

***THE PROVINCE OF  
GAUTENG***

***DIE PROVINSIE VAN  
GAUTENG***

# **Provincial Gazette Provinsiale Koerant**

Selling price • Verkoopprys: **R2.50**  
Other countries • Buitelands: **R3.25**

**Vol. 25**

**PRETORIA**  
2 JANUARY 2019  
2 JANUARIE 2019

**No. 1**

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# Closing times for **ORDINARY WEEKLY** 2019

## GAUTENG PROVINCIAL GAZETTE

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

- **9 December 2018**, Wednesday for the issue of Wednesday **02 January 2019**
- **24 December**, Monday for the issue of Wednesday **09 January 2019**
- **02 January**, Wednesday for the issue of Wednesday **16 January 2019**
- **09 January**, Wednesday for the issue of Wednesday **23 January 2019**
- **16 January Wednesday for the issue of Wednesday 30 January 2019**
- **23 January**, Wednesday for the issue of Wednesday **06 February 2019**
- **30 January**, Wednesday for the issue of Wednesday **13 February 2019**
- **06 February**, Wednesday for the issue of Wednesday **20 February 2019**
- **13 February**, Wednesday for the issue of Wednesday **27 February 2019**
- **20 February**, Wednesday for the issue of Wednesday **06 March 2019**
- **27 February**, Wednesday for the issue of Wednesday **13 March 2019**
- **06 March**, Wednesday for the issue of Wednesday **20 March 2019**
- **13 March**, Wednesday for the issue of Wednesday **27 April 2019**
- **20 March**, Tuesday for the issue of Wednesday **03 April 2019**
- **27 March**, Wednesday for the issue of Wednesday **10 April 2019**
- **03 April**, Wednesday for the issue of Wednesday **17 April 2019**
- **10 April**, Wednesday for the issue of Wednesday **24 April 2019**
- **17 April**, Wednesday for the issue of Wednesday **01 May 2019**
- **24 April**, Wednesday for the issue of Wednesday **08 May 2019**
- **30 April**, Wednesday for the issue of Wednesday **15 May 2019**
- **08 May**, Wednesday for the issue of Wednesday **22 May 2019**
- **15 May**, Wednesday for the issue of Wednesday **29 May 2019**
- **22 May**, Wednesday for the issue of Wednesday **05 June 2019**
- **29 May**, Wednesday for the issue of Wednesday **12 June 2019**
- **05 June**, Wednesday for the issue of Wednesday **19 June 2019**
- **12 June**, Wednesday for the issue of Wednesday **26 June 2019**
- **19 June Wednesday for the issue of Wednesday 03 July 2019**
- **26 June**, Wednesday for the issue of Wednesday **10 July 2019**
- **03 July Wednesday for the issue of Wednesday 17 July 2019**
- **10 July Wednesday for the issue of Wednesday 24 July 2019**
- **17 July**, Wednesday for the issue of Wednesday **31 July 2019**
- **24 July**, Wednesday for the issue of Wednesday **07 August 2019**
- **31 July**, Wednesday for the issue of Wednesday **14 August 2019**
- **07 August**, Tuesday for the issue of Wednesday **21 August 2019**
- **14 August**, Wednesday for the issue of Wednesday **28 August 2019**
- **21 August**, Wednesday for the issue of Wednesday **04 September 2019**
- **28 August**, Wednesday for the issue of Wednesday **11 September 2019**
- **04 September**, Wednesday for the issue of Wednesday **18 September 2019**
- **11 September**, Wednesday for the issue of Wednesday **25 September 2019**
- **18 September**, Wednesday for the issue of Wednesday **02 October 2019**
- **25 September**, Wednesday for the issue of Wednesday **09 October 2019**
- **02 October**, Wednesday for the issue of Wednesday **16 October 2019**
- **09 October**, Wednesday for the issue of Wednesday **23 October 2019**
- **16 October**, Wednesday for the issue of Wednesday **30 October 2019**
- **23 October**, Wednesday for the issue of Wednesday **06 November 2019**
- **30 October**, Wednesday for the issue of Wednesday **13 November 2019**
- **06 November**, Wednesday for the issue of Wednesday **20 November 2019**
- **13 November**, Wednesday for the issue of Wednesday **27 November 2019**
- **20 November**, Wednesday for the issue of Wednesday **04 December 2019**
- **27 November**, Wednesday for the issue of Wednesday **11 December 2019**
- **04 December**, Wednesday for the issue of Wednesday **18 December 2019**
- **11 December**, Wednesday for the issue of Wednesday **25 December 2019**

















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## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

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### NOTICE 1 OF 2019

#### NOTICE OF APPLICATION FOR REMOVAL OF CONDITIONS OF TITLE IN TERMS OF SECTION 41 AND AMENDMENT OF LAND USE SCHEME IN TERMS OF SECTION 21 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016

We, Guy Balderson Town Planners, being the authorised agents of the owners of Portion 6 of Erf 1067 Bryanston, hereby give notice of an application made in terms of section 21 of the City of Johannesburg Municipal Planning By-Law, 2016 for the amendment of the Sandton Town Planning Scheme, 1980 by the rezoning of the property described above, situated at 7 Wilton Avenue, Bryanston from "Residential 1" in terms of amendment scheme 811 to "Residential 2", Coverage 70%, 7 dwelling units on site, building line 3m on street boundary and 2m on other boundaries, subject to certain conditions. The purpose of the applications is to allow for a residential development. Application is also made in a consolidated form in terms of section 41 of the City of Johannesburg Municipal Planning By-Law, 2016 for the removal of conditions in the title deed for the abovementioned property to allow for an increase in density, removal of building line clause and other conditions to be removed are obsolete.

Particulars of the application will lie for inspection during office hours at the offices of the City of Johannesburg, Executive Director: Development Planning, 8<sup>th</sup> Floor, Metropolitan Centre, 158 Civic Boulevard, Braamfontein.

Objections, comments or representations in respect of the relevant application must be submitted in writing to the City of Johannesburg, Executive Director: Development Planning either by hand at the abovementioned address; by registered mail to PO Box 30733, Braamfontein, 2017; by fax to 0113394000 or by email to [benp@joburg.org.za](mailto:benp@joburg.org.za) within a period of 28 days from **02 January 2019**.

Address of agent: Guy Balderson Town Planners, PO Box 76227, Wendywood, 2144, Tel: 0116564394, Fax: 0866067933, Email: [guy@gbtp.co.za](mailto:guy@gbtp.co.za)

### NOTICE 2 OF 2019

#### NOTICE OF APPLICATION FOR AMENDMENT OF LAND USE SCHEME IN TERMS OF SECTION 21 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016

We, Guy Balderson Town Planners, being the authorised agents of the owners of Erf 703 Highlands North, hereby give notice of an application made in terms of section 21 of the City of Johannesburg Municipal Planning By-Law, 2016 for the amendment of the Johannesburg Town Planning Scheme, 1979 by the rezoning of the property described above, situated at No. 171 Tenth Avenue, Highlands North from "Residential 1" to "Residential 4", including 500m<sup>2</sup> of business purposes, 4 Storeys, FAR of 2.1, Coverage of 70% with 100% for basements, 0.33 parking bays per dwelling unit, 1 parking bay per 100m<sup>2</sup> for business purposes, subject to certain conditions.

The purpose of the applications is to allow for a high-density residential development with limited non-residential uses as per the above conditions.

Particulars of the application will lie for inspection during office hours at the offices of the City of Johannesburg, Executive Director: Development Planning, 8<sup>th</sup> Floor, Metropolitan Centre, 158 Civic Boulevard, Braamfontein.

Objections, comments or representations in respect of the relevant application must be submitted in writing to the City of Johannesburg, Executive Director: Development Planning either by hand at the abovementioned address; by registered mail to PO Box 30733, Braamfontein, 2017; by fax to 0113394000 or by email to [benp@joburg.org.za](mailto:benp@joburg.org.za) within a period of 28 days from **02 January 2019**.

Address of agent: Guy Balderson Town Planners, PO Box 76227, Wendywood, 2144, Tel: 0116564394, Fax: 0866067933, Email: [guy@gbtp.co.za](mailto:guy@gbtp.co.za)

**NOTICE 3 OF 2019****NOTICE OF APPLICATION FOR REMOVAL OF CONDITIONS OF TITLE IN TERMS OF SECTION 41 AND AMENDMENT OF LAND USE SCHEME IN TERMS OF SECTION 21 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016**

We, Guy Balderson Town Planners, being the authorised agents of the owners of Erf 82 South Kensington, hereby give notice of an application made in terms of section 21 of the City of Johannesburg Municipal Planning By-Law, 2016 for the amendment of the Johannesburg Town Planning Scheme, 1979 by the rezoning of the property described above, situated at 51 York Road, South Kensington from "Residential 1" to "Residential 1", including a guest house consisting out of 20 guest rooms as well as a dwelling unit on site, subject to certain conditions. The purpose of the application is to allow for a guest house. Application is also made in a consolidated form in terms of section 41 of the City of Johannesburg Municipal Planning By-Law, 2016 for the removal of conditions in the title deed for the abovementioned property to allow for the proposed use, other conditions to be removed are obsolete. Particulars of the application will lie for inspection during office hours at the offices of the City of Johannesburg, Executive Director: Development Planning, 8<sup>th</sup> Floor, Metropolitan Centre, 158 Civic Boulevard, Braamfontein.

Objections, comments or representations in respect of the relevant application must be submitted in writing to the City of Johannesburg, Executive Director: Development Planning either by hand at the abovementioned address; by registered mail to PO Box 30733, Braamfontein, 2017; by fax to 0113394000 or by email to [benp@joburg.org.za](mailto:benp@joburg.org.za) within a period of 28 days from **02 January 2019**.

Address of agent: Guy Balderson Town Planners, PO Box 76227, Wendywood, 2144, Tel: 0116564394, Fax: 0866067933, Email: [guy@gbtp.co.za](mailto:guy@gbtp.co.za)

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**PROCLAMATION • PROKLAMASIE**

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**PROCLAMATION 1 OF 2019****EKURHULENI METROPOLITAN MUNICIPALITY  
EKURHULENI TOWN PLANNING SCHEME, 2014  
EKURHULENI AMENDMENT SCHEME S0079**

It is hereby notified in terms of section 57(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the Ekurhuleni Metropolitan Municipality has approved the amendment of the Ekurhuleni Town Planning Scheme, 2014 by the rezoning of Erven 1351 and 1352, Selection Park Township from "Residential 1", to "Residential 3" with a density of 40 dwelling units per hectare, subject to conditions.

The amendment scheme documents will lie for inspection during normal office hours at the offices of the Head of Department: City Planning, Ekurhuleni Metropolitan Municipality, and at the offices of the Area Manager, Springs Civic Centre, corner of Plantation Road and South Main Reef Road, Springs; as well as at the Gauteng Provincial Government, Office of the Premier, Gauteng Planning Division.

This amendment scheme is known as Ekurhuleni Amendment Scheme S0079 and shall come into operation from date of publication of this notice.

City Manager  
2<sup>nd</sup> Floor, Head Office Building,  
Cnr Cross & Roses Streets,  
Germiston

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 1 OF 2019****EKURHULENI METROPOLITAN MUNICIPALITY  
RESTRICTION OF ACCESS TO PUBLIC PLACES: VAN RIBEECK PARK TOWNSHIP  
AFFAIRS ACT, 1998**

Notice is hereby given in terms of the provisions of section 44(4) of the Rationalisation of Local Government Affairs Act, 1998 that the Ekurhuleni Metropolitan Municipality, has passed a resolution containing the terms and conditions imposed in respect of an application by the LRA ASSOCIATION NPC for the restriction of access to the following public places in Van Riebeeck Park township for safety and security purposes:-

1. Bosloerie Street
2. Simba Street
3. Tierwolf Street
4. Takbok Street

A copy of the said resolution is available for inspection at all reasonable times at the office of the Area Manager, City Planning, Room A 508, 5<sup>th</sup> Floor, Civic Centre, Kempton Park

The above-mentioned restriction shall come into operations on 1 January 2019.

CIVIC CENTRE  
KEMPTON PARK  
File Reference No – 15/4/7/4/Loerie  
Date of Notice – 2<sup>nd</sup> January 2019  
Notice No – Q42126120

Dr I. Mashazi  
*CITY MANAGER*

# LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

## LOCAL AUTHORITY NOTICE 2181 OF 2018

### CITY OF JOHANNESBURG

#### NOTICE OF INTENT FOR THE SECURITY ACCESS RESTRICTION OF

Street/Road/Avenue for security reasons pending approval by the City of Johannesburg.

(Notice in Terms of Chapter 7 of the Rationalization of Government Affairs Act, 1998)

NOTICE IS HEREBY GIVEN THAT THE CITY OF JOHANNESBURG,

Pursuant to the provision of Chapter 7 of the Rationalization of Government Affairs Act, 1998

HAS CONSIDERED AND APPROVED the following Security Access Restriction and

Thereby authorized the Johannesburg Roads Agency to give effect to the said approval and

Further manage the process and resultant administrative processes of the approval.

#### SPECIFIED RESTRICTIONS APPROVED

Suburb	Applicant	Application Ref No.	Road Name	Type of Restriction Relaxation Hours
Helderkruijn	Timpan Trust	108	Tranzo and Raynard Streets	24-Hour Automated manned booms with push button system and guard
			Tranzo Street	Fully Operated 24 Hours Manned Boom with Push Button
			Raynard Street	Automated Palisade Gate and pedestrian gate with limited hours of operation open between 06:00-20:00
			Gabriel str, Panorama str, Timotheus str, Heldebrand str, Karee St	Locked Palisade Gates and pedestrian gates

The Restriction will officially come into operation two months from the date of display in The Government Provincial Gazette and shall be valid for two years.

Further particulars relating the application as well as a plan to indicating the proposed closure may be inspected during normal office hours at the JRA(PTY)Ltd offices, at the address below.

The Public is duly advised that in terms of City Policy relating to these restrictions

1.No person/Guard is permitted to deny any other person or vehicle access to or through any roads that are a subject of this approval

2.No person/Guard is entitled to request or demand proof of identification or to sign any register as a condition to access to an area

3.Any violation to the conditions of approval (as detailed in the approval documents) for the permit will result in restriction permit being revoked

Any person who has any comments on the conditions of approval in terms of the aforesaid restriction/s may lodge such comments in writing with the:

Traffic Engineering Department

or

Traffic Engineering Department

JRA (PTY) LTD

JRA (PTY) LTD

666 Sauer street

Braamfontein X70

Johannesburg

Johannesburg

Comments must be received on or before one month after the first day of the appearance of this notice.

**LOCAL AUTHORITY NOTICE 1 OF 2019****NOTICE IN TERMS OF SECTION 56(1)(B)(II) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986, READ WITH SECTION 2(2) AND RELEVANT PROVISIONS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT NO. 16 OF 2013) EKURHULENI METROPOLITAN MUNICIPALITY**

I, Sagren Govender of Valplan, being the authorised agent of the owner hereby give notice that in terms of section 56(1)(b)(ii) of the Town-planning and Townships Ordinance, 1986, read with section 2(2) and relevant provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) that I have applied to the Edenvale Service Delivery Centre of the Ekurhuleni Metropolitan Municipality for the amendment of the Ekurhuleni Town Planning Scheme, 2014 by rezoning:

1. **Erf 584 Edenvale** which is situated at No. 170 Sixth Avenue in Edenvale from "Residential 1" to "Residential 3".
2. **Remaining Extent of Erf 620 Bedfordview Extension 130** which is situated at No.4 Shannon Road in Bedfordview from "Residential 1" to "Residential 1" including a Guest House.

All relevant documents relating to the application will lie for inspection during normal office hours at the office of the City Secretary, 2<sup>nd</sup> floor, Edenvale Service Delivery Centre of the Ekurhuleni Municipality, Van Riebeeck Avenue, Edenvale, for a period of 28 days from 2 January 2019.

Any person who wishes to object to the application or submit representations in respect thereof must lodge the same in writing with the said authorised local authority at its address and room number specified above within a period of 28 days from 2 January 2019. *Name and address of authorised agent: S Govender, Postnet Suite 208, Private Bag X9924, Sandton, 2146. Cell 082 415 3894. Date of first publication: 2 January 2019.*

02-09

**PLAASLIKE OWERHEID KENNISGEWING 1 VAN 2019****KENNISGEWING INGEVOLGE ARTIKEL 56 (1)(B)(II) VAN DIE ORDONANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONANSIE 15 VAN 1986) SAAM GELEES MET ARTIKEL 2(2) EN RELEVANTE BEPALINGS VAN DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR, 2013 (WET NO 16 VAN 2013) EKURHULENI METROPOLITAANSE MUNISIPALITEIT: EDENVALE KLIENTESORGSENTRUM**

Ek, Sagren Govender van Valplan, synde die gematigde agent van die eienaar, gee hiermee ingevolge Artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ek by die Edenvale Diens Lewering Sentrum van die Ekurhuleni Metropolitaanse Munisipaliteit aansoek gedoen vir die hersonering van:

1. **Erf 584 Edenvale** welke eiendom gelee is te No. 170 Sesde Laan in Edenvale van "Residensieel 1" na "Residensieel 3".
2. **Restant van Erf 620 Bedfordview Uitbreiding 130** welke eiendom gelee is te No. 4 Shannon Weg in Bedfordview van "Residensieel 1" na "Residensieel 1" insluitend 'n Gastehuis.

Alle betrokke dokumente verwant aan die aansoek sal gedurende gewone kantoorure by die kantoor van die aangewese plaaslike bestuur ter insae le by die kantoor van die Stad Sekretaris, 2de vloer, Edenvale Diens Lewering Sentrum van die Ekurhuleni Metropolitaanse Munisipaliteit, Van Riebeeck Laan, Edenvale, vir 'n tydperk van 28 dae vanaf 2 Januarie 2019 (datum van eerste publikasie van hierdie kennisgewing).

Enige persoon wat beswaar wil aanteken teen die aansoek of vertoe wil rig in verband daarmee moet dieselfde met die betrokke gematigde plaaslike bestuur by hul adres en kamernommer hierbo gespesifiseer binne 'n tydperk van 28 dae vanaf 2 Januarie 2019 indien. *Naam en adres van gematigde agent: S Govender, Postnet Suite 208, Private Bag X9924, Sandton, 2146. Sel 082 415 3894. Datum van eerste publikasie: 2 Januarie 2019.*

02-09

**LOCAL AUTHORITY NOTICE 2 OF 2019****SAGEWOOD EXTENSION 16**

- A. In terms of section 28(15) of the By-laws of the City of Johannesburg Metropolitan Municipality declares **Sagewood Extension 16** to be an approved township subject to the conditions set out in the Schedule hereunder.

