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) at the Buffalo City Metropolitan Municipality Spatial Planning and Land Use Management By-Law (2016).

ERF 11061, EAST LONDON (33 KENYON CRESCENT).

1. Under Section 47 of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning & Land Use Management Bylaw of 2016 and upon instructions of the Local Authority a notice is hereby given that conditions C. (a), (b), (d), (e) and C.(a) (i) in the Deed of Transfer T 222/2013 applicable to Erf 11061 East London are hereby removed.

## PROVINCIAL NOTICE 178 OF 2020

**REMOVAL OF TITLE DEED RESTRICTIVE CONDITIONS: ERF 2221, GRAAFF-REINET**

Under Section 47 of the Spatial Planning and Land Use Management Act, No. 16 of 2013, read with Section 69 of the Spatial Planning and Land Use Management By-Laws: Dr Beyers Naude Local Municipality, and upon instruction from the abovementioned municipality, notice is hereby given that following application by the owner of Erf 2221, Graaff-Reinet, Conditions (C) (i-vi) found in Title deed No. T5481/2019, pertaining to Erf 2221, Graaff-Reinet, are hereby removed.

**DR E.M. RANKWANA**  
**MUNICIPAL MANAGER**

**For Publication:**

Provincial Gazette

Komani-Karoo Express

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**PROVINCIAL NOTICE 179 OF 2020**

**PROVINCE OF THE EASTERN CAPE**

**PROVINCIAL NOTICE**

**EASTERN CAPE PROVINCIAL TREASURY**

**PUBLICATION OF ALLOCATIONS BY PROVINCIAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS.**

This information relates to transfers by the Department of Cooperative Governance and Traditional Affairs (Vote 7) to municipalities;

This information is published in terms of section 30 (3) (b) of the Division of Revenue Bill No.3 of 2020.

**Dated and signed at Bhisho on this, the <sup>16</sup>..... of October 2020**



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**M. MVOKO**  
**MEC FOR FINANCE**

**VOTE 7  
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS  
SCHEDULE**

<b>NAME OF GRANT / TRANSFER: LOCAL GOVERNMENT SUPPORT – PAYMENT OF ESKOM DEBT</b>	
<b>Name of transferring department</b>	<b>Cooperative Governance and Traditional Affairs</b>
<b>Name of Programme / Division making transfer</b>	Municipal Development Finance
<b>Purpose</b>	Payment of ESKOM debt on behalf of Amahlathi, Great Kei and Sundays River Valley Local Municipalities.
<b>Measurable Objective</b>	To provide financial support to reduce the ESKOM debt.
<b>Conditions</b>	<ul style="list-style-type: none"> <li>• Submission of Invoices by ESKOM.</li> <li>• Submission of proof of receipt of payment by ESKOM.</li> <li>• Submission of payment agreements between Eskom and Municipalities.</li> </ul>
<b>Allocation Criteria</b>	Allocation is made on assessed needs.
<b>Reasons for not incorporating into the equitable share</b>	Section 154(1) of the Constitution provides that national and provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.
<b>Monitoring Mechanisms</b>	ESKOM to submit proof of receipt of payment.
<b>Past Performance</b>	None
<b>Adjusted allocation</b>	2020/21 Main Appropriation: R0 2020/21 Adjustments : R10 million 2020/21 Adjusted Allocation: R10 million
<b>Responsibilities of the transferring Department</b>	COGTA to receive the acknowledgement letter from ESKOM and to advise the affected municipalities of the payments made on their behalf.
<b>Project Life</b>	Once-off payment to ESKOM on behalf of the municipalities mentioned below.
<b>Payment Schedule</b>	Transfer to be made directly to ESKOM on behalf of three (3) municipalities: <ul style="list-style-type: none"> <li>• Amahlathi LM – R3 million</li> <li>• Great Kei LM – R3 million</li> <li>• Sundays River Valley LM – R4 million</li> </ul>

## ANNEXURE A

Transfers to local government by transfer / grant type, category and municipality			Local Government Support - Payment of ESKOM debt					
R' 000			Adjustments appropriation					Adjusted appropriation
Main appropriation			Roll-overs	Unforeseeable/ unavoidable	Virements and shifts	Declared unspent funds	Other adjustments	
Category	Number	Municipality						
<b>Total: Amatole Municipalities DC12</b>			-	-	6 000	-	-	6 000
B	EC121	Mbhashe	-	-	-	-	-	-
B	EC122	Mnquma	-	-	-	-	-	-
B	EC123	Great Kei	-	-	3 000	-	-	3 000
B	EC124	Amahlahi	-	-	3 000	-	-	3 000
C	DC12	Amathole District	-	-	-	-	-	-
<b>Total: Sarah Baartman Municipalities DC10</b>			-	-	4 000	-	-	4 000
B	EC101	Dr Beyers Naude	-	-	-	-	-	-
B	EC106	Sundays River Valley	-	-	4 000	-	-	4 000
C	DC10	Sarah Baartman District	-	-	-	-	-	-
<b>Unallocated/unclassified</b>			-	-	-	-	-	-
<b>Total</b>			-	-	10 000	-	-	10 000

## SCHEDULE

NAME OF GRANT / TRANSFER: LOCAL GOVERNMENT SUPPORT – PAYMENT OF AGSA DEBT	
Name of transferring department	Cooperative Governance and Traditional Affairs
Name of Programme / Division making transfer	Municipal Development Finance
Purpose	Payment of Auditor General South Africa (AGSA) debt on behalf of Amahlathi, Great Kei and Sundays River Valley Local Municipalities.
Measurable Objective	To provide financial support to reduce the AGSA debt.
Conditions	<ul style="list-style-type: none"> <li>• Submission of Invoices by AGSA.</li> <li>• Submission of proof of receipt of payment by AGSA.</li> </ul>
Allocation Criteria	Allocation is made on assessed needs.
Reasons for not incorporating into the equitable share	Section 154(1) of the Constitution provides that national and provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.
Monitoring Mechanisms	AGSA to submit proof of receipt of payment.
Past Performance	None.
Adjusted allocation	2020/21 Main Appropriation: R0 2020/21 Adjustments : R5 million 2020/21 Adjusted Allocation: R5 million
Responsibilities of the transferring Department	COGTA to receive the acknowledgement letter from AGSA and to advise the affected municipalities of the payments made on their behalf.
Project Life	Once-off payment to AGSA on behalf of the municipalities mentioned below.
Payment Schedule	Transfer to be made directly to AGSA on behalf of three (3) municipalities: <ul style="list-style-type: none"> <li>• Amahlathi LM – R2 million</li> <li>• Great Kei LM – R2 million</li> <li>• Sundays River Valley LM – R1 million</li> </ul>

## ANNEXURE B

Transfers to local government by transfer / grant type, category and municipality					Local Government Support - Payment of AGSA debt					
R' 000			Main appropriation	Adjustments appropriation					Adjusted appropriation	
				Roll-overs	Unforeseeable/ unavoidable	Virements and shifts	Declared unspent funds	Other adjustments		Total additional appropriation
Category	Number	Municipality								
Total: Amatole Municipalities DC12			-	-	-	4 000	-	-	4 000	4 000
B	EC121	Mbhashe	-	-	-	-	-	-	-	-
B	EC123	Great Kei	-	-	-	2 000	-	-	2 000	2 000
B	EC124	Amahlathi	-	-	-	2 000	-	-	2 000	2 000
C	DC12	Amathole District	-	-	-	-	-	-	-	-
Total: Sarah Baartman Municipalities DC10			-	-	-	1 000	-	-	1 000	1 000
B	EC101	Dr Beyers Naude	-	-	-	-	-	-	-	-
B	EC106	Sundays River Valley	-	-	-	1 000	-	-	1 000	1 000
C	DC10	Sarah Baartman District	-	-	-	-	-	-	-	-
Unallocated/unclassified			-	-	-	-	-	-	-	-
Total			-	-	-	5 000	-	-	5 000	5 000

**PROVINCIAL NOTICE 180 OF 2020**

**PROVINCE OF THE EASTERN CAPE**

**PROVINCIAL NOTICE**

**OFFICE OF THE PREMIER**

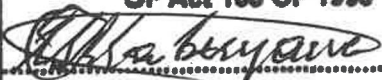
**REPEAL OF LOCAL GOVERNMENT LAWS ACT, 2020  
(EASTERN CAPE) (ACT 1 OF 2020, EC)**

It is hereby published for general information that the Premier of the Province of the Eastern Cape has assented to the above-mentioned Act.

**PROVINCE OF THE EASTERN CAPE****REPEAL OF LOCAL GOVERNMENT LAWS ACT, 2020  
(EASTERN CAPE)**

---

**ACT NO 1 OF 2020 (EC)**

<b>BILL</b>
<b>PROVINCE OF THE EASTERN CAPE</b>
Assented To in Terms of Section 121 R.W. Section 123, 124 And 127 OF Act 108 OF 1996
 ..... <b>Signature</b>
18/09/2020 ..... <b>Date</b>
Mr. L.D. Mabuyane ..... <b>Full Names</b>
<b>TITLE PREMIER- ACTING PREMIER</b> (Delete whichever is not applicable)
(NOTE: ON THE DATE HEREOF, ENGLISH IS THE ONLY OFFICIAL LANGUAGE OF THE PROVINCE)



## **ACT**

To provide for the repeal of obsolete and old order Spatial Planning and Land Use Management and other local government laws assigned to the Department of Cooperative Governance and Traditional Affairs in the Province of the Eastern Cape; and to provide for matters connected therewith.

**BE IT ENACTED** by the Legislature of the Province of the Eastern Cape as follows:-

### **REPEAL OF LAWS**

1. The laws mentioned in the second column of the Schedule are herewith repealed to the extent set out in the third column thereof.

### **SHORT TITLE**

2. This Act is called the Repeal of Local Government Laws Act, (Eastern Cape), 2020 and shall come into operation on a date determined by the Premier by proclamation in the Provincial Gazette.

**SCHEDULE**

Number and year of Act	Short title	Extent of repeal
(a) Ordinance 13 of 1913	City of Port Elizabeth Municipal Ordinance	Repealed as a whole
(b) Ordinance No. 33 of 1934	Townships Ordinance	Repealed as a whole
(c) Ordinance No. 20 of 1974	Municipal Ordinance	Repealed as a whole
(d) Act 24 of 1978	Municipal Act (Transkei)	Repealed as a whole
(e) Act No 4 of 1984	Black Communities Development Act	Sections 52 & 57B
(f) Ordinance 15 of 1985	Land Use Planning Ordinance	Repealed as a whole
(g) Regulation 15 of 1987	Township Establishment and Land Use Regulations	Except Regulations 16, 21 & 25
(h) Act No. 9 of 1987	Rural Areas Act (House of Reps)	Sections 20-42, 45, 49, 49A, 50 & 55
(i) Act No. 15 of 1987	Municipal Act (Ciskei)	Chapters 11 and 12
(j) Regulation 733 of 1989	Regulations relating to the Establishment & Amendment of Town Planning Schemes	Repealed as a whole

CERTIFIED AS CORRECT AS PASSED BY THE PROVINCIAL LEGISLATURE  
 SIGNATURE: H. 16  
 DATE: 17/08/2020  
 SECRETARY TO PROVINCIAL LEGISLATURE

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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**

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**LOCAL AUTHORITY NOTICE 231 OF 2020****NDLAMBE LOCAL MUNICIPALITY (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management by-Law : 2015****ERF 534 KENTON-ON-SEA, EASTERN CAPE**

In terms of the Spatial Planning and Land Use Management by-Law 2015, of the Ndlambe Local Municipality, and upon instructions by the Local Authority, a notice is hereby given that Condition C.4.(d) in Deed of Transfer T64983/2004CTN applicable to Erf 534 Kenton-on-Sea are hereby removed.

LOCAL AUTHORITY NOTICE 228 OF 2020

# PROPERTY RATES BYLAW



## MHLONTLO LOCAL MUNICIPALITY

(FOR IMPLEMENTATION ON 1 JULY 2020)

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**MHLONTLO LOCAL MUNICIPALITY  
PROPERTY RATES BYLAW**


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**MHLONTLO LOCAL MUNICIPALITY  
PROPERTY RATES BYLAW**

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**MHLONTLO LOCAL MUNICIPALITY****PROPERTY RATES BYLAW****1. LEGISLATIVE CONTEXT**

- 1.1 This bylaw is mandated by Section 3 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), which specifically provides that a municipality must adopt a Rates Bylaw.
- 1.2 In terms of Section 229 of the Constitution of the Republic of South Africa, 1996 (No.108 of 1996), a municipality may impose rates on property.
- 1.3 In terms of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) a local municipality in accordance with-
- a. Section 2(1), may levy a rate on property in its area; and
  - b. Section 2(3), must exercise its power to levy a rate on property subject to-
    - i. Section 229 and any other applicable provisions of the Constitution;
    - ii. the provisions of the Property Rates Act and the regulations promulgated in terms thereof; and
    - iii. the rates bylaw.
- 1.4 In terms of Section 4 (1) (c) of the Local Government: Municipal Systems Act, 2000 (No. 32 of 2000), the Council of a municipality has the right to finance the affairs of the municipality by imposing, *inter alia*, rates on property.
- 1.5 In terms of Section 62(1)(f)(ii) of the Local Government: Municipal Finance Management Act, 2003 (No. 56 of 2003) the municipal manager must ensure that the municipality has and implements a rates bylaw.
- 1.6 This bylaw must be read together with, and is subject to the stipulations of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) and any regulations promulgated in terms thereof.

**2. DEFINITIONS**

- 2.1 “**Act**” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);
- 2.2 “**Agent**”, in relation to the owner of a property, means a person appointed by the owner of the property-
- (a) to receive rental or other payments in respect of the property on behalf of the owner; or
  - (b) to make payments in respect of the property on behalf of the owner;
- 2.3 “**Agricultural purpose**” in relation to the use of a property, includes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game;

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**MHLONTLO LOCAL MUNICIPALITY  
PROPERTY RATES BYLAW**

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- 2.4 **“Annually”** means once every financial year;
- 2.5 **“Category”**
- (a) in relation to property, means a category of properties determined in terms of Section 7 of this bylaw; and
  - (b) in relation to owners of properties, means a category of owners determined in terms of Section 8 of this bylaw.
- 2.6 **“Child-headed household”** means a household where the main caregiver of the said household is younger than 18 years of age. Child-headed household means a household headed by a child as defined in terms of section 28(3) of the Constitution.
- 2.7 **“Definitions, words and expressions”** as used in the Act are applicable to this bylaw document where ever it is used;
- 2.8 **“Land reform beneficiary”**, in relation to a property, means a person who -
- (a) acquired the property through -
    - (i) the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993); or
    - (ii) the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);
  - (b) holds the property subject to the Communal Property Associations Act, 1996 (Act No 28 of 1996);
  - (c) holds or acquires the property in terms of such other land tenure reform legislation as may pursuant to section 25(6) and (7) of the Constitution (Act No.108 of 1996) be enacted after this Act has taken effect;
- 2.9 **“Land tenure right”** means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act No.11 of 2004);
- 2.10 **“Municipality”** means the Local Municipality of Mhlontlo;
- 2.11 **“Newly Rateable property”** means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding –
- (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
  - (b) a property identified by the Minister by notice in the Gazette where the phasing-in of a rate is not justified;
- 2.12 **“Owner”-**
- (a) in relation to a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;



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**MHLONTLO LOCAL MUNICIPALITY  
PROPERTY RATES BYLAW**

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- (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
  - (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
  - (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”,
- provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases: -
- (i) a trustee, in the case of a property in a trust excluding state trust land;
  - (ii) an executor or administrator, in the case of a property in a deceased estate;
  - (iii) a trustee or liquidator, in the case of a property in an insolvent estate or in
  - (iv) a judicial manager, in the case of a property in the estate of a person under
  - (v) a curator, in the case of a property in the estate of a person under curatorship;
  - (vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
  - (vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
  - (viii) a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

**2.13 “Property” means -**

- (a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (d) public service infrastructure.

**2.14 “Public service infrastructure” means publicly controlled infrastructure of the following kinds:**

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;

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**MHLONTLO LOCAL MUNICIPALITY  
PROPERTY RATES BYLAW**

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- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i).

2.15 **“Residential property”** means improved property that: -

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.
- (b) Is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) Is owned by a share-block company and used solely for residential purposes.
- (d) Is a residence used for residential purposes situated on property used for or related to educational purposes.
- (e) Retirement schemes and life right schemes used predominantly (60% or more) for residential purposes.

And specifically exclude hostels, flats, old age homes, guest houses and vacant land irrespective of its zoning or intended use.

2.16 **“Rural communal settlements”** means the residual portion of rural communal land excluding identifiable and rateable entities within the property and excluding State Trust Land and land reform beneficiaries as defined in the Act.

2.17 **“state trust land”** means land owned by the state-

- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
- (b) over which land tenure rights were registered or granted; or
- (c) which is earmarked for disposal in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994).

**MHLONTLO LOCAL MUNICIPALITY  
PROPERTY RATES BYLAW**

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**3. BYLAW PRINCIPLES**

- 3.1 Rates are levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.
- 3.2 As allowed for in the Act, the municipality has chosen to differentiate between various categories of property and categories of owners of property as contemplated in clause 7 and 8 of this bylaw. Some categories of property and categories of owners are granted relief from rates. The municipality however does not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- 3.3 There would be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 16 of this bylaw.
- 3.4 In accordance with section 3(3) of the Act, the rates bylaw for the municipality is based on the following principles:
- (a) Equity  
The municipality will treat all ratepayers with similar properties the same.
  - (b) Affordability  
The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions, rebates and cross subsidy from the equitable share allocation.
  - (c) Sustainability  
Rating of property will be implemented in a way that:
    - i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;
    - ii. Supports local, social and economic development; and
    - iii. Secures the economic sustainability of every category of ratepayer.
  - (d) Cost efficiency  
Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account surpluses generated on economic (refuse removal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

**4. SCOPE OF THE BYLAW**

- 4.1 This bylaw document guides the annual setting (or revision) of property rates tariffs. It does not necessarily make specific property rates tariffs proposals.

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**MHLONTLO LOCAL MUNICIPALITY  
PROPERTY RATES BYLAW**

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Details pertaining to the applications of the various property rates tariffs are annually published in the Provincial Gazette and the municipality's schedule of tariffs, which must be read in conjunction with this bylaw.

**5. APPLICATION OF THE BYLAW**

- 5.1 In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners as allowed for in this bylaw document.

**6. PRINCIPLES APPLICABLE TO FINANCING OF SERVICES**

- 6.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and the Executive Committee of the municipality, make provision for the following classification of services: -
- (a) Economic services
    - i. Refuse removal.
  - (b) Community and subsidised services.

These include all other services ordinarily being rendered by the municipality excluding those mentioned in 6.1(a).
- 6.2 Economic services as referred to in clause (a) must be ring fenced and financed from service charges while community and subsidised services referred to in clause (b) will be financed from surpluses on economic services, regulatory fees, rates and rates related income.

**7. CATEGORIES OF PROPERTY**

- 7.1 Different rates may be levied in respect of the following categories of rateable properties and such rates will be determined on an annual basis during the compilation of the annual budget: -
- 7.1.1 Residential properties;
  - 7.1.2 Industrial properties;
  - 7.1.3 Business properties;
  - 7.1.4 Agricultural properties;
  - 7.1.5 Small Holdings;
  - 7.1.6 State owned properties;
  - 7.1.7 Municipal properties;
  - 7.1.8 Public service infrastructure referred to in the Act;

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7.1.9 Properties owned by Public Benefit Organisations;

7.1.10 Places of Worship;

7.1.11 Educational;

7.1.12 Vacant Stands.

7.2 In determining the category of a property referred to in 7.1 the municipality shall take into consideration the dominant use of the property, regardless the formal zoning of the property.

7.3 Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in clause 9 of this bylaw.

## **8. CATEGORIES OF OWNERS**

8.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 11, 12 and 13 respectively the following categories of owners of properties are determined: -

- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent bylaw of the municipality;
- (b) Those owners who do not qualify as indigents in terms of the adopted indigent bylaw of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
- (c) Owners of property situated within an area affected by-
  - i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
  - ii. serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;
- (e) Owners of agricultural properties as referred to in clause 13.1 (b); and
- (f) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

## **9. PROPERTIES USED FOR MULTIPLE PURPOSES**

9.1 Rates on properties used for multiple purposes will be levied in accordance with the “dominant use of the property”.

## **10. DIFFERENTIAL RATING**

10.1 Criteria for differential rating on different categories of properties will be according to:-

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- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
- (b) The promotion of local, social and economic development of the municipality.

10.2 Differential rating among the various property categories will be done by way of: -

- (a) setting different cent amount in the rand for each property category; and
- (b) by way of reductions and rebates as provided for in this bylaw document.

## **11. EXEMPTIONS AND IMPERMISSIBLE RATES**

11.1 The following categories of property are exempted from rates: -

(a) Municipal properties

Municipal properties are exempted from paying rates as it will increase the rates burden or service charges to property owners or consumers. However, where municipal properties are leased, the lessee will be responsible for the payment of determined assessment rates in accordance with the lease agreement.

(b) Residential properties

All residential properties with a market value of less than the amount as annually determined by the municipality are exempted from paying rates. **For the 2018/2019 financial year the maximum reduction is determined as R30 000.** The impermissible rates of R15 000 contemplated in terms of section 17(1) (h) of the Property Rates Act is included in the amount referred to above as annually determined by the municipality. The first R30 000 (thirty thousand) value of all residential properties and including farm properties used for residential purposes is exempt from being rated and is excluded from the market value when determining rates payable.

RDP houses are exempted from paying rates except when there has been building improvements wherein the normal rating will apply.

(c) Public Service Infrastructure

The Municipality may not levy rates on the first 30% of the market value of public service infrastructure.

(d) Right registered against a property

Any right registered against a property as defined in clause 2.13(b) of this bylaw is exempted from paying rates.

11.2 Exemptions in clause 11.1 will automatically apply and no application is thus required.

11.3 Impermissible Rates: In terms of section 17(1) of the Property Rates Act the municipality may, inter alia, not levy a rate: -

- (a) On those parts of a special nature reserve, national park or nature reserve within the meaning of the National Environmental Management: Protected Areas Act, 2003 (Act No.

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57 of 2003) or of a national botanical garden within the meaning of the National Environmental Management: Biodiversity Act, 2004, which are not developed or used for commercial, business, or residential agricultural purposes.

(a) On mineral rights within the meaning of paragraph (b) of the definition of “property” in section 1 of the Act.

- (b) On a property belonging to a land reform beneficiary or his or her heirs, provided that this exclusion lapses ten years from the date on which such beneficiary’s title was registered in the office of the Registrar of Deeds.
- (c) On a property registered in the name of and used primarily as a place of public worship by a religious community, including an official residence registered in the name of that community which is occupied by an office-bearer of that community who officiates at services at that place of worship.

#### 11.4 Public Benefit Organisations (PBO’s)

Taking into account the effects of rates on PBOs performing a specific public benefit activity and if registered in terms of the Income Tax Act, 1962 (No 58 of 1962) for tax reduction because of those activities, Public Benefit Organizations may apply for the exemption of property rates. Public Benefit Organizations may include, inter alia: -

- (a) *Welfare and humanitarian*  
For example, PBOs providing disaster relief.
- (b) *Health Care*  
For example, PBO’s providing counselling and treatment of persons afflicted with HIV and AIDS including the care of their families and dependents in this regard.
- (c) *Education and development*  
For example, PBO’s providing early childhood development services for pre-school children.
- (d) *Sporting bodies*  
Property used by an organization for sporting purposes on a non-professional basis:
- (e) *Cultural institutions*  
Property used for purposes declared in terms of the Cultural Institutions Act, Act 29 of 1969 or the Cultural Institutions Act, Act 66 of 1989.
- (f) *Museums, libraries, art galleries and botanical gardens*  
Property registered in the name of private persons, open to the public and not operated for gain.
- (g) *Animal welfare*  
Property owned or used by organizations whose exclusive aim is to protect birds, reptiles and animals on a not-for-gain basis.
- (h) *Cemeteries and crematoriums*  
Property used for cemeteries and crematoriums.
- (i) *Welfare institutions*  
Properties used exclusively as an orphanage, non-profit retirement villages, old age homes or benevolent/charitable institutions, including workshops used by the inmates, laundry or

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cafeteria facilities; provided that any profits from the use of the property are used entirely for the benefit of the institution and/or to charitable purposes within the municipality.

(j) *Charitable institutions*

Property owned or used by institutions or organizations whose aim is to perform charitable work on a not-for-gain basis.

11.5 All possible benefiting organisations in clause 11.4 must apply annually for exemptions. All applications must be addressed in writing to the municipality by 31 August for the financial year in respect of which the rate is levied. If the exemption applied for is granted the exemption will apply for the full financial year.

11.6 Public benefit organisations must attach a SARS tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962) to all applications.

11.7 The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.

11.8 The extent of the exemptions implemented in terms of clauses 11.1 to 11.4 must annually be determined by the municipality and included in the annual budget.

## **12. REDUCTIONS**

12.1 Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following: -

12.1.1 Partial or total destruction of a property.

12.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

12.2 The following conditions shall be applicable in respect of clause 12.1: -

12.2.1 The owner referred to in clause 12.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/ she will also have to indicate to what extent the property can still be used and the impact on the value of the property.

12.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).

12.2.3 A maximum reduction to be determined on an annual basis shall be allowed in respect of both clauses 12.1.1 and 12.1.2. For the 2017/2018 financial year the maximum reduction is determined as 80%.



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12.2.4 An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.

12.2.5 If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

**13. REBATES****13.1. Categories of property****(a) Business, commercial and industrial properties**

- i. The municipality may grant rebates to rateable enterprises that promote local, social and economic development in its area of jurisdiction. The following criteria will apply: -
  - a. job creation in the municipal area;
  - b. social upliftment of the local community; and
  - c. creation of infrastructure for the benefit of the community.
- ii. A maximum rebate as annually determined by the municipality will be granted on approval, subject to: -
  - a. a business plan issued by the directors of the company indicating how the local, social and economic development objectives of the municipality are going to be met;
  - b. a continuation plan issued by the directors and certified by auditors of the company stating that the objectives have been met in the first year after establishment and how the company plan to continue to meet the objectives; and
  - c. an assessment by the municipal manager or his/her nominee indicating that the company qualifies.
- iii. All applications must be addressed in writing to the municipality by 31 August for the financial year in respect of which the rate is levied. If the rebate applied for is granted the rebate will apply for the full financial year.