**SCHEDULE**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY OLIFANTSFONTEIN RESIDENTIAL APARTMENTS PROPRIETARY LIMITED REGISTRATION NUMBER: 2018/381180/07 (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF PART 3 OF CHAPTER 5 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016 (HEREINAFTER REFERRED TO AS THE BY-LAW), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON 1039 (A PORTION OF PORTION 19) OF THE FARM RANDJESFONTEIN 405, REGISTRATION DIVISION J.R. PROVINCE OF GAUTENG HAS BEEN APPROVED.**

**1. CONDITIONS OF ESTABLISHMENT****(1) NAME**

The name of the township is Sagewood Extension 16.

**(2) DESIGN**

The township consists of erven as indicated on General Plan S.G. No. 2959/2015.

**(3) DESIGN AND PROVISION OF ENGINEERING SERVICES IN AND FOR THE TOWNSHIP**

The township owner shall, to the satisfaction of the local authority, make the necessary arrangements for the design and provision of all engineering services of which the local authority is the supplier.

**(4) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT)**

Should the development of the township not been commenced with, within a period of 5 years from date of authorisation or exemption, the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development for exemption / authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

**(5) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF ROADS AND TRANSPORT)****(i) Should the development of the township not been completed within before 25**

October 2017 the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

**(ii) If however, before the expiry date mentioned in (i) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).****(iii) The township owner shall, before or during development of the township, erect a physical barrier which is in compliance with the requirements of the said Department along the lines of no access as indicated on the approved layout plan of the township, No. 07-6916/2 The erection of such physical barrier and the maintenance thereof, shall be done to the satisfaction of the said Department.**



- (iv) The township owner shall comply with the conditions of the Department as set out in the Department's letter dated 26 October 2007.

(6) ACCESS

(a) Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Johannesburg Roads Agency (Pty) Ltd and/or the Department of Roads and Transport.

(b) No access to or egress from the township shall be permitted along the lines of no access as indicated on the approved layout plan of the township No. 07-6916/2.

(7) ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent roads and all stormwater running off or being diverted from the roads shall be received and disposed of.

(8) REFUSE REMOVAL

The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

(9) REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner.

(10) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at his own costs cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority.

(11) OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND INSTALLATION OF ENGINEERING SERVICES AND RESTRICTIONS REGARDING THE TRANSFER OF ERVEN

(a) The township owner shall, after compliance with clause 1.(3) above, at its own costs and to the satisfaction of the local authority, construct and install all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been constructed and installed.

(b) The township owner shall fulfil its obligations in respect of the installation of electricity, water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, as agreed between the township owner and the local authority in terms of clause 1.(3) above. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the engineering services have been submitted or paid to the said local authority.

(12) OBLIGATIONS WITH REGARD TO THE PROTECTION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the constructed/installed services. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

(13) CONSOLIDATION OF ERVEN

The township owner shall, at its own costs, after proclamation of the township, submit an application for consent to consolidate Erven 1651 and 1652, to the local authority for approval.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.

All erven shall be made subject to existing conditions and servitudes, if any.

**A. Excluding the following which do not affect the township due to their locality:**

- (a) “Die Resterende Gedeelte van die plaas RANDJESFONTEIN 405, Registrasie Afdeling J.R., Transvaal, groot 1654,7405 Hektaar, waarvan die eiendom hiermee getranspoteer ‘n gedeelte uitmaak, is onderworpe aan ‘n serwituut om water by wyse van pyplyne te lei tesame met ‘n reg van we gen ander bykomende regte ten gunste van die RAND WATER BOARD, soos meer volledig sal blyk uit Notariële Akte van Serwituut No. 668/1967S, gedateer 3 Mei 1967.
- (b) Die resterende Gedeelte van die plaas RANDJESFONTEIN 405, Registrasie Afdeling J.R., Transvaal, groot 2224,9729 Hektaar, waarvan die eiendom hiermee getranspoteer ‘n gedeelte uitmaak, is onderhewig aan Notariële Akte No 766/1945S, gedateer 31ste Augustus 1945, in terme waarvan die gesegde Resterende Gedeelte verbied is om ondergrondse water binne ‘n area van 94,46 meter vanaf Gedeelte 7 van bogemelde plaas te trek, soos meer volledig sal blyk uit gesegde Notariële Akte.
- (c) Die Resterende Gedeelte van die plaas RANDJESFONTEIN 405, Registrasie Afdeling J.R., Transvaal, groot 1325,9182 Hektaar, waarvan die eiendom hiermee getranspoteer ‘n gedeelte uitmaak, is onderworpe aan ‘n reg verleen aan die ELEKTRISITEITSVOORSIENINGSKOMMISSIE om elektrisiteit oor die eiendom te vervoer tesame met bykomende regte en onderhewig aan voorwaardes soos meer volledig sal blyk uit Notariële Akte No 88/1972, gedateer 1 Februarie 1972.
- (d) By virtue of Notarial Deed of Servitude K182/1982, registered on 26 January 1982, the right has been granted to Eskom to convey electricity over Remaining Extent of Portion 19 of the farm Randjesfontein 405 Registration Division of J R Transvaal, in extent 459,8221 hectares, together with ancillary rights and subject to conditions as will more fully appear on reference to the said Notarial Deed, the exact route of the said servitude has now been determined and the centre line of the overhead transmission lines with underground cables, transverses the property along the route indicated by the line BC on diagram SG No. A2470/1982 annexed to and as will more fully appear from Notarial Deed of Servitude K2766/1983S.
- (e) Onderworpe aan ‘n serwituut te gunste van die elektrisiteitsvoorsieningskommissie om elektrisiteit oor die eiendom te vervoer tesame met bykomende regte, en onderhewig aan kondisies soos meer volledig sal blyk uit Notariële Akte Nr. 1088/1954S die middellyn van welke serwituut voorgestel word deur S T U op Kaart LG Nr A5048/1971 aangeheg by Akte van Transport Nr 22915/1973, welke serwituut gedeeltelik gekanselleer is deur Notariële Akte K2766/1983 invoer aangedui deur die lyn A B C op Kaart LG Nr A1518/1982S aangeheg by gemelde Notariële Akte K2766/1983S.
- (f) By virtue of Notarial Deed of Servitude K2865/1996S dated 15 April 1996 the withinmentioned property is subject to a right of way, 3642 square metres in extent, indicated by the figure A B C D F G, on diagram SG No 8985/1995 in favour of the Town Council of Centurion as will more fully appear from the abovementioned deed.
- (g) By Virtue of Notarial Deed No K2741/2000 dated 17 April 2000, the withinmentioned property is subject to a right of way servitude in favour of SAGE CORPORATE PARK NORTH PROPERTY OWNERS ASSOCIATION, Registration Number: 1994/003014/08, as indicated on servitude diagram 9134/1999, as will more fully appear from reference to the said Notarial Deed.
- (h) In terms of Section 21(1), Ordinance 20 of 1986, permission has been granted by the Administrator/Authorised Local Authority in terms of Section 6 Ordinance 20 of 1986 for the subdivision of the withinmentioned property subject to conditions Vide Caveat No 1511/1995C.
- (i) By virtue of Notarial Deed K2555/2003S dated 2 April 2003, the withinmentioned property is subject to-
  - i. a sewer pipeline servitude, 2m wide as indicated by the line A B C D E F G H J on diagram SG A9746/1993; and

- ii. a sewer pipeline servitude, 5m wide, 1,50 metres wide and 3,50 metres wide as indicated by the line A B C D E F on diagram SG A4656/1986 in favour of the Council;

- (j) By virtue of Notarial Deed No K4537/1998S dated 2 October 2005, with withinmentioned property is subject to a servitude of right of way over a portion of the property measuring 7297m<sup>2</sup>, as indicated by the figure A B C D E F G H J K A on Diagram SG No 11297/1998 in favour of the Council of Association s will more fully appear from reference to the said Notarial Deed..

**B. Including the following which does affect the township due to their locality:**

FURTHER SUBJECT to the conditions imposed by the local authority in terms of the provisions of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986)

- (a) The portion is subject to a servitude for municipal purposes in favour of the local authority 2m wide, along any one boundary and 5 metres wide along any other boundary. The position of these servitudes will be on boundaries other than road boundaries, as determined by the local authority may dispense with any such servitude.
- (b) No building or other structure shall be erected within the aforesaid servitude area and no Large-rooted trees shall be planted within the area of such servitude or within 2m thereof.
- (c) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

**3. CONDITIONS OF TITLE**

**A. Conditions of Title imposed in favour of the local authority in terms of the provisions of Chapter 5 Part 3 of the By-law.**

**(1) ALL ERVEN**

- (a) The erven in the township lie in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the local authority must indicate measures to be taken, in accordance with the recommendations contained in the Engineering- Geological report for the township, to limit possible damage to buildings and structures as a result of detrimental foundation conditions, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means. The NHBTC coding for foundations is H/S and Soil Zone II.

**(2) ALL ERVEN**

The erven shall not be transferred without the written consent of the local authority first having been obtained and the local authority shall have an absolute discretion to withhold such consent, unless the transferee accepts the following condition: The local authority had limited the electricity supply to the erven to 250 kVA and should the registered owners of the erven exceed the supply or should an application to exceed such supply be submitted to the local authority, additional electrical contributions as determined by the local authority, shall become due and payable by such owner/s to the local authority.

**B. Conditions of Title imposed by the Department of Roads and Transport (Gauteng Provincial Government) in terms of the Gauteng Transport Infrastructure**

**Act, 2001 (Act 8 of 2001), as amended.**

**(1) ERVEN 1651 and 1652**

- (a) The registered owner of the erf shall maintain, to the satisfaction of the Department of Roads and Transport (Gauteng Provincial Government), the physical barrier erected along the erf boundary abutting Road PWV 5 and Road P795.

(b) Except for the physical barrier referred to in clause (a) above, a swimming bath or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected neither shall anything be constructed or laid under or below the surface of the erven within a distance less than 16m from Road P795 and 20m/30m from the boundary of the erven abutting Road PWV 5 neither shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made, except with the written consent of the Department of Roads and Transport (Gauteng Provincial Government).

B. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 54 of the By-Law of the City of Johannesburg, in addition to the provisions of the Halfway House and Clayville Town Planning Scheme, 1980, declares that it has approved an amendment scheme being an amendment of the Halfway House and Clayville Town Planning Scheme, 1980, comprising the same land as included in the township of **Sagewood Extension 16**. Map 3 and the scheme clauses of the amendment schemes are filed with the Executive Director: Development Planning: City of Johannesburg and are open for inspection at all reasonable times. This amendment is known as Amendment Scheme 07-6916.

**Hector Bheki Makhubo**  
**Deputy Director: Legal Administration**  
**City of Johannesburg Metropolitan Municipality**  
**Notice No. T127/2018**

**LOCAL AUTHORITY NOTICE 3 OF 2019****RIVERSIDE VIEW EXTENSION 59**

- A. In terms of section 28(15) of the By-laws of the City of Johannesburg Metropolitan Municipality declares **Riverside View Extension 59** to be an approved township subject to the conditions set out in the Schedule hereunder.

**SCHEDULE**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY RIVERSANDS COMMERCIAL PROPERTIES PROPRIETARY LIMITED, REGISTRATION NUMBER: 2014/155176/07 (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF PART 3 OF CHAPTER 5 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016 (HEREINAFTER REFERRED TO AS THE BY-LAW), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 564 OF THE FARM DIEPSLOOT 388, REGISTRATION DIVISION JR, GAUTENG PROVINCE, HAS BEEN APPROVED.**

**1. CONDITIONS OF ESTABLISHMENT.****(1) NAME**

The name of the township is Riverside View Extension 59

**(2) DESIGN**

The township consists of erven as indicated on General Plan No. 879/2018.

**(3) DESIGN AND PROVISION OF ENGINEERING SERVICES IN AND FOR THE TOWNSHIP**

The township owner shall, to the satisfaction of the local authority, make the necessary arrangements for the design and provision of all engineering services of which the local authority is the supplier.

**(4) ELECTRICITY**

The local authority is not the bulk supplier of electricity to or in the township. The township owner shall in terms of Chapter 6 Part 1 of the By-law make the necessary arrangements with ESKOM, the licensed supplier of electricity for the provision of electricity.

**(5) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT)**

Should the development of the township not been commenced with before 19 February 2018 the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development for exemption/authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

**(6) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF ROADS AND TRANSPORT)**

(a) Should the development of the township not been completed before 20 October 2023 the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

(b) If however, before the expiry date mentioned in (a) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

(7) NATIONAL GOVERNMENT (DEPARTMENT: MINERAL RESOURCES)

Should the development of the township not been completed before 8 July 2020 the application to establish the township, shall be resubmitted to the Department : Mineral Resources for reconsideration.

(8) ACCESS

Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Johannesburg Roads Agency (Pty) Ltd and/or the Department of Roads and Transport.

(9) ACCEPTANCE AND DISPOSAL OF STORMWATER DRAINAGE

The township owner shall arrange for the stormwater drainage of the township to fit in with that of the adjacent road/roads and all stormwater running off or being diverted from the road/roads shall be received and disposed of.

(10) REFUSE REMOVAL

The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

(11) REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner.

(12) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority.

(13) OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND INSTALLATION OF ENGINEERING SERVICES AND RESTRICTIONS REGARDING THE TRANSFER OF ERVEN

(a) The township owner shall, after compliance with clause 1.(3) above, at its own costs and to the satisfaction of the local authority, construct and install all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been constructed and installed.

(b) The township owner shall fulfil its obligations in respect of the installation of water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, as agreed between the township owner and the local authority in terms of clause 1.(3) above. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the engineering services have been submitted or paid to the said local authority.

(c) The township owner shall submit to the local authority, a certificate issued by ESKOM that acceptable financial arrangements with regard to the supply of electricity, have been made by the township owner to the local authority. Erven and/or units in the township may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that such certificate had been issued by ESKOM.

(14) OBLIGATIONS WITH REGARD TO THE PROTECTION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the constructed/installed services. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

**(15) NOTARIAL TIE OF ERVEN**

The township owner shall, at its own costs, after proclamation of the township, submit an application for consent to notarially tie Erven 4235 and 4236, to the local authority for approval.

**2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.**

All erven shall be made subject to existing conditions and servitudes, if any:-

**A. Excluding the following which do not affect the township due to its locality:**

- (a) By Notarial Deed No 195/1935S dated 5 February 1953 the within mentioned property is subject to a perpetual right of way for sewer and other municipal services in favour of the City Council of Johannesburg, as indicated by the figure ABCD on diagram S.G. No. A8057/1951, and as will more fully appear from reference to the said Notarial Deed.
- (b) By Notarial Deed No K1002/1955S the right has been granted to Eskom to convey electricity over the property hereby conveyed together with ancillary rights, along the line parallel to and 12,2 (twelve comma two) metres north of the boundary of the property indicated by the letters D E on diagram SG No. A.884/1910, as will more fully appear on reference to said Notarial Deed and diagram.
- (c) By Notarial Deed No K690/1962 the right has been granted to Electrical Supply Commission to convey electricity over the property hereby conveyed together with ancillary rights, and subject to conditions, the centre line of which is indicated by the figure ABCD on Diagram S.G. No. A1714/1961, as will more fully appear from reference to said Notarial Deed.
- (d) By Notarial Deed No. 134/1965 the right has been granted to Eskom to convey electricity over the property hereby conveyed together with ancillary rights and subject to conditions, the centre lines being parallel to and 25,9 (twenty five comma nine) metres and 39,6 (thirty nine comma six) metres from the boundary of the property indicated by the letters D E on diagram SG No. A884/1910, as will more fully appear on reference to the said Notarial Deed and diagram.
- (e) By Notarial Deed No. K1476/2013S the right has been granted to Eskom to convey electricity over the property hereby conveyed together with ancillary rights and subject to conditions, as will more fully appear on reference to the said Notarial Deed and diagram.
- (f) By Notarial Deed No. K2951/2013S dated 21 September 2012 the withinmentioned properties are subject to a personal servitude in favour of the Inanda Club of use in perpetuity for access purposes (including ancillary rights) the routes of which is/are to be determined at a later date in terms hereof, and for traversing purposes on horseback and foot (including ancillary uses) as indicated by the figure ABCDEA on Diagram SG No. 3495/2012 and as indicated by the figure ABCDEFGHJKLMNPQRSTUVWXYZA1B1C1D1E1F1G1H1J1K1L1M1N1P1 on Diagram SG No. 503/2013 and as indicated by the figure ABCDEFGA on Diagram SG No. 3497/2012 and as indicated by the figure ABCDEFGHJKLMNPQRA on Diagram SG No. 3498/2012 and as indicated on the figure ABCDEFGHJKLMNPQRSTUA on Diagram SG No. 3499/2012 and as indicated on the figure ABCDEFGHJKA on Diagram SG No. 3500/2012, and for the purposes of drawing and conveying water the routes of which is/are to be determined at a later date in terms hereof, and for the purposes of installing engineering services purposes the routes of which is/are to be determined at a later date in terms hereof, and for use as polo fields (including ancillary uses) as indicated by the figure ABCD on diagram SG No 502/2012, as will more fully reflect from the said notarial deed of servitude.

**B. Excluding the following which only affects erf 4235 in the township:**

- (a) By virtue of Notarial Deed No K 1278/1963S dated 19 June 1963 the within mentioned property is subject to a servitude of right of way to convey and transmit electrical impulses changes or currents through signal cables together with ancillary rights and subject to conditions in favour of the City Council of Johannesburg, as indicated by the figure xBbyx on the said Consolidation Diagram No. 878/2018, as will more fully appear from the said Notarial Deed.

- (b) By Notarial Deed No.K6900/2018S, the withinmentioned property is subject to a servitude for electrical purposes together with ancillary rights in favour of ESKOM HOLDINGS SOC LIMITED measuring 60 (sixty) square metres as indicated by the efgde on Consolidated Diagram SG No. 878/2018 and as will more fully appear from reference to the said Notarial Deed.
- (c) By Notarial Deed No. K6899/2018S, the withinmentioned property is subject to a servitude for electrical purposes together with ancillary rights in favour of ESKOM HOLDINGS SOC LIMITED measuring 18 (eighteen) square metres as indicated by the hjDkh on Consolidated Diagram SG No.878/2018 and as will more fully appear from reference to the said Notarial Deed.
- (d) By Notarial Deed No.944/1959S dated the 2<sup>nd</sup> January 1959, the within mentioned property is subject to a perpetual right of way and use of waterpipe lines with ancillary rights in favour of the City Council of Johannesburg as indicated by the figure AxyaA on the said Consolidation Diagram SG No. No. 878/2018 as will more full appear from reference to the said Notarial Deed.

### 3. CONDITIONS OF TITLE.

#### A. Conditions of Title imposed in favour of the local authority in terms of the provisions of Chapter 5 Part 3 of the By-law.

##### (1) ALL ERVEN

(a) The erven lie in an area where soil conditions can affect and damage buildings and structures. Building plans submitted to the local authority for consideration shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. These measures shall be in accordance with the recommendation contained in the Geo-technical report for the township, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

##### (2) ALL ERVEN

(a) Each erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.

(b) No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.

(c) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

##### (3) ERF 4236

The erf is subject to a servitude of right of way in favour of Erf 4235 for access purposes, as indicated on the General Plan.

##### (4) ERF 4235

The erf is entitled to a servitude of right of way over Erf 4236 for access purposes, as indicated on the General Plan.

##### (5) ERF 4236

The erf is subject to a servitude of right of way and municipal services, as indicated on the General Plan.



- B. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 54 of the By-Law of the City of Johannesburg, in addition to the provisions of the Peri-Urban Areas Town Planning Scheme, 1975, declares that it has approved an amendment scheme being an amendment of the Peri-Urban Areas Town Planning Scheme, 1975, comprising the same land as included in the township of **Riverside View Extension 59**. Map 3 and the scheme clauses of the amendment schemes are filed with the Executive Director: Development Planning: City of Johannesburg and are open for inspection at all reasonable times. This amendment is known as Amendment Scheme 03-15474.

**Hector Bheki Makhubo**  
**Deputy Director: Legal Administration**  
**City of Johannesburg Metropolitan Municipality**  
**Notice No. T128/2018**

**LOCAL AUTHORITY NOTICE 4 OF 2019****ZANDSPRUIT EXTENSION 10**

- A. In terms of section 28(15) of the By-laws of the City of Johannesburg Metropolitan Municipality declares **Zandspruit Extension 10** to be an approved township subject to the conditions set out in the Schedule hereunder.

**SCHEDULE**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF PART 3 OF CHAPTER 5 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016 (HEREINAFTER REFERRED TO AS THE BY-LAW), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 52 (A PORTION OF PORTION 42) OF THE FARM ZANDSPRUIT 191, REGISTRATION DIVISION IQ, GAUTENG PROVINCE HAS BEEN APPROVED.**

**1. CONDITIONS OF ESTABLISHMENT.****(1) NAME**

The name of the township is Zandspruit Extension 10

**(2) DESIGN**

The township consists of erven and streets as indicated on General Plan S.G. No. 2157/2000.

**(3) DESIGN AND PROVISION OF ENGINEERING SERVICES IN AND FOR THE TOWNSHIP**

The local authority shall make the necessary arrangements for the design and provision of all engineering services of which the local authority is the supplier.

**(4) ELECTRICITY**

The local authority is not the bulk supplier of electricity to or in the township. The township owner shall in terms of Chapter 6 Part 1 of the By-law make the necessary arrangements with ESKOM, the licensed supplier of electricity for the provision of electricity.

**(5) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF ROADS AND TRANSPORT)**

(a) Should the development of the township not been completed before 14 July 2025 the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

(b) If however, before the expiry date mentioned in (a) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

(c) The township owner shall, before or during development of the township, erect a physical barrier which is in compliance with the requirements of the said Department along the lines of no access as indicated on the approved layout plan of the township, No. 03-15344/2. The erection of such physical barrier and the maintenance thereof, shall be done to the satisfaction of the said Department.

(d) The township owner shall comply with the conditions of the Department as set out in the Department's letter dated 15 July 2015.

(6) NATIONAL GOVERNMENT (DEPARTMENT: MINERAL RESOURCES)

Should the development of the township not been completed before 3 August 2020 the application to establish the township, shall be resubmitted to the Department : Mineral Resources for reconsideration.

(7) ACCESS

Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Johannesburg Roads Agency (Pty) Ltd and/or the Department of Roads and Transport.

(8) ACCEPTANCE AND DISPOSAL OF STORMWATER DRAINAGE

The local authority shall arrange for the stormwater drainage of the township to fit in with that of the adjacent road/roads and all stormwater running off or being diverted from the road/roads shall be received and disposed of.

(9) REFUSE REMOVAL

The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

(10) REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner.

(11) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority.

(12) ERVEN FOR MUNICIPAL PURPOSES

Erven 597 and 606 shall, prior to or simultaneously with registration of transfer of the first erf in the township remain in the name of the Local Authority as "Public Open Space."

(13) OPEN SPACE CONTRIBUTION

The local authority shall, if applicable, in terms of section 48. of the By-law pay an open space contribution to the local authority *in lieu* of providing the necessary open space in the township or for the shortfall in the provision of land for open space.

(14) OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND INSTALLATION OF ENGINEERING SERVICES AND RESTRICTIONS REGARDING THE TRANSFER OF ERVEN

(a) The local authority shall, after compliance with clause 1.(3) above, at its own costs, construct and install all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been constructed and installed.

(b) The local authority shall fulfil its obligations in respect of the installation of electricity, water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, in terms of clause 1.(3) above. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the engineering services have been submitted or paid to the said local authority.

(c) The local authority shall submit, a certificate issued by ESKOM that acceptable financial arrangements with regard to the supply of electricity, have been made by the township owner to the local authority. Erven and/or units in the township may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that such certificate had been issued by ESKOM.

(15) OBLIGATIONS WITH REGARD TO THE PROTECTION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the constructed/installed services. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the

Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

## **2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.**

All erven shall be made subject to existing conditions and servitudes, if any:-

### **A. Including the following which do affect the township and shall be made applicable to the individual erven in the township:**

(a) Subject and ENTITLED to the following conditions in favour of and against the presence and future owners of:-

- (i) Portion A of the Northern Portion of the said farm, measuring 121,6275 hectares;
- (ii) The middle Portion of the said farm, measuring 580,7958;
- (iii) The South Western Portion of the said Farm, measuring 331,7777 hectares, a portion whereof is hereby transferred, which three properties are registered under Deed of Transfer No:407/1932;
- (iv) Portion 10 of Portion known as OLIEVENBOSCH of the said Farm, measuring 42,1259 hectares, held under Deed of Transfer No. 9822/1936;
- (v) The remaining extent of portion known as OLIEVENBOSCH of the said Farm, measuring 631,5137 hectares, held under Certificate of Amended Title No.9821/1936, or any portions thereof:-

That no canteen shall be opened or conducted on the said Portion 52, or any portion thereof.

(b) Subject to the following condition in favour of the Remaining Extension of Portion 7 of the South Western Portion of the farm ZANDSPRUIT 191, situate in the Registration Division IQ, Transvaal, measuring 51,9629 hectares, as held under deed of Transfer No 2165/1941:-

"That no shop shall be opened or conducted on the said portion 52 or any portion thereof."

## **3. CONDITIONS OF TITLE.**

### **(A) Conditions of Title imposed in favour of the local authority in terms of the provisions of Chapter 5 Part 3 of the By-law.**

(1) ALL ERVEN

(a) The erven in the township lie in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the local authority must indicate measures to be taken, in accordance with the recommendations contained in the Engineering-Geological report for the township, to limit possible damage to buildings and structures as a result of detrimental foundation conditions, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

(2) ALL ERVEN

(a) Each erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.

(b) No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.

(c) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid

servitude such material as may be excavated by it during the process of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

**B. Conditions of Title imposed by the Department of Roads and Transport (Gauteng Provincial Government) in terms of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001), as amended.**

(1) ERVEN 560 – 586 and 597

(a) The registered owner of the erf shall maintain, to the satisfaction of the Department of Roads and Transport (Gauteng Provincial Government), the physical barrier erected along the erf boundary abutting Road No 1410.

(b) Except for the physical barrier referred to in clause (a) above, a swimming bath or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected neither shall anything be constructed or laid under or below the surface of the erf within a distance less than 16m from the boundary of the erf abutting Road No 1410 neither shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made, except with the written consent of the Department of Roads and Transport (Gauteng Provincial Government).

B. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 54 of the By-Law of the City of Johannesburg, in addition to the provisions of the Peri-Urban Town Planning Scheme, 1975, declares that it has approved an amendment scheme being an amendment of the Peri-Urban Town Planning Scheme, 1975, comprising the same land as included in the township of **Zandspruit Extension 10**. Map 3 and the scheme clauses of the amendment schemes are filed with the Executive Director: Development Planning: City of Johannesburg and are open for inspection at all reasonable times. This amendment is known as Amendment Scheme 03-15344.

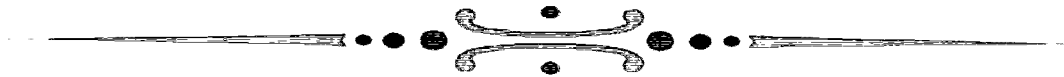
**Hector Bheki Makhubo**  
**Deputy Director: Legal Administration**  
**City of Johannesburg Metropolitan Municipality**  
**Notice No. 129/2018**

**LOCAL AUTHORITY NOTICE 5 OF 2019****LOCAL AUTHORITY NOTICE 10 OF 2018****CITY OF JOHANNESBURG LAND USE SCHEME, 2018****CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**

The City Manager of the City of Johannesburg Metropolitan Municipality hereby publishes in terms of section 156(2) of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), read with Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), read with Section 6(1) of the City of Johannesburg Municipal Planning By-law, 2016, the City of Johannesburg Metropolitan Municipality : City of Johannesburg Land Use Scheme, 2018, as reflected hereunder and as approved by Council on 31 October 2018.

The said City of Johannesburg Land Use Scheme, 2018, will come into operation on 1 February 2019.

**DR NDIVHONISWANI LUKHWARENI****CITY MANAGER****CITY OF JOHANNESBURG****METRO CENTRE****158 CIVIC BOULEVARD****BRAAMFONTEIN****JOHANNESBURG**



**CITY  
OF  
JOHANNESBURG  
LAND USE SCHEME,  
2018**



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# CITY OF JOHANNESBURG LAND USE SCHEME, 2018

## PART 1: PREAMBLE

### 1. AREA OF THE LAND USE SCHEME

The Land Use Scheme applies to all properties within the municipal boundaries of the City of Johannesburg, as determined by the Municipal Demarcation Board.

### 2. LAND USE SCHEME STATUS

This Land Use Scheme is prepared in terms of Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), and is subject to the provisions of Clause 3.(3.) of this Scheme, in substitution of the following Town Planning Schemes previously in operation in the above-mentioned area in so far as it relates to the area of jurisdiction of the City of Johannesburg Metropolitan Municipality:

- Johannesburg Town Planning Scheme, 1979 (*The clauses only*)
- Halfway House and Clayville Town Planning Scheme, 1976 (*The clauses only*)
- Sandton Town Planning Scheme, 1980 (*The clauses only*)
- Roodepoort Town Planning Scheme, 1987 (*The clauses only*)
- Randburg Town Planning Scheme, 1976 (*The clauses only*)
- Lenasia South East Town Planning Scheme, 1998 (*The clauses only*)
- Modderfontein Town Planning Scheme, 1994 (*The clauses only*)
- Peri-urban Areas Town Planning Scheme, 1975 (*The clauses only*)
- Southern Johannesburg Region Town Planning Scheme, 1979 (*The clauses only*)
- Walkerville Town Planning Scheme, 1994 (*The clauses only*)
- Annexure F as per the Black Communities Development Act, Act 4 of 1984
- Lethabong Town Planning Scheme, 1998 (*The clauses only*)
- Westonaria Town Planning Scheme, 1981 (*The clauses only*)
- Alberton Town Planning Scheme, 1979 (*The clauses only*)

- Edenvale Town Planning Scheme, 1980 (*The clauses only*)
- Krugersdorp Town Planning Scheme, 1980 (*The clauses only*)
- And any other parts of Town Planning Schemes of neighbouring municipalities that may have been included as a result of demarcation changes.

### **3. COMMENCEMENT AND VALIDITY**

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The Land Use Scheme shall come into effect from the date that notice of adoption is published in the Provincial Gazette.

- (1.) The City of Johannesburg Metropolitan Municipality shall be the authority responsible for enforcing and carrying into effect the provisions of this Land Use Scheme.
- (2.) Any consent granted, approved or any land use right permitted in terms of a Town Planning Scheme in force or other applicable land use legislation for the erection/use of buildings or for the use of land or any rights legally exercised in terms of such scheme or legislation prior to the commencement of this Land Use Scheme, shall be deemed to be a consent, approval or land use right of this Land Use Scheme: provided that any such consent, approval or land use right shall lapse unless exercised within twenty four (24) months from the date of coming into operation of this land use scheme, as envisaged in Sub-clause 0 above.
- (3.) Any Annexure or Schedule promulgated in terms of any of the former Town Planning Schemes mentioned in Clause 2. or other Land Use Legislation shall remain in force and the provisions of that Annexure or Schedule shall remain in force for the lifetime of that Annexure or Schedule. The Scheme Maps A and B series or any other cadastral map indicating land use of all listed schemes and legislation under Part 1, Clause 2. remain in force.
- (4.) Any land use application submitted to and pending before Council immediately prior to the commencement of this Land Use Scheme, shall be dealt with in terms of the relevant Scheme that governs such application at the time of submission, as far as it is not in conflict with this Land Use Scheme.
- (5.) Where the provisions of this Land Use Scheme are in conflict with any municipal By-law in operation in the City of Johannesburg, the provisions of the Land Use Scheme shall prevail. In respect of outdoor advertising signs, the prevailing outdoor advertising By-laws shall apply and such advertising signs, cellular masts and telecommunication masts will not be regarded as a land use matter.

#### 4. POWERS OF THE COUNCIL

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Nothing in this Land Use Scheme shall prevent the Council from maintaining or using any building, or doing construction work or using any land in its area of jurisdiction for any other purpose permitted under any other law, unless the consent procedure as outlined in the City of Johannesburg Municipal Planning By-law, 2016, is followed and such uses are of a temporary nature not exceeding thirty-six (36) months.

#### 5. GENERAL PURPOSE OF THE LAND USE SCHEME

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The Land Use Scheme adopted and approved in terms of the City of Johannesburg Municipal Planning By-law, 2016 shall give effect to the City's municipal spatial development framework and determine the use and development of land within the City's area of jurisdiction in order to promote:

- a. Economic growth;
- b. Social inclusion;
- c. Efficient land development;
- d. Minimal impact on public health, the environment and natural resources;
- e. Guarantee the right to sustainable cities, understood as the right to urban land, housing, environmental management, urban infrastructure and service delivery, transportation and public services, to work and leisure for current and future generations;
- f. Democratic administration by means of participation of both the individual property owner and representative associations of the various segments of the community in the formulation, execution and monitoring of urban development projects, plans and programmes;
- g. Cooperation between governments, private initiative and other sectors of society in the urbanization process, in service of the social and economic interest;
- h. Planning and sustainable development of the Municipality, through the management and coordinated promotion of growth across the City along with desirable development, in order to correct the distortions of historical planning systems and their negative effects on the environment, without negating the complexities of the City;
- i. Supply of urban and community equipment, transportation and public services adequate for the interests and needs of the population and the local characteristics;
- j. Management of land use, in order to enable and facilitate:
  - (i) Efficient, effective and compatible urban development that is desirable and also accommodates the identified socio-economic needs of the City;

- (ii) The coordination of urban growth, which includes land use change, new development and subdivisions, with the availability of infrastructure and social amenities;
  - (iii) An accessible, responsive environment that is integrated with the transportation network and promotes public transportation;
  - (iv) The upgrading and rejuvenation of certain areas in the City through innovative developmental scenarios;
  - (v) Effective environmental management in support of the strategic direction of the City.
- k. Fair distribution of the benefits and burdens resulting from the urbanization process;
  - l. Adaptation of tools of economic, tax and financial policy and of public spending to the objectives of urban development, in order to give priority to investments that generate well-being and the fruition of the goods by different social segments;
  - m. Simplification of the legislation concerning subdivisions, land use, occupation and building regulations, in order to permit a reduction in costs and increase in the supply of erven and housing units;
  - n. Equality of conditions for public and private agents in the promotion of developments and activities related to the urbanization process, serving the social and economic interest.

## **6. ARRANGEMENTS AND LEGALITY OF LAND USE SCHEME COMPONENTS**

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- (1.) The City of Johannesburg Land Use Scheme has been arranged into three main sections, in order to ensure ease of reference and to incorporate the promotion philosophy of this Scheme, namely:

SECTION 1:

LAND DEVELOPMENT RIGHTS

SECTION 2:

MANAGEMENT OF LAND DEVELOPMENT RIGHTS

SECTION 3:

PROMOTION OF LAND DEVELOPMENT

- (2.) Arrangements and legality of the Maps, Clauses, Tables, Schedules and Annexures of the Land Use Scheme
  - (a.) The maps, clauses and tables of the Land Use Scheme have been arranged so that those maps, clauses and tables of general applicability are contained in Parts I – VIII and those which are

applicable solely to a specific erf or site are contained in the Schedule or Annexure.

- (b.) The Schedule and Annexure in form an integral part of the Land Use Scheme and have the same legality as the rest of the Land Use Scheme: Provided that in the event of there being a conflict between the provisions of a clause contained in Parts I to VIII and any provision contained in an Annexure or Schedule in the Annexure or Schedule shall prevail: Provided further that the requirements contained in Parts I to VI relating to the possible relaxation of requirements in respect of building lines, building restriction areas, height, coverage, floor area, parking and loading are applicable to those erven or sites referred to in a Schedule or Annexure unless they are expressly excluded in such Schedule or Annexure.

## **7. BUILDING PLANS AND OTHER PARTICULARS**

The erection, structural changes, alterations or conversion of a building to an alternative use shall not commence until the Council has approved of the building plans as required in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, or any amendment or review thereof, in respect of the erection, structural changes, alterations or conversion of such building: Provided that floor area and coverage calculations, parking requirements and a parking layout, where applicable, shall be indicated on such building plans.

## **8. COMPONENTS OF THE LAND USE SCHEME**

The City of Johannesburg Land Use Scheme comprises three (3) sections and nine (9) parts as detailed below:

1. Part I : Preamble, including reference to Maps A and B, Annexures and Schedules

SECTION 1 : LAND DEVELOPMENT RIGHTS

2. Part II : Definitions  
3. Part III : Use of Land and Buildings

**SECTION 2 : MANAGEMENT OF LAND DEVELOPMENT RIGHTS**

- 4. Part IV : Land Development Requirements
- 5. Part V : Building Restriction Areas
- 6. Part VI : Parking and Loading
- 7. Part VII : Land Development Administration

**SECTION 3 : PROMOTION OF LAND DEVELOPMENT**

- 8. Part VIII : Special Mechanisms for Land Development
- 9. Part IX : General Land Development Mechanisms

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**9. SHORT TITLE**

This Land Use Scheme shall be known as the City of Johannesburg Land Use Scheme, 2018.



## SECTION 1: LAND DEVELOPMENT RIGHTS

Section 1 of the City of Johannesburg Land Use Scheme deals with the allocation of land use rights to all erven or sites across the Municipality's area of jurisdiction. This Section, which includes the definitions and the Use Zones, has been streamlined in order to accommodate the urban complexities, facilitate development and promote equality and integration.