**(b) Agricultural property rebate**

- i. When considering the criteria to be applied in respect of any exemptions, rebates and reductions on any properties used for agricultural purposes the municipality must take into account: -
  - a. the extent of rates related services rendered by the municipality in respect of such properties.
  - b. the contribution of agriculture to the local economy.
  - c. the extent to which agriculture assists in meeting the service delivery and developmental objectives of the municipality; and
  - d. the contribution of agriculture to the social and economic welfare of farm workers.
- ii. In terms of section 84 of the Act the Minister for Provincial and Local Government, and in concurrence with the Minister of Finance as required through section 19 of the Act, may determine that a rate levied by the Council on a category of non-residential property may not

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exceed the ratio to the rate on residential property. In the absence of any such promulgation the municipality will apply the standard ratio for agricultural properties as 1:0.25 (75% rebate on the tariff for residential properties). For the 2018/2019 financial year the minister has promulgated a ratio of 1:0.25.

- iii. An additional rebate (based on the total property value) of maximum 10% will be granted by the municipality in respect of the following: -
  - a. 2,5% for the provision of accommodation in a permanent structure to farm workers and their dependents.
  - b. 2,5% if these residential properties are provided with potable water.
  - c. 2,5% if the farmer for the farm workers electrifies these residential properties.
  - d. 2,5% for the provision of land for burial to own farm workers or educational or recreational purposes to own farm workers as well as people from surrounding farms.
- vi. The granting of additional rebates is subject to the following: -
  - a. All applications must be addressed in writing to the municipality by 31 August indicating how service delivery and development obligations of the municipality and contribution to the social and economic welfare of farm workers were met. This application will be required as a once off requirement. Any new applications for the 2017/2018 financial year and onwards must be addressed in writing to the municipality by 31 August for the financial year in respect of which the rate is levied. If the rebate applied for is granted the rebate will apply for the full financial year and such application again regarded as a once off requirement.
  - b. Council reserves the right to send officials or its agents to premises/households receiving relief on annual basis for the purpose of conducting an on-site audit of the details supplied. The onus also rests on recipients to immediately notify Council of any changes in their original application.
  - c. The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.
- v. No other rebates will be granted to properties that qualify for the agricultural rebate. For the avoidance of doubt, properties that qualify for the agricultural rebate will not be entitled to the residential rate exemption as set out in clause 11.1(b) of this bylaw.

### **13.2 Categories of owners**

Indigent owners and child headed families will receive a 100% rebate from payment of property tax:  
-

(a) Indigent owners

Owners who qualify and who are registered as indigents in terms of the adopted indigent bylaw of the municipality, regardless of the value of the property, will receive a 100% rebate from payment of property tax. If qualifying in terms of the indigent bylaw this 100% rebate will automatically apply and no further application is thus required by the owner.

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**(b) Child headed families**

- i. Families headed by children will receive a 100% rebate for paying property tax, according to monthly household income. To qualify for this rebate, the head of the family must: -
  - a. occupy the property as his/her normal residence;
  - b. not be older than 18 years of age;
  - c. still be a scholar or jobless; and
  - d. be in receipt of a total monthly income from all sources not exceeding an amount to be determined annually by the Municipality. For the 2018/2019 financial year this amount is determined as R3 300 per month.
- ii. The family head must apply on a prescribed application form for registration as a child headed household and must be assisted by the municipality with completion of the application form. If qualifying, this rebate will automatically apply and no further application is thus required.

**(c) Retired and Disabled Persons Rate Rebate**

- i. Retired and Disabled Persons, not registered as indigents, qualify for special rebates according to monthly household income. To qualify for the rebate a property owner must: -
  - a. occupy the property as his/her normal residence;
  - b. be at least 60 years of age or in receipt of a disability pension from the Department of Welfare and Population Development;
  - c. be in receipt of a total monthly income from all sources as annually determined by the municipality (including income of spouses of owner);
  - d. not be the owner of more than one property; and
  - e. provided that where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement.
- ii. Property owners must apply on a prescribed application form for a rebate as determined by the municipality. Applications must be accompanied by-
  - a. a certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;
  - b. sufficient proof of income of the owner and his/her spouse;
  - c. an affidavit from the owner;
  - d. if the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
  - e. if the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
- iii. All applications must be addressed in writing to the municipality by 31 August for the financial year in respect of which the rate is levied. If the rebate applied for is granted the rebate will apply for the full financial year. The total monthly income and corresponding rebate is determined as follows: -

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- a. R0 to R2 500 per month - 100%.
    - b. R2 501 to R5 000 per month - 50%.
    - c. R5 001 to R8 000 per month - 20%.
  - iv. The municipality retains the right to refuse the exemption if the details supplied in the application form were incomplete, incorrect or false.
- 13.3 Properties with a market value below a prescribed valuation level of a value to be determined annually by the Municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.
- 13.4 The extent of the rebates granted in terms of clauses 13.1 and 13.2 must annually be determined by the municipality and included in the annual budget.
- 14. PAYMENT OF RATES**
- 14.1 The rates levied on the properties shall be payable: -
- (a) On a monthly basis; or
  - (b) Annually, before 30 September each year.
- 14.2 Ratepayers may choose paying rates annually in one instalment on or before 30 September each year. If the owner of property that is subject to rates, notify the municipal manager or his/her nominee in writing not later than 30 June in any financial year, or such later date in such financial year as may be determined by the municipality that he/she wishes to pay all rates annually, such owner shall be entitled to pay all rates in the subsequent financial year and each subsequent financial year annually until such notice is withdrawn by him/her in a similar manner.
- 14.3 The municipality shall determine the due dates for payments in monthly instalments and the single annual payment and this date shall appear on the accounts forwarded to the owner/ tenant/ occupants/ agent.
- 14.4 Rates payable on an annual basis will be subject to a discount of 15% if paid in full on or before 30 September of each year. Rates payable on a monthly basis will be subject to 5% discount if paid in full by the 7<sup>th</sup> of every month.
- 14.5 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the Credit Control and Debt Collection Bylaw of the Municipality.
- 14.6 If a property owner who is responsible for the payment of property rates in terms of this bylaw fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control and Debt Collection By-law of the Municipality.
- 14.7 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act and the Municipality's credit control and debt collection by-law.

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14.8 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.

14.9 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

**15. ACCOUNTS TO BE FURNISHED**

15.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify: -

- (i) the amount due for rates payable,
- (ii) the date on or before which the amount is payable,
- (iii) how the amount was calculated,
- (iv) the market value of the property, and
- (v) rebates, exemptions, reductions or phasing-in, if applicable.

15.2 A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.

15.3 In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

**16. PHASING IN OF RATES**

16.1 The rates to be levied on newly rateable property shall be phased in as explicitly provided for in section 21 of the Act.

16.2 The phasing-in discount on the properties referred to in section 21 shall be as follows: -

- First year : 75% of the relevant rate;
- Second year : 50% of the relevant rate; and
- Third year : 25% of the relevant rate.

16.3 No rates shall be levied on newly rateable properties that are owned and used by organisations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. The phasing-in discount on these properties shall be as indicated below: -

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**MHLONTLO LOCAL MUNICIPALITY  
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- First year : 100% of the relevant rate;
- Second year : 75% of the relevant rate;
- Third year : 50% of the relevant rate; and
- Fourth year : 25% of the relevant rate.

**17. FREQUENCY OF VALUATION**

- 17.1 The municipality shall prepare a new valuation roll at least every 4 (four) years;
- 17.2 In accordance with the Act the municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the province to extend the validity of the valuation roll to 5 (five) years.
- 17.3 Supplementary valuations may be done on a continual basis but at least on an annual basis.

**18. COMMUNITY PARTICIPATION**

- 18.1 Before the municipality adopts the rates bylaw, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements: -
- 18.1.1 Council must establish appropriate mechanisms, processes and procedures to enable the local community to participate and will provide for consultative sessions with locally recognised community organisations and where appropriate traditional authorities.
- 18.1.2 Conspicuously display the draft rates bylaw for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices, libraries and on the website.
- 18.1.3 Advertise in the media a notice stating that the draft rates bylaw has been prepared for submission to council and that such bylaw is available at the various municipal offices and on the website for public inspection.
- 18.1.4 Property owners and interest persons may obtain a copy of the draft bylaw from the municipal offices during office hours at a fee as determined by Council as part of its annual tariffs. Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.
- 18.1.5 Council will consider all comments and/or representations received when considering the finalisation of the rates bylaw.
- 18.1.6 The municipality will communicate the outcomes of the consultation process in accordance with section 17 of the Municipal Systems Act 32 of 2000.

**19. REGISTER OF PROPERTIES**

- 19.1 The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.

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PROPERTY RATES BYLAW**

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- 19.2 Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- 19.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
- i. Exemption from rates in terms of section 15 of the Property Rates Act,
  - ii. Rebate or reduction in terms of section 15,
  - iii. Phasing-in of rates in terms of section 21, and
  - iv. Exclusions as referred to in section 17.
- 19.4 The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.
- 19.5 The municipality will update Part A of the register during the supplementary valuation process.
- 19.6 Part B of the register will be updated on an annual basis as part of the implementation of the municipality's annual budget.

**20. BY-LAWS TO GIVE EFFECT TO THE RATES BYLAW**

- 20.1 The municipality will adopt By-laws to give effect to the implementation of the Rates Bylaw and such By-laws may differentiate between different categories of properties and different categories of owners of properties liable for the payment of rates.

**21. REGULAR REVIEW PROCESSES**

- 21.1 The rates bylaw must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with legislation.i

**22. ENFORCEMENT/IMPLEMENTATION AND ENQUIRIES**

This bylaw has been approved by the Municipality in terms of Council resolution ..... dated ..... and takes effect on the effective date of the first valuation roll on 1 July 2020.

. Approved by .....

**Mayor**

.....  
**Municipal Manager**

**Date**  
.....

LOCAL AUTHORITY NOTICE 229 OF 2020

# **MHLONTLO LOCAL MUNICIPALITY EC156**



## **TARIFF BYLAW**

**(FOR IMPLEMENTATION ON 1 JULY 2020)**



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**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW**

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**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW****MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW****1. GENERAL INTRODUCTION AND OBJECTIVE**

In terms of section 62 (1) of the Local Government: Municipal Finance Management Act (MFMA), Act no 56 of 2003, the Accounting Officer of the municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure that, inter alia, the municipality has and implements a tariff BYLAW referred to in section 74 of the Local Government: Municipal Systems Act (MSA), Act no 32 of 2000 as amended.

In terms of section 74 of the Municipal Systems Act the municipal council hereby adopts a tariff BYLAW on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements.

In setting its annual tariffs the council shall at all times take due cognisance of the tariffs applicable elsewhere in the economic region, and of the impact which its own tariffs may have on local economic development.

**2. DEFINITIONS**

**“Accounting officer”** means the municipal manager appointed in terms of Section 60 of the Municipal Finance Management Act.

**“Annual budget”** shall mean the budget approved by the municipal council for any particular financial year, and shall include any adjustments to such budget.

**“Basic municipal services”** shall mean a municipal service necessary to ensure an acceptable and reasonable quality of life, which service – if not provided – would endanger public health or safety or the environment.

**“By-law”** shall mean legislation passed by the council of the municipality, and which shall be binding on the municipality and on the persons and institutions to which it applies.

**“Chief financial officer”** means a person designated in terms of section 80 (2) (a) of the Municipal Finance Management Act.

**“Councillor”** shall mean a member of the Council of the municipality.

**“Domestic consumer or user”** of municipal services shall mean the person or household which municipal services are rendered in respect of “residential property” as defined below.

**“Financial year”** shall mean the period starting from 1 July in any year and ending on 30 June of the following year.

**“Integrated development plan”** shall mean a plan formulated and approved as envisaged in Section 25 of the Municipal Systems Act 2000, as amended.

**“Local community”** or **“community”**, in relation to the municipality, shall mean that body of persons comprising the residents of the municipality, the ratepayers of the

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**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW**

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municipality, any civic organisations and non-governmental, private sector or labor organisations or bodies involved in local affairs within the municipality, and visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality.

**“Month”** means one of twelve months of a calendar year.

**“Municipality”** or **“municipal area”** shall, where appropriate, mean the geographic area, determined in terms of the Local Government: Municipal Demarcation Act No. 27 of 1998 as the municipal area pertaining to the municipality.

**“The municipality”** means Mhlontlo Local Municipality.

**“Municipal council”** or **“council”** shall mean the municipal council of Mhlontlo Local Municipality as referred to in Section 157(1) of the Constitution.

**“Municipal manager”** shall mean the person appointed in terms of Section 82 of the Municipal Structures Act, 1998.

**“Multiple purposes”** in relation to a property, shall mean the use of a property for more than one purpose.

**“Municipal service”** has the meaning assigned to it in terms of Section 1 of the Municipal Systems Act.

**“Municipal tariff”** shall mean a tariff for services which the municipality may set for the provision of a service to the local community, and may include a surcharge on such service. Tariffs for major services shall mean tariffs set for refuse removal, and minor tariffs shall mean all other tariffs, charges, fees, rentals or fines levied or imposed by the municipality in respect of other services supplied including services incidental to the provision of the major services.

**“Rate”** shall mean a municipal rate on property as envisaged in Section 229 (1) (a) of the Constitution.

**“Ratable property”** shall mean property on which the municipality may in terms of Section 2 of the Municipal Property Rates Act 2004 levy a rate, but excluding property fully excluded from the levying of rates in terms of Section 17 of that Act.

**“Ratepayer”** shall mean a person who is liable to the municipality for the payment of (a) rates on property in the municipality; (b) any other tax, duty or levy imposed by the municipality; and/or (c) fees for services provided either by the municipality or in terms of a service delivery agreement.

**“Rebate”** in relation to a rate payable on a property, shall mean a discount granted in terms of Section 15 of the Municipal Property Rates Act, 2004 on the amount of the rate payable on the property.

**“Residential property”** shall mean a property included in the valuation roll in terms of Section 48(2)(b) of the Municipal Property Rates Act, 2004 as residential.

**“Tariff”** means a tariff for services which the Municipality may set for the provision of a service to the local community and includes a surcharge on such tariff.

**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW****3. GENERAL PRINCIPLES**

Service tariffs imposed by the local municipality shall be viewed as user charges and shall not be viewed as taxes, and therefore the ability of the relevant consumer or user of the services to which such tariffs relate, shall not be considered as a relevant criterion (except in the case of the indigency relief measures approved by the municipality from time to time).

- 3.1. The tariff structure of Mhlontlo municipality shall make provision of the following categories of customers:
- Residential (domestic)
  - Commercial/ business
  - State/Government
  - Farms
  - Municipal
  - Churches
- 3.2. In line with the principles embodied in the Constitution, and other legislation pertaining to local government, such differentiation shall at all times be reasonable and fully disclosed in the annual budget.
- 3.3. The municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region
- 3.4. Tariffs for the major services rendered by the municipality, namely refuse removal, shall as far as possible recover the expenses associated with the rendering of each service concerned. The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.
- 3.5. The municipality shall, as far as circumstances reasonably permit, ensure that the tariffs levied in respect of the foregoing services further generate an operating surplus each financial year of approximately 5% for refuse removal services or such lesser percentage as the council may determine at the time that the annual operating budget is approved.
- 3.6. Such surpluses shall be applied in relief of property rates and for the partial financing of general services or for the future capital expansion of the service concerned, or both. The modesty of such surplus shall prevent the service tariffs concerned from being viewed as concealed taxes.

The municipality shall develop, approve and at least annually review an indigency support programme for the municipal area. This programme shall set out clearly the municipality's cost recovery BYLAW in respect of the tariffs which it levies on registered indigents, and the implications of such BYLAW for the tariffs which it imposes on other users and consumers in the municipal region.

**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW**

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- 3.7. In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall at all times be reasonable and shall be fully disclosed in each annual budget.
- 3.8. The municipality's tariff BYLAW shall be transparent, and the extent to which there is cross-subsidisation between categories of consumers or users shall be evident to all consumers or users of the service in question.
- 3.9. The municipality further undertakes to ensure that its tariffs shall be easily explainable and understood by all consumers and users affected by the tariff BYLAW concerned.

The municipality also undertakes to render its services cost effectively in order to ensure the best possible cost of service delivery.

In considering the costing of its refuse removal services the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services. The municipality therefore undertakes to plan the management and expansion of the services carefully in order to ensure that both current and reasonably expected future demands are adequately catered for and that demand levels which fluctuate significantly over shorter periods are also met. This may mean that the services operate at less than full capacity at various periods, and the costs of such surplus capacity must also be covered in the tariffs which are annually levied.

- 3.10. In adopting what is fundamentally a two-part tariff structure, namely a fixed availability charge coupled with a charge based on consumption, the municipality believes that it is properly attending to the demands which both future expansion and variable demand cycles and other fluctuations will make on service delivery.

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**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW**

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**4. LEVYING OF TARRIFFS**

- 4.1 The Council determines tariffs when approving its budget for a budget year. Council may determine tariffs during the course of the financial year only when:
- A new service is introduced.
  - No tariff for an existing service has previously been imposed.
- 4.2 Users will be treated equitably through differentiation for tariff purposes.
- 4.3 In terms of section 28 (6) of the MFMA Council may not increase tariffs during a financial year, except when required in terms of a financial recovery plan.
- 4.4 Council shall give authority to levy tariffs by passing a majority resolution during the budget approval process.

**5. SUBSIDIZATION OF THE BASIC SERVICE TARIFF**

- 5.1 Basic level consumption of any service may be subsidized by a higher level tariff, depending on legislative requirement.
- 5.2 Domestic consumers may have consumption subsidized from allocations received from National Income such as the Equitable Share.

**6. DETERMINATION OF TARIFFS FOR MAJOR SERVICES**

- 6.1 In order to determine the tariffs which must be charged for the supply of the major services, the municipality shall identify all the costs of operation of the undertakings concerned, including specifically the following:
- Depreciation expenses.
  - Maintenance of infrastructure and other fixed assets.

**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW**

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- Administration and service costs, including:
    - service charges levied by other departments such as finance, human resources and legal services;
    - reasonable general overheads, such as the costs associated with the office of the municipal manager;
    - adequate contributions to the provisions for bad debts and obsolescence of stock.
- 6.2 It is essential to take into consideration the following needs while determining a tariff structure: -
- The need to reflect costs as accurately as possible in order to achieve cost effectiveness;
  - The need to ensure equality and fairness between user groups;
  - The need for a practically implementable tariff;
  - The need to use appropriate metering and provisioning technology;
  - The need for an understandable tariff; and
  - The user's ability to pay.
- 6.3 The cost of approved indigence relief measures.

**7. REFUSE REMOVAL**

- 7.1 The categories of refuse removal users as set out below shall be charged at the applicable tariffs, as approved by the council in each annual budget.
- 7.2 Tariff adjustments shall be effective from 1 July each year.
- 7.3 A separate fixed monthly refuse removal charge shall apply to each of the following categories of users, based on the costs of the service concerned:
- Domestic and other users (once weekly removal).
  - Business and other users (twice weekly removal).
  - Business and other users (thrice weekly removal).
  - Business and other (bulk consumers).
  - Hospitals
  - Government
- 7.4 Registered indigents may receive such discount on this charge as the council deems affordable when approving each annual budget.
- 7.5 A fixed monthly charge shall be charged to the municipality's departments equal to the lowest (domestic) tariff.

**8. PROPERTY RATES**

- 8.1 Property rates are levied as determined by Council from time to time and is covered in the Property Rates BYLAW and Bylaw of the Mhlontlo Municipality.

**MHLONTLO LOCAL MUNICIPALITY  
TARIFF BYLAW****9. SUNDRY TARIFFS**

- 9.1 All other services offered by the Council are charged at a tariff as determined by the Council annually during the budget process. Tariffs should at least cover the basic cost of these services.

**10. IMPLEMENTATION AND REVIEW OF THIS BYLAW**

- 10.1 This BYLAW shall be implemented once approved by Council. All future tariff charges must be considered in accordance with this BYLAW.
- 10.2 In terms of section 17(1) (e) of the Municipal Finance Management Act this BYLAW must be reviewed on annual basis and the reviewed BYLAW tabled to Council for approval as part of the budget process.

Authority	Approval Date	Signature/Resolution number
Section Head		
Head of Department		
Accounting Officer		
Council		



**LOCAL AUTHORITY NOTICE 230 OF 2020****BUFFALO CITY METROPOLITAN MUNICIPALITY (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013)****ERF 5359 EAST LONDON, EAST LONDON, EASTERN CAPE**

Under Section 47(1) of the Spatial Planning and Land Use Management Act, 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management Bylaw of 2016, and upon instructions by the Local Authority, a notice is hereby given that Conditions B. (a) and(c) in Deed of Transfer T2881/2017 applicable to Erf 5359 East London are hereby removed.

LOCAL AUTHORITY NOTICE 232 OF 2020

***BUFFALO CITY  
LAND USE MANAGEMENT SCHEME  
REGULATIONS***

**JANUARY 2020**

## BUFFALO CITY

# LAND USE MANAGEMENT SCHEME REGULATIONS IN TERMS OF SECTION 9(2) OF THE LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE NO. 15 OF 1985)(CAPE)

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## **1. INTRODUCTION OF THE LAND USE SCHEME**

### **1.1 PREAMBLE**

These are regulations in terms of Section 9(2) of the Land Use Planning Ordinance 1985 (Cape Ordinance 15 of 1985). These regulations determine use rights and provide for control over use rights and control over the utilisation of land within the area of jurisdiction of the Buffalo City Municipality.

The emphasis of this Land Use Management Scheme is on the coordinated and harmonious development of the city in such a way that it will effectively contribute to the health, safety, order, beauty and general well-being of the city.

This document is drawn up in line with new national legislation such as the Spatial Planning and Land Use Management Act 16 of 2013 and it supports the principles thereof as well as modern general trends such as higher residential densities, more compact cities, mixed land uses and support for a sustainable city.

In South Africa, medium to longer term development is guided within a framework of strategic plans, ranging from the National Development Plan to Provincial level Growth and Development Plans. The spatial interpretation of the recommendations of these development plans informs higher level spatial development policy and plans such as the National Spatial Development Perspective and the Provincial Spatial Development Plan.

At a more localised level, forward looking spatial plans, guided by national and provincial level planning, consist of District and Municipal wide Spatial Development Framework Plans, down to Local Spatial Development Frameworks and Precinct Plans.

The White Paper On Spatial Planning and Land Use Management ( July 2001) recognizes that the key to successful spatial planning, land use management and land development is the establishment of an effective link between forward planning (spatial planning) and development control (interpreted broadly as land use management).

In this, land use management is conceived as the means of controlling and regulating the implementation of spatial planning.

It is important that decision-making on planning matters in connection with this land use management scheme is based on credible spatial planning frameworks, supported by proper and appropriate policies, procedures and standards.

## 1.2 GENERAL

### 1. Title

These regulations shall be known as the Buffalo City Land Use Management Scheme Regulations.

### 2. Scheme Area

The Land Use Management Scheme applies to the area within the scheme boundary as indicated on the zoning map (refer to plan in Annexure J).

The former Ciskei areas are excluded from this scheme (including Bhisho, Mdantsane, Fort Jackson, Zwelitsha, Phakamisa, Dimbaza and rural settlement areas).

The Buffalo City Land Use Management Scheme Regulations can be made applicable to these areas, provided that:

- Township Establishment takes place in terms of Act 113 of 1991.
- No leaseholds have been registered on any of the properties forming part of such Township.
- The Act 113 Township – Conditions of Establishment specifies that the provisions of the Buffalo City Land Use Management Scheme shall be applicable to such township area.
- A General Plan is registered.
- A Township Register is opened in the Deeds Office.

These scheme regulations do not apply to proclaimed protected areas where all aspects of the management of the protected area and activities within it are regulated by the provisions of:

- a) the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003); and/or
- b) the National Environmental Management Biodiversity Act, 2004 (Act 10 of 2004);
- c) regulations under these Acts; and
- d) approved management plans implemented by the management authority in such areas (such as a National and Provincial Parks authority)

### 3. Erf Register

Notwithstanding the fact that the zoning for erven in the scheme area is indicated on the Scheme Map, the Council shall cause a register to be kept of all erven in the said area in which shall be recorded details of the zoning and any other relevant information in respect of each erf and if there should be any uncertainty on the identification of the zoning of an erf according to the scheme map, the evidence of the erf register shall be deemed to be correct.

### 4. Scheme Open For Inspection

The Council shall allow any person to inspect this Scheme and the Map at the offices of the Council during office hours.

### 5. Conflict Of Laws

- 5.1 (a) When any provision of this Land Use Management Scheme is in conflict with another ordinance or by-laws or regulations made hereunder, the said provision shall prevail, subject to the provisions of regulation 5.1 (b)l.
- (b) The provisions of any other ordinance, in so far as they relate to the determination of the boundaries and the widths of and the erection of structures within a specified distance of the boundaries or centre line of roads, shall have preference above the provisions of a Land Use Management Scheme except in so far as such a Land Use Management Scheme:
- (i) provides for a road width greater than that determined by or in terms of such other ordinance; or
  - (ii) requires structures to be at a distance from the boundary or centre line of a road greater than that determined by or in terms of such other ordinance.
- (c) Where these zoning scheme regulations are in conflict with national or provincial legislation, the provisions of such legislation shall prevail. This includes (but is not limited to):
- (i) The provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and Act 21 of 1940, in so far as they require buildings to be erected at a greater distance from the boundaries of an erf than is required in terms of these regulations, shall have preference above the provisions of the Land Use Management Scheme.
  - (d) Nothing in these regulations shall be construed as permitting any person to do anything that is in conflict with the conditions registered against the Title Deed or Deed of Grant of the land.



- e) The fact that land may, in terms of this zoning scheme, be used for a specific purpose or that an approval has been granted under this zoning scheme, does not exempt anyone from obtaining such other authorizations, permits, licences or approvals as may be required in terms of other legislation or from compliance with any of the Municipality's regulations or by-laws.

6. Wrongfull Allocation of Zoning

In the event that a zoning has been wrongly allocated on a zoning map or wrongly converted from zoning maps that preceded these scheme regulations, the owner of an affected property may submit an application to the Municipality to correct such error, subject to the following:

- (a) The applicant must submit documentary proof of the error and/or proof of the lawful land use rights;
- (b) No application fees will be charged for such application.