### PART II: DEFINITIONS

Term	Definition
<b>"abattoir"</b>	Means the use of a building/s and/or land where livestock or poultry is slaughtered and prepared for distribution.
<b>"agricultural purposes"</b>	Means purposes normally associated with the use of a building/s and/or land for farming / agricultural purposes and it includes only dwelling units necessary for and related to the bona fide agricultural use of the property. This also includes the use of the property for urban agricultural purposes; plant nursery; the sale of produce solely cultivated or bred from the site; animal care centre; stable, horse riding facilities and related schooling uses, but shall not include sporting and recreation purposes or a race course.  A second dwelling house / unit may be permitted (written consent) but shall not be sectionalized.
<b>"airport"</b>	Means the use of a building/s and/or land designed and used for the landing and taking off of aircraft, airways control, aircraft hangers and all uses normally associated with the proper functioning of an airport to the satisfaction of the Council.
<b>"ancillary use"</b>	When used in the context of an associated use or purpose, means a use, purpose, building or activity, which is ancillary and subservient (less than 30%) to the lawful dominant use of the property.

Term	Definition
<b>"animal care center"</b>	Means the use of a building/s and/or land for the care of domestic pets and animals, operated on either a commercial or welfare basis and includes boarding kennels, catteries and pet training centers.
<b>"applicant"</b>	Means any registered owner of land, whether a natural person or a juristic body, or anybody duly authorised by such owner, who makes an application as provided for in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and/or the City of Johannesburg Municipal Planning By-law, 2016, and/or this Land Use Scheme or any amendments thereof.
<b>"application"</b>	Means a complete application made in terms of the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and/or the City of Johannesburg Municipal Planning By-law, 2016, and/or this Land Use Scheme or any amendments thereof.
<b>"application register"</b>	Means a record of all applications submitted and considered in terms of the provisions of the City of Johannesburg Municipal Planning By-law, 2016, and/or this Land Use Scheme or any amendments thereof.
<b>"approval"</b>	Means any approval granted by the Council in writing with or without conditions.
<b>"area"</b>	Means the defined municipal boundaries of the City of Johannesburg and the area across which this Land Use Scheme is applicable.
<b>"basement"</b>	<p>Means the space in a building between the floor and ceiling which is partly or completely below the natural ground level; Provided that a basement shall be counted as a storey for the purpose of a height measurement where any portion extends more than 1,5 metres above the lowest level of the natural ground level immediately contiguous to the building.</p> <p>Refer to Clause 28 for further details in this regard.</p>

Term	Definition
<b>"bed and breakfast"</b>	<p>Means a building/s in which the resident manager provides lodging and meals for compensation to transient guests who have permanent residence elsewhere provided that:</p> <ul style="list-style-type: none"> <li>(i) The number of rooms/suites may not exceed ten (10) without the written consent of the Council in addition to the accommodation of the resident manager</li> <li>(ii) The buildings may include self-catered suites</li> <li>(iii) No buildings may be converted into dwelling units or be sectionalized.</li> </ul>
<b>"boarding house"</b>	<p>Means a dwelling house where the habitable rooms are rented out for an extended period by the resident owner / occupant to unrelated persons and communal facilities such as the kitchen, lounge, dining room and bathrooms are shared by the boarders.</p>
<b>"boundary"</b>	<p>In relation to a land unit means the cadastral line separating such land unit from another land unit or from a public street.</p>
<b>"builders yard"</b>	<p>Means the use of a building/s and/or land for the storage of material and equipment which:</p> <ul style="list-style-type: none"> <li>(i) Is normally required for or used for construction work and/or building operations;</li> <li>(ii) Resulting from demolition or excavation operations; or</li> <li>(iii) Is normally used for land improvements, such as materials used for building roads, installing essential services, or for any other construction work, whether for public or private purposes; and</li> <li>(iv) Land or buildings used for the preparation for use of any of the aforementioned materials; provided that it does not include any builder's yard established for the purpose or temporary storing any of the aforementioned materials in connection with and for the duration of construction or building works in the vicinity of such builder's yard, or the storage of building material supplies for a hardware shop.</li> </ul>

Term	Definition
<b>“building”</b>	Means a structure erected on land, irrespective of the materials used in the erection or construction thereof.
<b>“building line”</b>	Means a line that is a fixed distance from the boundary of an erf or property abutting a public and/or private street or any other boundary of an erf or property and may include a floodwater mark where indicated on the Zoning Maps, Schedule or Annexure.
<b>“building material storage”</b>	Means the use of a building/s and/or land for the storage/sale of building material/equipment that relate to a hardware shop.
<b>“building restriction area”</b>	Means an area of an erf or portion of land on which no buildings may be erected, save as allowed in this Land Use Scheme, and which is bounded on one side by a building line and/or street boundary or any other boundary of an erf or property, or which is subject to flooding as indicated by a flood water mark or designated by a flood line boundary.
<b>“business purposes”</b>	Means the use of a building/s and/or land from which business is conducted and the related use of buildings including offices, restaurants, motor showrooms, showrooms, medical consulting rooms, domestic service industries, self-storage; funeral parlours, call centers, financial institutions, dry cleaners, launderettes and buildings for similar uses not elsewhere defined as well as uses which are ancillary, directly related to and subservient to the main use such as caretakers accommodation, but does not include uses such as places of assembly, institutions, public garages, industries, noxious trades or places of amusement.
<b>“by-laws”</b>	Means the By-laws or regulations of the Municipality in force in the area other than the City of Johannesburg Municipal Planning By-law, 2016.
<b>“cadastral line”</b>	Means a line representing the official boundary of a land unit or portion as registered in the Deeds Office.
<b>“canopy”</b>	Means a cantilevered or suspended roof, slab or covering (not being the floor or a balcony) projecting from the wall of a building and not being enclosed.

Term	Definition
<b>"canteen"</b>	Means a building or part of a building used for providing food and liquid refreshments for the exclusive benefit of persons employed by an undertaking which owns and operates or controls such undertaking and includes the area for preparation of such foods and liquid refreshments. This use is an ancillary right on all non-residential Use Zones contained in this Land Use Scheme but excludes a restaurant.
<b>"caravan"</b>	Means a vehicle which has been equipped or converted for living or sleeping purposes and which is towed.
<b>"caravan park"</b>	Land used for the parking of caravans for transient camping purposes.
<b>"car sales lot"</b>	Means land, which is used mainly for the open air display and sale of motor vehicles, motor vehicle trailers, caravans and heavy-duty vehicles and may include ancillary offices, but excludes a scrap yard and a public garage.
<b>"cemetery"</b>	Means a place, including land and/or buildings, used for burials, and such activities and which can include all uses ancillary such as a crematorium, chapel, prayer area, funeral parlour, wall of remembrance and a convenience shop.
<b>"child care centre"</b>	Means the use of a building/s and/or land as a child care centre, including a day care centre, crèche, preschool, playgroup, after school care centre or early childhood development centre for taking care of children according to compulsory educational and health requirements / standards.
<b>"clinic"</b>	Means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients, with no overnight facilities. A clinic includes medical consulting rooms, outpatients' center and a wellness center with associated uses.
<b>"commencement date"</b>	Means the date on which this Land Use Scheme came into operation.

Term	Definition
<b>"commercial purposes"</b>	Means the use of a building/s and/or land designed for distribution centers, wholesale trade, warehouses, storage, computer centers, removal and transport services, people / commuter transport, laboratories, cash management centers, builders yards, coal yards, building material storage and all uses which are ancillary, directly related to or subservient to the main use such as a caretaker's accommodation.
<b>"common boundary"</b>	In relation to land means a boundary common with the adjoining land other than a street boundary.
<b>"commune"</b>	Means a dwelling house where the habitable rooms are rented out for an extended period to unrelated persons and who share the communal facilities such as the kitchen, lounge, dining room and bathrooms and may not exceed eight (8) occupants.
<b>"community body"</b>	Means a body, organization or institution of whatever nature that represents the interests of a community or segment of a community.
<b>"complete application"</b>	Means an application as described in Section 57(1) of the City of Johannesburg Municipal Planning By-law, 2016.
<b>"consent"</b>	Means permission granted by the Council, after due consideration of all relevant facts and after following the provisions of the City of Johannesburg Municipal Planning By-law, 2016, in terms of which a specific aspect of land management is permitted, in addition to the primary use rights applicable to the property concerned, i.e. Clause 40.
<b>"consent use"</b>	Means the additional land use right that may be permitted in terms of the provision in a particular zone, only with the consent of the Council as contemplated in Clause 40.

Term	Definition
<b>"conservation"</b>	Means the use or maintenance of land and/or buildings in terms of its natural, cultural, historical or built environmental significance, with the object of preserving the identified special characteristics. Such areas, which are to be identified by the Council from time-to-time or as determined through the National Heritage Act or National Environmental Management Act, and related national and provincial legislation pertaining to biodiversity in the establishment of protected areas, this can include but are not limited to ridges, water courses, wetlands and sensitive eco-systems, heritage sites, historical buildings or sites of cultural significance. These areas, even or buildings need special management and maintenance in order to preserve the identified natural, historical or cultural characteristics.
<b>"construction of a building or structure"</b>	In relation to a building or structures includes:  (i) The building of a new building or structure;  (ii) The alteration, conversion or addition to, a building or structure;  (iii) The re-erection of a building or structure which has completely or partially been demolished.
<b>"convenience shop"</b>	Means the use of a building/s, or portion of a building, and/or land restricted to the sale of convenience goods such as bread and confectionery, dairy products, fresh produce, beverages, canned foods, magazines and newspapers, at the discretion of the Council, but shall exclude the sale of liquor.
<b>"council"</b>	Means the City of Johannesburg Metropolitan Municipality as established under the provisions of the Local Government: Municipal Structures Act, 117 of 1998, or its successors in title, or a structure or person exercising a delegated power or carrying out an instruction, where any power in this Land Use Scheme has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 32 of 2000.
<b>"coverage"</b>	Means the total area of land that may be covered by buildings, as seen vertically from the air measured from outer face of exterior walls, expressed as a percentage of

Term	Definition
	<p>the land area, and shall include all roofed areas; provided that the following portions of buildings shall be disregarded in the calculation of coverage:</p> <ul style="list-style-type: none"> <li>(i) Unroofed areas such as a stoep, entrance steps and landing;</li> <li>(ii) Projecting balconies, open on all vertical sides.</li> <li>(iii) Retractable awnings or pergolas, with or without louvres and areas covered by permeable material;</li> <li>(iv) Cornices, chimneys, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the building wall;</li> <li>(v) Eaves and canopies not projecting more than 1,0m from the wall of the building;</li> <li>(vi) A canopy erected on the street frontage of a shop;</li> <li>(vii) Electrical high and low tension chambers;</li> <li>(viii) The area covered by open air swimming pools;</li> </ul> <p>Basements are dealt with and are subject to the provisions of Clause 29 of this Land Use Scheme.</p>
<b>"days"</b>	<p>As defined in the City of Johannesburg Municipal Planning By-law, 2016.</p> <p>"Means a calendar day, and when any number of days is prescribed in terms of this By-law for the doing of any act, it must be calculated by excluding the first day and including the last day, provided that, if the last day falls on a Sunday, Saturday or public holiday, the number of days must be calculated by excluding the first day and also the Sunday, Saturday or public holiday and if the date on which any notice must appear in any media or <i>Provincial Gazette</i> such notice may not appear on a Sunday, Saturday or public holiday and shall for purposes of calculation be excluded."</p>
<b>"deprivation area"</b>	<p>Means a spatial area, as defined in the City of Johannesburg Spatial Development Framework.</p>



Term	Definition
<b>"development"</b>	Means the development of land, changes in the use of land or intensification of that use and includes any matter in relation to land for which a development application is required.
<b>"domestic service industry"</b>	Means the repair and sale of spare parts for domestic equipment and appliances, garden services, including the repair and sale of spare parts for lawn-mowers, irrigation systems and swimming-pool equipment, property maintenance services and any other service that is ancillary to such an industry. Such uses shall fall under the auspices of business purposes.
<b>"dwelling house"</b>	<p>Means a detached self-contained inter-connected suite of rooms containing a kitchen and the applicable ablutions, used for the living accommodation and housing of one household, together with such outbuildings and subsidiary dwelling units as is ordinarily permitted therewith, as long as the subsidiary dwelling units complies with the requirements stipulated in this Land Use Scheme in Use Zone "Residential 1" (refer to Clause 21.). A second kitchen may be provided with the written consent of the Council.</p> <p>An entertainment, reception and/or living area within a dwelling house or part of a reasonably required and ancillary outbuilding (See "outbuilding" definition), may include a wash-up area used exclusively for that purpose.</p>
<b>"dwelling unit"</b>	An inter-connected suite of rooms, designed for human habitation that shall contain a kitchen and with the appropriate ablutions; irrespective of whether the dwelling unit is a single building or forms part of a building containing two (2) or more dwelling units.
<b>"environmental control area"</b>	An area defined by the Council within which any development shall be subject to a Site Development Plan or any other requirement as determined by the Council.
<b>"erf"</b>	<p>Means land as defined as erf" in the City of Johannesburg Municipal Planning By-law, 2016.</p> <p>"Land in an approved township registered in a deeds registry as an erf, lot, plot or stand or as a portion or the remainder of any erf, lot, plot or stand or land indicated as such on the general plan of an approved township, and</p>

Term	Definition
	includes any particular portion of land laid out as a township."
<b>"existing building"</b>	<p>Means a building erected in accordance with building plans approved by the Council and which is otherwise lawful and the construction of which was:</p> <ul style="list-style-type: none"> <li>(i) Completed on or before the fixed date;</li> <li>(ii) Begun before but completed after the fixed date; or</li> <li>(iii) Completed in accordance with the terms of any permission granted by the Council during the preparation and until the coming into operation of this Land Use Scheme.</li> </ul>
<b>"existing use"</b>	<p>Means a use carried out or in operation on an erf or site that was permitted in terms of the previous planning legislation and lawful in terms of the National Building Regulations but which is contrary to this Land Use Scheme.</p> <p>It shall remain an existing use right unless the said use is altered in any way or ceases to be carried out for a period of twelve (12) months.</p>
<b>"farm portion"</b>	Means a portion of land which is not an erf, agricultural holding or road and which is registered as a separate unit in the Deeds Office. Such portion is land that has not been the subject of township establishment.
<b>"fixed date"</b>	This is the date that this Land Use Scheme came into operation via a promulgation notice.
<b>"flood water mark"</b>	Means the flood lines as contemplated in Section 169(1)(a) of the Water Act, No 54 of 1956 as amended from time-to-time.
<b>"floor area"</b>	Means the sum of the gross area covered by the building at the floor level of each storey, provided that the area reasonably required for the purposes detailed below may be excluded from the calculations of the floor area, which calculations shall be clearly indicated on the building plans. Floor area shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one storey, the total floor space shall be the sum of the floor area of all the

Term	Definition
	<p>storeys, including that of basements.</p> <p>Areas that may be excluded from the calculation of floor area are:</p> <ul style="list-style-type: none"> <li>(i) Any area, including a basement, which is reserved solely for parking of vehicles and loading and off-loading areas;</li> <li>(ii) 10% of the total floor area shall be regarded as areas required for the cleaning, maintenance, care and proper mechanical and electrical functioning of the building.</li> </ul> <p>Refer to Clause 32 for further details.</p>
<b>"floor area ratio" or "FAR"</b>	<p>Means the ratio obtained by dividing the floor area of a building or buildings by the total area of the erf or site upon which the building/s are erected, thus:</p> $\text{FAR} = \frac{\text{Floor Area of a building or buildings}}{\text{Total Area of the Erf or Site upon which the building/s are erected}}$
<b>"funeral parlour"</b>	<p>Means the use of a building/s and/or land where the deceased are prepared for burial or cremation and includes facilities for associated administrative and religious functions but does not include a crematorium.</p>
<b>"garage"</b>	<p>Means a building/s for the parking of motor vehicles, and includes a carport but does not include a public garage or filling station.</p>
<b>"general plan"</b>	<p>Means a cadastral plan of a township, which has been approved in terms of the Land Survey Act No 8 of 1997, or any amendment or review thereof.</p>
<b>"ground floor" or "ground storey"</b>	<p>Means a floor at ground level or a floor having its entrance directly accessible from natural ground level by means of a ramp, stairway or similar structure, provided that:</p> <ul style="list-style-type: none"> <li>(i) The floor level of the ground floor shall at no point, extend more than 1,5m above the lowest natural level of the ground immediately contiguous to the building.</li> </ul>

Term	Definition
	Refer to Clause 28 for further details.
<b>"guest house"</b>	Means a converted dwelling house or dwelling unit whereby the resident household / person lets out individual rooms for temporary residential accommodation, with or without meals, with the proviso that all amenities and the provision of meals and beverages shall be for the sole benefit of bona fide guests and the resident household/person. The premises shall not be used for functions such as conferences, promotions and/or receptions.
<b>"habitable room"</b>	Means a room designed or used for human habitation in accordance with standards prescribed by the By-law but excludes a storeroom, bathroom / toilet, kitchen or other spaces defined for a particular purpose on the building plan.
<b>"height"</b>	<p>Means the vertical dimensions of the building from the natural ground level to the highest point of the building measured in meters or in number of storeys; provided that:</p> <ul style="list-style-type: none"> <li>(i) The height restriction which refers to storeys does not apply to roofs, domes, chimneys, flues, masts and antennae; and</li> <li>(ii) Elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building, shall be regarded as a storey, unless enclosed within the roof or hidden behind parapet walls, not exceeding 2,0 metres in height, in which case it shall be counted as part of the top storey.</li> </ul>
<b>"helipad"</b>	Means land and/or buildings used and designed for landing and taking off of helicopters and may include a terminal for passengers. This use is permitted in all Use Zones other than "Residential 1, 2, 3, 4 and 5" with the consent of the Council.
<b>"heritage resource"</b>	Any place or object of cultural and/or historical significance.

Term	Definition
<b>"heritage resource authority"</b>	The South African Heritage Resources Agency, established in terms of section 11, or, insofar as the National Heritage Resources Act (NHRA of 1999) is applicable in or in respect of a province, a provincial heritage resources authority.
<b>"heritage site"</b>	A place declared to be a national heritage site by South Africa Heritage Resources Authority (SAHRA) or a place declared to be a provincial heritage site by a provincial heritage resources authority.
<b>"home enterprise"</b>	<p>Means the practicing of a profession or occupation from a dwelling house / unit</p> <p>Refer to the provision of Clause 20 for the qualifying criteria.</p>
<b>"hospital"</b>	Means a place for the diagnosis and treatment of human illness; with integrated facilities such as operating theatres and live-in accommodation for patients and staff; and includes a clinic and medical consulting rooms.
<b>"hotel"</b>	<p>Means a building/s used as a temporary residence for transient guests, where lodging and meals are provided, and may include:</p> <ul style="list-style-type: none"> <li>(i) A restaurant or restaurants;</li> <li>(ii) Associated meeting rooms, conference and entertainment facilities, recreational and service facilities that are subservient and ancillary to the dominant use of the property as a hotel;</li> <li>(iii) Premises which are licensed to sell alcoholic beverages for consumption on the property; but does not include an off-sales facility; and</li> <li>(iv) However, it excludes self-catering suites/units for permanent residents; no suites/units may be sectionalized.</li> </ul>
<b>"household"</b>	Is defined as a singular person or group of people that are biologically or legally related to one another and live together.
<b>"house shop"</b>	Is defined as part of the dwelling house / unit or outbuilding, which provides a necessary local retail

Term	Definition
	<p>function to the community. A house shop is not a general business or retail function on a residential erf and the residential component remains the main use of the erf.</p> <p>Refer to Clause 19 for further details.</p>
<b>"industrial purposes"</b>	<p>Means the use of a building/s and/or land or part thereof as a factory and in which an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters or other uses which are subservient and ancillary to the use of the property as a factory; and includes a warehouse, the generation of electricity; the developing or processing of photographs, films or tapes; refuse disposal sites; recycling and abattoir but does not include a noxious trade or risk activity.</p>
<b>"informal trading"</b>	<p>Means the legal selling of products in areas demarcated by the Council specifically for these purposes, such as markets and/or other demarcated areas, with the written consent of the Council.</p>
<b>"institution"</b>	<p>Means a welfare or charitable facility such as home for the aged, indigent or handicapped; a hospital, clinic or nursing home, a sanatorium; or any other institution whether public or private and includes all uses ancillary, directly related to and subservient to the main use, but excludes primary office and administrative functions.</p>
<b>"interested party / person"</b>	<p>As defined in the City of Johannesburg Municipal Planning By-law, 2016.</p> <p>"Means any person or group of persons, legal entity or body that can demonstrate their interest in any land development application as contemplated in section 52(1) of the City of Johannesburg Municipal Planning By-law, 2016."</p>
<b>"kitchen"</b>	<p>Means a room or part of a room equipped for preparing and/or cooking meals and/or wash-up area and/or scullery.</p>

Term	Definition
<b>"land"</b>	<p>As defined in the City of Johannesburg Municipal Planning By-law, 2016.</p> <p>"Means any erf, agricultural holding, sectional title scheme-land or farm portion and includes any improvement or building on land and any real right in land."</p>
<b>"landscaping"</b>	<p>Means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing aesthetic appeal, environmental management, amenity and value of a property.</p>
<b>"line of no access"</b>	<p>Means a line along any street, erf or site boundary or portion thereof prohibiting any vehicular access.</p>
<b>"loading bay"</b>	<p>Means an area which is clearly demarcated for loading and off-loading.</p> <p>Refer to Clause 38 for more details.</p>
<b>"local authority"</b>	<p>Refer to the definition of "council".</p>
<b>"medical consulting rooms"</b>	<p>Means a building/s designed for use or a building/s and/or land which are used for consulting practices associated with restoring or preserving health but excluding overnight or operating facilities. This use falls under the ambit of business purposes unless separately defined.</p>
<b>"mezzanine"</b>	<p>Means an intermediate storey not exceeding 25% of the floor below it and is included in the total floor area in the calculation of floor area.</p>

Term	Definition
<b>"mining purposes"</b>	<p>Means building/s and/or land:</p> <ul style="list-style-type: none"> <li>(i) That were previously excluded from any town planning scheme by virtue of the provisions of section 21(1) of Ordinance 15 of 1986; or</li> <li>(ii) that are used for mining operations in terms of the provisions of the Mineral and Petroleum Resources Development Act, 28 of 2002; or</li> <li>(iii) in respect of which a mining right or prospecting right has been granted; or</li> <li>(iv) on which operations are carried out to extract raw materials from the earth, whether by means of surface or underground methods and includes, but is not limited to, the removal of stone, sand, clay, kaolin, ores, minerals, gas and precious stones and also includes the processing of such materials and re-processing of mine dumps and all operations to rehabilitate, restore, maintain, reinstate, re-establish and preserve such land.</li> </ul>
<b>"mobile dwelling unit"</b>	A transportable structure constructed in accordance with the requirements of the S.A.B.S. specification for Mobile Homes, with the necessary service connections, and designed as a permanent dwelling unit.
<b>"motor showrooms"</b>	Means the use of a building/s for the display and sale of new and/or used motor vehicles and accessories, ancillary offices and workshops, all of which shall be within an enclosed building.
<b>"motor workshop and services"</b>	Means the use of a building/s and/or land for the repair, maintenance and servicing of motor vehicles including the installation of parts and accessories, all of which shall be contained within an enclosed building.
<b>"municipality"</b>	Refer to the definition of "council".
<b>"municipal purposes"</b>	Such purposes as the municipality may be authorised to carry out in terms of its powers and functions and shall include all municipal land uses as well as such uses as sewerage works and reservoirs and their related buildings.



Term	Definition
<b>"municipal systems act"</b>	<p>As per definition in the City of Johannesburg Municipal Planning By-law, 2016.</p> <p>"Means the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)".</p>
<b>"national building regulations"</b>	<p>The National Building Regulations made in terms of section 17 of the National Building Regulations and Building Standards Act No.103 of 1977, or any amendment or review thereof.</p>
<b>"natural ground level"</b>	<p>Means the level of the land surface in its unmodified state as established from a contour plan.</p>
<b>"nature reserve"</b>	<p>Means a national park or environmental conservation area that has been declared as a nature reserve in terms of legislation, whether in public or private ownership, for the purpose of conserving and managing wild life, flora and fauna in their natural habitat; it includes conservation use but does not include tourist facilities or tourist accommodation. Refer to "Conservation" and "Public Open Space".</p>
<b>"neighbour"</b>	<p>Means the owner of the erf or site which is contiguous to the application erf or site, even though it may be separated by a road or panhandle, except if indicated differently by the Council.</p>

Term	Definition
<b>"noxious industry"</b>	Means an activity where any one or more of the following activities are carried out: Blood boiling; tallow melting; fat melting or extracting; soap boiling; bone boiling; tripe boiling or cleaning; skin storing; bone storing; fell mongering; skin curing; blood drying; gut scraping; leather dressing; tanning; glue making; size making; charcoal burning; brick burning; lime burning; manure making; manure storing; parchment making; malt making; yeast making; cement works; coke ovens; salt glazing; sintering of sulphur-bearing materials; viscose works; smelting of ores and minerals; calcining; puddling and rolling of iron and other metals; conversion of pig-iron into wrought iron; re-heating; annealing; hardening; forging; converting and carburizing iron and other metals; works for the production of or which employ carbon disulphide, cellulose lacquers, cyanogens or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide, sulphur chlorides; works for the production of amyl acetate, aromatic esters, butyric acid, caramel enameled wire, glass, hexamine, iodoform, lamp-black, B-naphthol, resin products, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride, zinc oxide; and all refining and works dealing with the processing or refining of petrol or oil or their products; Provided that where the Council adds to the list of noxious trades, such additions shall also be deemed to be included in the above definition and that all Health requirements are complied with.
<b>"occupant" or "occupier"</b>	Means any person who permanently and physically inhabits or occupies a property.
<b>"offices"</b>	Means the use of a building/s and/or land for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional services, and includes medical consulting rooms and financial institutions.

Term	Definition
<b>"outbuilding"</b>	<p>Means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit, and includes a building which is designed to be normally used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in connection with the main building.</p> <p>In respect of a dwelling house / unit, notwithstanding the above, outbuildings may also include small store areas, garden sheds, external toilets.</p>
<b>"owner"</b>	<p>As per definition in the City of Johannesburg Municipal Planning By-law, 2016.</p> <p>"Means the person registered in a deeds registry as the owner of land or beneficial owner in law and includes any organ of state and the City of Johannesburg itself, a person acting as the duly authorised agent of the owner of the land concerned, a person to whom the land concerned has been made available for development in writing by any owner of land or such person's duly authorised agent or a service provider responsible for the provision of infrastructure, utilities or other related services."</p>
<b>"panhandle erf"</b>	<p>As per definition in the City of Johannesburg Municipal Planning By-law, 2016.</p> <p>"For purposes of this Land Use Scheme shall mean an area of land which is either part of the subdivided portion or is notarially tied thereto, is at least four (4) metres and at most eight (8) metres wide and is used as access to a public street."</p>
<b>"parking bay"</b>	<p>Means an area measuring not less than 5,0 metres x 2,5 metres for perpendicular or angled parking and 6,0 metres x 2,5 metres for parallel parking, which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Council.</p>
<b>"parking lot or parking garage"</b>	<p>Means the use of a building/s and/or land, excluding a road, street and on-site parking associated with a primary or consent use that is used for parking of motor vehicles by the public, with or without a fee, and may include parking within a building and any ancillary use.</p>

Term	Definition
<b>"pedestrian mall"</b>	Means the use of a building/s and/or land as a thoroughfare for pedestrians, for restricted vehicular activities as the Council may determine and for structures erected on, above or below it.
<b>"place of amusement"</b>	Means the use of a building/s and/or land as a theatre, cinema, music hall, concert hall, billiards saloon, sports arena, skating rink, dance hall, casino, bingo halls, race courses, buildings for the purposes of exhibitions of trade or industry or other recreational purposes, amusement park, and also includes such uses as are ancillary, directly related to and subservient to the main use. It also includes discos, night clubs, sports bar and places of live music entertainment or establishments where adult entertainment is provided.
<b>"place of assembly"</b>	Means the use of a building/s and/or land which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers and which is not predominantly a commercial enterprise, but does not include a place of entertainment or conference facility.
<b>"place of instruction"</b>	<p>Means the use of a building/s and/or land for education at pre-school, and/or school and/or post school levels, including a crèche, nursery school, child care centre, early childhood development centre, primary school, secondary school, college, technical institute, university, research institute, lecture hall; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery, museum; and associated uses such as boarding hostels, monastery, convent and all uses which are ancillary, directly related to and subservient to the main use.</p> <p>Refer to Clause 22 for more details on Child Care Centres and Early Childhood Development Centres on Residential erven.</p>
<b>"previous scheme"</b>	Means a town planning scheme or similar provision that governed and controlled the use of land prior the promulgation of this Land Use Scheme.

Term	Definition
<b>"primary use"</b>	In relation to land and/or buildings means any use specified in this Land Use Scheme as a primary use, being a use that is permitted without the need first to obtain the Council's consent (written or otherwise).
<b>"private open space"</b>	Means the use of a building/s and/or land, with or without access control and which can be used as a private ground for sports, play, rest and recreation, or as an ornamental garden; pleasure ground; golf course; or for buildings reasonably required in connection with such uses.
<b>"private parking area"</b>	Means the use of a building/s and/or land for the provision of parking which is required or allowed in terms of the provisions of this Land Use Scheme for another building or site or part thereof. Provided that on land zoned "Residential 1, 2, 3, 4 or 5", "private parking area" shall mean the use of the land and not a building.
<b>"private access / street"</b>	Means the use of land reserved for the passage or parking of motor vehicles and right-of-way, which is privately owned and does not vest in the Council which is exclusive and ancillary to the adjoining use for obtaining access and can include access control facilities, including a guardhouse, boom or gate.
<b>"property"</b>	Means land and all buildings and structures on a cadastral-demarcated and determined erf or site.

Term	Definition
<b>"public garage"</b>	<p>Means the use of a building/s and/or land for gain or reward for any one of the following purposes:</p> <ul style="list-style-type: none"> <li>(i) Storage and retail selling of motor fuel and lubricants (filling station);</li> <li>(ii) All ancillary uses, including the parking and storing of motor vehicles; the sale of spare parts and accessories, car wash facilities; and automatic bank teller machines;</li> <li>(iii) A convenience shop, a take-away or sitting down facility or drive-through facility which does not exceed 30% of the total built floor area or 150m<sup>2</sup>, whichever is the lesser;</li> <li>(iv) Maintenance and repair of vehicles excluding panel beating and spray painting activities.</li> </ul> <p>Refer to Clause 16 for more details.</p>
<b>"public nuisance"</b>	<p>Means any act, emission or condition which, in the Council's opinion is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or which adversely affects the safety of the public, having regard to:</p> <ul style="list-style-type: none"> <li>(i) The reasonableness of the activities in question in the area concerned, and the impacts which result from these activities; and</li> <li>(ii) The ambient noise level of the area concerned.</li> </ul>
<b>"public open space"</b>	<p>Means the use of a building/s and/or land which is under the ownership of the Council or other public authority, with or without access control, and which is set aside for the public as an open space for recreation, place of assembly, games, sport or cultural activity; including a park, playground, public square, picnic area, public garden, nature reserve, outdoor or indoor sports stadium, and includes associated buildings and uses as permitted by the Council, including restaurants, cafés, golf course, and any apparatus, facility, structure or building which in the opinion of the Council is necessary or expedient for the purposes of such open space.</p>

Term	Definition
<b>"public parking area"</b>	Means the use of a building/s and/or land, whether or not for gain or reward, for the provision of parking not related to the parking requirements or provisions of the scheme for another building or site or part thereof.
<b>"public place"</b>	<p>As defined in the City of Johannesburg Municipal Planning By-law, 2016.</p> <p>"Means any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram which is for the use and benefit of the general public and is owned by or vests with the City, and includes a public open space and a servitude for any similar purposes in favour of the general public as contemplated in the SPLUMA and section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939)."</p>
<b>"public road"</b>	Means any road, street or thoroughfare shown on the General Plan of a township, Agricultural Holding or other division of land of which the public has acquired a right of way.
<b>"recreation resort"</b>	Means the use of a building/s and/or land, due to their natural or human made attractions, for nature, natural beauty, water, socio-historical, cultural and/or sport and recreation activities. It may include swimming pools, water slides, braai facilities, camping, caravanning and wedding chapel. Such facilities can include temporary accommodation as well as uses ancillary to and subservient of such facilities, including restaurant, place of refreshment, conference and business-related activities and function facilities.
<b>"religious purposes"</b>	<p>Means the use of a building/s and/or land for a church, synagogue, mosque, temple, oratory meeting house, chapel, cathedral or other place for practicing a faith or religion, and includes associated uses such as the official residence registered in the name of the said religious community, which is occupied by an office bearer of that community and who officiates at services held by the community, an ancillary office and place for religious instruction, but does not include a funeral parlour, cemetery or crematorium.</p> <p>Refer to Clause 23 for further details.</p>

Term	Definition
<b>"residential building"</b>	Means the use of a building/s, excluding a dwelling house and/or dwelling unit, that contains habitable rooms, with or without common ablution facilities and with common kitchen-, dining- and/or lounge facilities such as hostels and dormitories. Such definition includes but is not restricted to hostels, hotels, dormitories, communes, boarding houses, guest houses (excluding converted dwelling houses and/or dwelling units), bed and breakfast and old age homes that may or may not include ancillary frail care facilities.
<b>"restaurant"</b>	Means the use of a building/s and/or land for the service and consumption on the site of food and liquid refreshments for the general public excluding a canteen and a place of amusement.
<b>"scrap yard"</b>	<p>Means the use of a building/s and/or land for one or more of the following purposes:</p> <ul style="list-style-type: none"> <li>(i) Storing, depositing, collecting or sale of junk or scrap material or articles the value of which depends mainly or entirely on the material used in the manufacture thereof;</li> <li>(ii) The dismantling or storage of scrap metals, second hand vehicles or machines to recover components or material; and</li> <li>(iii) The storing or sale of second hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred</li> </ul>
<b>"second storey"</b>	Means the storey above the ground floor.
<b>"self-storage"</b>	Means the use of a building/s for the purposes of small scale, non-business related storing of domestic goods.



Term	Definition
<b>"shebeen"</b>	<p>Means a residential building or dwelling unit or part thereof constructed, designed or adapted for the sale of liquor, but shall not include the use for social gatherings and/or the consumption of liquor on the site and/or the preparation and consumption of food; provided that the dominant use shall remain residential for the occupant of the said dwelling and subject to the compliance of health and safety by-laws.</p> <p>Refer to Clause 14.(12.) for further details.</p>
<b>"shop"</b>	<p>Means the use of a building/s and/or land for the retail sale and accompanying storage of goods and services to the public, including a retail concern where goods which are sold in such a concern are manufactured or repaired; provided that the floor space relating to such manufacture or repair shall not comprise more than 30% of the floor space of the shop; "shop" does not include an industry, service trade, public garage or restaurant.</p>
<b>"showrooms"</b>	<p>Means the use of a building/s and/or land for the display of large goods, such as but not limited to tiles, bathroom and kitchen displays and furniture.</p>
<b>"site"</b>	<p>As defined in the City of Johannesburg Municipal Planning By-law, 2016.</p> <p>"In relation to land, may include more than one erf or portion of land, if such erven or portions of land are contiguous and have been notarially tied to the satisfaction of the City or have been consolidated."</p>
<b>"social hall"</b>	<p>Means the use of a building/s and/or land for social meetings, gatherings and recreation, and includes a Masonic temple but does not include a place of amusement.</p>
<b>"spaza shop"</b>	<p>See "house shop".</p>
<b>"special building"</b>	<p>Means the use of a building/s and/or land for any use other than one of the uses for which the buildings herein defined are designed or used. A special building should be seen as the exception rather than the rule, an example of which could be a greenhouse.</p>

Term	Definition
<b>"special development zone"</b>	Means a clearly defined geographical area that the Council has delineated for focused planning and development intervention and investment. A Special Development Zone (SDZ) will have a specific urban management focus that can include heritage resources, environment, transportation, urban renewal, housing and economic development related focuses. Such Special Development Zones can be added to, amended or removed in terms of Council resolution and official publication. A Special Development Zone will be indicated in terms of an Annexure / Schedule.
<b>"sport and recreation club"</b>	Means a privately owned facility that is utilized for both passive and/or active recreation by the owners and patrons of such facility and may include ancillary uses such as shop, restaurant and bar. This can include a private golf course, health and fitness centre, social hall or private gardens. This however excludes any unrelated retail functions or business activities.
<b>"storey"</b>	<p>Means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above the ceiling, provided that:</p> <ul style="list-style-type: none"> <li>(i) A basement does not constitute a storey;</li> <li>(ii) A roof, or dome which forms part of a roof, shall not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation, in which case it is counted as a storey; and</li> <li>(iii) The maximum height of the ground storey shall not exceed 6,0 meters and every additional 4, meters in height or portion thereof, shall be counted as an additional storey.</li> <li>(iv) The maximum height of any other storey shall not exceed 4,5 meters and every additional 4,5 meters in height or part thereof shall be counted as an additional storey.</li> <li>(v) The height limitations are indicated in Table 4.</li> </ul>
<b>"subdivision"</b>	As outlined in Sections 33 and 35 of the City of Johannesburg Municipal Planning By-law, 2016.