### 1.3 DEFINITIONS

In these Regulations, unless inconsistent with the context :-

**“Abattoir”** – means a place where animals are slaughtered for distribution to retail outlets.

**“Adult Shop”** or adult premises - means a premises where publications and or films, classified as X18 by the Publications Board, or which fall within Schedule 2 (read with Schedule 5) of Act 65 of 1996, are exhibited and/or distributed. Such a shop or premises must also be licensed in terms of Section 2 of the Business Act (Act 71 of 1991) to conduct the business of adult shop or premises.

**“Advertise”** - means as prescribed by Ordinance 15 of 1985 and in relation to a matter under this Ordinance, means to serve a notice on every owner of land who in the opinion of the Director or a Chief Executive Officer or City Manager or Secretary, has an interest in the matter and whose address he /she knows or can obtain and, if he/she so decides, to publish in the Official Gazette and /or in the press a notice –

- (a) stating the intention of the application,
- (b) specifying the place where and the hours during which particulars of the matter will be available for inspection, and
- (c) stating that objections may be lodged with a person specified in the notice before a date likewise specified, being not less than 21 days after the date on which the notice is served, or is so published,

and “advertisement” shall have a corresponding meaning.

Also see definition of “owner” and specific requirements stipulated in Clause 4.18

**“Agriculture”** - means the cultivation of land for crops and plants or the breeding of animals, or the operation of a game farm on an extensive basis on the natural veld or land; it includes only such activities and buildings which are reasonably connected with the main agricultural activity on the land, including a dwelling house(s).

**“Agricultural Industry”** - means an enterprise or concern for the processing of agricultural products on land used for agricultural purposes owing to the nature, perishability and fragility of such products, but does not include service industry, or industry.

**“Aquaculture”** means the cultivation and breeding for commercial purposes of water-flora or –fauna (such as fish and abalone) in artificially-built dams or holding tanks or in natural water bodies.

**“Authority usage”** - means a use that is practiced by a public authority or utility company (such as private water services authorities) and of which the locality factors are such that it cannot be classified or defined under other uses in these regulations, and includes uses practiced by-

- (a) the National Government, such as military training centres and installations, telecommunication facilities, police stations and prisons;
- (b) the Provincial Government, such as road stations and road camps, and

- (c) a Municipality, such as fire services, sewage treatment works, dumping grounds, reservoirs, composting installations, cemeteries, water purification works and electrical substations
- (d) a utility company such as water services providers, Telkom or Eskom etc.

**"Basement"** - means that portion of a building, where such basement is not a habitable room, the finished floor level of which is at least 2m below, or the ceiling of which is at most 1m above the grade line applicable to the building. ,

**"Bed and Breakfast Establishment"** - means an owner managed commercial accommodation establishment of not more than 4 guest-rooms and which has as its primary source of business the supply of short-term accommodation and breakfast for resident guests.

**"Boarding House"** - means any house, building or premises in which both meals and lodging are supplied by the proprietor.

**"Bottle store"** - means a shop in which mainly alcoholic beverages are sold in the retail trade and includes an off-sales facility that is under the same management as a licensed hotel.

**"Building"** - means any structure or erection irrespective of its nature or size, i.e. any structure that complies with the National Building Regulations.

**"Building line"** - means the line delimiting the area measured from the boundary of a land unit, or from a setback where applicable, within which no building or other structure (including gazebos and patios), except a boundary fence, may be erected; or in the case of a departure relaxation of the Building Line granted with the written approval of the affected abutting property owners and upon the discretion of the Directorate of Development Planning.

**"Business premises"** - means a site or building or structure on or in which retail and wholesale business is done and includes shops, warehouses, offices, financial houses, bottle stores, restaurants or buildings/structures/premises for similar purposes, but does not include institutions, service stations, industries, noxious trades.

**"Camping site"** - means a property or part thereof which can be utilised for the erection of tents or parking of caravans and includes ablution, braai, cooking and other facilities which, together with the amenity of the site, serve as features of attraction.

**"Caravan"** - means any vehicle permanently fitted out for use by people for living or sleeping purposes, whether or not such vehicle is a trailer.

**"Caravan Park"** - means any land used or intended to be used for the accommodation of caravans, including mobile homes.

**"Cemetery"** - means a place, whether public or private, wherein human remains have been or are intended to be interred and may include a crematorium.

**"Commercial premises"** - means a building or land-usage whether it is a service industry, retail or wholesale, which is primarily involved in the rendering of a service, which can reasonably be regarded as being out of character in the residential or business area of the town. Commercial premises may include warehouses.

**"Commercial workshop"** - means an activity within a business premises which caters specifically for the local customer, or provides a service directly to the retail customer and which is directly associated with the business premises to which the public has access and where such business premises comprise the frontage of the whole building except entrances and exits and may include panel beating and spray painting.

**"Communal Open Space"** or "Common Area" - means land or space that is intended for common ownership and for common use of the owners of town-house erven in a town-housing site and may include private roads that provide access to all or certain of the group erven.

**"Conservation usage"** *in the context of Historic Areas* - means a building or part thereof or an area or a use that should be preserved in the opinion of the Council in consultation with the *South African Heritage Resources Agency*;

*in the context of Natural Areas or land* - means the use or maintenance of land in its natural state with the object of preserving the bio-physical characteristics of the land, including flora and fauna living on the land.

**"Convenience shop"** - means a shop that does not exceed 100m<sup>2</sup> in floor space, including storage space and is used for the purposes of carrying on a retail trade specifically directed at the supply of convenience goods (predominantly foodstuffs) to a localized area.

**"Council"** - means the Buffalo City Council.

**"Coverage"** - means the total percentage area of a site that may be covered by buildings measured over the outside walls and covered by a roof or projection; provided that the area covered by the first meter (as measured from the outside of the exterior wall concerned) of an eave or other projection shall not be included in the calculation of the permissible coverage.

**"Crèche"** - see Day Care Centre.

**"Day Care Centre"** - means a building or a site, excluding a hostel or educational institution, which is maintained and utilised on a profit or non-profit basis, for the acceptance, protection, and temporary caring of a maximum of 50 or less children on behalf of their parents and which building or site is registered as a place of care in terms of the Child Care Act (Act 74 of 1983). No land use authorisation is required for a facility catering for 6 or less children.

**"Departure"** as defined in the Land Use Planning Ordinance 15 of 1985 means:

- (a) an altered land use restriction:
  - i) imposed in terms of Section 15 (1) of the Ordinance; or
  - ii) imposed in terms of a condition by virtue of any provision of the Ordinance, or
  - iii) that is legal in terms of any other provision of the Ordinance, or
- (b) a use right granted on a temporary basis in terms of Section 15 of the Ordinance.

**"Developable area"** in relation to an erf, means the total area of an erf, excluding areas taken up by a panhandle driveway and/or servitude.

**"Dwelling house"** - means a detached building containing only one dwelling unit complying with the National Building Regulations. In the event of sectionalisation of a second dwelling unit on a Single Residential Erf (Residential Zone III), such dwelling house and second dwelling unit may be attached.

**"Dwelling unit"** - means a self-contained interleading group of rooms with not more than one kitchen, used only for living accommodation and housing at an occupation ratio not exceeding three persons per habitable room, together with such outbuildings as are ordinarily used therewith.

**"Enterprise"** - means any commercial undertaking.

**"Escort Agency"** – means the carrying on of business by making the services of an escort available to any person, as described in the Business Act (Act 71 of 1991), and where the business is licensed in terms of Section 2 of the Business Act (Act 71 of 1991).

**"Estate Housing"** - means a harmoniously designed and built estate or holiday housing development with an informal clustered layout, where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel.

**"Erection of a building"** - including the structural alteration of, or the making of any addition to, a building.

**"Existing use"** - means the use/uses which, in the opinion of the Council, is/are practiced lawfully on or in a property, structure or building or part thereof.

**"Farm stall"** - means a building or structure which does not exceed 100m<sup>2</sup> in floor space, including storage facilities, where a farmer sells products and produce whether to his employees or to the general public.

**"Feed-pen farming"** - means the keeping and breeding of livestock on a land unit on an intensive basis and where the animals are fed with little or no opportunity to graze off the natural veld.

**"Flat roof"** – means a roof with a pitch less than 10°.

**"Flats"** - means a building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith; provided that in those zones where flats are permissible, fewer than three dwelling units shall also be permissible.

**"Floor factor"** - means the factor (expressed as a proportion of 1) that is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit; it is the maximum floor space as a proportion of the net erf area.

**"Floor space"**, in relation to any building or structure, means the area covered by a roof, slab or projection, excluding a projection not exceeding 1m over an exterior wall or a similar support; provided that the area which is covered by a canopy or projection on the street side of a business building in the Business Zones I to V shall not be regarded as floor space. Floor space shall be measured from the outside surface of the exterior walls or similar supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "maximum floor space" shall be the sum of the floor space of all the storeys, including that of basements.

**"Funeral Parlour"** - means the business of an Undertaker and may include any or all of the following:-

- a) chapel, office, workshop, garage, warehouse.
- b) a funeral parlour does not include a mortuary.

**"Grade Line"** - means an imaginary surface that corresponds with straight lines connecting the highest and lowest natural ground levels immediately contiguous to a building, and for the purpose of height control can be regarded as a horizontal plane encompassing the outer edges of a building, equivalent to the natural ground level of the middle point of the footprint of the building – or in the event of a multi-level building, the middle point of the footprint of each level of such building.

**"Gross leasable area"** (GLA) - means the total floor area that is leasable, measured from the internal surface of the outer walls of the leasable area – including basements. The following areas shall be excluded when calculating GLA:

- a) any area, including a basement area - that is reserved solely for the parking of vehicles;
- (b) any area required for a fire escape;
- (c) any balconies, terraces, verandas, common entrances, common passages and common areas covered by a roof;
- (d) any stairs, lift wells or other wells, in the case of multi-storey buildings.
- (e) accommodation for a supervisor;

**"Ground floor"** - means the lowest floor of a building, which is not a basement.

**"Guest-house"** - means an owner managed commercial accommodation establishment of not less than 5 guest-rooms and not more than 16 guest-rooms and which has as its primary source of business the supply of short-term accommodation and meals for resident guests.

**"Habitable room"** - means any room for human habitation as per approved building plan, and excludes bathrooms, toilets, kitchens, verandas, garages, passages and basements. The internal floor area of a habitable room may not be less than 6 m<sup>2</sup> in extent with no linear dimension of less than 2m.

**"Height"** in relation to a building - means the height specified in these regulations, of the highest point of such building, above the natural ground level and directly below such point.

**"Holiday accommodation"** - means a number of dwelling units belonging to one owner, which are only utilised for short term accommodation by travellers



or tourists or holidaymakers and which comprise a single business enterprise of which the individual dwelling units are marketed only by means of renting, and includes a caravan park and a camping site, but does not include a hotel.

**"Holiday Housing"** - means a harmoniously designed and built estate or holiday housing development with an informal clustered layout, where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel.

**"Home-based Care"** - means the use of a dwelling house, portion of a dwelling house or associated outbuildings by the occupant to provide care for a limited number of elderly, sick or disabled persons, or day care, after school care or instruction for a limited number of infants or children.

**"House shop"** (spaza shop) - means a shop that is operated from a dwelling unit that only sells basic day-to-day household necessities, provided that:

- (a) such activities are restricted to one room of the principal dwelling or a garage or outbuilding with such an area not exceeding 30m<sup>2</sup>;
- (b) the dwelling unit is to have a primarily residential function;
- (c) not more than two persons should be involved in the operating of such a shop;
- (d) such a shop should not impact negatively on the surrounding neighbours; and
- (e) all signs of trade, including advertising, should be kept to a minimum as specified in Annexure C, section 1.3.

**"Industrial Café"** - means a building or structure which does not exceed 100m<sup>2</sup> in floor space, including storage facilities, and where delicacies and fast foods are sold to employees only.

**"Industry"** - means an enterprise for the manufacture, wholesaling, warehousing, distribution, dispatching, assembly or processing of a product or the breaking up of a product or raw materials, which is not included under the definition of "Noxious Trade", and includes any place or site where any such trade is carried on, providing that retail on any such place or site shall be restricted to the selling of goods manufactured, processed or directly associated with the industrial activities on such place or site, as well as a caretaker's dwelling, an office or offices, an industrial café and any other use incidental to an industry.

**"Informal Dwelling"** – see Shelter

**"Institution"** - means a building or portion of a building used or intended to be used as a social, or welfare institution, or care facility (e.g. hospice, old-age home, frail care) or for the administration thereof, and includes a hospital, certified industrial school, clinic, children's home, reformatory or place of detention, whether private or public, but does not include a prison.

**"Intensive agronomy"** - means the cultivation of crops and plants on an intensive scale and includes the indoor cultivation thereof, but does not include the retail sale of plants on the property concerned.

**"Land"** - means land with or without improvements.

**"Land unit"** - means a portion of land registered or capable of being registered in a deeds registry and may include a servitude right or lease.

**"Land Use Management Scheme"** - means the Buffalo City Land Use Management Scheme consisting of scheme regulations and a register, with or without a zoning map.

**"Land use restriction"** - means a restriction, in terms of a zoning, on the extent of the improvement of land.

**"Licensed hotel"** - means a building designed to comply with the requirements of a hotel as laid down in the relevant liquor laws of the Republic of South Africa and includes an off-sales facility.

**"Limited Development Area"** (in relation to the Municipality's approved Spatial Development Framework or Local Spatial Development Framework) – means areas that are generally environmentally sensitive where low intensity, environmentally and culturally sensitive development can be permitted.

**"Linked"** in relation to the definitions of "town housing" - means to be connected by means of a common wall or garage.

**"Maximum floor space"** - means the greatest total floor space which is allowed for a building or buildings with all of its floors on a site; such floor space is calculated by multiplying the floor factor with the net erf area of a site or that portion of the site which is situated within the particular zone; provided that where a site has more than one zoning to which different floor factors apply, the maximum floor space for the whole site shall be the total of the maximum floor space for each portion of the site; further provided that for the purpose of determining the floor space of a building:

- (a) any area including a basement, that is reserved solely for the parking of vehicles, shall be excluded;
- (b) any area required for an external fire escape shall be excluded;
- (c) subject to (d) below, any balconies, terraces, stairs, stair-wells, verandas, common entrances and common passages covered by a roof shall be included except in the case of a residential building on a residential site, where it shall be excluded;
- (d) any stairs, lift wells or other wells, in the case of multi-storey buildings, shall only be calculated once, and
- (e) any arcade, with a minimum width of 2m and which at all times provides access through the building concerned from public parking or a pavement or public road, street or open space to other public parking or another public road, street or open space and which at all times is open to the public by means of a servitude, as well as any other covered walkway through which the roof allows light, shall be excluded.

**"Mining"** - means an enterprise practicing the extraction of raw materials whether by means of surface or underground methods, and includes the removal of stone, sand, clay, kaolin, ores, minerals and precious stones, and the processing thereof, but not the manufacturing of any related products.

Refer to section 4.9



**"Mobile home"** - means an assembled structure with the necessary service connections, which can be transported without the removal of units or panels, and which may be designed so that it can be used as a permanent dwelling.

**"Mortuary"** - means a place where bodies are stored on a temporary basis.

**"Motor vehicle"** - means a vehicle designed or intended for propulsion by other than human or animal power, and includes a motorcycle and a trailer and caravan, but does not include a vehicle moving exclusively on rails or an aircraft.

**"Natural Ground Level"** - means the level of the land surface at any point on a land unit:

- (a) in its unmodified, natural state; or
- (b) if the natural state has been modified, as established from a contour plan lodged with an official agency such as the Municipality or the office of the Surveyor General which, in Council's opinion, depicts the natural ground level; or
- (c) if the natural state has been altered by way of grading or excavation, with Council's approval, for the purpose of development; provided that:
  - (i) any grading for the purpose of development shall connect evenly with the existing levels of abutting land units;
  - (ii) where land is excavated, the excavated level is deemed to be the natural level of the ground;
  - (iii) where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the Council shall determine a level for the purpose of administering this scheme; and
  - (iv) where land is excavated and the excavated material is used to extend the building site (cut and fill), the Council shall determine a level for the purpose of administering this scheme.

**"Nature Reserve"** - means a national park or other nature park in public ownership or that has been declared as such in terms of legislation and remains in private ownership; it includes an area which is used as a game park or reserve for fauna or flora in their natural habitat and includes the provision of accommodation facilities for tourists or holidaymakers.

**"Net erf area"** - means the total area of a land unit, excluding all land zoned or reserved for public purposes.

**"Noxious trade/industry"** - means a trade or industry which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust, including but not limited to:

- i) enterprises associated with chemical, explosive or nuclear-based manufacturing, warehousing, packaging or distribution; and
- ii) the activities listed in Annexure A hereto.

**"Nursery"** - means a property or part thereof that is utilised for the sale of plants and gardening products.

**"Occupant"** - means any person who physically inhabits a building, a structure or land.

**"Occupational practice"** - means the practicing of an occupation (excluding any noxious activities) from either a dwelling or second dwelling unit (but not both) by the tenant or owner of that specific dwelling unit, provided that:

- i) the persons so practicing including employees do not exceed 3;
- ii) the tenant or owner must reside and work on the property;
- iii) such occupational practice is not to result in disturbances such as noise, traffic congestion, air pollution, a congregation of people, excessive traffic generation or lowering of the aesthetics (e.g. visual) or adversely impact on the residential character of the area; and
- iv) a maximum of 40% of the total floor area of either the primary or second dwelling (excluding floor area of outbuildings) is used for the practice of such occupation.

**"Occupation ratio"** - means the restriction of occupation of any structure for residential purposes, with such occupation ratio being up to 3 persons per habitable room.

**"Offices"** - means a room or set of rooms or a building that is used for the performance of an administrative function of an enterprise, but excludes shops and business premises and does not include the storage, handling, distribution or sale of goods.

**"Outbuilding"** - means a structure either attached to or separate from the main unit and designed for the housing of domestic assistants, for the parking of motor vehicles, for domestic storage purposes and for such other uses that are reasonably associated with the use of the main structure.

**"Owner"** in relation to any building, structure or land - means and includes:

- (a) the person in whose name the title to such building, structure or land is registered and includes the holder of the stand license; or
- (b) if such person or holder is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other capacity whatsoever; or
- (c) if the premises are under lease, the registration whereof is in law necessary for the validity of such lease, the lessee.

When an owner as herein defined is absent from the area or his whereabouts are unknown, the expression "owner" includes an agent of such owner or any person receiving or entitled to receive rent in respect of the premises.

**"Pan-handle access"** - means an access way forming part of an erf. In the event of it serving a single dwelling, the minimum width shall be 4m. In the event of it serving more than one erf or more than one dwelling, the minimum width shall be 6m.

**"Parking bay"** - means an area measuring not less than 5,0m by 2,5m or an area as determined by the Director of Development Planning or an area as contained in the Municipality's Traffic Engineering Guidelines, which is clearly outlined and demarcated for the parking of one motor vehicle, and which is accessible to the satisfaction of the local authority.

**"Parking garage"** - means a building designed for the parking of motor vehicles but does not include a building any part of which is designed for use as a workshop for the repair of motor vehicles.

**"Parsonage"** - means a dwelling house for the accommodation of a spiritual leader who is a full-time employee of an organization that practices religion in a house of worship, and includes the accommodation of the spiritual leader's family, but does not include a monastery or convent.

**"Pitched roof"** – means a roof with a pitch of more than 10°.

**"Place of assembly"** - means a public hall, hall for social functions, music hall, concert hall, school hall or exhibition hall which is not directly related to a commercial undertaking, or a town hall or civic centre.

**"Place of entertainment"** - means a theatre, cinema, dance hall, disco, amusement park, sports centre, billiard room, skating rink or similar use, facility for betting, facility for gambling, but excludes an adult shop and escort agency.

**"Place of instruction"** - means:

- (a) a school, college, technical institute, industrial school, academy, university, lecture hall or other centre of instruction, whether public or private, and includes a hostel and staff accommodation appertaining thereto, and
- (b) a convent, monastery, library, public art gallery, museum, gymnasium or day care centre, whether public or private, but does not include a building/complex used or intended to be used wholly or primarily as a certified reformatory or industrial school, or as a school for the mentally disabled.

**"Place of worship"** - means a church, synagogue, mosque, temple, chapel or other place for practicing religion and includes any building in connection therewith but does not include a funeral parlour.

**"Plot"** (in the context of Residential Zone 1A) - means a portion of land in an Incremental Settlement Zone, allocated by the municipality to an individual for occupation. Such portion of is not capable of being registered in a deeds registry.

**"Premier"** - means the Premier of the Eastern Cape Province.

**"Private Open Space"** - means any land which has been set aside in this scheme for use as a primarily private site for club buildings, sport, play, rest or recreational facilities or as an ornamental garden or a pleasure garden, and includes public land which is or will be leased on a long term basis, whether public or private.

**"Professional services"** - means a vocation which is governed by the rules and conduct of a professional institution or body, and in which the practitioners offer their time and skills as a particular service to their clients, as distinct from the sale of a tangible commodity.

**"Public accessible area"** means that part of a building that is accessible to the public (e.g. including, but not limited to foyers, public bars and restaurants in a residential building).

**"Public funded residential"** - means dwelling units which are erected with funds made available by a State department, local authority, semi-state agency, regional or services authority.

**"Public garage"** - means a building, including the site, for an undertaking that offers a complete range of services for motor vehicles, including panel beating, blacksmithing, spray-painting, bodybuilding and a shop.

**"Public notice"** - means a notice displayed on the notice board of the municipality and of the magistrate of the district and at such other place in the municipal area where it will come to the attention of the public or a notice in the press.

**"Public Open Space"** - means land which falls under, or is intended to come under, the ownership of the local authority, which is not leased or intended to be leased on a long term basis and which is utilised or will be utilised as an open space, park, garden, playground or square and includes a public place.

**"Public parking"** - means a site or building or part thereof that is accessible to the general public for parking purposes and excludes taxi ranks, bus termini and truck stops.

**"Public place"** - means any square, park, recreation ground, sports ground, or other land that has at any time been declared or rendered such by a council or other competent authority.

**"Public road"** - means any road or street for public use or any land intended for such purposes.

**"Public servitude"** - means a servitude in favour of the public over property in whatever manner it may have been established but does not include the right of the public to use a public street, public road or declared road.

**"Public Street"** - means:

- (a) any street that has at any time been:
  - (i) dedicated to the public; or
  - (ii) used without interruption by the public for a period of at least thirty years; or
  - (iii) declared or rendered such by a council or other competent authority; or
  - (iv) constructed by a local authority; or
- (b) any land with or without buildings or structures thereon, which is shown as a street on:
  - (i) any plan or subdivision of a diagram approved by a council; or other competent authority and acted upon; or
  - (ii) any general plan registered or filed in the Deeds Registry or the office of the Surveyor-General.

**"Publish in the press"**, in relation to a notice - means to publish the notice in such newspaper or newspapers as the City Manager may from time to time determine.

**"Rear boundary"** of a land unit - means every boundary thereof (other than the street boundary) which is parallel to, or is within 45 degrees of being parallel to, every street boundary of such a land unit, and which does not intersect a street boundary.

**"Register"**, when used as a noun - means documents held by a local authority in connection with all departures and rezonings, special consents and subdivisions concerned.

**"Renewable energy structure"** – means any wind turbine, hydro turbine, solar energy generating apparatus (including solar-voltaic and concentrated solar thermal) or bio mass facility, or grouping thereof, which captures and converts wind, hydro, solar radiation, bio mass or other renewable energy source into energy for local consumption or commercial gain, irrespective of whether it feeds into an electricity grid or not. This may include associated structures, infrastructure or buildings directly related to the operation of the particular facility or that may lead to the generation, transmission and distribution of electricity generated at the facility. Associated structures and infrastructure may include pylons, poles, masts, transformers and sub-stations. Associated buildings may include, but are not limited to, workshops and stores, offices, site canteen, medical station, research facility, guard house and recreational facilities for staff.

**"Renewable Energy Site"** - means the land utilised for the renewable energy structure or grouping of structures and associated structures, infrastructure and buildings, including the setback lines applicable to the renewable energy structures and associated structures, infrastructure and buildings, regardless of cadastral boundaries.

**"Residential building"** - means a building (other than a dwelling-house, town house or block of flats) for human habitation, together with such outbuildings as are normally used therewith, and includes a boarding house, residential rooms, a licensed hotel, a guest-house, retirement village, a children's home and a hostel, but does not include buildings mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" or "institution".

**"Residential room"** - means a habitable room, which forms part of a residential building, in which the proprietor provides lodging, but does not provide meals.

**"Resort"** - means a resource based holiday or recreational development that is accessible to the public (which may be subject to booking and fee arrangements).

**"Resort accommodation"** - means a number of dwelling or accommodation units belonging to one owner, which are only utilised for short term accommodation by travellers or tourists or holidaymakers and which comprise a single business enterprise, which is accessible to the public and of which the individual dwelling units are marketed only by means of renting, and includes a caravan park and a camping site, but does not include a hotel.

**"Resource"** (in relation to a resort) - means a unique or special environmental or recreational attribute.

**"Restaurant"** - means a business establishment where meals and liquid beverages are prepared and/or served to paying customers for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the premises.

**"Retail"** - means the sale and supply in any quantities of goods not manufactured nor produced to the order of any person and which are sold to any person for use or consumption by that person, and not for resale.

**"Retirement village"** - means a town housing scheme or general residential building that conforms to the following additional conditions:

- (a) Each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person;
- (b) a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Council;
- (c) development rules other than those applicable in a zone may in respect of a retirement village be determined by the Council; and
- (d) as defined in Section 1 of the Housing Development Schemes for Retired Persons Act, 1988 (Act 65 of 1988).

**"Riding school"** - means a place or enterprise used for instruction and training in the riding of horses and includes hiring out horses for payment.

**"Scheme regulations"** - means the Buffalo City Land Use Management Scheme Regulations made by the Premier in terms of Section 9 of the Ordinance.

**"Scrap yard"** - means a building or land that is used for one or more of the following purposes:

- (a) the storing, depositing or collecting of junk or scrap material or articles of which the value depend entirely or partially on the material out of which they are manufactured;
- (b) the dismantling of second-hand vehicles or machines to recover components or material, and
- (c) the storing or sale of second-hand pipes, poles, steel section, wire, lumber, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred.