Term	Definition
<b>"surveyor general"</b>	Means the Surveyor General as defined in Section 8 of the Land Survey Act, No 8 of 1997 or any amendments thereof.
<b>"systems act"</b>	Means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any amendments thereof.
<b>"tavern"</b>	<p>Means a residential building or dwelling unit or part thereof constructed, designed or adapted for use for social gatherings and for the consumption of liquor on the site and may include the preparation and consumption of food, but shall not include the sale of any of the aforesaid items for consumption off the site, provided that the dominant use shall remain residential for the occupant of the said dwelling and subject to the compliance of health and safety by-laws.</p> <p>Refer to Clause 14.(12.) for further details.</p>
<b>"township"</b>	<p>As defined in the City of Johannesburg Municipal Planning By-law, 2016.</p> <p>"Means an area of land divided into erven which may be combined with public places and roads as indicated on a general plan, which is used and developed mainly for residential, business, commercial, industrial, institutional, educational or other similar purposes as contained in a land use scheme, or is intended to be so used and developed."</p>
<b>"transitional residential settlement area"</b>	Means defined land upon which informal settlements are established by the occupation of land and provision of residential accommodation in the form of self-help structures and some ancillary non-residential uses and regulated by the applicable Annexure. (Annexure 9999.)
<b>"transport facilities"</b>	Means a transport undertaking based on the provision of a transport service and includes a public private undertaking such as an airport or aerodrome, helistop and heliport; railway purposes, stations and related facilities; bus depot, termini and related facilities; metered and minibus taxi rank and related facilities; intermodal transfer site; and associated ancillary purposes including convenience shops, ancillary offices, customs, restaurants, security and police functions, medical facilities.

Term	Definition
<b>"urban agriculture"</b>	Means the cultivation of crops and rearing of small numbers of livestock, on relatively small areas within the city, for own consumption or sale in neighbouring markets.
<b>"use zone"</b>	Means that part of this Land Use Scheme, which has been shown on the Zoning Map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use of the land.
<b>"warehouse"</b>	Means a building/s used primarily for the storage of goods, except those that are offensive or dangerous, and includes property used for business of a predominantly wholesale nature.
<b>"wall of remembrance"</b>	Means a structure where containers with the ashes of the deceased are inserted in openings or niches in the structure and thereafter sealed and/or on which appropriate commemorative plaques can be attached. Such uses are part of a cemetery and/or religious sites.
<b>"wholesale"</b>	Means the use of a building/s and/or land primarily for the bulk distribution of goods to retailers.
<b>"workshop"</b>	Means the use of a building/s and/or land for services regarding goods that are wholly or partially manufactured, processed, mounted or repaired on the property including ancillary retail and in each case a building that is not described as a factory under the Factories, Machinery and Building Works Act of 1941 or any amendments thereof.
<b>"written consent"</b>	Consent applied for in writing and does not involve an advertising process as set out in Clause 41.
<b>"zoning"</b>	When used as a noun, means the set of requirements regulating the development of land and setting out the purposes for which the land may be used; and the land use or development requirements applicable in respect of the said land use, as determined by this Land Use Scheme.
<b>"zoning map"</b>	Means an approved map or maps (A and B series) showing the erven / sites within the Council's area of jurisdiction and applicable use / height and density requirements.

## **PART III: USE OF LAND AND BUILDINGS**

### **10. ERECTION AND USE OF LAND AND BUILDINGS**

The purpose –

- (1.) for which buildings may be erected and used and for which land may be used;
- (2.) for which buildings may be erected and used, and for which land may be used, only with the consent of the Council; and
- (3.) or which buildings may not be erected and used and for which land may not be used.

In each of the Use Zones specified in Table 2 the above-mentioned categories are shown in the third, fourth and fifth columns of Table 2 and in the Schedules.

### **11. PROTECTION OF EXISTING BUILDINGS**

Save that alterations or additions to existing buildings shall be carried out in compliance with the provisions of this Land Use Scheme; legally existing buildings shall not be affected by the provisions of this Land Use Scheme which would otherwise have rendered such buildings illegal.

### **12. COUNCIL'S CONSENT DEEMED TO HAVE BEEN GRANTED**

- (1.) If, in terms of any town planning scheme or other planning legislation substituted by this Land Use Scheme, the purpose for which a building has been lawfully erected and used without the consent of the Council is a purpose which, in terms of this Land Use Scheme, requires the consent of the Council, the Council's consent to the erection and use of such building for such purpose shall be deemed to have been granted on the fixed date.
- (2.) The provisions of this Land Use Scheme are applicable to any consent contemplated in Sub-clause (1.).
- (3.) With regard to areas previously covered by ANNEXURE F, with regard to spaza / house shops, this use may be exercised within twenty four (24) months of the fixed date by the submission and approval of a building plan. Thereafter the provisions for spaza / house shops as contained in this Land Use Scheme shall prevail.

### **13. USE OF BUILDINGS OR LAND FOR DIFFERENT PURPOSES**

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Where a building, erf or site is used for different purposes the provisions of this Land Use Scheme relating to parking requirements, loading and off-loading, height, floor area and coverage, are applicable separately to the respective areas used for such purposes.

### **14. GENERAL CONDITIONS APPLICABLE TO ALL ERVEN**

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- (1.) Save with the written consent of the Council and subject to such conditions it may impose:
  - (a.) neither the owner nor any other person shall have the right, save and except to prepare the erf for building purposes, to excavate therefrom any materials;
  - (b.) neither the owner nor any other person shall sink any wells or boreholes thereon or abstract any subterranean water therefrom: Provided that this condition is not applicable to dolomitic areas as detailed in Sub-clause (14.) below.
  - (c.) neither the owner nor any other person shall have the right to make or permit to be made upon the erf for any purposes whatsoever any tiles or earthenware pipes or other articles of a like nature: Provided that this condition is not applicable to erven zoned "Industrial 1 or 2".
  - (d.) No land shall be used for the purpose of refuse tipping, sewerage disposal or the removal of soil, sand or gravel for the purposes of sale.
- (2.) Where, in the opinion of the Council, it is impracticable for storm water to be drained from higher lying erven direct to a road, the owner of the lower lying erf shall be obliged to accept and/or permit the passage over the erf of such storm water: Provided that the owners of any higher lying erven, the storm water from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipe line or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- (3.) The positioning of all buildings, including outbuildings erected on the erf, and ingress to and egress from the erf shall be to the satisfaction of the Council.
- (4.) The following land uses shall be regarded ancillary uses:
  - (a.) Guardhouse:  
All Use Zones.
  - (b.) Caretakers unit:  
All Use Zones except "Residential 1, 2, 3, 4 & 5".

(c.) Canteen and Auto Teller Machines:

All Use Zones except "Residential 1 and 2".

- (5.) If an erf or site abuts a provincial road or a national road, a fence shall be erected along the boundary between the erf or site and such road in accordance with the standards laid down by the relevant Provincial / National Department.
- (6.) All erven shall be fenced and maintained if and when required, to the satisfaction of the Council. Boundary walls in excess of 1,8 metres in height require the written consent of the Council. All fencing and/or walling shall be completed and finished off on both sides to the satisfaction of the Council.
- (7.) The owner is responsible for the maintenance of the entire property in compliance with all relevant Council By-laws.
- (8.) The extraction of minerals by underground working or by surface working, or the erection of any buildings or the carrying out of any work which is incidental thereto on land which is not included in a proclaimed township or an agricultural holding shall be prohibited.
- (9.) The use of land, or buildings on land, 9ha or more in extent and which is in one ownership or in joint ownership, for agricultural purposes or in connection with a plant nursery shall be permitted: provided that where land is less than 9ha in extent, such buildings may only be erected and such land used with the consent of the Council, provided further that in the case of agricultural holdings laid out under the Agricultural Holdings (Transvaal) Registration Act, 1919, zoned "Agricultural" or "Undetermined" such consent need not be obtained.
- (10.) The main building which shall be a completed building and not one partly erected and to be completed at a later date, shall be erected simultaneously with or before the outbuildings.
- (11.) Where buildings are to be erected within two (2) meters from any boundary of an erf or site in any Use Zone, the clearance from the relevant service departments of the Council shall be obtained.
- (12.) Where buildings are to be erected on a "Residential 1" zoned erf or site at a height of more than one (1) storey, a distance of two (2) meters from any boundary other than a street boundary shall be maintained unless the consent is obtained as per provisions of the City of Johannesburg Municipal Planning By-law, 2016.
- (13.) The following guidelines shall apply for consent of Taverns / Shebeen by the occupant of a dwelling house / unit:
  - (a.) The residential character of the site shall be maintained to the satisfaction of the Council and the predominant land use shall remain residential.
  - (b.) The Tavern / Shebeen shall not cause an interference with the amenities of the neighborhood.
  - (c.) The display of a non-luminous notice or sign on the boundary fence or building, to indicate only the name, business logo and telephone

- number/s of such a permanent resident, shall be permitted in compliance with the prevailing outdoor advertising By-laws.
- (d.) The storing or keeping on the site of such dwelling unit of anything whatsoever which, in the opinion of the Council, is unsightly or undesirable shall be prohibited. No amusement machines of any kind shall be permitted on the premises.
  - (e.) Application for the Councils consent for a Tavern / Shebeen, shall be considered in terms of the Councils prevailing policies in respect of these land uses and parking shall be provided to the satisfaction of the Council.
- (14.) The following conditions are applicable to erven or sites and/or townships as indicated in Table 1, as well as all other erven or sites that contain restrictive conditions in their Deeds of Title relating to the underlying presence of dolomite limestone rocks. The Council reserves the right to add to the list of Townships and related erven from time-to-time as more information becomes available :
- (a.) Only wells or boreholes, which may be required by the Department of Water Affairs and/or the Council for Geoscience, may be sunk on the erf.
  - (b.) No French Drains, nor any other type of soak-away, nor any type on unlined pond, are allowed on the erf;
  - (c.) Sewers and storm water pipes must be of durable material and provided with flexible sealing joints to the satisfaction of the Council.
  - (d.) The owner of the erf must make the necessary arrangements to the satisfaction of the Council to ensure that drain pipes convey water away from the foundations of buildings;
  - (e.) Water shall not be permitted to collect on the erf and the erf shall be drained to the satisfaction of the Council.
  - (f.) Proposals to overcome detrimental soil conditions to the satisfaction of the Council shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the Council.
  - (g.) A soils/dolomite stability report drawn up by a qualified person, acceptable to the Council, indicating the soil conditions of the property and recommendations as to suitable founding methods and depths or any relevant aspect, shall be submitted to the Council simultaneously with the submission of building plans prior to the commencement of any building operations on the property.
  - (h.) Trenches and excavations for foundations, pipes, cables or for any other purpose shall be properly refilled with damp soil in layers not thicker than 150mm, and shall be compacted, to the satisfaction of the Council, until the same grade of compaction as that of the surrounding materials is obtained.
  - (i.) All pipes, which carry water, shall be watertight and shall be provided with watertight flexible couplings, to the satisfaction of the Council.




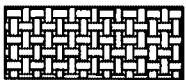
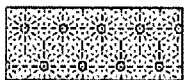
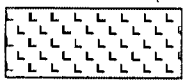
**TABLE 1: DOLOMITIC AREAS SUBJECTED TO CLAUSE 14**


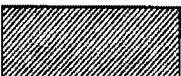

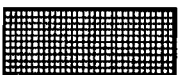

DESCRIPTION OF PROPERTY
Abmarie Agricultural Holdings
Alewynspoort Agricultural Holdings
Allen's Nek Extension 2
Allen's Nek Extension 3
Anchorville and all Extensions
Bambayi
Bram Fischerville and Extensions 1, 2, 3, 4, 5 & 6
Chiawelo and Extensions 1, 2, 3, 4 & 5
Constantia Kloof Extension 13
Devland
Dlamini
Dobsonville, Dobsonville Gardens
Doornkop and Extensions 1 & 2
Doornkop Agricultural Holdings
Dube
Eikenhof
Eikenhof Agricultural Holdings
Eldorado Park and Extension 8, 9 & 10, Eldorado Estate
Emdeni
Fleurhof
Florida Park Extension 9
Groblerpark Extensions 6, 20, 21, 26, 28, 29, 31, 32, 33 & 34
Helderkruin Extensions 13, 16 & 18
Ivory Park and Extensions 9, 12 & 13
Jabulani

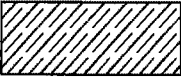
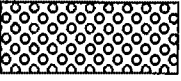
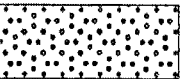
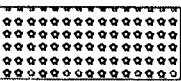

DESCRIPTION OF PROPERTY
Jabavu
Klipriviersoog and Extension 1 Klipriviersoog Estate
Klipspruit, Klipspruit Extensions 1 & 2 Klipspruit West Extension 1
Lenasia and <b>all</b> Extensions
Lenasia South Extensions 6 & 7
Lindhaven Extension 4
Maokeng
Mapetla
Meadowlands Zones 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 Meadowlands Extensions 11, 12 & 13 Meadowlands West Zones 9 & 10
Misgund Agricultural Holdings
Mmesi Park
Mofolo South, North, Central
Molapo
Moletsane
Moroka
Naledi and Extensions 1 & 2
Nancefield and Extension 1
Orlando West
Phiri
Pimville and Zones 1, 2, 3, 4, 5, 6 & 7
Protea, Protea South and <b>all</b> Extensions Protea North Protea Glen and <b>all</b> Extensions
Protea Gardens

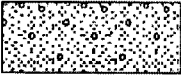
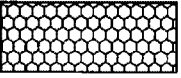
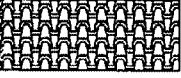


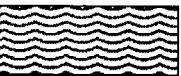
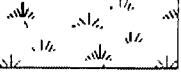
DESCRIPTION OF PROPERTY
Slovo Park
Stesa Agricultural Holdings
Stormill Extensions 2 & 3
Thembalihle
Thulani
Tladi
Weltevreden Park Extension 28
Weltevreden Park Extensions 29, 30 & 31
Weltevreden Park Extension 34
Weltevreden Park Extension 36
Weltevreden Park Extensions 38, 41 & 45
Wibsey Dip
Wilgeheuvel
Wilgeheuvel Extension 3
Winford Agricultural Holdings
Winnie Mandela and Extension 4
Witpoortjie Extension 18
Witpoortjie Extension 19
Witpoortjie Extensions 23, 24, 27 & 28
Witpoortjie Extension 37
Zola
Zondi

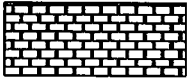

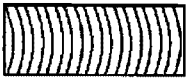


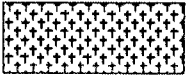

TABLE 2: USE ZONES

ZONE	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
1	RESIDENTIAL 1		Dwelling house	Religious purposes, place of instruction, child care centre, social halls, institutions, residential buildings (excluding hotels), special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, tavern/shebeen, guest house.	Uses not in columns (3) and (4)
2	RESIDENTIAL 2		Dwelling units	Residential buildings, religious purposes, places of instruction, child care centre, social halls, institutions, special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, guest house, tavern/shebeen	Uses not in columns (3) and (4)
3	RESIDENTIAL 3		Dwelling units, residential buildings	Religious purposes, places of instruction, child care centre, social halls, institutions, special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, guest house, tavern/shebeen	Uses not in columns (3) and (4)
4	RESIDENTIAL 4		Dwelling units, residential buildings	Religious purposes, places of instruction, child care centre, social halls, institutions, special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, guest house, tavern/shebeen	Uses not in columns (3) and (4)


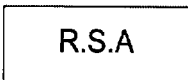

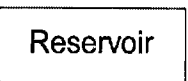
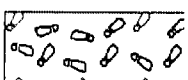



ZONE	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
5	RESIDENTIAL 5		Dwelling units, mobile dwelling units, residential buildings	Uses not in columns (3) and (5)	Noxious industries
6	BUSINESS 1		Business purposes, shops, residential buildings, place of instruction, social halls, restaurant, car sales lot, motor showrooms, showrooms. offices, public or private parking area, institutions, religious purposes, dwelling units, warehouse	Uses not in columns (3) and (5)	Noxious industries, scrap yards, panel beaters, spray painting
7	BUSINESS 2		Shops, dwelling units, residential buildings, places of instruction, business purposes, car sales lots, institutions	Uses not in columns (3) and (5)	Noxious industries, scrap yards, panel beaters, spray painting
8	BUSINESS 3		Shops, offices, restaurants, drycleaners and launderettes	Uses not in columns (3) and (5)	Noxious industries, scrap yards, panel beaters, spray painting
9	BUSINESS 4		Offices	Place of instruction, place of amusement, dwelling units, religious purposes, shops, restaurants, car sales lot, motor showrooms, special building, public or private parking area, residential buildings, child care centre.	Uses not in columns (3) and (4)


ZONE	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
10	SPECIAL		Only uses as stipulated in the applicable Schedule / Annexure	Only uses as stipulated in the applicable Schedule / Annexure	Uses not in Columns (3) and (4)
11	INDUSTRIAL 1		Industrial purposes, public garages, public or private parking areas, shops, business purposes, commercial purposes, builders yard, building material storage.	Uses not in columns (3) and (5)	Noxious industries
12	INDUSTRIAL 2		Industrial purposes, noxious industries, public garages, public or private parking areas, shops, business purposes, commercial purposes, builders yard, building material storage.	Uses not in columns (3) and (5)	Residential buildings, dwelling houses, dwelling units
13	INDUSTRIAL 3		Industrial purposes, commercial purposes, business purposes, builders yard, building material storage.	Uses not in columns (3) and (5)	Noxious industries
14	COMMERCIAL 1		Commercial purposes, builders yard, building material storage.	Uses not in columns (3) and (5)	Noxious industries

ZONE	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
15	COMMERCIAL 2		Commercial purposes, builders yard, business purposes, building material storage.	Uses not in columns (3) and (5)	Noxious industries
16	INSTITUTIONAL		Institutions, place of instruction, social halls, religious purposes	Medical consulting rooms, dwelling units, residential buildings, sport and recreation clubs, public or private parking areas	Uses not in columns (3) and (4)
17	EDUCATIONAL		Institutions, place of instruction, social halls, religious purposes	Medical consulting rooms, dwelling units, residential buildings, sport and recreation clubs, public or private parking areas	Uses not in columns (3) and (4)
18	AMUSEMENT		Place of amusement, recreation resort, social halls	Uses not in columns (3) and (5)	Noxious industries
19	MUNICIPAL		Municipal purposes, transport facilities	Uses not in column (3)	None
20	UNDETERMINED		Agricultural purposes, dwelling house, urban agriculture	(See Clause 24.)	Uses not in columns (3) and (4)
21	AGRICULTURAL		Agricultural purposes, dwelling house, urban agriculture	(See Clause 24.)	Uses not in columns (3) and (4)

ZONE	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
22	PUBLIC GARAGE		Public garages, public or private parking areas, car sales lot, motor showrooms, motor workshops and services	Shops, restaurants, special building, workshops for panel beating and spray painting	Uses not in columns (3) and (4)
23	PARKING		Public or private parking areas, restrooms, public toilet facilities, parking lot, parking garages	Flea market, recycling container facility, place of amusement	Uses not in columns (3) and (4)
24	GENERAL		Any use other than noxious industry	None	Noxious industries
25	PUBLIC OPEN SPACE		Public open space	None	Uses not in column 3
26	PRIVATE OPEN SPACE		Private open spaces	Sport and recreation clubs, agricultural purposes, urban agriculture, recreation resort	Uses not in columns (3) and (4)
27	CEMETERY		Cemeteries and ancillary uses	None	Uses not in columns (3) and (4)
28	SEWAGE FARM		Sewage works / farm	Agricultural purposes	Uses not in columns (3) and (4)



ZONE	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
29	AERODROME		Airport	All uses not in column (3) and (5)	None
30	GOVERNMENT		Government purposes	Uses not in column (3)	None
31	SAR		Railway purposes	All uses not in column (3) and (5)	None
32	RESERVOIR		Reservoir and related buildings	All uses not in column (3) and (5)	None
33	PUBLIC WALKWAYS		Public walkways	All uses not in column (3) and (5)	None
34	EXISTING PUBLIC ROADS		Existing public roads	None.	None
35	PROPOSED NEW ROADS AND WIDENINGS		Proposed new roads and widening	None.	None
36	PEDESTRIAN MALL		Pedestrian mall, shops, restaurants, informal trading	All uses not in column (3) and (5)	None

ZONE	(1) USE ZONE	(2) NOTATION	(3) PRIMARY LAND USE RIGHTS	(4) SECONDARY LAND USE RIGHTS	(5) PROHIBITED LAND USES
37	MINING		Mining purposes	(See Clause 24.)	Uses not in columns (3) and (4)

PROVISOS:			
In respect of <b>ANNEXURE F</b> for the purposes of this Land Use Scheme USE ZONE :			Where land was excluded from the previous Town Planning Schemes and/or had No Zoning, it shall be deemed to be classified under the Use Zone <b>"Mining"</b> in this Land Use Scheme.
"Residential"	shall be	<b>"Residential 3"</b>	
"Business"	shall be	<b>"Business 1"</b>	
"Industrial"	shall be	<b>"Industrial 1"</b>	
"Community Facility"	shall be	<b>"Institutional"</b>	
"Municipal"	shall be	<b>"Municipal"</b>	
"Undetermined"	shall be	<b>"Undetermined"</b>	

## **15. CONVERSION OF USE OF A BUILDING**

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If the use of a building which has been approved, erected and used for a specific purpose is to be changed, the use for such different purpose shall not be commenced with until the provisions of this Land Use Scheme relating to such different purpose have been complied with, including the submission of an amended building plan and/or Site Development Plan.