**"Second dwelling"** - means a dwelling that may be erected in addition to the primary dwelling unit, with such an erection being a primary right in Residential Zone II, III and in Agricultural Zone I.

**"Service industry"** - means the utilisation of a building or of a premises for an enterprise that is –

- (a) primarily involved in the rendering of a service for the local environs, such as the repair of household appliances and the supply of household services; and
- (b) which is not likely, in the event of fire, to cause excessive combustion or explosions, or give rise to poisonous fumes being released; and
- (c) but does not include an abattoir, a brickmaking site, sewerage works, a service station or public garage.



**"Service Station"** - means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres and motor spares, the servicing of motor vehicles, car wash or the operation of a restaurant or convenience shop, but excludes spray painting, panel beating or body or blacksmith work.

**"Setback"** - means the line delimiting the area measured from the centre line of the street, or from another line as specified, within which no building or other structure, including a boundary fence, may be erected.

**"Shelter"** - means a structure and unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such structure or material may not comply with the standards or requirement for durability intended by the National Building Act;

**"Shop"** - means a site or building or structure used for the purpose of carrying on a retail trade and includes a restaurant, launderette, a dry cleanette, car wash or a retail concern where goods which are sold in such concern are manufactured or repaired, provided that the floor area relating to such manufacture or repair, comprises not more than one third of the floor area of the shop.

But shop does not include an industry, noxious trade, service station or supermarket.

**"Shopping Centre"** – means a primarily retail development that is planned, built and managed as a single entity, comprising of a single or several retail concerns on a common site with a minimum gross leasable area (GLA) of 4 000m<sup>2</sup>. The retail space and walkways may be combined under a single or linked roof(s), separated from vehicular movement and parking (a Retail Mall) or accommodated in separate buildings integrated with the vehicular movement and parking. A shopping centre may include other business uses as permitted under "Business Premises"

**"Short-Term Accommodation"** – means accommodation for a temporary period (not exceeding three consecutive months).

**"Side boundary"** - means any boundary of a land unit that does not constitute the common boundary with a public street or public road and does not include a rear boundary.

**"Special usage"** means a use which is such, or a use of which the land use restrictions are such, that it is not catered for in these regulations; and which is set out in detail and of which the land use parameters are set out in detail by means of conditions of approval and a Site Development Plan.

**"Storey"** - means a single level of a building, excluding a basement, which does not exceed a height of 3.6m in residential buildings (inclusive of dwellings, town houses and flats) or 4m in non-residential buildings, measured from finished floor level to finished floor level or to the ceiling in the case of the top storey, or to a level equivalent to the height of the outside wall of a building if no horizontal ceiling is present; provided that

- (a) a roof, or dome which forms part of a roof, shall not constitute a separate storey unless the space within the roof is designed for, or used for human occupation, in which case it is deemed to be a storey; and

- (b) any storey which is greater than 3.6m but equal to or less than 7.2m in height in residential buildings (inclusive of dwellings, town houses and flats), or greater than 4m but equal to or less than 8m in height in non-residential buildings, shall for the purposes of height measurement be deemed to be two storeys, any additional 3.6m and 4m in height (respectively) or portion thereof, shall be deemed to be an additional storey.
- (c) Only the roof structure may exceed the permitted height of a storey, as defined above.

**"Street boundary"** - means the boundary of a site or land unit which is also its boundary with a street; provided that where a portion of a site or land unit is reserved for street or street widening purposes in terms of the Land Use Management Scheme or any other law, the street boundary of the site or land unit shall be the boundary of such proposed new street or proposed street widening; and provided further that in the event of a panhandle erf, the street boundary shall be the boundary facing the street or the boundary which affords access to the street.

**"Stud"** - means an enterprise for the purpose of farming with livestock to improve certain qualities of the particular breed.

**"Subdivide and subdivision"** have the meanings assigned to them in the Ordinance.

**"Subdivisional area"** - means land contemplated by Section 22(1)(a) of the Ordinance that has been rezoned to a subdivisional area in terms of Section 14(4), 16 or 18 and is subject to:

- (a) a density requirement,
- (b) the conditions and stipulations contained in these regulations,
- (c) the planning stipulations of any applicable structure plan or Spatial Development Framework, and
- (d) any other conditions determined by the Council at the time of the approval of the rezoning.

**"Supermarket"** - means a shop with a net retail floor space of not less than 350 m<sup>2</sup>, which is utilised for sales on a basis of self-service.

**"Tenement rooms"** - means rooms separately occupied as dwelling units.

**"The Ordinance"** - means the Land Use Planning Ordinance, 1985 (Cape Ordinance 15 of 1985).

**"Tourist facilities"** - means amenities for tourists such as lecture rooms, restaurants, gift shops and restrooms permitted by Council as a consent use, but does not include overnight accommodation.

**"Town house"** - means a dwelling unit, which forms part of a town-housing scheme.

**"Town housing"/"Town Housing Scheme"** - means a walled free standing, row or group of linked and/or attached dwelling units which is planned, designed and built as a harmonious architectural entity and of which every dwelling unit has a ground floor; the dwelling units may either be cadastrally subdivided or not. Access to individual units may only be provided via internal private roadway.



**"Town housing site"** - means a land unit or more than one land unit on which a town-housing scheme has been or is to be erected.

**"Transport facility"** - means a designated area with associated facilities that serves as a taxi rank, bus terminus or truck stop, but does not include public parking.

**"Transport usage"** - means a transport undertaking based on the provision of a transport service and includes public as well as private undertakings.

**"Urban Edge"** (in relation to the Municipality's approved Spatial Development Framework or Local Spatial Development Framework) - means a demarcated line (and interrelated policy) that defines the zone within which the municipality will endeavour to upgrade levels of infrastructure over a period of time and according to available resources, to support higher densities of residential, industrial, and commercial development.

**"Warehouse"** - means either a site/building/room where goods are stored, or a wholesale business.

**"Wholesale"** - means the sale and supply in any quantity of goods to a bona fide retailer for resale to the public.

**"Zone"**, when used as a noun - means land set apart by a Land Use Management Scheme for a particular zoning, irrespective of whether it comprises one or more land units or part of a land unit.

**"Zone"**, when used as a verb in relation to land - means to set apart the land for a particular zoning.

**"Zoning"**, when used as a noun - means a category of directions setting out the purpose for which land may be used and the land use restrictions applicable in respect of the said category of directions, as determined by relevant Land Use Management Scheme regulations.

**"Zoning map"** - means:

- (a) a zoning map framed in terms of Section 10 of the Ordinance, or
- (b) a map framed in terms of Regulation 8(2) of the regulations made under Section 60 of the Townships Ordinance, 1934 (Ordinance 33 of 1934), and published by Provincial Notice 460 of 1937.

## **2. ZONING AND LAND USE**

### **2.1 AREA OF LAND USE MANAGEMENT SCHEME**

The extent of the Land Use Management Scheme is indicated on the zoning map(s) in so far as the Land Use Management Scheme is mapped and shall be inclusive of only the areas of Buffalo City Municipality as shown in Annexure H.

### **2.2 ZONING ACCORDING TO UTILISATION**

Notations on the zoning map are intended to indicate land uses and not land ownership. Land falling under ownership of a public authority shall only be included in the authority zones if the use thereof is such that no other zone in Table B is appropriate. If any other zone in Table B is appropriate, the land shall be indicated for that purpose whether or not a public authority owns it.





















### **2.3 COMPONENTS OF THE LAND USE MANAGEMENT SCHEME**

This Land Use Management Scheme consists of three components, namely the scheme regulations, the zoning map(s), in so far as the scheme is mapped, and the register, in so far as any departures, rezonings or special consent uses have been approved by the Council.

### **2.4 ZONING OF LAND IN SPECIFIED USE ZONES**

The land indicated on the zoning map, as indicated in Columns 2 or 3 of Table A, is zoned for the respective purposes indicated in Column 1 of Table A and shall not be used for any other purpose whatsoever.

**TABLE A**

COLUMN 1 ZONING	COLUMN 2 COLOUR NOTATION	COLUMN 3 ELECTRONIC NOTATION				COLUMN 4 LETRATONE
		RGB CODES			VISUAL REPRESENTATION	
		R	G	B		
Agricultural Zone	Light green	194	254	194	 AGR1	LT 177
Residential Zone IA	Yellow with fine black diagonal hatching (marked with an <b>A</b> )	255	255	0	 RES1	LT 121
Residential Zone IB	Yellow with fine black diagonal hatching	255	255	0	 RES1	LT 121
Residential Zone II	Yellow with fine black hatching	255	255	0	 RES2	LT 132
Residential Zone IIIA	Yellow-brown	186	165	0	 RES3A	LT 973
Residential Zone IIIB	Yellow	255	255	0	 RES3B	LT 145
Residential Zone IIIC	Yellow with wide black hatching	255	255	0	 RES3C	LT 126
Residential Zone IV	Orange	255	170	0	 RES4	LT 905
Residential Zone V	Orange with black hatching	255	170	0	 RES5	LT 916
Residential Zone VI	Orange with black diagonal hatching	255	170	0	 RES6	S 52102
Business Zone I	Dark blue	0	150	255	 BUS1	LT 84
Business Zone II	Light blue with black diagonal broken line hatching	190	232	255	 BUS2	LT 923
Business Zone III	Light blue with black diagonal hatching	190	232	255	 BUS3	LT 928
Business Zone IVA	Blue-purple with black diagonal broken line hatching	193	189	255	 BUS4	LT 130
Business Zone IVB	Blue-purple with black diagonal broken line hatching (marked with a <b>B</b> )	193	189	255	 BUS4	LT 130
Business Zone V	Blue-purple with black hatching	173	189	255	 BUS5	S 52107
Industrial Zone I	Purple	197	0	255	 IND1	S 52104
Industrial Zone II	Red-purple with fine black hatching	197	0	255	 IND2	LT 167
Institutional Zone I	Grey	210	210	210	 INS1	LT 949
Institutional Zone II	Grey with fine black hatching	210	210	210	 INS2	LT 224
Institutional Zone III	Grey with black diagonal broken line hatching	204	204	204	INS3	LT 175

**TABLE A (continued)**











































COLUMN 1 ZONING	COLUMN 2 COLOUR NOTATION	COLUMN 3 ELECTRONIC NOTATION				COLUMN 4 LETRATONE
		RGB CODES			VISUAL REPRESENTATION	
		R	G	B		
Resort Zone	Pink	255	190	232	 RET1	LT 956
Open Space Zone I	Dark-green	1	129	0	 POS1	LT 139
Open Space Zone II	Dark-green with black diagonal broken line hatching	1	129	0	 POS2	LT 995
Open Space Zone III	Dark-green outline	1	129	0	 POS1	S 52106
Transport Zone I	Dark-brown	137	90	68	 TPT1	LT 124
Transport Zone II	Light-brown	172	153	138	 TPT2	
Transport Zone III	Light-brown with black diagonal hatching	172	153	138	 TPT3	LT 166
Transport Zone IV	Dark-brown with black diagonal hatching	115	76	0	 TPT4	LT 240
Authority Zone I	Light green outline	194	254	194	 AUT1	S 52105
Authority Zone II	Red	255	0	0	 AUT2	LT 158
Special Zone	Light blue	0	197	255	 SPEZ	LT 164
Municipal Boundary	Broken black outline	255	190	232	 BCM	ACS 13083

TABLE B

COLUMN 1 ZONING		COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Agricultural Zone	 AGR1	Intensive agronomy, stud farming, dwelling-house, agriculture, feed pen farming, aquaculture, 2nd dwelling	Farm stall, riding school, agricultural industry, abattoir, boarding kennels, nursery, tourist facilities, day care centre, renewable energy structure
Residential Zone IA	 RES1	Shelter, dwelling-house, other uses that can be considered compatible with residential function	None
Residential Zone IB	 RES1	Dwelling-house	Day care centre, 2 <sup>nd</sup> dwelling, 3 <sup>rd</sup> dwelling
Residential Zone II	 RES2	Dwelling-house, holiday housing, estate housing	Day care centre, licensed hotel, tourist facilities, renewable energy structure
Residential Zone III	 RES3A	Dwelling-house, second dwelling	Day care centre
Residential Zone IV	 RES3B	Town House - up to 50 units/ha, dwelling house	Retirement village, day care centre, boarding house
Residential Zone V	 RES3C	Town house, flats - above 50 units/ha, dwelling house	Retirement village, residential building, day care centre
Residential Zone VI	 RES4	Residential building, guest house	Flats
Business Zone I	 RES5	Business premises, supermarket, bottle stores, town houses, flats, residential buildings and funeral parlours, place of worship, shopping centre	Commercial workshop, place of assembly, place of instruction, institution, service station, , place of entertainment, adult shop, day care centre, escort agency, mortuary.
Business Zone II	 RES6	Shop, offices, professional services, town house, flats and residential building, place of worship, restaurant	Place of assembly, supermarket, funeral parlours, place of entertainment, adult shop, bottle store, business premises, day care centre, place of instruction, warehouse.
Business Zone III	 BUS1	Commercial premises, commercial workshop, funeral parlour, mortuary, public garage, adult shop, escort agency, place of entertainment and place of worship	Buildings and uses other than that referred to in column 2.

COLUMN 1 ZONING		COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Business Zone IVA		Offices, professional services, town house, flats, residential building	Place of assembly, place of entertainment, place of instruction, place of worship, day care centre
Business Zone IVB		Low-Intensity offices and professional services	None
Business Zone V		Service station, restaurant, convenience shop	Residential building, flats, town houses
Industrial Zone I		Industry, industrial café, service station, commercial workshop, warehouse, public garage, funeral parlour and mortuary.	Aquaculture, rooms used for security guards or caretakers
Industrial Zone II		Noxious trade	Rooms used for security guards or caretakers
Institutional Zone I		Place of instruction, school, place of assembly, day care centre	Place of worship
Institutional Zone II		Place of worship, parsonage, place of assembly, day care centre	Place of instruction, cemetery
Institutional Zone III		Institution, hospital, place of assembly, day care centre	Residential building, place of instruction, place of worship.
Resort Zone		Resort, resort accommodation, holiday accommodation, caravan park, camping site, place of assembly, recreation complex, caretaker's cottage, convenience shop, tourist facilities.	Hotel
Open Space Zone I		Public open space	Certain associated structures and activities
Open Space Zone II		Private open space	Certain associated structures and activities, Agriculture, Cemetery

COLUMN 1 ZONING		COLUMN 2 PRIMARY USE	COLUMN 3 CONSENT USES
Open Space Zone III	 POS1	Conservation, nature reserve	Dwelling Units, Certain associated structures and activities, place of assembly
Transport Zone I	 TPT1	Transport usage	None
Transport Zone II	 TPT2	Public road	Certain associated structures and activities
Transport Zone III	 TPT3	Public parking	Certain associated structures and activities
Transport Zone IV	 TPT4	Transport facility, taxi rank, bus terminus, truck stop	Certain associated structures and activities
Authority Zone I	 AUT1	Local Municipal authority usage	Cemetery
Authority Zone II	 AUT2	Government and District Municipal authority usage	None
Special Zone	 SPEZ	Special usage	Not applicable

## **2.5 ERECTION OF BUILDINGS AND UTILISATION OF LAND IN SPECIFIED USE ZONES**

- 2.5.1 The purposes, called primary uses, for which land and buildings may be used in the various zones indicated in Column 1 of Table B, are shown in Column 2 of Table B.
- 2.5.2 The purposes, called consent uses, for which land and buildings may be used or erected with the consent of the Council in the various zones indicated in Column 1 of Table B, are set out in Column 3 of Table B.
- 2.5.3 Any use not reflected in Columns 2 or 3 of Table B shall not be permitted in the zone concerned.
- 2.5.4 No land shall be used for a purpose for which a building shall not be erected or used on such land, provided that where a building may be erected and used for a particular purpose on land with the special consent of the Council, such land may be used for such purpose with such special consent.
- 2.5.5 The buildings and uses permitted in terms of Table B or which may be approved with the consent of the Council, may be subject to departures, which may in effect make the right attached to a land unit greater or lesser than may appear from the notation on the map. In such cases the relevant information relating to the land unit shall be recorded in the register kept for this purpose.



### 3. PLANNING CONTROL

#### 3.1 AGRICULTURAL ZONE

##### 3.1.1 COLOUR NOTATION: Light Green

Primary Use: Intensive agronomy, stud farming, dwelling-house, second dwelling, feed pen farming, agriculture, aquaculture,

Consent Uses: Farm stall, agricultural industry, abattoir, riding school, boarding kennels, nursery, tourist facilities, day care centre, renewable energy structure, further additional dwellings (subject to 3.1.5 below).

##### 3.1.2 LAND USE RESTRICTIONS

All Building Lines: At least 10m

Minimum Erf/Farm Size: Within the Urban Edge - 0,8 ha

Outside the Urban Edge – 20 ha

Parking: All parking to be on-site  
All on and off-loading to be on-site

For Renewable Energy Structures, the provisions of Annexure H shall apply.

3.1.3 No building or use that is not directly related to agricultural activity on the relevant agricultural unit shall be erected or practised in this zone.

3.1.4 Subject to the necessary approval by Council, a dwelling or part of a dwelling in this zone may be utilised as a bed and breakfast establishment or a guesthouse, provided that the requirements as contained in Annexure E, are complied with.

3.1.5 Special Consent for additional dwellings (over and above the primary and second dwelling) shall be subject to:

- (a) One additional dwelling unit per 10ha, up to a maximum of four additional dwelling units per land unit (maximum achievable number of units therefore 1primary + 2<sup>nd</sup> dwelling + 4 additional dwellings = 6 dwellings);
- (b) Such dwellings not being erected below the 1:100 year flood line of any river or estuary; and
- (c) Such dwellings not being erected within 1km of the high-water mark of the sea.
- (d) Separate ownership of dwelling units is only permitted by way of Sectional Title.

3.1.6 Bona fide servants' quarters or a dwelling unit related to bona fide agricultural activities shall not be regarded as a second primary dwelling unit for the purposes of these regulations.

- 3.1.7 Subject to special consent approval by Council a third, fourth or fifth dwelling unit may be erected on a farm. The Second Dwelling Policy, as contained in Annexure D, shall be made applicable to such additional units.
- 3.1.9 Home-based care - Nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure I, are complied with

### 3.2 RESIDENTIAL ZONE IA: INCREMENTAL SETTLEMENT ZONE

(as provided for in the Land Reform and Settlement Plan and Spatial Development Framework)

#### 3.2.1 COLOUR NOTATION

Residential IA - Yellow with fine black diagonal hatching

#### 3.2.1 USE RIGHTS

Shelter, Dwelling, Other uses, subject to such uses not being out of character with residential settlement or constituting a source of nuisance, including the use of equipment that generates excessive noise, or any activity which results in the generation of dust, fumes, smoke, or waste material which could be detrimental to health, or which requires special waste removal processes.

#### 3.2.2 LAND USE RESTRICTIONS – (applicable to a plot, once such plot's boundaries have been demarcated on the land and defined on a plan prepared by the municipality)

Minimum Erf Size: As determined by Council

Coverage: At most 70% subject to rear and side spaces to accommodate services servitudes

Height: At most 2 storeys

No point of a building shall exceed a vertical distance above the grade line of:

- 7.2m – in the case of flat roofed buildings, or
- 9.2m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 7.2m above the grade line; provided that chimneys, flues and antennae are exempt from this height restriction.

Street Building Line: At least 1m, provided that there shall be no restriction in respect of a garage with a roll-up door

Side Building Line: At least 1m on one boundary; provided that where a building is erected less than 1m from a side boundary, no doors or windows shall be permitted in the wall concerned.

Rear Building Line: At least 1m, provided further that if a midblock sewage system is provided, a suitable servitude will be registered in favour of the Municipality.

Setback: No restriction

Parking: At least 1 parking space per land unit, on the land unit, if so required by Council.

#### 3.2.3 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE ON A PLOT:

##### 3.2.3.1 **Occupational Practice**

Without prejudice to any powers of the Council under any law, nothing in the Land Use Management Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

**3.2.3.2 Home-based Care**

Without prejudice to any powers of the Council under any law, nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure I, are complied with

**3.2.3.3 Shelters**

Permission is granted for Shelters to be utilised as temporary dwellings until formalisation and upgrade is complete.

It shall be the sole responsibility of the owner of a shelter to ensure the structural safety, habitability, fire resistance or other standards that may be laid down by Council and to comply if instructed by Council to take action to remedy a public safety, health or fire risk.

### **3.3 RESIDENTIAL ZONE IB: PUBLIC FUNDED RESIDENTIAL ON REGISTERED ERVEN**

(as provided for in the Land Reform and Settlement Plan and Spatial Development Framework)

#### **3.3.1 COLOUR NOTATION**

Yellow with fine black cross-hatching

#### **3.3.1 USE RIGHTS**

Primary Use: Dwelling-house

Consent Use: Day Care Centre

#### **3.3.2 LAND USE RESTRICTIONS**

Minimum Erf Size: As determined by Council

Coverage: At most 70% subject to rear and side spaces to accommodate services servitudes

Height: At most 2 storeys

No point of a building shall exceed a vertical distance above the grade line of:

- 7.2m – in the case of flat roofed buildings, or
- 9.2m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 7.2m above the grade line; provided that chimneys, flues and antennae are exempt from this height restriction.

Street Building Line: At least 1m, provided that there shall be no restriction in respect of a garage with a roll-up door

Side Building Line: At least 1m on one boundary; provided that where a building is erected less than 1m from a side boundary, no doors or windows shall be permitted in the wall concerned.

Rear Building Line: At least 1m, provided further that if a midblock sewage system is provided, a suitable servitude will be registered in favour of the Municipality.

Setback: No restriction

Parking: At least 1 parking space per land unit, on the land unit, if so required by Council.

#### **3.3.3 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE:**

##### **3.3.3.1 Occupational Practice**

Without prejudice to any powers of the Council under any law, nothing in the Land Use Management Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

**3.3.3.2 Home-based Care**

Without prejudice to any powers of the Council under any law, nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure I, are complied with.

### 3.4 **RESIDENTIAL ZONE II: RESIDENTIAL WITHIN LIMITED DEVELOPMENT AREA**

(as determined by the approved Spatial Development Framework or Local Spatial Development Framework)

#### 3.4.1 COLOUR NOTATION: Yellow with fine black hatching

Primary Use: Dwelling House, Holiday Housing, Estate Housing

Consent Uses: Day Care Centre, Licensed Hotel, Tourist Facilities, Renewable Energy Structure

#### 3.4.2 LAND USE RESTRICTIONS

Permitted Density: Within Limited Development Area – 2 Dwellings / hectare

Minimum Erf size: Within Limited Development Area – No restriction

Maximum Erf size: Within Limited Development Area – 1500m<sup>2</sup>

Coverage: At most 50%

Height: At most 2 storeys

##### Additional Height Restrictions:

No point of a building shall exceed a vertical distance above the grade line of:

- 7.2m– in the case of flat roofed buildings, or
- 9.2m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 7.2m above the grade line;

Provided that chimneys, flues and antennae are exempt from this height restriction.

Building Lines: (subject to Regulation 3.4.3)

Public Street Building Line: 5m

Internal private roads: 0m or as determined by Home Owners Association

Side and Rear Building Line of parent property: 3m

Internal Side and Rear Building Line: 0m or as determined by Home Owners Association

Parking: All parking to be provided on-site.

Access: Roads must be Private Roadway or Servitude.

For Renewable Energy Structures, the provisions of Annexure H shall apply.

#### 3.4.3 NOTWITHSTANDING PARAGRAPH 3.4.2

- (a) An eaves projection may exceed the prescribed street, side or rear building line applicable to parent property by at most 1m.
- (b) A zero building line is applicable to internal private roads and internal common boundaries, subject to safe traffic circulation, or for other reasons such as development in the area or for firefighting purposes.

- (c) The Council may approve the erection of an outbuilding which exceeds the side and rear building line of the parent property by means of a departure subject to:
  - (i) compliance with the street building line;
  - (ii) no doors or windows being permitted in any wall situated within 1 meter of such building line; and
  - (iii) consent of the affected neighbours.
- (c) The Council may also permit the erection of screen and yard walls and pergolas or similar unroofed ornamental structures within the building lines of the erf subject to such structures being erected in such manner and of such dimensions as in the opinion of the Council would not be likely to cause injury to the amenities of neighbouring properties, provided that the heights of such structures shall not exceed 1,8m unless accompanied by a building plan.
- (d) The fixing of building lines will be subject to Section 4.21.
- (e) No portion of a swimming pool may be erected nearer to the erf boundary than the maximum depth of the pool, or 2,0m, whichever is the more restrictive.

#### 3.4.4 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE

##### 3.4.4.1 **Occupational Practice**

Without prejudice to any powers of the Council under any law, nothing in the Land Use Management Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

##### 3.4.4.2 **Letting**

No part of any dwelling, nor any additional free-standing building which may be erected for use in conjunction with such dwelling, may be used as a separate tenement.

Provided that this sub-regulation shall not restrict Council from granting its approval to the use of a dwelling as a boarding house where such a dwelling is situated in a use zone where boarding houses may be erected and used, and provided further that the permission of Council shall not, in terms of this Scheme, be required for the lodging of five or fewer persons in a dwelling.

Provided that:

- i) No person shall use or cause or permit to be used as a dwelling, any room, group of rooms or building which does not constitute a habitable room.
- ii) Adequate off-street parking shall be provided for lodgers and tenants.



**3.4.4.3 Bed and Breakfast Establishment and Guest-houses**

Subject to the necessary approval by Council, a dwelling or part of a dwelling in this zone may be utilised as a bed and breakfast establishment or a guesthouse, provided that the requirements as contained in Annexure E, are complied with.

**3.4.4.4 Informal Retailing Operations: House Shops (Spaza Shops)**

Subject to the approval of a departure by Council, a house shop may be operated in a dwelling, provided that the requirements of the Policy for Informal Retailing Operations as contained in Annexure C, are complied with.

**3.4.4.5 Informal Alcohol Retail Operations: Taverns**

Subject to the approval of a departure by Council,, a tavern may be operated in a dwelling, provided that the requirements of the Policy on Informal Alcohol Retail Operations (Taverns) as contained in Annexure B, are complied with.

**3.4.4.6 Agricultural Activities**

No structure for the housing of animals may be erected in this zone, nearer than 45m to any boundary or any building used for human habitation.