## **16. CONDITIONS APPLICABLE TO PUBLIC GARAGES**

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Where public garages are to be erected the following land use conditions shall be complied with in addition to any other applicable environmental legislation:

- (1.) No material of any kind whatsoever shall be stored or stacked to a height greater than a screen wall as indicated on an approved Site Development Plan;
- (2.) No repairs to vehicles or equipment of any kind may be carried on outside the garage buildings or screen wall; and
- (3.) No vehicle may be parked or material or equipment of any kind stored or stacked outside the garage building or the screen wall: Provided that petrol pumps and/or oil and fuel installations may be placed outside the building and/or screen wall to the satisfaction of the Council.

## **17. APPLICATION FOR CONSENT USE**

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- (1.) Any owner intending:
  - (a.) to erect and use a building in any Use Zone for a purpose for which such building may only be erected, and used in such Use Zone with the consent of the Council; or
  - (b.) to use land in any Use Zone for a purpose for which such land may only be used with the consent of the Council,must apply to the Council for the necessary consent as stipulated in terms of the provisions of the City of Johannesburg Municipal Planning By-law, 2016.
- (2.) Clause 40 shall apply mutatis mutandis to applications in terms of Sub-clause (1.).

## **18. APPLICATION FOR WRITTEN CONSENT**

Where the written consent of the Council is required (that includes terminology such as permission or written consent) the application procedure as stipulated on the appropriate application form or indicated as part of this Land Use Scheme shall apply to the satisfaction of the Council.

## **19. SPAZA / HOUSE SHOP**

Notwithstanding the provisions of the land development requirements applicable to even zoned "Residential 1, 2, 3 or 4", as contained in the Land Use Scheme:

- (1.) The Council may grant its written consent to the establishment upon an erf or site upon which a dwelling house or dwelling unit has been erected for use as a spaza / house shop, provided that :
  - (a.) The written consent application shall include the notification of the neighbours along the street frontage of the subject erf and all other owners / occupants on the same subject erf, if applicable, informing the neighbours of the intent of the owner; indicating that any objections / representations shall be made to the Council and the owner in writing within 28 days from the date of notification.
  - (b.) The sale and supply of essential pre-packed and / or pre-wrapped items and / or foodstuff as well as the sale of airtime and telephone kiosks may be permitted from the spaza / house shop.
  - (c.) The sale and consumption of liquor shall not be permitted.
  - (d.) The sale of meat shall not be permitted.
  - (e.) No amusement machines of any kind shall be permitted in the spaza / house shop whatsoever.
  - (f.) The exercising of the spaza / house shop shall exclusively be for the owner / occupant residing in the dwelling house / unit.
  - (g.) The number of staff employed in the house-shop on the erf shall not without the written consent of the Council exceed two employees.
  - (h.) The maximum extent of the spaza / house shop that the Council may grant is restricted to 36m<sup>2</sup>.
  - (i.) The spaza / house shop shall be conducted from a fixed structure for which building plans have been approved. (It may include a container/s)
  - (j.) In developments governed by sectional title or Home Owners associations, such spaza / house shop shall be accommodated subject to approval of the relevant Body Corporate / Home Owners Association.

- (k.) The Council may impose such conditions and requirements as it may deem fit upon approval of the written consent for a spaza / house shop.
- (l.) The spaza / house shop shall not disturb or cause an interference with the amenities of the neighborhood at the sole discretion of the Council.
- (m.) The residential character of the site shall be maintained to the satisfaction of the Council and the predominant land use shall remain residential.
- (n.) The storing or keeping on the site of such dwelling unit of anything whatsoever which, in the opinion of the Council, is unsightly or undesirable shall be prohibited.
- (o.) All relevant legislation and Council's By-laws shall be complied with to the satisfaction of the Council.
- (p.) Any condition of this consent may be altered or any new condition added thereto by the Council if it is of the opinion that owing to a change in the circumstances or for any other reason such alteration or addition is necessary or desirable from a town planning point of view.
- (q.) This consent shall be subject to termination by the Council if, after affording the owner of the land to which this consent relates a hearing, it is of the opinion that owing to a change of circumstances or for any other reason it is undesirable for the consent to remain in force.

## **20. HOME ENTERPRISES FOR PROFESSION AND/OR OCCUPATION**

Without prejudice to any of the powers of the Council under the provisions of this Land Use Scheme or any other law, nothing in the provisions of this part of the Land Use Scheme shall be construed as prohibiting or restricting or enabling the Council to prohibit or restrict the practice by any permanent occupant of a dwelling house / unit of a home enterprise / profession/s or occupation/s or use of a dwelling house / unit for the purpose of a Home Enterprise, provided that:

- (1.) The dwelling house / unit shall not be used for a public garage, motor sales, motor workshop, heavy mechanical repairs (e.g. grinding, welding, sanding, etc.), car wash, industrial / commercial purposes, noxious industries, scrap yard, spray painting, panel beating, shop (retail outlet), spaza / house shop, tavern / shebeen, restaurant, coffee shop, tea garden, place of amusement, place of instruction, institution, guest house, bed and breakfast, boarding house, commune, hotel, funeral parlour, undertaker, pet salon or any such other uses as the Council may determine.

- (2.) Not more than 25% of the built floor area of the dwelling house / unit or 50m<sup>2</sup> may be used for non-residential purposes in total, whichever is the lesser.
- (3.) The principal of the non-residential activity shall be the permanent occupant on the site.
- (4.) A maximum of two (2) other persons additional to the members of the household who permanently reside on the site and who own and operate the business from the home may be taken into partnership on the site in relation to the home enterprise / profession/s or occupation/s exercised from the site.
- (5.) The home enterprise / profession/s or occupation/s should not negatively impact on any infrastructure services greater than normally required for domestic use.
- (6.) Parking, as well as loading and off-loading activities directly related to the home enterprise / profession/s or occupation/s shall be to the satisfaction of the Council.
- (7.) The display of a non-luminous notice or sign on the boundary fence or building, to indicate only the name, profession / occupation, business logo and telephone number/s of such a permanent resident, shall be permitted in compliance with the prevailing outdoor advertising by-laws.
- (8.) A home enterprise / profession/s or occupation/s of such a nature that would cause an undue increase in traffic in the neighbourhood or the passing of heavy vehicles through the neighbourhood, neither the congregating of workers in relation to the home enterprise / profession/s or occupation/s from the dwelling house / unit shall not be permitted.
- (9.) Interference, in the opinion of the Council, with the amenities of the neighbourhood by means of noise, smell, dust, aesthetic appearance or any other manner, shall not be permitted.
- (10.) The storing or keeping on the site of anything whatsoever which, in the opinion of the Council, is unsightly or undesirable or a risk to the safety and security of residents, such as ammunition, weapons, fire arms, explosives, fireworks, chemicals and waste or something which cannot be accommodated by the ordinary design of a dwelling house or dwelling unit shall not be permitted.
- (11.) Should the permanent occupant wish to practice a home enterprise / profession/s or occupation/s from a non-permanent (for example tents, gazebo and caravans) structure on the site, such practice shall be subject to permission being granted by the written consent of the Council accompanied by a plan indicating the nature, size and position of the container or non-permanent structure on the site. This written consent may be subject to the submission of a building plan.
- (12.) In developments governed by Sectional Title or Home Owners Associations, such home enterprise / profession/s or occupation/s shall be accommodated subject to approval of the relevant Body Corporate / Home Owners Association.

- (13.) All relevant legislation and Council's By-laws shall be complied with to the satisfaction of the Council.

## **21. SUBSIDIARY DWELLING UNIT**

Notwithstanding the provisions of the land development requirements of the erf, as contained in the Land Use Scheme:

- (1.) An owner may erect and use a maximum of two subsidiary dwelling units on an erf zoned "Residential 1", subject to the following conditions:
- (a.) In the event of a subsidiary dwelling unit/s being in excess of one storey, the written consent of the Council shall be required; such written consent shall include the notification of the neighbours; informing the neighbours of the intent of the owner; indicating that any objections / representations shall be made to the Council and the owner in writing within twenty-eight (28) days from the date of notification.
  - (b.) The two (2) subsidiary dwelling units shall be inclusive of staff accommodation;
  - (c.) The total combined floor area of the subsidiary dwelling units shall not exceed 160m<sup>2</sup> or 90% of the main dwelling house whichever is the lesser;
  - (d.) A subsidiary dwelling unit may only be erected in relation to an existing dwelling house;
  - (e.) A subsidiary dwelling unit may be attached to or detached from the main dwelling house but in the former instance may not be interconnected;
  - (f.) A subsidiary dwelling unit may consist of interconnected rooms or unconnected rooms.
    - (i.) The unconnected rooms may be self-contained or may share communal ablution and/or kitchen facilities.
    - (ii.) In an interconnected subsidiary dwelling unit, the unit may be rented out to a household or three (3) bedrooms may be rented to individual persons.
    - (iii.) In an unconnected subsidiary unit, rentable rooms, the minimum size of a habitable space shall not be less than 9m<sup>2</sup>, excluding ablutions and kitchens, or 6m<sup>2</sup> per person for more than one person.
    - (iv.) Rentable rooms may be self-contained (including ablutions and kitchens) provided that the room may not exceed 25m<sup>2</sup>.
    - (v.) A subsidiary dwelling unit is equivalent to three (3) rentable rooms which may share a kitchen and/or ablution facilities or three (3) self-contained rentable rooms.

- (g.) Parking shall be provided to the satisfaction of the Council;
- (h.) No outbuildings may be erected in relation to the subsidiary dwelling units other than a garage/s;
- (i.) The access, positioning and design of the subsidiary dwelling units shall be to the satisfaction of the Council;
- (j.) The screening of the subsidiary dwelling units shall be to the satisfaction of the Council;
- (k.) The amenity of the area shall not be disturbed at the sole discretion of the Council;
- (l.) Where an owner of a "Residential 1" property exercised the right of a subsidiary dwelling unit, neither the subsidiary dwelling unit nor the dwelling house may be sectionalized;
- (m.) In the event of subdivision in accordance with the prevailing density guidelines a newly created portion may contain the detached subsidiary dwelling unit, which may now be re-defined as an existing dwelling house;
- (n.) When an owner exercises the right for the subsidiary dwelling units, engineering services contributions in terms of the prevailing policies for engineering services, may be payable on submission of the building plan as determined by the Council.

## **22. CONDITIONS FOR CHILD CARE CENTRES AND EARLY CHILDHOOD DEVELOPMENT CENTRES ON RESIDENTIAL ERVEN**

---

- (1.) Subject to the provisions of Sub-clause (1.) the Council may grant its consent to the erection upon an erf or site upon which a dwelling house or dwelling unit has been erected or to a building for use as a place of instruction for a child care centre.
- (2.) The Council shall not grant its consent in terms of Sub-clause (1.) unless there is sufficient area on site for the activities connected with the proposed child care centre including the necessary parking requirements to the satisfaction of the Council as well as the provision of areas for the dropping off and collecting of children. Where necessary such application shall be accompanied by a Traffic Management Plan to address peak hour operations.
- (3.) No consent is required if six (6) or less children are accommodated on the erf.



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## **23. CONDITIONS RELATING TO RELIGIOUS PURPOSES**

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- (1.) The Council shall not grant its consent to any religious purposes where there is any interference with the amenities of the neighbourhood with regard to noise, parking, traffic, etc.
- (2.) All applications shall be accompanied by a Traffic Management Plan to address peak hour operations.
- (3.) No Religious Purposes shall be permitted within residential complexes.

## **24. CONDITIONS RELATING TO AGRICULTURAL HOLDINGS AND FARM LAND**

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The following is applicable with regard to consent use applications on agricultural holdings and farm land:

- (1.) No development that generate the need for the upgrade of municipal services, (roads, electricity, water, sewerage and storm water). If any detailed engineering investigations are required in order to establish whether any external services upgrading will be required, then these investigations should be done upfront prior to submission of any consent use application.
- (2.) The Council reserves the right to call for any necessary additional information required during evaluation of an application, including inter-alia, a geotechnical investigation report, flood line investigations / certification, traffic studies and services outline scheme reports.
- (3.) Only one land use shall be permitted. (This does not include an existing dwelling house.)
- (4.) The property may not be subdivided.
- (5.) A Site Development Plan shall be submitted for approval prior to approval of building plans.
- (6.) These shall include specific land uses such as:
  - (a.) Guest house / bed and breakfast for 15 rooms / suites.
  - (b.) Places of Instruction for a maximum of 100 learners.
  - (c.) Tea gardens and restaurants with seating for 80 patrons.
  - (d.) Conference facilities for a maximum of 80 delegates.
  - (e.) Religious Purposes for 100 worshippers.
  - (f.) Sports grounds for existing adjacent or nearby Places of Instruction.
  - (g.) Green energy installations for renewable energy provision.
  - (h.) Show jumping and riding events related to horse stables and riding schools

- (i.) Sporting and recreation facilities such as but not limited to golf courses, paintball, go-cart racing and zip lining.
- (j.) Institutions such as but not limited to orphanages for 50 people.
- (k.) Veterinary services with not more than two veterinary practitioners and restricted to 250m<sup>2</sup>.
- (l.) Day Spa limited to 250m<sup>2</sup>.
- (m.) Self-storage limited to 1 000m<sup>2</sup> or 20%, whichever is the lesser.

## **25. ERVEN AFFECTED BY SERVITUDES**

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The provisions of floor area, coverage, height and building lines shall not be affected by the indications of servitudes over an erf or site.

## **26. CONSOLIDATION AND SUBDIVISION OF ERVEN**

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- (1.) Subject to the provisions of Section 33 of the City of Johannesburg Municipal Planning By-law, 2016, the Council may grant its approval to the subdivision of any erf or consolidation of erven, subject to such conditions as it may deem fit and in accordance with the density guidelines as per Clause 27 and the applicable Council policy.
- (2.) In considering an application for its approval for consolidation and/or subdivision as contemplated in Sub-clause (1.) the Council shall, in addition to any other relevant factors, have regard to:
  - (a.) Whether the said consolidation and/or subdivision is necessary and desirable in relation to the location of buildings on the erf to be subdivided and/or consolidated;
  - (b.) Whether there is adequate and unhindered access to and from the erven or sites; where a panhandle erf or site is created through subdivision the width of the panhandle shall be to the satisfaction of the Council which shall not be less than four (4) metres.
  - (c.) Where the major vegetation and/or prominent natural features are positioned on the erf or site that the owner retains such as far as possible.
- (3.) No consolidation of two (2) or more erven with different Use Zones or Schedules / Annexures shall be permitted unless appropriately rezoned.
- (3.) Erven that have been developed with semi's (two (2) dwelling units under one (1) roof), in accordance with the provisions of previous town planning schemes, may be subdivided in accordance with the provisions of this Land Use Scheme.
- (4.) The Council may grant approval to:

- (a.) the subdivision of an erf zoned "Residential 1", one dwelling house per erf;
  - (b.) the subdivision of an erf zoned "Residential 1", which would have the effect of creating an erf or erven smaller in size than the minimum area specified in Table 3.
  - (c.) If an erf is subdivided in terms of the general Council Policy of 20 units per hectare and/or other specific density policy and/or guideline in place, not more than four (4) portions may be created in terms of the provisions of Sub-clause (a.) and (b.).
  - (d.) If an erf is subdivided in terms of Sub-clause (4.)(a.), (b.) or (c.) to 20 units per hectare or less, each subdivided portion shall have direct access to a public road.
- (5.) The Council may grant its approval to the subdivision of an erf zoned "Residential 2, 3 or 4", whether or not a density is indicated in terms of Table 3, in accordance with an approved Development Plan with proposed divisions as contemplated in Clause 39.
- (6.) Such approval for subdivision is subject to time limitations as contained in Section 33 (10) and (11) of the City of Johannesburg Municipal Planning By-laws, 2016.
- (7.) Upon the approval of a subdivision the following conditions shall be included as conditions of title of each and every subdivided portion :
- (h.) The erf is subject to a servitude, two (2) metres wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes two (2) metres wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
  - (i.) No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within two (2) metres thereof.
- (8.) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority. The Council shall attach the conditions of the approved subdivision to the zoning information of all the newly created erven concerned. In the event of the cancellation or lapsing of such subdivision the Council may remove such conditions and do the appropriate adjustments.
- (9.) Upon the approval of a subdivision application all the conditions of approval shall :

- (a.) Be in addition to the general conditions, restrictions and other provisions of this Land Use Scheme
- (b.) Should there be conflict with any such other conditions, restrictions or provisions in this Land Use Scheme including the provisions and conditions contained in an Annexure or Schedule applicable to the erf, the most restrictive conditions shall prevail.