**3.4.4.7 Home-based Care**

Without prejudice to any powers of the Council under any law, nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure I, are complied with

**3.4.5 HOME OWNERS' ASSOCIATION**

In terms of Section 29, of the Land Use Planning Ordinance, upon subdivision and rezoning of a property to Residential Zone II, it will be required that a Home Owners Association be established to take responsibility for all matters of common interest.

**3.4.6 ZONING OF COMMON PROPERTY**

Upon subdivision and rezoning of any property in the Limited Development Area (as determined by the approved Spatial Development Framework or Local Spatial Development Framework), the remainder of the property, meaning all land not subdivided and rezoned to Residential Zone II, shall be registered as Common Property and be Zoned to Open Space Zone II or III.

### 3.5 RESIDENTIAL ZONE III: SINGLE RESIDENTIAL

#### 3.5.1 COLOUR NOTATION: Residential IIIA - Yellow-brown

Residential IIIB – Yellow

Residential IIIC – Yellow with wide black hatching

Primary Usage: Dwelling house, Second Dwelling Unit

Consent Uses: Day care centre

#### 3.5.2 LAND USE RESTRICTIONS

There are three density zones in the single residential zone III. The Land Use Restrictions applicable to each zone are indicated in the table below :

	<b>Density Zone A</b>	<b>Density Zone B</b>	<b>Density Zone C</b>
Minimum Erf Size	150m <sup>2</sup>	500m <sup>2</sup>	1 200m <sup>2</sup>
Normal Erf Size Range	150 – 499m <sup>2</sup>	500 – 1 199m <sup>2</sup>	> 1 200m <sup>2</sup>
Minimum Road Reserve Width	12,0m	13,0m	13,0m
Street Building Line	3,0m	4,5m	4,5m
Rear Building Line	2,0m	2,0m	2,0m
Side Building Line	1,0m	2,0m	2,0m
Coverage	66%	50%	50%
Maximum Height	2 Storeys	2 Storeys	2 Storeys

#### Minimum Developable Area of an Erf:

Please note that the developable area of an erf, within each of the density zones (A, B or C), may not be less than 75% of the minimum erf size stipulated for each density zone.

#### Additional Height Restrictions:

No point of a building shall exceed a vertical distance above the grade line of:

- 7.2m – in the case of flat roofed buildings, or
- 9.2m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 7.2m above the grade line;

Provided that chimneys, flues and antennae are exempt from this height restriction.

Parking: At least 1 parking space per land unit or dwelling unit, on the land unit.

Street: Roads must be Public Roads

#### 3.5.3 NOTWITHSTANDING PARAGRAPH 3.5.2

- An eaves projection may exceed the prescribed street, side or rear building line by at most 1m.
- The Council may approve the erection of an outbuilding that exceeds the side and rear building line by means of a departure subject to:

- (i) compliance with the street building line;
  - (ii) no doors or windows being permitted in any wall situated within 1 meter of such building line; and
  - (iii) consent of the affected neighbours.
- (c) The Council may also permit the erection of screen and yard walls and pergolas or similar unroofed ornamental structures within the building lines of the erf subject to such structures being erected in such manner and of such dimensions as in the opinion of the Council would not be likely to cause injury to the amenities of neighbouring properties, provided that the heights of such structures shall not exceed 1,8m unless accompanied by a building plan.
- (d) The fixing of building lines will be subject to Section 4.21.
- (e) No portion of a swimming pool may be erected nearer to the erf boundary than the maximum depth of the pool, or 2,0m, whichever is more restrictive.

### 3. 5.4 ADDITIONAL RIGHTS PERTAINING TO RESIDENTIAL USAGE

#### 3. 5.4.1 **Occupational Practice**

Without prejudice to any powers of the Council under any law, nothing in the Land Use Management Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

#### 3. 5.4.2 **Second Dwelling Unit**

Nothing in the scheme, in respect of any land unit on which there is a right to erect one dwelling house, shall prohibit or restrict the erection of a second dwelling unit, provided that the requirements of the Policy for the Erection of a Second Dwelling Unit as contained in Annexure D, are complied with.

#### 3. 5.4.3 **Letting**

No part of any dwelling, or any additional free-standing building which may be erected for use in conjunction with such dwelling, may be used as a separate tenement.

Provided that this sub-regulation shall not restrict Council from granting its approval to the use of a dwelling as a boarding house where such a dwelling is situated in a use zone where boarding houses may be erected and used, and provided further that for such buildings the permission of Council shall not, in terms of this Scheme, be required for the lodging of five or fewer persons in a dwelling.

Provided that:

- i) No person shall use or cause or permit to be used as a dwelling, any room, group of rooms or building which does not constitute a habitable room.
- ii) Adequate off-street parking shall be provided for lodgers and tenants.

**3. 5.4.4 Bed and Breakfast Establishment and Guest-houses**

Subject to the necessary approval by Council, a dwelling or part of a dwelling in this zone may be utilised as a bed and breakfast establishment or a guesthouse, provided that the requirements as contained in Annexure E, are complied with.

**3. 5.5.5 Informal Retailing Operations : House Shops (Spaza Shops)**

Subject to the approval of a departure by Council, a house shop may be operated in a dwelling, provided that the requirements of the Policy for Informal Retailing Operations as contained in Annexure C, are complied with.

**3. 5.5.6 Informal Alcohol Retail Operations : Taverns**

Subject to the approval of a departure by Council, a tavern may be operated in a dwelling, provided that the requirements of the Policy on Informal Alcohol Retail Operations (Taverns) as contained in Annexure B, are complied with.

**3. 5.5.7 Home-based Care**

Nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure I, are complied with

### 3.6 RESIDENTIAL ZONE IV: TOWN HOUSES (LOW DENSITY) – UP TO 50 du/ha

#### 3.6.1 COLOUR NOTATION: Orange

Primary Use: Town house - up to 50 units per Ha, dwelling house

Consent Uses: Retirement village, day care centre, boarding house.

#### 3.6.2 TOWN HOUSES: LAND USE RESTRICTIONS

Density: As laid down by the Council up to a maximum of 50 units per gross hectare.

Minimum Erf Size of parent property (in the event of a rezoning to this zone):

2 000m<sup>2</sup>

Coverage: At most 70%

Height: At most 2 storeys

No point of a building shall exceed a vertical distance above the grade line of:

- 7.2m – in the case of flat roofed buildings, or
- 9.2m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 7.2m above the grade line;

provided that chimneys, flues and antennae are exempt from this height restriction.

Building Lines: (subject to Regulation 3.5.4)

Public Street Building Line: 4.5m

Internal private roads: 0m or as determined by Home Owners Association

Side and Rear Building Line of parent property: 3m

Internal Side and Rear Building Line: 0m or as determined by Home Owners Association

Parking: At least 2 parking bays shall be provided per town house, provided that both may be provided as part of the required parking provision at some of the units and the remainder in the form of communal parking for the particular scheme, or the entire requirement in the form of communal parking, and provided further communal parking areas should be clearly demarcated and signposted to the satisfaction of Council.

Streets: Internal roads must be private roads

#### 3.6.3 ADDITIONAL PROVISIONS

A refuse collection area, screened by a wall from the view of anyone else than the resident(s) of the relevant dwelling units, shall be provided to the satisfaction of the Council.

#### 3.6.4 NOTWITHSTANDING PARAGRAPH 3.6.2

- (a) An eaves projection may exceed the prescribed public street, side or rear building line applicable to parent property by at most 1m.

- (b) A zero building line is applicable to internal private roads and internal common boundaries, subject to safe traffic circulation, or for other reasons such as development in the area or for firefighting purposes.
- (b) The Council may approve the erection of an outbuilding that exceeds the side and rear building line of the parent property by means of a departure subject to:
  - (i) compliance with the public street building line;
  - (ii) no doors or windows being permitted in any wall situated within 1 meter of such building line; and
  - (iii) consent of the affected neighbours.

### 3.6.5 HOME OWNERS' ASSOCIATION

In terms of Section 29, of the Land Use Planning Ordinance, the following shall apply:

*Section 29(1) – “Either the Premier or the Council concerned, as the case may be, may impose conditions under Section 42 as to the granting of an application for subdivision in terms of Section 25(1), in relation to the compulsory establishment by the applicant for subdivision of a home owners' association.”*

### 3.6.6 OCCUPATIONAL PRACTICE

Without prejudice to any powers of the Council under any law, nothing in the Land Use Management Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

Occupational practice in this zone is restricted to the occupant and subject to the consent of the Home Owners' Association or Body Corporate (in the event of a Sectional Title Scheme) being obtained.

### 3.6.7 HOME-BASED CARE

Nothing in this scheme shall prohibit or restrict a dwelling, part of a dwelling or associated outbuildings being utilised for providing Home-based care, provided that the requirements as contained in Annexure I, are complied with

### 3.7 RESIDENTIAL ZONE V: TOWN HOUSES AND FLATS (HIGH DENSITY) - ABOVE 50 du/ha

#### 3.7.1 COLOUR NOTATION: Orange with black hatching

Primary Use: Town house, Flats above 50 units / Ha, dwelling house

Consent Uses: Retirement village, residential building, day care centre.

#### 3.7.2 TOWN HOUSES: LAND USE RESTRICTIONS

Density : Above 50du/ha Maximum as specified by Council

Minimum Erf Size of parent property (in the event of a rezoning to this zone): 2000m<sup>2</sup>

Floor Factor: At most 3

Coverage: At most 70%

Communal Open Space: At least 10% of the size of the Erf must be provided for as combined, communal and functional open space

Height: Residential areas - at most 3 storeys

Other areas – to be determined by Council

No point of a building shall exceed a vertical distance above the grade line of:

- the equivalent of 3.6m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined or pitched roofed buildings, the equivalent of 3.6m per permissible storey for the building and an additional 3m which is allowed for the roof;

Provided that chimneys, flues and antennae are exempt from this height restriction.

Public Street Building Line: 4.5m

Internal private roads: 0m or as determined by Home Owners Association

Side and Rear Building Line of parent property: 3m

Internal Side and Rear Building Line: 0m or as determined by Home Owners Association (subject to Regulation 3.7.4)

Parking: At least 2 parking bays shall be provided per dwelling unit and a communal parking area shall be clearly demarcated and signposted to the satisfaction of Council.

For parking requirements for Social Housing, refer to Annexure F, Section 2.3.

Street: Internal roads must be private roads

#### 3.7.3 ADDITIONAL PROVISIONS

A refuse collection area, screened by a wall from the view of anyone else than the resident(s) of the relevant dwelling units, shall be provided to the satisfaction of the Council.

#### 3.7.4 NOTWITHSTANDING PARAGRAPH 3.7.2

- (a) An eaves projection may exceed the prescribed public street, side or rear building line applicable to parent property by at most 1m.
- (b) A zero building line is applicable to internal private roads and internal common boundaries, subject to safe traffic circulation, or for other reasons such as development in the area or for firefighting purposes.
- (c) The Council may approve the erection of an outbuilding that exceeds the side and rear building line of the parent property by means of a departure subject to:
  - (i) compliance with the public street building line;
  - (ii) no doors or windows being permitted in any wall situated within 1 meter of such building line; and
  - (iii) consent of the affected neighbours.

#### 3.7.5 HOME OWNERS' ASSOCIATION

In terms of Section 29, of the Land Use Planning Ordinance, the following shall apply:

Section 29(1) – *“Either the Premier or the Council concerned, as the case may be, may impose conditions under Section 42 as to the granting of an application for subdivision in terms of Section 25(1), in relation to the compulsory establishment by the applicant for subdivision of a home owners' association.”*

#### 3.7.6 OCCUPATIONAL PRACTICE

Without prejudice to any powers of the Council under any law, nothing in the Land Use Management Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

Occupational practice in this zone is restricted to the occupant and subject to the consent of the Home Owners' Association or Body Corporate (in the event of a Sectional Title Scheme) being obtained.



### 3.8 RESIDENTIAL ZONE VI: RESIDENTIAL BUILDINGS AND GUEST-HOUSES

3.8.1 COLOUR NOTATION: Orange with black diagonal hatching

Primary Use: Residential building, Guest-house

Consent Use: Flats

3.8.2 LAND USE RESTRICTIONS

Minimum Erf Size: Residential Building - 2 000m<sup>2</sup>

Guest House – 1 200m<sup>2</sup>

Floor Factor: At most 2,0

Coverage: At most 80%

Height: At most 3 storeys in residential areas

No point of a building shall exceed a vertical distance above the grade line of:

- the equivalent of 3.6m per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined or pitched roofed buildings, the equivalent of 3.6m per permissible storey for the building and an additional 3m which is allowed for the roof;

Provided that chimneys, flues and antennae are exempt from this height restriction.

Street Building Line: At least 8m

Side and Rear Building Line: At least 4m subject to Section 3.8.3 (a)

Parking: (refer Annexure F)

(i) *Hotels*:

1 bay/bedroom and 10 bays per 100m<sup>2</sup> Public Accessible Area

(ii) *Residential Buildings and Boarding Houses*:

0,6 bays/bedroom

(iii) *Bed and Breakfast*:

1 - 2 guest-rooms: no additional bays

3 - 4 guest-rooms: 2 bays for guests and 2 additional parking bays for the owners/manager.

(iv) *Guest-house*:

5 - 16 guest-rooms: 2 bays per 3 guest-rooms

(v) *Children's Home and Old Age Home*:

0.3 bays per bedroom

### 3.8.3 NOTWITHSTANDING SECTION 3.8.2:

The Council may approve the erection of an outbuilding that exceeds the side and rear building line by means of a departure subject to:

- (a) compliance with the street building line;
- (b) no doors or windows being permitted in any wall within 1m of such building line;
- (c) consent of the affected neighbour; and
- (d) consent of the Home Owners' Association.

### 3.8.4 OCCUPATIONAL PRACTICE

Without prejudice to any powers of the Council under any law, nothing in the Land Use Management Scheme shall be construed as prohibiting or restricting the utilisation of a portion of the dwelling unit for the purposes of occupational practice, provided that the requirements of the Policy for Occupational Practice in a Dwelling Unit as contained in Annexure G, are complied with.

Occupational practice in this zone is restricted to the occupant and subject to the consent of the Home Owners' Association or Body Corporate (in the event of a Sectional Title Scheme) being obtained.

### 3.9 BUSINESS ZONE I

#### 3.9.1 COLOUR NOTATION: Dark blue

Primary Use: Business premises, supermarkets, bottle stores, town houses, flats, residential buildings, funeral parlours, place of worship.

Consent Use: Commercial workshop, place of assembly, place of instruction, institution, day care centre, service station, shopping centre, place of entertainment, adult shop, mortuary, escort agency.

#### 3.9.2 LAND USE RESTRICTIONS

Floor Factor: Unrestricted

Coverage: 100%

Street Building Line: Zero, subject to 10,0m from centre line of road reserve if the road reserve width is less than 20,0m

Side Building Line: Zero, provided that:

- (a) Buildings on the ground floor may be erected on the lateral boundary of an erf, provided that no openings are provided in such wall;
- (b) Council may lay down side building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the side space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Rear Building Line: Zero, provided that:

- (a) Buildings on the ground floor may be erected on the rear boundary of an erf, provided that no openings are provided in such wall;
- (b) Council may lay down rear building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the rear space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Parking: For the ground floor - 6 bays/100m<sup>2</sup> G.L.A. shall be required subject to Section 4.14.1.1 on parking alternatives and Sub-Section 4.14.1.3 on a reduction in parking requirements for the CBD and CBD Fringe Areas. For other storeys, outside CBD and CBD Fringe Areas, parking requirement is to be determined based on the use – as set out in Annexure F.

Loading: As per the Municipality's Traffic Engineering Guidelines, Annexure F and subject to Section 4.14.2.

Height: Unrestricted

### 3.9.3 PROJECTIONS

In this zone projections, excluding advertising signs approved by the Council in accordance with the provisions of any other law, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5m of the pavement edge, provided that no portion of a projection shall be less than 3m above the pavement, that there shall be no access from the building to the canopy and that eaves shall not project more than 1m over the space about buildings.

### 3.10 BUSINESS ZONE II

#### 3.10.1 COLOUR NOTATION: Light Blue with black diagonal broken line hatching

Primary Use: Shop, offices, professional services, town house, flats, residential building, place of worship, restaurant.

Consent Use: place of assembly, funeral parlour, supermarket, place of entertainment, adult shop, bottle store, business premises, day care centre, place of instruction, warehouse.

#### 3.10.2 LAND USE RESTRICTIONS

Floor Factor: At most 2,0

Coverage: 100%

Street Building Line: Zero

Specific Street Building Lines: The Council may specify minimum building lines.

Side Building Line: Zero, provided that:

- (a) Buildings on the ground floor may be erected on the lateral boundary of an erf, provided that no openings are provided in such wall;
- (b) Council may lay down side building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the side space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Rear Building Line : Zero, provided that:

- (a) Buildings on the ground floor may be erected on the rear boundary of an erf, provided that no openings are provided in such wall;
- (b) Council may lay down rear building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the rear space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Parking : For the ground floor - 6 bays/100m<sup>2</sup> G.L.A. shall be required subject to Section 4.14.1.1 on parking alternatives and Sub-Section 4.14.1.3 on a reduction in parking requirements for the CBD and CBD Fringe Areas.. For other storeys, outside CBD and CBD Fringe Areas, parking requirement is to be determined based on the use – as set out in Annexure F.

Loading: As per the Municipality's Traffic Engineering Guidelines, Annexure F and subject to Section 4.14.2.

Height : At most 3 storeys

No point of a building shall exceed a vertical distance above the grade line of:

- the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey – in the case of flat roofed buildings, or

- in the case of inclined or pitched roofed buildings, the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey and an additional 3m which is allowed for the roof;

provided that chimneys, flues and antennae are exempt from this height restriction.

### 3.10.3 PROJECTIONS

In this zone projections, excluding advertising signs approved by the Council in accordance with the provisions of any other law, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5m of the pavement edge, provided that no portion of a projection shall be less than 3m above the pavement, that there shall be no access from the building to the canopy and that eaves shall not project more than 1m over the space about buildings.

### 3.11 BUSINESS ZONE III

#### 3.11.1 COLOUR NOTATION: Light Blue with black diagonal hatching

Primary Use: Commercial premises, place of worship, funeral parlour, public garage, adult shop, mortuary, place of entertainment, escort agency.

Consent Use: Other uses over and above uses listed as primary uses.

#### 3.11.2 LAND USE RESTRICTIONS

Floor Factor: At most 3

Coverage: 100%

Street Building Line: Zero

Side Building Line: Zero, provided that:

- (a) Buildings on the ground floor may be erected on the lateral boundary of an erf, provided that no openings are provided in such wall;
- (b) Council may lay down side building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the side space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Rear Building Line: Zero, provided that:

- (a) Buildings on the ground floor may be erected on the rear boundary of an erf, provided that no openings are provided in such wall;
- (b) Council may lay down rear building lines in the interest of public health or in order to enforce any law or right; and
- (c) In the event of the common boundary between the two erven forming the boundary between this zone and a residential zone, the rear space applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

Parking: The following parking ratios apply:

- (i) *Business (including office use)*: 6 bays/100m<sup>2</sup> G.L.A.
- (ii) *Manufacturing*: 1 bay/100m<sup>2</sup> G.L.A.
- (iii) *Warehousing*: 1 bay/100m<sup>2</sup> G.L.A.
- (iv) *Dairies, Bakeries and Laundries*: 1 bay/100m<sup>2</sup> G.L.A.
- (v) *Storage Yards*: 1 bay/100m<sup>2</sup> G.L.A.

Subject to Section 4.14.1.1 on parking alternatives and Sub-Section 4.14.1.3 on a reduction in parking requirements for the CBD and CBD Frindge Areas.

Loading: As per the Municipality's Traffic Engineering Guidelines and subject to Section 4.14.2.

Height: 3 storeys

No point of a building shall exceed a vertical distance above the grade line of:

- the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey – in the case of flat roofed buildings, or

- in the case of inclined or pitched roofed buildings, the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey and an additional 3m which is allowed for the roof;

Provided that chimneys, flues and antennae are exempt from this height restriction.

### 3.11.3 PROJECTIONS

In this zone projections, excluding advertising signs approved by the Council in accordance with the provisions of any other law, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5m of the pavement edge, provided that no portion of a projection shall be less than 3m above the pavement, that there shall be no access from the building to the canopy and that eaves shall not project more than 1m over the space about buildings.



### 3.12 BUSINESS ZONE IVA

#### 3.12.1 COLOUR NOTATION

Blue-purple with black diagonal broken line hatching

##### Primary Use:

Offices, professional services, town house, flats, residential building

##### Consent Uses:

Place of assembly, place of worship, place of entertainment, place of instruction, day care centre

#### 3.12.2 LAND USE RESTRICTIONS

Floor Factor: At most 2 Coverage: 70%

Height: At most 3 storeys

Street Building Line: At least 5m

Side Building Line: At least 3m

Rear Building Line: At least 3m

Parking: Offices - 2,5 bays/100m<sup>2</sup> G.L.A. subject to Section 4.14.1 on parking and provided that the residential use of the property may not affect the parking requirement.

Medical and Veterinary Consulting Rooms and Hair Dressers – 6 bays per 100m<sup>2</sup> GLA

#### 3.12.3 FLATS AND RESIDENTIAL BUILDINGS

Notwithstanding the land use restrictions for Residential Zones IV, V and VI, the restrictions applicable to Business Zone IV shall be applicable to flats and residential buildings in Business Zone IV.

#### 3.12.4 HOME OWNERS' ASSOCIATION

For combined office and town house developments, or in cases where ownership is separated by way of sectional or separate title, a home or business owners' association shall be established.

### 3.13 BUSINESS ZONE IVB: LOW-INTENSITY OFFICE

#### 3.13.1 COLOUR NOTATION

Blue-purple with black diagonal broken line hatching marked with a B

Primary Use:

Low-intensity Offices and professional services

Consent Uses:

None

#### 3.13.2 LAND USE RESTRICTIONS

If the property to which this zone is applied is situated within the area of a Local Spatial Development Framework, the provisions of the applicable Local Spatial Development Framework shall be applied. For all other areas, the following shall apply:

Floor Factor: At most 2

Coverage: 70%

Height: At most 2 storeys

Street Building Line: At least 4.5m

Side Building Line: At least 2m

Rear Building Line: At least 2m

Parking: Offices - 2,5 bays/100m<sup>2</sup> G.L.A. subject to Section 4.14.1 on parking and provided that the residential use of the property may not affect the parking requirement.

Medical and Veterinary Consulting Rooms and Hair Dressers – 6 bays per 100m<sup>2</sup> GLA

Not more than an average of 1 parking bay per 100m<sup>2</sup> in erf size shall be permitted

Garages are not included when determining GLA, but shall also not be included as part of required parking provision.

Where residential land use is converted, the development shall retain the character of the residential environment, including retaining or building secure front garden walls and controlled access. Appropriate arrangements shall be made by the owner to ensure that the security of adjacent properties is not negatively impacted, especially outside of trading hours after hours and weekends).

Compressors and/or Air Conditioning Units are to be screened or positioned so as not to cause a disturbance to neighbouring residential properties  
No smoke, dust or fumes may be emitted, which could cause an environmental nuisance to neighbouring properties;

No alterations to or demolition of listed buildings older than sixty (60) years will be permitted without a Certificate of Approval issued by the Provincial Heritage Resources Authority in terms of the National Heritage Resources Act.

### 3.14 BUSINESS ZONE V

#### 3.14.1 COLOUR NOTATION: Blue-purple with black hatching

Primary Use: Service station, restaurant, convenience shop

Consent Use: Residential building, flats, townhouses

#### 3.14.2 LAND USE RESTRICTIONS

Floor Factor: At most 2,0

Coverage: At most 75%

Height: At most 2 storeys

No point of a building shall exceed a vertical distance above the grade line of:

- the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined or pitched roofed buildings, the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey and an additional 3m which is allowed for the roof;

Provided that chimneys, flues and antennae are exempt from this height restriction.

Street Building Line: Zero, with a 3,6m building line applicable to the pump islands

Side and Rear Building Line: Zero, provided that in the event of the common boundary between two erven forming the boundary between this zone and a residential zone, the side or rear space, as the case may be, applicable to the latter, shall apply on both sides of the boundary insofar as it is more restrictive and provided further that the Council may require side and rear building lines in the interest of public health or in order to enforce any law or right.

Parking: 4 bays plus 2 bays per 100m<sup>2</sup> spares and sales area

#### 3.14.3 ADDITIONAL PROVISIONS

- (a) The vehicular access and exit ways to and from the premises of a service station or public garage shall, where they cross the road boundary, not be more than 10m wide, and a wall at least 100mm thick and 200mm high shall be erected on the road boundary between the points of access and exit. The wall shall be continued along such boundary unless the premises are otherwise enclosed and vehicular access shall be restricted to a single ingress and a single egress per street frontage.
- (b) In an urban area the vehicular access and exit ways to and from the premises of a service station where they cross the road reserve boundary, shall:
  - i) not be less than 30m from the nearest point of the inter-section of a declared road, proclaimed road, prospective main road or any other road of a like status or of an intersection where traffic is controlled, or is proposed to be controlled, by a robot or traffic circle; and
  - ii) not be less than 1,5m from the lateral boundary of the premises; provided that in the case of an intersection other than one referred

to in Section 3.14.3 (b) (i), if the corner at the intersection is not splayed, not be less than 10m from such corner, or if the corner at the intersection is splayed, not be less than 10m from such corner or 5m from the point where the line of splay meets the road reserve boundary, whichever is the greater distance from the corner.

- (c) In an area other than an urban area, the vehicular access and exit ways to and from the premises of a service station where they cross the road reserve boundary, be not less than 500m from the nearest point of:
  - i) the intersection of a declared road, proclaimed road, prospective main road or any other road of a like status;
  - ii) an intersection where traffic is controlled, or is proposed to be controlled, by a robot or traffic circle; and
  - iii) any vehicular access and exit ways where they cross the road boundary to and from motor vehicle fuel pumps on the premises of another service station or public garage on the same side of the road.
- (d) Any part of the premises of a service station which is used for the storage of disused motor vehicles or parts of motor vehicles, any other scrap whatsoever, or empty containers such as oil drums and packing cases, or for the assembly, repair, painting or dismantling of motor vehicles shall, unless it is enclosed by buildings at least 2m high, be enclosed with a suitable brick or concrete screen wall at least 2m high.
- (e) Where a service station includes panel beating and spray painting, such service station will be restricted to the Business III (commercial) Zone or Industrial Zone I or II.
- (f) Notwithstanding Section 3.14.2, the inclusion of the following activities associated with a service station shall be subject to Council's discretion with regard to site suitability, surrounding land use, access and circulation, and the provision of additional on-site parking:
  - (i) Outdoor display of vehicles, boats, caravans, and motor cycles, and the sale of such goods;
  - (ii) Car wash;
  - (iii) Drive-in restaurant;
  - (iv) Any retail activities not associated with the service station trade;
  - (v) Convenience shop (daily food requisites);
  - (vi) Prepared food outlets (restaurant, fast foods);
  - (vii) Truck stop;
  - (viii) Transient sites such as trunk road and freeway service stations, for example Ultra City and Petroport
- (g) Council may require that the activities referred to in Section 3.14.3 (f) be accommodated on a separate site and zoned accordingly.

### 3.15 INDUSTRIAL ZONE I

#### 3.15.1 COLOUR NOTATION: Purple

Primary Use: Industry, industrial café, service station, commercial workshop, warehouse, public garage, funeral parlour and mortuary.

Consent Uses: Aquaculture, rooms to accommodate security guards, caretakers and the like.

#### 3.15.2 LAND USE REGULATIONS

Floor Factor: At most 1,5

Coverage: At most 75%

Street building line: Zero, provided that no gates or security installations protrude into the road reserve

Side Building Line : Zero, provided that the Council may require side-building lines in the interest of public health or in order to enforce any law or right

Rear Building Line : Zero

Parking : Subject to Section 4.14.1, with the following parking requirements:

- (i) *Manufacturing* : 1 bay/100m<sup>2</sup> G.L.A.
- (ii) *Warehousing* : 1 bay/100m<sup>2</sup> G.L.A.
- (iii) *Dairies, Bakeries and Laundries* : 1 bay/100m<sup>2</sup> G.L.A.
- (iv) *Storage Yards* : 1 bay/100m<sup>2</sup> G.L.A.

And provided that where a retail outlet is located on the industrial premises, an additional parking requirement of 6 bays/100m<sup>2</sup> G.L.A. of the retail outlet shall be provided.

Height : At most 4 storeys

#### 3.15.3 LOADING AND UNLOADING (To be provided on-site)

- (a) As per the Municipality's Traffic Engineering Guidelines and subject to Section 4.14.2 and Annexure F.
- (b) The loading bays referred to in Section 3.15.3.(a) shall have vehicular access to a street which shall be to the satisfaction of the Council and shall in any event not be less than 5m wide, and if carried through a building, not less than 3m in height.

#### 3.15.4 FENCING

- (a) The Council may require any land used in connection with a scrap yard, builder's yard or transport business to be completely or partially walled to its satisfaction.
- (b) Where any other industrial site, in the opinion of Council, is visually intrusive by nature of its location or use, such site shall be walled to the satisfaction of Council.

### 3.15.5 CARETAKER'S PREMISES

The erection of a caretaker's cottage shall be permitted subject to Council's approval and the following restrictions:

- (i) The caretaker's cottage, complete with outbuildings, shall not exceed 90m<sup>2</sup> and 1 storey, and shall form part of the permitted coverage of the industrial zone in which it is located;
- (ii) Occupation of the said cottage shall be on a non-permanent basis and restricted to security personnel;
- (iii) The said cottage shall be free-standing and shall be subject to the same building lines as the industrial zone in which it is located; and
- (iv) If the function of a caretaker's cottage is ceased, the structure shall only be utilised for purposes permitted in the industrial zone in which it is located.

### 3.15.6 INDUSTRIAL CAFÉ

Maximum of 100m<sup>2</sup> floor space including storage.

### 3.16 INDUSTRIAL ZONE II

3.16.1 COLOUR NOTATION : Red-purple with fine black hatching

Primary Use : Noxious trade

Consent Uses : Rooms to accommodate security guards, caretakers and the like.

3.16.2 LAND USE RESTRICTIONS

Floor Factor : At most 1,5

Coverage : At most 75%

Street Building Line : 10,0m

Side Building Line : 10,0m

Rear Building Line : 10,0m

Parking : 1 bay/100m<sup>2</sup> G.L.A. subject to Section 4.14.1 and Section 4.14.2

Height : At most 4 storeys

3.16.3 LOADING AND UNLOADING (To be provided on-site)

(a) As per the Municipality's Guidelines for Off-Street Loading Facilities and subject to Section 4.14.2.

(b) The loading bays referred to in Section 3.16.3 (a) shall have vehicular access to a street which shall be to the satisfaction of the Council and shall in any event not be less than 5m wide, and if carried through a building, not less than 3m in height.

3.16.4 FENCING

(a) The Council may require any land used in connection with a scrap yard, builder's yard or transport business to be completely or partially fenced to its satisfaction.

(b) Where any other industrial site, in the opinion of Council, is visually intrusive by nature of its location or use, such site shall be walled to the satisfaction of Council.

3.16.5 CARETAKER'S PREMISES

The erection of a caretaker's cottage shall be permitted subject to Council's approval and the following restrictions:

(i) The caretaker's cottage, complete with outbuildings, shall not exceed 90m<sup>2</sup> and 1 storey, and shall form part of the permitted coverage of the industrial zone in which it is located;

(ii) Occupation of the said cottage shall be on a non-permanent basis and restricted to security personnel;



- (iii) The said cottage shall be free-standing and shall be subject to the same building lines as the industrial zone in which it is located; and
- (iv) If the function of a caretaker's cottage is ceased, the structure shall only be utilised for purposes permitted in the industrial zone in which it is located.

3.16.6 INDUSTRIAL CAFÉ

Maximum of 100m<sup>2</sup> floor space including storage.

### 3.17 INSTITUTIONAL ZONE I

#### 3.16.1 COLOUR NOTATION : Grey

Primary Use : Place of instruction, school, place of assembly, day care centre

Consent Use : Place of worship

#### 3.16.2 LAND USE RESTRICTIONS

Coverage : At most 50%

Height : At most 2 storeys

Street Building Line : At least 10m

Side Building Line : At least 10m

Rear Building Line : At least 10m

Parking :

Places of Instruction : (Subject to Section 4.14.1)

- (i) *Day Care Centres* : 1 bay/teacher or assistant
- (ii) *Nursery School* : 1 bay/classroom or office
- (iii) *Primary School* : 1 bay/classroom or office
- (iv) *Secondary School* : 1 bay/classroom or office
- (v) *Colleges* : 0,25 bays/student
- (vi) *Universities* : 0,4 bays/student

Provided that all places of instruction shall have sufficient on and off-loading areas.

Places of Assembly : (Subject to General Section 4.14.1 on parking)

- (i) *Community Centres* : 2 bays/100m<sup>2</sup> G.L.A.
- (ii) *Halls* : 0,25 bays/seat or 20 bays/100m<sup>2</sup> G.L.A.
- (iii) The provisions of Annexure F shall apply to all Places of Assembly.

**3.18 INSTITUTIONAL ZONE II**

3.18.1 COLOUR NOTATION: Grey with fine black hatching

Primary Use: Place of worship, church, parsonage, place of assembly, day care centre

Consent Uses: Place of Instruction, cemetery.

3.18.2 LAND USE RESTRICTIONS

Coverage: At most 50%

Height: At most 2 storeys

Street Building Line: At least 4,5m

Side Building Line: At least 4,5m

Rear Building Line: At least 4,5m

Parking: 0,15 bays/seat, subject to Section 4.14.1 on parking and the provisions of Annexure F.

3.18.3 Notwithstanding Paragraph 3.18.2 the parsonage shall be subject to the provisions pertaining to single residential (Single Residential Zones I-III).

### 3.19 INSTITUTIONAL ZONE III

- 3.19.1 COLOUR NOTATION: Grey with black diagonal broken line hatching  
Primary Use: Institution, hospital, place of assembly, day care centre  
Consent Use: Residential building, place of instruction, place of worship.

3.19.2 LAND USE RESTRICTIONS

Minimum Erf Size: 2 000m<sup>2</sup>

Coverage: At most 50%

Height: At most 3 storeys

No point of a building shall exceed a vertical distance above the grade line of:

- the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey – in the case of flat roofed buildings, or
- in the case of inclined or pitched roofed buildings, the equivalent of 3.6m for residential buildings and 4m for non-residential buildings per permissible storey and an additional 3m which is allowed for the roof; provided that chimneys, flues and antennae are exempt from this height restriction.

Street Building Line: At least 4,5m

Side Building Line: At least 4,5m

Rear Building Line: At least 4,5m

Parking: Subject to Sub-Section 4.14.1 on parking

(i) *Medical*:

- Consulting rooms: 6 bays/100m<sup>2</sup> G.L.A.
- Small private hospitals and clinics: 1 bay/bed
- General Hospitals: 1 bay/bed

(ii) *Other institutions*: (e.g. mental, cripple care, orphanage): 0,3 bays/bedroom

(iii) *Day Care Centres*: 1 bay/teacher or assistant

Loading: As per the Municipality's Traffic Engineering Guidelines and subject to Section 4.14.2.

### 3.20 RESORT ZONE

#### 3.20.1 COLOUR NOTATION : Pink

Primary Use: Resort, Resort accommodation, Holiday accommodation, caravan park, camping site, place of assembly, recreation complex, caretaker's cottage, convenience shop, tourist facilities.

Consent Use: Hotel

Building Line: 10,0m on all sides

Parking: Subject to Section 4.14.1 and the provisions of Annexure F.

Height: At most 2 storeys

#### 3.20.2 LAND USE RESTRICTIONS

- (a) The parameters of the existing lawful development shall apply as land use restrictions with regard to land, which is deemed to be rezoned as a Resort Zone with effect from the date of commencement of the Ordinance.
- (b) With the rezoning of land to the Resort Zone, conditions shall be laid down with regard to density, layout, building design, and on-site parking requirements and need to be reflected in terms of a site development plan.
- (c) Permitted densities, coverage and building footprints for Accommodation facilities in the Limited Development and Rural Zones (as defined in the approved Spatial Development Framework of the Municipality) - the prescribed parameters as per the approved Spatial Development Framework of the Municipality, shall apply.

### 3.21 OPEN SPACE ZONE I

#### 3.21.1 COLOUR NOTATION: Dark-green

Primary Use : Public open space

Consent Uses : Certain associated structures and activities.

Building Line : 10,0m on all sides

Parking : Subject to Section 4.14.1 and the provisions of Annexure F.

3.21.2 No structure shall be erected or use practised except that which is compatible with the definition of "public open space" in Section 1 or which has been approved by Council.

3.21.3 The provisions contained in a relevant guide plan that is in force in terms of Section 6A of the Physical Planning Act, 1967 (Act 88 of 1967) shall mutatis mutandis apply as additional land use restrictions in this zone.

### 3.22 OPEN SPACE ZONE II

3.22.1 COLOUR NOTATION: Dark-green with black diagonal broken line hatching

Primary Use: Private open space

Consent Uses: Certain associated structures and activities, agriculture, cemetery

Building Line: 10,0m on all sides

Parking: Subject to Section 4.14.1 and the provisions of Annexure F and provided that all parking for patrons and guests shall be on-site.

3.22.2 No structure shall be erected or use practised, except that which is compatible with the definition of "private open space" or approved by Council as a permitted consent use.

### 3.23 OPEN SPACE ZONE III

#### 3.23.1 COLOUR NOTATION : Dark-green outline

Primary Use: Conservation, nature reserve

Consent Uses: Dwelling Units, Certain associated structures and activities, place of assembly

#### 3.23.2 LAND USE RESTRICTIONS

Building Line: 10,0m on all sides

Parking: Subject to Section 4.14.1 and the provisions of Annexure F, and provided that all parking for patrons and guests shall be on-site.

#### 3.23.2.1 Within the Rural Area (as defined in the approved Spatial Development Framework of the Municipality) Dwelling Units may be permitted within Private Nature Reserves or conservation areas, subject to the following:

- (a) Upon application for rezoning of land in the Rural Area to Open Space Zone III, such Nature Reserve or Conservation area shall first be formalised in terms of relevant legislation, before the rezoning can be finalised.
- (b) The maximum permissible erf size will be 1000 m<sup>2</sup>, maximum coverage will be 50% and maximum height will be 2 storeys.
- (c) In terms of Section 29, of the Land Use Planning Ordinance, upon subdivision of a property to accommodate dwelling units, it will be required that a Home Owners Association be established to take responsibility for all matters of common interest.
- (d) A detailed site development plan shall be submitted.
- (e) Separate ownership of dwelling units will be permitted.
- (f) The entire nature reserve shall be registered as Common Property.



### 3.24 TRANSPORT ZONE I (RAILWAY LINES, HARBOUR, AIRPORT)

#### 3.24.1 COLOUR NOTATION: Dark-brown

Primary Use: Transport usage

Consent Uses: Certain associated structures and activities

#### 3.24.2 LAND USE RESTRICTIONS

Floor Factor: At most 1,5

Coverage: At most 75%

Setback: At least 8m from the centre of the road

Street Building Line: Zero, provided that no gates or security installations protrude into the road reserve.

Side Building Line: Zero, provided that the Council may require side building lines in the interest of public health or in order to enforce any law or right and provided further that in the event of a common boundary between two erven forming the boundary between this zone and a residential zone, the side building line of the latter will apply on both sides of the boundary insofar as it is more restrictive.

Rear Building Line: Zero, provided that in the event of a common boundary between two erven forming the boundary between this zone and a residential zone, the rear boundary line of the latter will apply on both sides of the boundary insofar as it is more restrictive.

Parking: 1 bay/100m<sup>2</sup> G.L.A. subject to Section 4.14.1

Height: At most 4 storeys

#### 3.24.3 LOADING AND UNLOADING (To be provided on-site)

- (a) As per the Municipality's Traffic Engineering Guidelines and subject to Section 4.14.2.
- (b) The loading bays referred to in Section 3.24.3 (a) shall have vehicular access to a street which shall be to the satisfaction of the Council and shall in any event not be less than 5m wide and, if carried through a building, not less than 3m in height.

#### 3.24.4 FENCING

The Council may require any land used in connection with a transport business to be completely or partially walled to its satisfaction.

#### 3.24.5 CARETAKER'S PREMISES

The erection of a caretaker's cottage shall be permitted subject to the Council's approval and the following restrictions:

- (i) The caretaker's cottage, complete with outbuildings, shall not exceed 90m<sup>2</sup> and 1 storey, and shall form part of the permitted coverage of the Transport I Zone.

- (ii) Occupation of the said cottage shall be on a non-permanent basis and restricted to security personnel.
- (iii) The said cottage shall be free-standing and shall be subject to the same building lines as the Transport I Zone.
- (iv) If the function of a caretaker's cottage is ceased, the structure shall only be utilised for purposes permitted in the Transport I zone.

**CONTINUES ON PAGE 130 - PART 2**



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

# **Provincial Gazette Igazethi Yephondo Provinsiale Koerant**

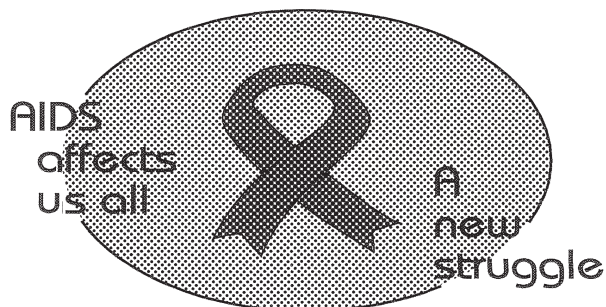
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26 OCTOBER 2020  
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## **PART 2 OF 2**

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**3.25 TRANSPORT ZONE II (PUBLIC ROAD)**

3.25.1 COLOUR NOTATION : Light-brown

Primary Use: Public road

Consent Uses: Certain associated structures and activities.

3.25.2 No structure shall be erected or use practised except that which is compatible with the definition of "public road" in Section 1

3.25.3 Trading, hawking and such like must comply with relevant By-laws of Council.

**3.26 TRANSPORT ZONE III (PARKING)**

3.26.1 COLOUR NOTATION: Light-brown with black diagonal hatching

Primary Use: Public parking

Consent Uses: Certain associated structures and activities.

3.26.2 No structure shall be erected or use practised except that which is compatible with the definition of "public parking" in Section 1 and which Council shall have approved.

**3.27 TRANSPORT ZONE IV (TAXI RANK, BUS DEPOT)**

3.27.1 COLOUR NOTATION: Dark-brown with black diagonal hatching

Primary Use: Transport facility, taxi rank, bus terminus, truck stop.

Consent Uses: Certain associated structures and activities.

3.27.2 LAND USE RESTRICTIONS

The land use restrictions (coverage, building lines, parking) applicable to this zone shall apply for every site or use or type of building if authorised thereto by the Council.

**3.28 AUTHORITY ZONE I: MUNICIPAL**

3.28.1 COLOUR NOTATION : Light Green outline

Primary Use : Local Municipal Authority usage (or usage by an utility company on behalf of a Local Municipal Authority)

Consent Use: Cemetery



**3.29 AUTHORITY ZONE II: GOVERNMENT**

3.29.1 Colour Notation: Red

Primary Use: Government and District Municipal Authority usage (or usage by an utility company on behalf of a Government or District Municipal Authority)

Consent Uses: None

3.29.2 LAND USE RESTRICTIONS

The land use restrictions (coverage, building lines, parking) and additional provisions applicable to this zone shall apply as for every site or use or type of building, as approved by the Council.

**3.30 SPECIAL ZONE**

3.30.1 COLOUR NOTATION: Light Blue

Primary Use : Special usage

3.30.2 If special factors justify the creation of a new zone on the zoning map for a site or sites without justifying the creation of a new zone in the scheme regulations, such site shall be zoned as a Special Zone on the zoning map. Every such portion of land which has been zoned as such and of which the land use restrictions differ from other land, which has been zoned as such, shall be given a separate number on the zoning map. A Special Zone may consist of different portions of land, provided that the land use restrictions are the same. Each Special Zone of which the land use restrictions differ from that of other Special Zones shall be given a separate number (from 1 onwards) and each number with the accompanying land use restrictions, shall be described as a separate Special Zone in an Annexure to these scheme regulations.

## **4. GENERAL**

### **4.1 USE OF ZONED LAND**

- 4.1.1 No person shall damage or destroy zoned land so as to destroy or impair its use for the purpose for which it is zoned, provided that the Council may consent to the deposit on such land of waste materials or refuse.
- 4.1.2 In giving its consent under Section 4.1.1 the Council may impose such conditions as it deems fit.
- 4.1.3 Subject to the provisions of any other law, nothing contained in Section 4.1.1 shall be construed as prohibiting the reasonable fencing of land.
- 4.1.4 The provisions contained in a relevant approved Spatial Development Framework or Local Spatial Development Framework in terms of the Municipal Systems Act (Act 32 of 2000), applicable to any part of the area subject to these scheme regulations, shall mutatis mutandis apply as additional land use restrictions in the area of this scheme.

### **4.2 RESERVATION OF REMAINDER**

Where the coming into operation of a provision of the Land Use Management Scheme involves the acquisition by the Council of a portion of a land unit that provision may be applied by the Council to the remainder of the land unit, if:

- 4.2.1 in the opinion of the Council, the remainder will be too small to develop as a separate entity, or
- 4.2.2 the development of the remainder will be undesirable.

### **4.3 IMPOSED CONDITIONS**

Where permission to erect a building or execute any works or to use a building or land for any particular purposes or to perform any other activity has been granted under this Land Use Management Scheme and conditions have been imposed, such conditions shall have the same force and effect as if they were part of this scheme.

### **4.4 COMPLIANCE WITH REGULATIONS**

Nothing contained in these regulations shall be deemed to grant exemption from compliance with any of the Council's regulations or by-laws.

### **4.5 NON-CONFORMING SITES**

Before written authority is granted in terms of Section 96(1) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), by the Council with regard to a site for which there is no valid licence on the date of coming into operation of these scheme regulations, or when a building is extended or changed, the Council may require that all the buildings on the site as well as the site itself be brought into line with the land use restrictions contained in these regulations, with the

by-laws of the Council and with any other laws which are applicable, provided that in the event of the non-conforming use lapsing, the usage will revert to that contained in the zoning regulations.

#### **4.6 APPLICATIONS FOR CONSENT USE**

- 4.6.1 Subject to the provisions of Section 4.7 of these regulations, the Council may, where application is made to it for its consent to the erection or utilisation of a building in a zone in which a building of the type proposed may be erected and utilised only with the Council's special consent, give or refuse its consent, and shall in giving its consent be entitled to impose such restrictive conditions as it may deem fit governing the erection or use of such building, and notwithstanding the scheme regulations, Council shall be entitled to impose other conditions which may override the scheme.
- 4.6.2 In considering such application, regard shall be had to the question whether the use for which the building is intended or designed is likely to mar the amenity of the neighbourhood, including marred owing to the emission of smoke, fumes, dust, noise or smell.

#### **4.7 ADVERTISEMENT OF INTENDED APPLICATION FOR CONSENT USE**

- 4.7.1 Any person intending to make application to the Council for its consent to the erection or utilisation of a building or to the use of land, whether wholly or partly, for any purpose requiring the Council's special consent, shall first advertise the application concerned.
- 4.7.2 The Council shall take into consideration any objections received within the period referred to in the advertisement and shall notify the applicant and the persons, if any, from whom objections were received, of its decision.
- 4.7.3 Any decision of the Council given in terms of section 4.7.2 shall be by special resolution of the Council as defined in the Municipal Ordinance, 1974 (Ordinance 20 of 1974).

#### **4.8 CONDITIONS APPLICABLE TO CONSENT USES**

- 4.8.1 Consent uses, as listed in Column 3 of Table B, shall be subject to the following conditions:
- (a) Any consent use in a relevant zone, which is a primary use in any other zone, shall be subject to the same conditions applicable to the primary use in the other zone;
  - (b) Any consent use in a relevant zone which is not a primary use in another zone shall be subject to the same conditions as the primary use in the relevant zone; and
  - (c) The Council may, in both of the above-mentioned cases, lay down other conditions with regard to any specific property.

#### **4.9 PERMISSION FOR MINING ACTIVITIES**

Permission for mining activities in terms of these scheme regulations shall be obtained by way of a departure application. Conditions of departures granted shall be in accordance with stipulations of the permit and/or license granted by the Department of Mineral and Energy Affairs.

#### **4.10 PERMISSION FOR ERECTING WIND TURBINES**

Permission for erecting a wind turbine/s in association with primary uses in all zonings (other than as part of a Renewable Energy Structure) in terms of these scheme regulations shall be obtained by way of a departure application. Conditions of a departure granted, including the validity period of the departure, shall be to the discretion of the Municipality.

#### **4.11 TITLE CONDITIONS**

Nothing in the provisions of this scheme shall be construed as permitting or enabling the Council to permit in any township the erection or use of any building or the use of any land for the purpose which is prohibited under any approved conditions of title applying to such township or the conditions of title under which any land may be held.

#### **4.12 COMBINED-USE BUILDINGS**

- 4.12.1 Where more than one primary and/or consent use is approved in the same building, the maximum requirements with regard to parking, floor factor, height and coverage, as prescribed for any primary use of the relevant zone, shall be applicable, and the following conditions shall apply with regard to all other land use restrictions:
- 4.12.2 Where a use which is permitted in a combined-use building is a primary use in another zone, the relevant use shall be subject to the same conditions, except those with regard to floor factor, height and coverage, applicable to the primary use in the other zone; and
- 4.12.3 Where a use that is permitted in a combined-use building is not a primary use in any other zone, the relevant use shall be totally subject to the conditions applicable to the primary use in the relevant zone.

#### **4.13 EXTERNAL APPEARANCE OF BUILDINGS**

- 4.13.1 Any person intending to erect any building shall furnish the Council for its consideration, if it so requires (in addition to any plans and particulars required to be submitted under any of the Council's regulations) with drawings or some other sufficient indication of the external appearance, the extent, materials to be used and compatibility of the building with the surrounding urban fabric.
- 4.13.2 The drawings shall be upon suitable and durable material to a scale of 1:100, except that where the building is so extensive as to render a smaller scale necessary, the drawings may be to a scale of 1:200.
- 4.13.3 The Council may require such alteration to the external appearance and building materials as it may deem necessary.
- 4.13.4 The drawings shall be referred to the Aesthetic Committee for approval.

## 4.14 PARKING AND LOADING

### 4.14.1 PARKING ACCOMMODATION

#### 4.14.1.1 Alternative Parking Requirements

- (a) As an alternative to the parking requirement in Sections 3.9 to 3.11, the owner may, with the consent of the Council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on the site, acquire the prescribed area of land for the parking facilities concerned elsewhere in the position approved by the Council; provided that he/she registers a notarial deed against such land to the effect that the Council and the public shall have free access thereto for the purpose of parking and provided further that the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Council; and that the cost of registration of the servitude shall be borne by the owner.

- (b) As an alternative to Section 4.14.1.1(a), the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the assessed cost of constructing the shortfall in parking bays – estimated as follows:

estimated market value per m<sup>2</sup> of the land on which the building is erected, multiplied by the area in m<sup>2</sup> of the land which is required to be provided, multiplied by a factor of 1.075

in which event the Council shall be responsible for acquiring the necessary land for such parking purposes when and where the Council desires.

The above described assessed cost of constructing the parking bays is based on:

- (i) Each required bay being the equivalent of an area of 25m<sup>2</sup>
- (ii) The market value of land being obtained in the relevant area;
- (iii) A contribution to demolition and land clearing and construction (expressed as 0.025 of the market value of the area required, reflected in 4.14.1.1 (b)(ii)); and
- (iv) A contribution to the transfer cost of the said land (expressed as 0.05 of the market value of the area required, reflected in Section 4.14.1.1 (b) (ii)).

Council's consent shall be subject to the following:

- the road onto which the property is bordering being of sufficient width to accommodate on-street parking.
- the maximum number of parking bays to be accommodated in terms of this alternative may not exceed 25% of the overall required parking bays – or – the total number of bays that can be accommodated on the property's side of the length of street directly bordering onto the site.

- (c) Council may consider amendments to the contributions as contained in Section 4.14.1.1(b).

#### 4.14.1.2 Further Parking and Site Access Requirements

- (a) The vehicular access/exit way shall be restricted to one per site per street frontage. In specific cases, a separate ingress and egress can be considered.
- (b) The vehicular access/exit way shall be restricted to a maximum total width of 6m where such access/exit crosses the road reserve boundary.
- (c) If the corner at a street intersection is not splayed, the vehicular access/exit way shall not be closer than 10m to such corner.
- (d) If the corner at a street intersection is splayed, the vehicular access/exit way shall not be closer than 10m to such corner or 5m measured from the point where the splay reaches the road reserve boundary, whichever is the longest distance from the corner.
- (e) If the corner is situated at a high volume street intersection or a street intersection with traffic signals, the vehicular access/exit way shall not be closer than 20m to such corner.
- (f) The following shall be indicated on a site development plan, which shall be submitted to the Council, which may approve or reject it or lay down any conditions deemed necessary by it:
  - (i) The way in which it is intended that vehicles should gain access to or exit from parking areas;
  - (ii) If access to a parking area is controlled, the position of such control features (gate, boom etc.);
  - (iii) How parking bays are to be demarcated and which bays will be reserved for employees, disabled persons and the public.
- (g) Such parking areas shall be duly constructed and surfaced to the satisfaction of the Council.
- (h) Such parking areas shall only be used for the parking of vehicles, which are lawfully allowed on them and may not be used for trading or any other purposes.
- (i) The Council may lay down more restrictive requirements than those in Sub Section 4.14.1.2 (a) to (g), if deemed necessary from a traffic point of view.
- (j) Parking bays shall be clearly demarcated as per approved site development plan referred to in Section 4.14.1.2 (g) to the satisfaction of the Council.
- (k) Parking areas will be clearly signposted to the satisfaction of the Council.
- (l) The standards relating to parking bays as provided in Annexure F and the Municipality's Traffic Engineering Guidelines shall apply.
- (m) The size of parking bays shall be as provided for in the Municipality's Traffic Engineering Guidelines.

- (n) Panhandles providing access to erven containing a single dwelling unit shall have a minimum width of 4,0m. Double panhandles or panhandles providing access to erven containing more than one dwelling unit, shall have a minimum width of 6,0m. An access to two or more additional dwelling units on an erf, or an access to two or more townhouse units on a townhouse erf, shall have a minimum width of 6,0m. Panhandles and accesses have to comply with the Municipality's Guidelines for Ramp Design.

#### 4.14.1.3 CBD Parking

CBD areas, as demarcated in Council's Traffic Engineering Guidelines, shall be except from providing on-site parking, i.e. no parking required. In demarcated CBD fringe areas (as per Council's Traffic Engineering Guidelines), parking shall be provide at only 25% of the required rate.

#### 4.14.1.4 Occupation Certificate

A building completion certificate, in accordance with the National Building Regulations, shall not be issued unless the parking area meets the requirements of this Scheme and has been constructed according to a relevant building plan and to the satisfaction of Council.

### 4.14.2 LOADING AND OFF-LOADING FACILITIES

#### 4.14.2.1 Demarcation of a Loading Area

- (a) The loading or off-loading of goods and persons onto or from vehicles, where such activity is associated with one or more of the buildings or land-use types described in this Scheme, shall not be permitted to take place in or upon any street except within such portions of a street which have been specifically demarcated for such purposes by Council, or with the permission of Council.
- (b) Council may, for the purpose of preventing the obstruction of traffic on any street or proposed street on which a proposed building will front or abut, require the owner to submit for its approval proposals for ensuring, to the Council's satisfaction, suitable and sufficient space on the site for any loading, unloading or fuelling of vehicles which the utilisation of the building is likely to entail.
- (c) No owner or occupant of the building in respect of which proposals under this subsection have been required shall undertake or knowingly permit the continued loading or unloading or fuelling of vehicles otherwise than in accordance with approved proposals.

#### 4.14.2.2 Treatment of Loading Areas

The provisions of Section 4.14.1.2 (a) regarding the treatment of parking areas shall apply mutatis mutandis to all loading areas required in terms of Section 4.14.2.



#### 4.14.2.3 Screening of Loading Areas

Where, in the opinion of Council, the activities of a loading area could be detrimental to surrounding land-uses in terms of visual appearance, noise or of any other offensive nature, the Council may stipulate additional requirements.

#### 4.14.2.4 Occupation Certificate

The provisions of Section 4.14.1.4, shall apply mutatis mutandis to all loading areas required in terms of Section 4.14.2.

#### 4.14.2.5 Loading Area Additional to Parking Area

Loading areas required to be provided under Section 4.14.2, shall be in addition to any parking provided in terms of the provisions of Section 3 and Annexure F.

#### 4.14.2.6 Loading Requirements

Loading requirements shall be as required in Section 3 and Annexure F.

#### 4.14.2.7 Loading Area

Loading area space shall be determined by land use and approved by Council, as per the Municipality's Traffic Engineering Guidelines .

### 4.15 USE OF OUTBUILDINGS

No outbuilding may be used for any purpose other than that for which the Council has approved the plans, and no such outbuilding may be used until the main buildings are completed or occupied, unless otherwise resolved by the Council.

### 4.16 CARPORTS

Subject to the Council's approval, a carport, which will exceed a street or side building line, may be erected subject to the following conditions:

- 4.16.1 The width of the carport, measured parallel to the street boundary, shall not be more than 6m.
- 4.16.2 The carport shall be supported by metal, wooden, brick or cement poles or pillars. These poles or pillars may have a maximum external dimension of 350mm and at most four poles or pillars may be provided on one side of the carport.
- 4.16.3 No walls, except boundary walls, shall be constructed in such a way as to enclose the carport.
- 4.16.4 The height of the carport, measured from the floor to the top of the roof, may not exceed 3m.
- 4.16.5 The sides of the roof shall be neatly finished with a fascia not exceeding a depth of 300mm.
- 4.16.6 The facade of the carport shall not be closer than 300mm to the street boundary.

- 4.16.7 No gates which open onto the pavement shall be permitted.
- 4.16.8 Provision shall be made for the collection and run-off of rainwater from the carport.
- 4.16.9 Written confirmation, from the adjoining owner(s) of both adjoining land units if a street building line will be exceeded, to the effect that they have no objection to the proposed carport, shall be obtained.

#### **4.17 COUNCIL'S DUTIES**

The Council shall allow any person at any reasonable time to examine any scheme regulations, zoning map or register, as contemplated in Sections 9, 10 and 12, respectively of the Ordinance and which is kept in the office of the Council; provided that any information in connection with the Land Use Management Scheme which is given to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the Council.

#### **4.18 SERVICE OF DOCUMENTS**

- (a) The provisions of Section 211 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) shall mutatis mutandis apply to this Land Use Management Scheme.
- (b) Any notice or other document which the Council is required or authorised to serve under this scheme may be signed by the Municipal Manager or other duly authorised official and may be served by delivery of a copy thereof in one or other of the following manners:
  - (i) by delivering it to the person to whom it is addressed, or by sending it by registered post to his/her last known place of abode;
  - (ii) if the notice or document is to be served on any company or other incorporated body, by delivering it at the registered office of such company or body, or by sending it by registered post to such registered office; or
  - (iii) if the Council is unable after reasonable inquiry to ascertain the name or address of the person upon whom such notice should be served, by addressing it to him/her/it by the description of "owner" or "occupier" of the premises to which it relates, and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

#### **4.19 TOWNSHIPS AND MINOR SUBDIVISIONS**

Notwithstanding anything to the contrary contained in these regulations, conditions of ownership imposed by the Premier upon the approval of townships and minor subdivisions, shall be applicable in so far as such conditions are more restrictive than the provisions of the Land Use Management Scheme.

## **4.20 AESTHETICS AND LANDSCAPING**

Where paving, landscaping, other treatment or any aesthetic requirement is deemed necessary by the Council, or the Premier if the matter is considered by him, in order to prepare land for development, it may be required by the Council or the Premier, as the case may be, and such requirement shall be carried out to the satisfaction of the Council or the Premier, as the case may be, at the cost of the owner.

## **4.21 FIXING OF BUILDING LINES**

- (a) In any street existing at the date of approval of this scheme for which no building line is shown on the map or for which no building line has been fixed in terms of the proviso to this subsection, the building line on any particular side of any particular section of the street shall be at a distance from the boundary of the street equal to the average of the distances between the street boundary and all the existing buildings on that side and in that section of the street at the date when this scheme comes into operation, but shall not exceed the building lines for the respective zones laid down in Section 3, provided that if on any side of any section of the street there are no existing buildings the Council may fix a building line for that side of the section of the street in accordance with Section 3.
- (b) In this Subsection the term "section of a street" means the portion of the street lying between the corners of two adjacent intersecting streets or between the point where the boundary of a township crosses the street and the nearest intersecting street.
- (c) With regards to building line restrictions along specific National, Provincial, Metropolitan and Municipal Roads, the City's Traffic Engineering Guidelines provides details of the various applicable building lines.

## **4.22 SPECIFIC STREET BUILDING LINES**

Council may specify minimum building lines or setbacks for certain areas as required.

## **4.23 ROAD WIDENING**

Council may identify areas of land for road widening purposes as required and allocate an appropriate zoning to such land.

## **4.24 SITE DEVELOPMENT PLANS**

The following further conditions shall apply to all erven in all use zones:

A site development plan, compiled to a scale of 1:500 or any other scale as may be approved by the Council, shall be submitted for approval to the Council and no building shall be erected on the site until such site development plan and building plans in accordance with the site development plan, have been

approved by the Council. The entire development of the Erf shall be in accordance with the approved site development plan, provided that:

- (a) The plan may be amended by way of an application for an amendment of the approved site development plan;
- (b) The Council may exempt the owner from submission of all or certain provisions contained within this regulation; and
- (c) The site development plan shall indicate at least the following;
  - (i) The location and height of all buildings and structures;
  - (ii) Vehicular and pedestrian entrances to and exists from the site and all buildings;
  - (iii) Proposed subdivision lines, if the Erf is to be subdivided;
  - (iv) Building lines and all existing and proposed servitudes;
  - (v) 1:100 Year flood lines where applicable;
  - (vi) Parking (including arrangements for any reservation of parking for employees, disabled persons or the public), loading and unloading areas;
  - (vii) Vehicular and pedestrian circulation;
  - (viii) Elevation of all buildings and structures – if required by Council.
  - (ix) The phasing of the development, if it is envisaged that the total development will not take place simultaneously;
  - (x) A land use schedule which specifies the zoning of the property, applicable controls and controls used for the development;
  - (xi) A contour map indicating 1 meter contour intervals; and
  - (xii) Any other requirement deemed necessary by Council.
  - (xiii) For Townhouse, Business and Office developments, the position of centralised refuse collection points, post boxes and development's name board.
- (d) An Occupation Certificate as contemplated in terms of the National Building Regulations shall not be issued if the development of a property does not comply with the approved Site Development Plan.

## **5. APPROVAL OF DEPARTURES AND SUBDIVISIONS BY COUNCIL**

### **5.1 DEPARTURES**

- 5.1.1 The Council may in terms of subsections (1)(b) or (5) of Section 15 of the Ordinance, respectively grant or refuse an application for a departure, in terms of Section 15 (1)(a)(i), or determine an extended period after which such departure shall lapse.

### **5.2 SUBDIVISIONS**

- 5.2.1 Council may, without reference to the Premier, grant or refuse an application for the subdivision of land in terms of Section 25(1) of the Ordinance.

### **5.3 REMOVAL OF RESTRICTIONS**

Notwithstanding Section 5.1 of these regulations, all conditions restricting subdivision, the number of buildings that may be erected or the use of the land, or any other restrictive conditions which may have a bearing on the subdivision or departure applied for and registered against the land unit shall be removed prior to an application being granted.

**ANNEXURE A****NOXIOUS USE/TRADE/INDUSTRY****THE FOLLOWING ACTIVITIES ARE CLASSIFIED AS NOXIOUS USE/TRADE/INDUSTRY:**

1. Any use, trade or industry which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust – or which carry a high risk in the event of a fire or accident.
2. Or any activities which do not comply with the requirements of the following legislation (or amendments of legislation, or relevant new legislation), or any activities which constitute a nuisance as envisaged in regulations that are promulgated from time to time in terms of such legislation:
  - (a) National Water Act (No. 36 of 1998)
  - (b) Environmental Conservation Act (No. 73 of 1989 as amended by Act No. 98 of 1991)
  - (c) Physical Planning Act (No. 125 of 1991)
  - (d) Air Pollution Prevention Act (No. 45 of 1965) as amended by Act No. 17/1973, No. 21/1981, No. 15/1985
  - (e) Public Health Act (No. 36 of 1919 as amended)
  - (f) Industrial Development Act (No. 22 of 1940 as amended)
  - (g) Mineral Act (No. 50 of 1991)
  - (h) Explosives Act, 1956 (Act 26 of 1956)
  - (i) Health Act, 1977 (Act 63 of 1977)
  - (j) National Environment Management Act (NEMA – No. 107 of 1998)
3. Any installation, which in terms of the Occupational Health and Safety Act No. 85 of 1993 is classified as a "**major hazard installation**". The act defines a "major hazard installation as follows:
  - (a) where more than the prescribed quantity of any substance is or may be kept, whether permanently or temporarily; or
  - (b) where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident.

**ANNEXURE B****POLICY FOR INFORMAL ALCOHOL RETAIL  
OPERATIONS: TAVERNS****1. APPLICATION**

- a) Application to operate a tavern will have to be made as a departure in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance 15 of 1985, which is temporary and valid for five years, after which re-application has to be made.
- b) Application forms required for a departure are available from the Town Planning Department and an application fee will be payable by the applicant.
- c) The applicant shall maintain a suitable notice on the site to the satisfaction of the Director of Development Planning.
- d) The notice on the site shall give full details of the tavern that the applicant proposes to establish and shall state that any objection shall be lodged with the Council within 14 days of the notice being displayed.
- e) The applicant shall serve written notices by registered mail to the surrounding property owners identified by the Director of Development Planning and provide proof to the Director of Development Planning of such notices having been sent.
- f) The consent to a departure by the Council for a tavern shall apply to the applicant only while he resides on the property and will not be transferable in any form or manner.

**2. TOWN PLANNING REGULATIONS**

- a) Only one room of a principal dwelling or garage or outbuilding with an area not exceeding 50% of the total coverage of the dwelling is to be converted for tavern use.
- b) The house is to have a primarily residential function.
- c) The tavern should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to facilitate off-loading of goods and to ensure adequate refuse removal, etc. Operating hours should be regulated by the liquor license.

**3. ADVERTISING ON THE PREMISES**

- a) Advertising will be restricted to one flat sign 1m<sup>2</sup> in size to be affixed either to a wall of the house or to a fence containing only the name of the tavern and the operating hours.

- b) No other forms of advertising will be permitted for taverns.

#### **4. MUNICIPAL PROCEDURES**

- a) The applicant will submit a departure application to operate a tavern to the Director of Development Planning.
- b) The Town Planning Department will send details of the application to the Health Department.
- c) A memorandum must be returned to the Director of Development Planning giving a report of the investigation and the Health Department's recommendation and requirements.
- d) The Town Planning Department shall also carry out an investigation and make a recommendation to the Director of Development Planning.
- e) The Director of Development Planning shall then consider the application in terms of his delegated powers and advise the applicant in writing of the outcome thereof.
- f) In cases where an insoluble dispute arises between the Health Department and the Director of Development Planning, the Directorate of Development Planning will submit a report to the Development Planning Standing Committee, who will decide on the application.
- g) If the departure application is granted, the applicant must be advised to apply for a liquor licence.
- h) A complete record of all taverns shall be kept by the Director of Development Planning in this regard.
- i) All taverns will be inspected on a regular basis by the Health Department.

#### **5. WITHDRAWAL OF DEPARTURE RIGHTS**

- a) Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Council will be reported to the Development Planning Standing Committee and could result in the closure of the tavern and the withdrawal of the departure rights.



**ANNEXURE C****POLICY FOR INFORMAL RETAILING OPERATIONS:  
HOUSE SHOPS (SPAZA SHOPS)****1.1 OBJECTIVE OF HOUSE SHOPS (SPAZA SHOPS)**

The objective of permitting house shops is to make provision for small home-based business activities in areas inaccessible to retail outlets that sell basic day-to-day household necessities or areas in close proximity of high volumes of pedestrian traffic (predominantly near public transport nodes or modal interchange).

**1.2 APPLICATION**

- (a) Application to operate a house shop will have to be made as a departure in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance 15 of 1985, which is temporary, and valid for five years after which re-application has to be made.
- (b) Application forms required for a departure are available from the Town Planning Department and an application fee will be payable by the applicant.
- (c) The applicant shall advertise the application and unless instructed otherwise, as a minimum:
  - Maintain a suitable notice on the site to the satisfaction of the Director of Planning and Engineering Services, giving full details of the shop that the applicant proposes to establish and stating that any objection shall be lodged with the Council within 21 days of the notice being displayed.
  - Serve written notices by registered mail to the surrounding property owners identified by the Director of Development Planning and provide proof to the Director of Development Planning of such notices having been sent.
- (d) The consent to a departure by the Council for a house shop shall apply to the applicant while he resides on the property and will not be transferable in any form or manner.

**1.3 TOWN PLANNING REGULATIONS**

- (a) Only one room of a principal dwelling or garage or outbuilding with an area not exceeding 30 m<sup>2</sup> is to be converted for retail use.
- (b) The house is to have a primarily residential function.
- (c) The house shop should not impact negatively on the surrounding neighbours and measures should be taken to limit operating hours, to

facilitate off-loading of goods and to ensure adequate refuse removal, etc. Operating hours should be restricted to between 07:00 - 18:00 on weekdays and 08:00 - 13:00 on weekends.

- (e) Not more than two people should be involved in operating a house shop.
- (f) Goods sold should be restricted to basic day-to-day household necessities

#### **1.4 ADVERTISING ON THE PREMISES**

- (a) Advertising will be restricted to one flat sign 1m<sup>2</sup> in size to be affixed either to a wall of the house or to a fence containing only the name of the specific house shop and the operating hours. Signs may be illuminated, but flashing lights are not permitted.
- (b) No other forms of advertising will be permitted for house shops.

#### **1.5 HEALTH DEPARTMENT REGULATIONS**

- (a) An inspection of the premises by the Health Inspector must be carried out to determine whether suitable facilities are available.
- (b) Structures that are acceptable for use as a house shop are an outbuilding, garage or an approved portion of the main dwelling of adequate size (minimum 6sq.m).

Wood and iron or similar structures are unacceptable as are the kitchen, lounge and dining-room within the main dwelling. If an existing bedroom is to be used, the Health Inspector should satisfy himself that the use of such room would not result in overcrowding of other rooms.

- (c) Customers must have direct access to the house shop from the street and not through the dwelling house. Serving customers through a window or hatch to the outside is acceptable.
- (d) The outbuilding or room used must be authorised and comply structurally with the National Building Regulations and normal health requirements for buildings used for food shops.
- (e) Adequate and easily accessible toilet and hand-washing facilities must be available for all persons employed in the house shop.
- (f) A sink should be provided in the house shop or if the dwelling house kitchen sink is to be used, this should be easily accessible.
- (g) Should any perishable foodstuffs be sold, there should be adequate refrigeration facilities available and such foodstuffs must be pre-wrapped and obtained only from approved manufacturers and dealers.

#### **1.6 MUNICIPAL PROCEDURES**

(Not required by the applicant - for information purposes only)

- (a) The applicant will submit a departure application to operate a house shop to the Director of Development Planning.
- (b) The Town Planning Department will send details of the application to the Health Department.
- (c) The Health Department will conduct an inspection and the Health Inspector must record all information resulting from the investigation on a progress report.
- (d) A memorandum must be sent to the Director of Development Planning giving a report of the investigation and the Health Department's recommendation.
- (e) The Town Planning Department shall also carry out an investigation and make a recommendation to the Director of Development Planning.
- (f) The Director of Development Planning shall then consider the application in terms of his delegated powers and advise the applicant in writing of the outcome thereof.
- (g) In cases where an insoluble dispute arises between the Health Department and the Director of Development Planning as to whether or not the application should be granted, the Directorate of Development Planning will submit a report to Council, who will decide on the application.
- (h) If the departure application is granted, the applicant must be advised to apply for a trade licence or permit as applicable.
- (i) When the licence application is received a further inspection of the premises will be carried out by the Health Department.
- (j) A complete record of all house shops shall be kept by the Directorate of Development Planning in this regard.
- (k) All house shops will be inspected on a regular basis by the Health Department.

## **1.7 WITHDRAWAL OF DEPARTURE RIGHTS**

- (a) Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Council will be reported to the Development Planning Standing Committee and could result in the closure of the house shop and the withdrawal of the departure rights.

**ANNEXURE D****POLICY FOR THE ERECTION OF A SECOND DWELLING UNIT**

The erection of a second dwelling unit shall be subject to the following conditions:

- (a) Size of Second Dwelling Unit:  
Maximum size as determined by the permissible coverage and floor area ratio.
- (b) Coverage:  
Maximum coverage in terms of the density zone.
- (c) Building Lines: Street, Lateral and Rear  
As applicable to the prime dwelling unit.
- (d) Height:  
2 Storeys  
No point of a building shall exceed a vertical distance above the grade line of:
  - 6m – in the case of flat roofed buildings, or
  - 8m – in the case of inclined or pitched roofed buildings, and only the roof structure may exceed 6m above the grade line;provided that chimneys, flues and antennae are exempt from this height restriction.
- (e) Parking:  
At least one on-site parking bay to be provided for the second dwelling unit.
- (f) Vehicular Access:  
Only one vehicular access per street frontage is to be permitted in terms of the Buffalo City Land Use Management Scheme.
- (g) Outbuildings:  
Outbuildings normally incidental to a main dwelling will be permitted with a second dwelling unit on condition that the permissible coverage is complied with.
- (h) Municipal Services:  
The second dwelling unit is required to make use of the existing Municipal service connections serving the primary unit on the site.
- (i) Ownership  
Sectional title or other form of separate ownership (e.g. sub-division) for the main and second dwelling shall be permitted, provided that with subdivisions both dwellings shall have direct access to public roadway and both dwellings shall have direct connections to Municipal infrastructure.
- (j) Subdivisions  
Council shall be under no obligation to consider subdivisions of erven on which sectional title units have already been approved.

**ANNEXURE E****POLICY FOR BED AND BREAKFAST ESTABLISHMENTS  
AND GUEST-HOUSES****1. GENERAL INFORMATION**

1.1 There are 3 categories of Bed & Breakfast/Guest-house establishments:

- (a) 1 & 2 guest-rooms: No special regulations apply.
- (b) 3 & 4 guest-rooms: If situated in Residential Zones I, II, III and Agricultural Zone a departure from the Town Planning Scheme is necessary.
- (c) 5 -16 guest-rooms: If situated in Residential Zone V a special consent is necessary.  
If situated in Residential Zone IV and Agricultural Zone, or in Residential Zones I, II, III that are situated on roads of metropolitan significance - a departure is necessary.  
If the Residential Zones I, II and III property is not on Roads of Metropolitan Significance, it will have to be rezoned to Residential Zone VI (Guest House only). Such rezoning will only be considered on erven of 1200m<sup>2</sup> or larger. All guest-houses (in all areas) must comply with the provisions of this policy.

For commercial accommodation establishment of more than 16 guest-rooms, a rezoning to Residential Zone VI (Hotel) will be required.

1.2 In Residential Zones I, II, III, IV and V and Agricultural Zone – guest-rooms need to form part of an approved dwelling unit (primary dwelling, second dwelling, or if approved in Agricultural Zone – such additional dwellings) and are not to be provided as free-standing rooms.

1.3 2 persons (with 2 children) shall be allowed per guest-room.

1.4 Applicants must note that:

- (a) A departure is a temporary measure, usually for 5 years, after which the applicant must make a new application to renew the departure. Prospective applicants must keep this in mind, especially if they plan to invest huge sums of money in alterations etc. a renewed departure may not be granted after 5 years.
- (b) Letters of no objection from the adjoining property owners must be furnished to the City Planning Division.
- (c) All building regulations must be complied with.

1.5 The B&B/Guest House policy and application forms are available from the City Planning Division's counter.

- 1.6 An application should include the following:
- (a) Covering letter (with postal address of applicant, the address of the establishment, number of rooms)
  - (b) Application form.
  - (c) Letters from the adjoining property owners.
  - (d) Building plans if any changes have been made to the building, with relevant application fee.
  - (e) Site plan showing parking and marked rooms to be used as guest-rooms (hand drawn sketch is acceptable).
  - (f) Departure application fees as determined by Council.

## **2. CATEGORIES OF BED AND BREAKFAST ESTABLISHMENTS AND GUEST HOUSES**

### **2.1 CATEGORY 1: DWELLING HOUSE WITH ONE OR TWO GUEST-ROOMS, WHICH ARE RENTED OUT AS SHORT TERM ACCOMMODATION**

No special regulations are applicable other than normal Building and Town Planning regulations. No additional parking bays are required.

### **2.2 CATEGORY 2 : BED & BREAKFAST ESTABLISHMENTS**

#### **2.2.1 Definition**

A B&B is an owner managed commercial accommodation establishment of not more than 4 guest-rooms, and which has as its primary source of business the supply of short-term accommodation and breakfast for resident guests.

#### **2.2.2 Guidelines for approval**

If an erf is located in Residential Zone I, II or III and Agricultural Zone, the owner needs to make an application for a departure from the Buffalo City Municipality Land Use Management Scheme in order to operate such an establishment. If the erf is located in Residential Zone IV, V and VI or Business Zone I, II and III no departure is necessary but the applicant must still comply with the applicable provisions of this policy.

#### **2.2.3 Parking**

3 - 4 Guest-rooms: 2 bays (refer Annexure F) plus 2 bays for the owner / manager.

#### **2.2.4 Signs**

- (a) One sign with a maximum size of 1m<sup>2</sup> stating only the name of the establishment and the words "Bed 'n Breakfast" will be permitted.
- (b) Signs may be illuminated, but flashing lights are not permitted.
- (c) No directional signs to the establishments are permitted without prior approval from the Program Manager – Traffic Engineering.

### 2.2.5 Advertising

The establishment must furnish the Town Planning Department with letters from all the adjoining property owners stating that they do not have any objection to the establishment. If the objections are valid, the application will not be approved.

### 2.2.6 Health Requirements

The regulations of the City Health Department must be complied with.

### 2.2.7 General

- (a) In terms of the Town Planning regulations, only two dwellings and domestic employee's quarters are permitted on a residential erf (that is the main dwelling and a second dwelling). Additional dwellings may be permitted on an agricultural property.
- (b) Accommodation may be provided on a short-term basis only.
- (c) No conference facilities are permitted.
- (d) All alterations and second dwellings must be legal in terms of the Buffalo City Land Use Management Scheme.
- (e) The householder or a manager must be resident on the property.
- (f) These provisions are for Town Planning purposes only and their coming into effect will not constitute a repeal of other relevant regulations or the policies of other departments of Buffalo City.

## 2.3 CATEGORY 3: GUEST HOUSES

### 2.3.1 Definition

A guest house is an owner managed commercial accommodation establishment of not less than 5 guest-rooms and not more than 16 guest-rooms, and which has as its primary source of business, the supply of short-term accommodation and breakfast for resident guests, and the provision of dinner where such facility is not readily available in the vicinity.

### 2.3.2 Guidelines for approval

- (a) Establishments that have between 5 and 16 guest-rooms are permitted as a primary right in Residential Zone VI and Business Zone I, II and IV.
- (b) Additionally, in Residential Zone IV and Agricultural Zone, and Residential Zone I, II and III, that are situated on Roads of Metropolitan Significance (according to the ELMET Guidance Signage Plan & Policy), establishments that have between 5 and 16 guest-rooms will only be considered by way of a departure. In Residential Zone V establishments that have between 5 and 16 guest-rooms will be considered by way of a special consent.
- (c) Establishments in Residential Zones I, II and III that are not on Roads of Metropolitan Significance will have to be rezoned to Residential Zone VI (Guest House only). Such rezonings will only be considered on erven of 1200m<sup>2</sup> or larger. All guest houses (in all areas) must comply with the provisions of this policy.



**2.3.3 Parking**

2 Parking bays shall be provided for every 3 guest-rooms; and 2 additional parking bays for the owners/manager.

**2.3.4 Signs**

- (a) Only one sign with a maximum size of 1m<sup>2</sup>, stating only the name of the establishment and the words "Guest House" will be permitted.
- (b) No directional signs to the establishments are permitted without prior approval from the Program Manager – Traffic Engineering.

**2.3.5 Conference Facility**

A conference facility directly linked to the Bed & Breakfast Establishment may only be used for resident guests. The permitted size of such facility is equal to 8m<sup>2</sup> for each guest room.

**2.3.6 Advertising**

Approval is subject to no valid objections being received from the neighbours of such an establishment. The establishment must furnish the Town Planning Department with letters from the adjoining neighbours stating that they do not have any objection to the establishments.

**2.3.7 Health Requirements**

The regulations of Buffalo City's Health Department must be complied with.

**2.3.8 Rates and Service Charges**

- (a) A guest house is seen as a business and should be rated accordingly, including the levying of business service charges.
- (b) The Rates Department shall advise on the correct rates and service charges for these establishments.

**3 GENERAL**

- (a) In terms of Buffalo City's Land Use Management Scheme regulations, only two dwellings are permitted on a residential erf that is the main dwelling, a second dwelling with a kitchen and domestic employee's quarters.
- (b) Accommodation may be provided on a short term basis only.
- (c) All alterations and second dwellings must be legal in terms of the Land Use Management Scheme.
- (d) If situated in a residential zone (Residential Zone I II and III), the householder or a manager must be resident on the premises g.
- (e) These provisions are for Town Planning purposes only and their coming into effect will not constitute a repeal of other relevant regulations or the policies of other departments of Buffalo City.



**4. SPECIAL NOTES**

- (a) The Town Planning Department reserves the right to approve or not approve any application (especially Guest Houses with more than 8 guest-rooms) if it feels that the application will have a negative effect on the area surrounding the specific erf or the services in the vicinity.
- (b) Should any of these above-mentioned establishments become detrimental to the surrounding areas, the Council reserves the right to regulate and control such establishments, regardless of how much has been spent on it and regardless of the fact that the establishments have complied with the regulations.
- (c) Important: If an applicant wants to open a Guest house with up to 16 guest-rooms in Residential Zones I, II, III and IV and Agricultural Zone, his/her property has to be rezoned to Residential Zone VI (Guest House only). The usual Town Planning regulations and procedure will apply in this regard.
- (d) Any development on the premises of a B&B/Guest House will be subject to the requirements of the Buffalo City Land Use Management Scheme, and compliance with building regulations and requirements.
- (e) If there are no objections to applications, the final decision lies with the Town Planning Department. If there are any objections to an application, the proposal will have to be submitted to Council for approval.

**ANNEXURE F****1. PARKING REQUIREMENTS**

USE	REQUIREMENT
<b>A : RESIDENTIAL</b>	
<b>1. General Residential:</b> Flats, town houses, etc.	2 bays/unit
<b>2. Hotels</b>	1 bay/bedroom and 10 bays per 100m <sup>2</sup> Public Accessible Area
<b>3. Residential Hotels, boarding houses, etc.</b>	0,6 bays/bedroom
<b>4. Old Age Homes, Orphanages, etc.</b>	0,3 bays/bedroom
<b>5. Bed &amp; Breakfast</b> 1 - 2 guest-rooms 3 - 4 guest-rooms	No additional bays 2 bays and 2 bays for the owner / manager
<b>6. Guest House</b> 5 - 16 guest-rooms	2 bays per 3 guest-rooms and 2 bays for the owner / manager
<b>B : OFFICES AND BUSINESS</b>	
<b>1. General Offices (Business Zone IV) - Office only zoning</b>	2,5 bays/100m <sup>2</sup> GLA (no space to be deducted for kitchens, passages, etc.)
<b>2. Professional Services such as Medical and Veterinary Consulting rooms, Hairdressers, etc.</b>	6 bays/100m <sup>2</sup> GLA
<b>3. Business Shops, Shopping Centres, Supermarkets, Banks, etc.</b>	6 bays/100m <sup>2</sup> GLA, for Business Zone I and II. The <u>use</u> of property may not affect this requirement.
<b>4. Vehicle Sales</b>	2,5 bays/100 m <sup>2</sup> office GLA, plus 1 bay/100 m <sup>2</sup> of showroom area; or 1 bay for every 150 m <sup>2</sup> of erf area
<b>C : MEDICAL</b>	
<b>1. Consulting Rooms</b>	6 bays/100m <sup>2</sup> GLA
<b>2. Small private hospitals and clinics</b>	1 bay/bed
<b>3. General hospitals</b>	1 bay/bed
<b>D : INDUSTRIAL AND COMMERCIAL</b>	
<b>1. Manufacturing</b>	1 bay (etc.) /100m <sup>2</sup> GLA
<b>2. Warehousing</b>	1 bay (etc.) /100m <sup>2</sup> GLA
<b>3. Dairies, Bakeries and Laundries</b>	1 bay (etc.) /100m <sup>2</sup> GLA

<b>4. Storage Yards</b>	1 bay (etc)/100m <sup>2</sup> GLA
<b>5. Self-Storage units</b>	0.2 bay/100 m <sup>2</sup> GLA
<b>E : PUBLIC GARAGES</b>	
<b>1. Petrol Filling Station</b>	4 working bays plus 2 bays per 100m <sup>2</sup> spares and sales area
<b>F : PLACES OF PUBLIC WORSHIP</b>	
<b>1. Place of Public Worship, Church</b>	0,15 bays/seat
<b>G : EDUCATIONAL</b>	
<b>1. Day care Centres</b>	1 bay/teacher or assistant
<b>2. Nursery School</b>	1 bay/class-room or office + Sufficient on and off loading area
<b>3. Primary School</b>	1 bay/class room or office + Sufficient on and off loading area
<b>4. Secondary School</b>	1 bay/class room or office + Sufficient on and off loading area
<b>5. Colleges and Technikons</b>	0.25 bays per student
<b>6. Universities</b>	0.4 bays per student
<b>H : RECREATION, SPORT AND ENTERTAINMENT</b>	
<b>1. Community Centres</b>	2 spaces/100m <sup>2</sup> GLA
<b>2. Halls</b>	0,25 spaces/seat <u>or</u> 20 spaces/100m <sup>2</sup> GLA
<b>3. Cinemas and Theatres</b> - within shopping centre - isolated	0,1 spaces/seat 0,2 spaces/seat
<b>4. Sport Stadiums</b>	0,25 spaces/seat
<b>5. Swimming Pools</b>	0,25 spaces/seat
<b>6. Libraries and Museums</b>	2 spaces/100m <sup>2</sup>
<b>7. Other Public Facilities</b>	2 spaces/100m <sup>2</sup> or at Council's discretion
<b>8. Conference Facilities</b>	0,25 bays/seat

## 2. CONDITIONS RELATED TO PARKING

### 2.1 Reductions

Reductions of the required parking provision may be permitted in terms of the applicable Traffic Engineering Guidelines of Council, or such applicable bylaw that may be in place.

CBD areas, as demarcated in Council's Traffic Engineering Guidelines, shall be except from providing on-site parking, i.e. no parking required. In demarcated CBD fringe areas, parking shall be provided at only 25% of the required rate.

### 2.2 Reservation of Parking for Tenants, Staff and Residents

The maximum percentage of parking bays that may be reserved for tenant/staff/residents are reflected in the table below.

Land use	Maximum percentage of demarcated tenants/staff/residents parking
Residential	75%
Office	Greater of 1 parking bay per office or 50% of the total parking bays
Retail*	10% of the total parking bays
Educational	0,75 parking bays per classroom or office

For other land uses, a motivation will be required from a Traffic Engineer

### 2.3 Parking for "registered" social and rental housing

#### Social housing

1. Paved parking	-	0,5 bays/unit
2. Grassed parking	-	0,5 bays/unit
3. Future parking	-	0,5 bays/unit
<b>Total</b>		<b>1,5 bays/unit</b>

#### Units to be sold

1. Paved parking	-	1,0 bays/unit
2. Grassed parking	-	0,5 bays/unit
3. Future parking	-	0,5 bays/unit
<b>Total</b>		<b>2,0 bays/unit</b>

In order to qualify for the above, a Minimum of 60% of the development must be for official registered social housing, with the remaining 40% being units that may be sold.

**3. LOADING BAY REQUIREMENTS**

Land Use	GLA (m <sup>2</sup> )	Loading bays			Type of goods vehicles		
		No. of receiving bays	No. of parking bays	Total No. of loading bays*	Light (%)	Medium (%)	Heavy (%)
<b>Office buildings</b>	0	1	0	1	85	15	-
	2 000	2	0	2			
	5 000	3	0	3			
	10 000	3	1	4			
	20 000	4	1	5			
	40 000	6	1	7			
	60 000	9	1	10			
	80 000	11	1	12			
	100 000	13	1	14			
<b>Suburban supermarkets and shopping centres</b>	0	1	0	1	<u>30</u>	<u>65</u>	<u>5</u>
	500	2	0	2			
	1 000	3	1	4			
	2 500	4	2	6			
	5 000	5	2	7			
	10 000	6	2	8			
	15 000	7	2	9			
	<u>20 000</u>	<u>8</u>	<u>2</u>	<u>10</u>			
	25 000	9	2	11			
<b>Supermarkets</b>	10 000	9	2	11	30	65	5
	20 000	12	2	14			
	30 000	14	2	16			
	40 000	16	2	18			
	50 000	18	2	20			
<b>CBD retail</b>	0	1	0	1	35	60	5
	2 000	1	1	2			
	5 000	2	1	3			
	10 000	3	1	4			
	20 000	4	1	5			
	30 000	5	1	6			
	40 000	6	1	7			
	50 000	6	1	7			
<b>Industrial land use</b>	0	1	0	1	30	40	30
	1 000	2	1	3			
	5 000	3	1	4			
	10 000	3	1	4			
	20 000	5	1	6			
	40 000	9	1	10			
	60 000	12	1	13			
	80 000	15	1	16			
	100 000	17	1	18			

Notes: \* Total loading bays equals receiving bays plus parking bays.

**ANNEXURE G****POLICY FOR PRACTICING OF AN OCCUPATION IN A RESIDENTIAL DWELLING**

Where a portion of a dwelling unit is utilised for the purposes of occupational practice, the following conditions shall apply:

- a) The person practicing the profession, occupation, enterprise or technical trade (excluding employees), whether or not such person is a tenant or owner of the dwelling unit, must reside on the property.
- b) The primary utilisation remains that of a dwelling unit.
- c) Such portion of the dwelling unit (dwelling house, flat or residential building) may not be utilised as a shop, business premises, industry or noxious industry.
- d) No goods sold or traded, incidental to the occupational practice, should be openly displayed and the practicing of the occupational practice should not be visible, except for the display notice in terms of item (e) below.
- e) No advertising shall be displayed other than an unilluminated sign or notice not projecting over the road reserve boundary and not exceeding 1m<sup>2</sup> in size and indicating only the name and occupation of the occupant.
- f) No activities shall be carried on which are, or are likely to be, a source of disturbance or nuisance to occupants of other dwelling units or portion thereof.
- g) In Residential Zone IV and V, prior permission is required from the Home Owner's Association and the practising occupant may not employ any person/s.
- h) If any person with a direct interest is of the opinion that any condition referred to in this policy or in the definition of "occupational practice" has been or is being contravened, such person may lodge a written complaint with the Council requesting action in terms of Section 39(1)(b) of the Ordinance.
- i) The Council shall consider a complaint mentioned in (h) above, and if in the opinion of the Council a contravention of any condition referred to in this policy or in the definition of "occupational practice" has occurred, the Council shall act in terms of Section 39(1)(b) of the Ordinance, or as otherwise provided for by law.
- j) Adequate off-street parking, as determined by Council, must be provided for staff vehicles and other vehicles associated with the occupational practice and such parking shall be provided in such a manner that it does not detract from the amenity of the area, and, where required by Council, be screened.

**ANNEXURE H****POLICY FOR RENEWABLE ENERGY STRUCTURES****The following conditions shall apply to Renewable Energy Structures:**

Renewable Energy Structures which may be erected as a consent use in terms of this zoning scheme in Agricultural Zone and Residential Zone II shall be subject to the relevant requirements of the National Environmental Management Act, Civil Aviation Act and Regulations and other applicable legislation.

**1. Land use restrictions****a) Height****“Associated structure”**

A maximum height of 200m above the grade line for any pylon, pole or mast and mechanisms mounted thereon, measured from the middle point of the footprint of each pylon, pole or mast to the highest point of such pylon, pole or mast with mechanism (including any blades or other protrusions).

**“Associated building”**

No point of a building shall exceed a vertical distance above the grade line of:

- 8m– in the case of flat roofed buildings, or
- 11m – in the case of inclined or pitched roofed buildings (8m restriction on the building walls and an additional 3m permitted for the pitched or inclined roof). Only the roof structure may exceed the 8m height restriction applicable to the building’s walls;

Provided that chimneys, flues and antennae are exempt from this height restriction.

**b) Setback**

A distance equal to 1,5 times the overall height of associated structures such as a pylon, pole, mast or mechanism/s (including blade tip or other protrusions), or associated buildings, measured from:

- i. the nearest public or private building, structure or space designed for human occupation (live, work or recreation);
- ii. the cadastral boundary of the land unit (unless the renewable energy site straddles such cadastral boundary);
- iii. any public road or private or public right of way; and
- iv. any external electrical infrastructure (not associated with the renewable energy site).

**2. Additional requirements****a) Site Development Plan (SDP)**

As part of the application or stipulated as a condition of approval, a SDP must be submitted for approval by the Municipality. The SDP must reflect the boundaries of the renewable energy site and exact location, specifications and positioning of the

renewable energy structure, including associated structures, infrastructure and buildings.

b) Visual and environmental impact

Visual and environmental impacts must be taken into account for the positioning of the structure, height determination and in general, to the satisfaction of the Municipality.

c) Decommissioning

If not regulated in terms of other permitting or authorisation conditions, such as an Environmental Authorisation:

- i. When a Renewable energy structure is scheduled to be decommissioned or operations have been discontinued or it has been abandoned, the owner of the Renewable Energy Structure must notify the municipality by registered mail and submit timeframes for removal of the structure/s and associated infrastructure within 60 days after the operation ceased.
- ii. Any Renewable Energy Structure and associated infrastructure, including buildings, power lines, cables, security barriers, and roads which has been decommissioned, which has reached the end of its productive life or has been abandoned, must be removed.
- iii. The owner of the Renewable Energy Structure is responsible for the removal of the structure in all its parts, and rehabilitation of the land to the satisfaction of the municipality, within a timeframe agreed upon by the municipality.
- iv. If the owner fails to remove the structure or parts thereof in accordance with the timeframe agreed upon by the municipality, the municipality may enter the property and remove the structure or parts thereof. All removal costs in such a case may be recovered from the owner.



**ANNEXURE I****POLICY FOR PROVIDING HOME-BASED CARE IN A RESIDENTIAL DWELLING**

The following conditions shall apply where a portion of a property is used for care for a limited number of elderly, sick or disabled persons, or for home child care:

- (a) The person providing the home-based care (excluding employees), whether or not such person is a tenant or owner of the dwelling unit, must reside on the property.
- (b) The primary utilisation remains that of a dwelling unit
- (c) In Residential Zone II, IV and V, prior permission from the Home Owner's Association (or Body Corporate) are required.
- (d) No more than 5 persons shall be accommodated at the home-based care facility for elderly, sick or disabled persons at any time and

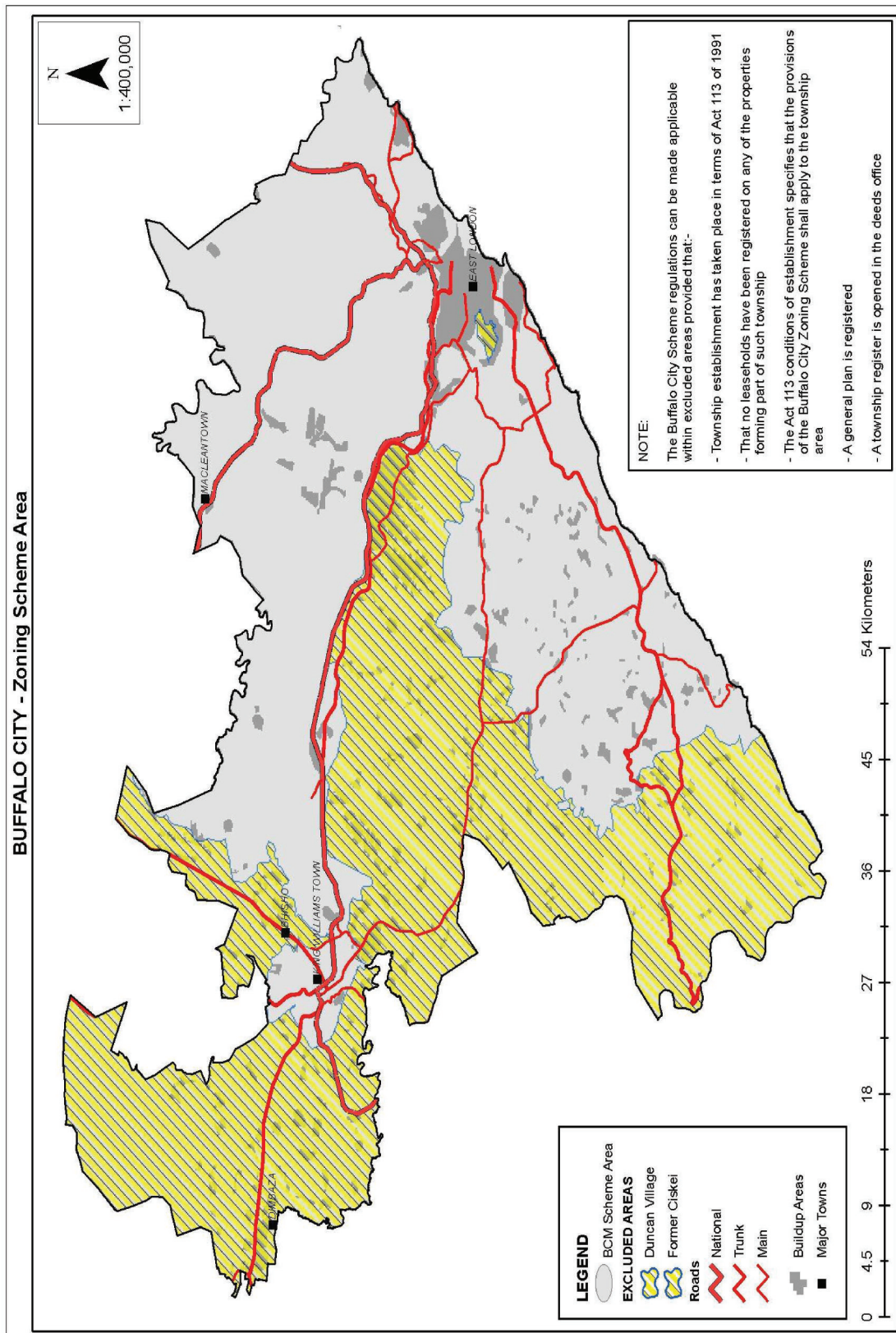
no more than 6 children shall be enrolled at the home-based child care facility at any time;

- (e) Services shall be primarily:
  - child day care or educational, or
  - basic health care for disabled, elderly or sick and not medical;
- (f) Services for home based child care shall not operate outside the hours of 07:00 to 18:00 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays, and shall not include public holidays or Sundays;
- (g) Indoor and outdoor play space shall be provided in accordance with any health requirement or a policy plan as might be approved by the Municipality from time to time, and outdoor play space shall be securely fenced;
- (h) No advertising sign shall be displayed, other than a single un-illuminated sign or notice in accordance with signage policy of the municipality, not projecting over a public street, and such sign shall not exceed 1 m<sup>2</sup> in area;
- (i) At least one off-street parking bay shall be provided, plus one additional parking bay which is suitable for the use of parents to drop off or collect their children, unless the Municipality's permission is obtained to waive this requirement. The Municipality may at any stage require additional on-site parking where parking is deemed to be insufficient;
- (j) If any person with a direct interest is of the opinion that any condition referred to in this policy or in the definition of "home-based care" has been or is being contravened, such person may lodge a written complaint with the Municipality requesting action; and

- (k) The Municipality shall consider a complaint mentioned in (j) above, and if in the opinion of the Municipality a contravention of any condition referred to in this policy or in the definition of “home-based care” has occurred, the Municipality shall act in terms of such relevant enforcement procedures or by law.

## ANNEXURE J

## BUFFALO CITY - Zoning Scheme Area



**LOCAL AUTHORITY NOTICE 233 OF 2020****PROVINCIAL NOTICE NO. 165/2020****KOUGA MUNICIPALITY (EC 108)****REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS****ERF 776 (58 ST FRANCIS WAY), CAPE ST FRANCIS****SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY**

Notice is hereby given that the Municipal Planning Tribunal on 18 September 2020, removed Condition C.5(b); C.5(b)(i) & C.5(b)(ii) applicable to Erf 776, Cape St Francis as contained in Certificate of Consolidation Title T24125/88 in terms of Section 108 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016.

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**C. DU PLESSIS****MUNICIPAL MANAGER****P.O. BOX 21****JEFFREYS BAY****6330**

**LOCAL AUTHORITY NOTICE 234 OF 2020**

Cape St Francis  
Hankey  
Humansdorp  
Jeffreys Bay  
Loerie  
Oyster Bay  
Patensie  
St Francis Bay  
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330  
Tel: 042 200 2200 / 042 200 8300  
Fax: 042 200 8606  
Email: [registry@kouga.gov.za](mailto:registry@kouga.gov.za)  
Website: [www.kouga.gov.za](http://www.kouga.gov.za)

**PROVINCE OF THE EASTERN CAPE****KOUGA LOCAL MUNICIPALITY (EC108)****PROVINCIAL NOTICE 133/2018****EXTENSION OF LOCAL STATE OF DISASTER DECLARATION****DISASTER MANAGEMENT ACT NO. 57 OF 2002**

The Kouga Local Municipality hereby, in terms of Section 55(5)(c) of the Disaster Management Act No. 57 of 2002, due to the prevailing drought conditions extend the Declaration of Local State of Disaster as published in the Provincial Gazette No. 4362 of 23 December 2019 for a further month.

**C. DU PLESSIS**  
**MUNICIPAL MANAGER**

P.O. Box 21  
Jeffreys Bay  
6330

**LOCAL AUTHORITY NOTICE 235 OF 2020**

**PROVINCIAL NOTICE NO. 164/2020**

**EASTERN CAPE PROVINCE**

**KOUGA MUNICIPALITY (EC 108)**

**REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS**

**ERF 336 (UYS STREET), JEFFREYS BAY**

**SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY**

Notice is hereby given that the Municipal Planning Tribunal on 18 September 2020, removed Condition C.5; C.6; C.6(a); C.6(b); C.6(c); C.6(d) applicable to Erf 336, Jeffreys Bay as contained in Certificate of Consolidation Title T62491/2013 in terms of Section 108 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016.

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**MUNICIPAL MANAGER**

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**6330**

**For Publication:**

PROVINCIAL GAZETTE

**LOCAL AUTHORITY NOTICE 236 OF 2020****PROVINCIAL NOTICE NO. 163/2020****EASTERN CAPE PROVINCE****KOUGA MUNICIPALITY (EC 108)****REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS****ERF 158(PHILLIPA PLACE), SEA VISTA****SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY**

Notice is hereby given that the Municipal Planning Tribunal on 18 September 2020, removed Condition C.6(a); C.6(b); C.6(c); C.6(d) & C.6(e) applicable to Erf 158, Sea Vista as contained in Certificate of Consolidation Title T25774/2012 in terms of Section 108 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016.

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**C. DU PLESSIS**

**MUNICIPAL MANAGER****P.O. BOX 21****JEFFREYS BAY****6330****For Publication:**

PROVINCIAL GAZETTE

**LOCAL AUTHORITY NOTICE 237 OF 2020**

**PROVINCIAL NOTICE NO. 167/2020**

**EASTERN CAPE PROVINCE**

**KOUGA MUNICIPALITY (EC 108)**

**REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS**

**ERF 94 (29 JEFFREYS STREET), JEFFREYS BAY**

**SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY**

Notice is hereby given that the Municipal Planning Tribunal on 17 March 2020, removed Condition B.(a) applicable to Erf 94, Jeffreys Bay as contained in Certificate of Consolidation Title T16166/2019 in terms of Section 108 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016.

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