## **SECTION 2: MANAGEMENT OF LAND DEVELOPMENT RIGHTS**

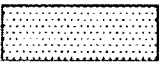
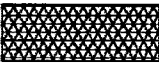


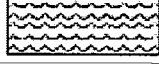
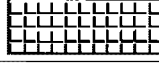


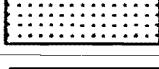
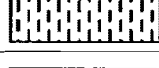
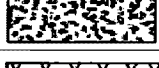
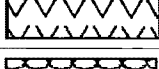
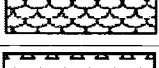
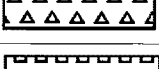
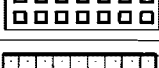


This Section of the City of Johannesburg Land Use Scheme contains all of the general land development rights associated and connected with the Use Zones as detailed in Section 1, including height, coverage, floor area and density requirements. It also elaborates on building restrictions and parking requirements. The overall purpose of this Section is to determine the land development and administration processes that the Council has at its disposal to manage the urban form in a sustainable and innovative way.

### **PART IV: LAND DEVELOPMENT REQUIREMENTS**

#### **27. DENSITY DEVELOPMENT REQUIREMENTS**

- (1.) The number of dwelling houses or dwelling units that may be erected on an erf or site shall be in accordance with Table 3.
- (2.) In all Use Zones other than "Residential 1, 2, 3, 4 and 5" (or where specified in an Annexure / Schedule) where residential use is permitted, dwelling houses, dwelling units, mobile dwelling units and residential buildings shall only be erected in accordance with the provisions relating to height, coverage and floor area ratio applicable to the erf or site concerned.
- (3.) If an erf or site is situated in more than one Use Zone, buildings may be erected without subdivision of the erf or site, in accordance with purposes permitted in each Use Zone on the various parts of such erf or site.
- (4.) In the event of a cluster development (Free Hold Title) on "Residential 2, 3 and 4" the density shall be restricted to a maximum of 30 dwelling units per hectare.

**TABLE 3: DENSITY DEVELOPMENT REQUIREMENTS**

Reference to B-series Map (Notation)	Number of dwelling houses per erf	Minimum area of erf in square meters (m <sup>2</sup> )
	1	-
	1	100
	1	200
	1	300
	1	400
	1	500
	1	700
	1	800
	1	1 000
	1	1 250
	1	1 500
	1	2 000
	1	2 500
	1	3 000
	1	4 000
	1	6 000
	1	8 000

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## **28. HEIGHT DEVELOPMENT REQUIREMENTS**

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- (1.) The number of storeys, excluding basement storeys that may be contained in a building shall be determined by a designated Height Zone detailed in Table 4.
- (2.) Save with the consent of the Council and/or the relevant controlling authority, no building shall exceed a height of 1950m above mean sea level. For the purpose of this clause the height exclusions in terms of the height definitions shall not apply.
- (3.) Subject to the provisions of this Part of the Land Use Scheme, no building shall be erected so as to contain a number of storeys in excess of the number specified in Sub-clause (1.): Provided that an additional storey may be permitted with the consent of the Council.
- (4.) In considering applications for the Council's consent in terms of Sub-clause (2.), the Council shall, in addition to any other relevant factors have regard to:
  - (a.) The location and topography of the erf or site;
  - (b.) Whether, for example, the additional open space resulting from a building containing more than four storeys is more desirable than that which would result from a four storey building;
  - (c.) The effect on the surrounding area with particular emphasis on the possible obstruction of view, overshadowing or breaking of the natural skyline; and
  - (d.) The desirability of creating a focal point on the site.

**TABLE 4: HEIGHT DEVELOPMENT REQUIREMENTS**

(1) Height Zone	(2) Number of storeys	(3)								
		Johannesburg	Sandton	Roodepoort	Randburg	Lenasia	Modderfontein	Walkerville	Edenvale	Peri-Urban Halfway House Annexure F Lethabong Westonaria Southern Jhb Region
<b>A</b>	<b>3</b>	0	0	0	0	0	0	0	3	0
		6	2	4	3	1	1	1	4	
		7	3	5		2	2	2	5	
		8	4	6		3	3	3	6	
			5	7		4	4	4	7	
			6	8		5	5	5	8	
			7	9		6	6	6	9	
			8	10		7	7	7	10	
			9	11		8	8	8	11	
			10	12		9	9	9		
			11			10				
<b>B</b>	<b>5</b>	5	1	3	2					
<b>C</b>	As per Clause 30	1		1	1				0	
		2		2					1	
		3							2	
		4								



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## **29. GROUND STOREY AND BASEMENT STOREYS**

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- (1.) A building shall have only one (1) ground storey and, save for a building consisting of only one (1) storey, the building plans of a building shall indicate which the ground storey is.
- (2.) All storeys below the ground storey shall be indicated as basement storeys on building plans and shall comply with the provisions as set out in the definition of basement.
- (3.) Basement storeys shall not be taken into account in the determination of the permissible number of storeys in a building as per definition of basement; however, if basements are used for any other purpose other than parking, such areas shall be included as floor area.

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## **30. THE 59° HEIGHT LINE LIMITATION**

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- (1.) Any building erected in Height Zone C shall not project above a line drawn at an angle of 59° to the horizontal from a point at street level on the street boundary opposite to the street boundary onto which the site fronts.
- (2.) The Council may grant its consent in terms of a Site Development Plan as detailed in Clause 39 to the erection of a building governed by Height Zone C, which will project above the 59° height line referred to in Sub-clause (1.), subject to such conditions as it may deem fit.

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## **31. COVERAGE DEVELOPMENT REQUIREMENTS**

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- (1.) No building shall be erected so as to cover a greater proportion of its erf than is permitted in terms of Table 5.
- (2.) The provisions of Sub-clause (1.) shall apply to every storey in a building, including any basement storey.
- (3.) The Council may grant its written consent:
  - (a.) To any basement storey which is below natural ground level being constructed so as to exceed the coverage permissible in terms of Sub-clause (1.).
  - (b.) To the area covered by private parking garages so as to exceed the coverage permissible in terms of Sub-clause (1.).
  - (c.) In considering an application for its consent in terms of Sub-clause (2.)(a.) the Council shall in addition to any other relevant factors have regard to the likely effect upon plant life, possible future road improvements and the location of essential services.
- (4.) The Council may grant its written consent to the coverage being increased:

- (a.) In respect of an erf or site fronting onto a pedestrian mall;
  - (b.) On any Use Zone to an additional maximum of 10%.
  - (c.) In considering an application for its consent in terms of Sub-clause (3.)(c.)(a.) the Council shall in addition to any other relevant factors have regard to the likely effect upon plant life, possible future road improvements and the location of essential services
  - (d.) On Residential 1 zoned erven, smaller than 500m<sup>2</sup> the coverage for a single storey building may be 60%.
- (5.) The coverage as reflected in Table 5 shall not be applicable to residential cluster / group housing (freehold) development, in which instance the coverage shall be determined in terms of an approved Site Development Plan.
- (6.) The coverage as reflected in Table 5 shall not be applicable to the, "Agricultural" and "Undetermined" Use Zones, developed for a dwelling house only, in which instance the coverage shall not exceed 30%.

**TABLE 5: COVERAGE DEVELOPMENT REQUIREMENTS**

(1) Height Zone	(2) Dwelling Houses, Dwelling Units, Residential Buildings	(3) Shops, Business Purposes, Institutional-, Educational Facilities	(4) Industrial Purposes	(5) Other Uses
<b>A</b>	50% for one storey  50% for two storeys  40% for three storeys	50%	70%	70%
<b>B</b>	Residential 1: 60%  Residential 2: 70%  Residential 3: 80%	70%	85%	60%
<b>C</b>	100%	100%	100%	100%

## 32. FLOOR AREA RESTRICTIONS

- (1.) No building shall be erected so as to exceed the floor area ratio as prescribed in Table 6 of the Land Use Scheme. The floor area ratios as given in columns 2, 3, 4 and 5 of Table 6 are applicable to buildings erected in the Height Zones given in Table 4.
- (2.) In the case of an erf situated at the junction of two roads the applicable floor area ratios of which are not equal, the higher floor area ratio shall apply for a distance of 15,75m, measured along the street with the lower applicable floor area ratio. This is applicable in the Inner City Annexure 17 (A/S 4458) only.
- (3.) If an erf has no street frontage and access to a road is gained over another erf which fronts onto such street, the floor area ratio of the latter erf shall apply to such erf. This is applicable in the Inner City Annexure 17 (A/S 4458) only.
- (4.) The floor area ratio as reflected in Table 6 shall not be applicable to residential cluster / group housing (freehold) development, in which instance the floor area ratio shall be determined in terms of an approved Site Development Plan.

**TABLE 6: FLOOR AREA DEVELOPMENT REQUIREMENTS**

(1) Height Zone	(2) Dwelling Houses, Dwelling Units, Residential Buildings, Institutional-, Educational Facilities	(3) Shops, Business Purposes	(4) Industrial Purposes	(5) Other Uses not found in Columns (2), (3) & (4)
<b>A</b>	1,2	2,1	2,1	2,1
<b>B</b>	2,4	3,0	3,0	3,0
<b>C</b>	4,0	4,0	4,0	4,0
<b>NOTE</b>	With regard to the Inner City see <b>Annexure 17</b> (A/S 4458)			

## 33. ADDITIONAL FLOOR AREA

- (1.) The Council may grant its written consent to the floor area ratio being increased:
  - (a.) On any Use Zone to an additional maximum of 0,1;

- (b.) In considering an application for its consent in terms of Sub-clause (1.) the Council shall in addition to any other relevant factors have regard to the likely effect upon plant life, possible future road improvements and the location of essential services.
- (2.) The Council may with the written consent increase the floor area in respect of erven in the Inner City as per Annexure 17 (A/S 4458) in Height Zone C.
- (3.) The Council may with the written consent increase the floor area in respect of an erf or site fronting onto a pedestrian mall.

## **PART V: BUILDING RESTRICTION AREAS**

### **34. BUILDING LINES AND BUILDING RESTRICTION AREAS**

- (1.) Building lines applicable to street boundaries are given in Table 7.
- (2.) Subject to the provision of Sub-clause (3.) and Clause 35, no building shall be erected in a building restriction area.
- (3.) Sub-clause (2.) is not applicable to boundary fences; garden walls; garden fences; garden ornaments; garages and carports with indirect access and associated single storey domestic outbuildings related to dwelling houses; dwelling units and residential buildings; electrical high and low tension chambers; pergolas; guard houses; antenna; satellite dishes; or swimming pools: Provided that such exemption does not apply along any provincial or national road in so far as it would be contrary to the requirements of the controlling authority.
- (4.) Due to the existence of omnibus servitudes and municipal services situated on properties, any / all such services shall be indicated on the building plan and where a building/s, whether such structure/s is on or above surface or below surface, or any building works (retaining walls, etc.), is closer than two (2) metres from any boundary, the specific clearance from all the services departments shall be obtained.

### **35. CONSENT TO BUILD IN THE BUILDING RESTRICTION AREA**

- (1.) The Council may consent to the erection of buildings :
  - (a.) In the building restriction area between the building line and street boundary;
  - (b.) In the case of structures below ground level or mainly below ground level, in the building restriction area between the building line and the street boundary;
  - (c.) Buildings may be erected between the building line and the boundary of a sanitary lane if it is not in conflict with the Council's by-laws.
  - (d.) Such consent may not be granted along any provincial or national road where such consent would be contrary to the requirements of the controlling authority.
- (2.) A consent granted in terms of Sub-clause (1.) shall be valid for the life of the building in respect of which such consent was granted, or for any shorter period that may be specified by the Council as a condition of its consent.

- (3.) In considering an application for its consent in terms of Sub-clause (1.) the Council shall, in addition to any other relevant factors, have regard to:
- (a.) The possibility of future road improvements;
  - (b.) The location of the building in relation to surrounding sites and buildings;
  - (c.) The slope of the land comprising the erf or site in relation to the slope of surrounding land;
  - (d.) The arrangement of the buildings on the erf;
  - (e.) All existing and/or future servitudes for engineering services;
  - (f.) Any factor indicating the compliance with the building line would unreasonably interfere with the development of the erf.
  - (g.) If an erf or site abuts a provincial road or a national road, a building restriction shall be applicable in accordance with the standards laid down by the relevant Provincial Department or controlling body.

**TABLE 7: BUILDING LINE RESTRICTION AREAS**

(1) Use Zone and/or Land	(2) Size of Erf or Site or Height Zone	(3) Minimum Distance in meters between building line and street boundary
Residential 1, 2, 3, 4 & 5	Erven of 500m <sup>2</sup> or less Erven larger than 500m <sup>2</sup>	1,0 m 3,0 m
Agricultural Holdings & farm portions	Less than 9ha 9ha and greater	9,0 m 30,0 m
All other Use Zones	Height Zones A and B Height Zone C	3,0 m 1,5 m

## PART VI: PARKING AND LOADING

### 36. PARKING DEVELOPMENT REQUIREMENTS

- (1.) The provisions for parking in this Part of the Land Use Scheme shall not apply to land or land and buildings where such land or buildings, or both, are used exclusively for public or private parking areas: Provided that in a building to be used or erected and used, partly for a public parking area and partly for other uses, this Part shall apply to that part of said land or building used or erected and used for such other uses; parking shall not be used for the exclusive use of tenants. If parking is demarcated / reserved, it shall be over and above the standard requirement.
- (2.) For the purposes of calculating the number of parking bays that can be provided, it shall be deemed that one parking bay is equal to an area of 30m<sup>2</sup>; should taxi bays be provided on-site, one (1) taxi bay shall be the equivalent of eight (8) parking bays; two (2) motorbike bays shall be equivalent to one (1) parking bay; should non-motorised facilities be provided, five (5) non-motorised facilities shall be the equivalent of one (1) parking bay; drop-off zones for busses at any educational facility will be the equivalent of three (3) parking bays; provided that a maximum of 10% of the total number of parking bays required may be replaced by the afore-mentioned parking modes. (This percentage may be further increased on submission of a written consent application.)
- (3.) Subject to the provisions of Sub-clause (5.) parking shall be provided in a manner satisfactory to the Council in respect to buildings and use of land on erven or sites, which shall be the number of bays specified in Table 8 or Table 9, applied according to the locality of the erven or sites, which will fall in one of the following three (3) parking zones :
  - (a.) **Parking Zone A** : being the Johannesburg Inner City  
In this parking zone, parking may be provided as per the ratios in Table 9. (Annexure 17.)
  - (b.) **Parking Zone B** : for areas as defined in the Spatial Development Framework (SDF) Sub-clause
  - (c.) **Parking - Remainder of City** : the area of jurisdiction, not defined under Zones A and B above
- (4.) Areas covered by Zone B include the following :
  - (a.) Public Transport priority areas: areas located within 500 meters walking distance from PRASA rail stations, Gautrain and Bus Rapid Transport (BRT) stations.
  - (b.) Areas within the priority Transit Oriented Development Corridors.

- (c.) Deprivation areas, as defined in the Spatial Development Framework of the City of Johannesburg.
- (d.) Transit Oriented Development (TOD) Metropolitan and Regional nodes.
- (5.) The Council, when considering a written consent application for deviation of the parking requirements in Zone B and the Remainder of the City shall, where the minimum required parking as per Table 8 cannot be provided, in addition to any other relevant factors, take the following into account :
  - (a.) The areas listed under Sub-clause (4.)
  - (b.) The total parking provision (private / public) in the area where the proposed development is located.
  - (c.) If public transport facilities are provided and maintained on site by the applicant / owner, at the owner's own cost.
  - (d.) Availability of off-street parking in the vicinity of the site.
  - (e.) The possible impact of shared-parking utilization in mixed land use developments located within reasonable walking distances on the same site.
  - (f.) The number of staff members and customers related to the use of the land or building on site.
  - (g.) the socio-economic structure and density of the population that is served by the development.
  - (h.) the size and nature of the proposed development on the site and the size or type of vehicles likely to be used in connection with the land use conducted on the site.
  - (i.) the likelihood of a reduction in parking provision causing injury to the amenity of the area in which it is or will be situated including, without prejudice to the generality of the foregoing, increased traffic and parking difficulties.
- (6.) Retail shopping centres in excess of 5 000m<sup>2</sup> floor area shall provide public transport facilities and associated informal trading facilities and ablutions, the extent of which shall be to the satisfaction of the Council.
- (7.) Open air land uses are to be included as floor area for the purpose of calculating parking requirements for all land uses.
- (8.) In all Use Zones, excluding "Residential 1", where dwelling units are developed, at least one (1) covered parking bay shall be provided for each dwelling unit.
- (9.) On "Residential 1" zoned sites, parking shall be to the satisfaction of the Council.



**TABLE 8: ON-SITE PARKING REQUIREMENTS**

LAND USE CATEGORY	REMAINDER OF CITY	PARKING ZONE B TOD CORRIDORS & NODES / PRASA, GAUTRAIN & BRT STATIONS / DEPRIVATION AREAS / ECONOMIC NODES
<b>RESIDENTIAL</b>		
Up to three habitable rooms	1,0 bay per unit plus 1,0 bay per three units for visitors	0,5 bays per unit plus 1,0 bay per three units for visitors
Four or more habitable rooms	2,0 bays per unit plus 1,0 bay per three units for visitors	1,0 bay per unit plus 1,0 bay per three units for visitors
Boarding houses, hostels, communes	0,5 bays per room	0,3 bays per room
Residential hotels, bed & breakfast, guest houses	1,0 bay per room	0,5 bays per room
Social/Inclusionary housing	0,75 bays per unit	0,5 bays per unit
Licensed hotels, motels	1,0 bay per bedroom plus 25,0 bays per 100 m <sup>2</sup> public rooms	0,5 bays per bedroom plus 10,0 bays per 100 m <sup>2</sup> public rooms
<b>RELIGIOUS PURPOSES</b>		
With seating provision	0,4 bays per seat	0,2 bays per seat
Without seating provision	25,0 bays per 100 m <sup>2</sup> of net prayer/meditation area	10,0 bays per 100 m <sup>2</sup> of net prayer/meditation area
<b>EDUCATIONAL / INSTRUCTIONAL</b>		
Primary and secondary schools	1,0 bay per classroom plus 0,1 bay per learner and 1,0 bay per additional teacher/trained administrator or staff	1,0 bay per classroom plus 0,1 bays per learner and 1,0 bay per additional teacher/trained administrator or staff
Nursery schools, crèches, day care centres	0,2 bays per child plus 1,0 bay per classroom	0,1 bays per child plus 1,0 bay per classroom
Universities, colleges, adult education, advanced technical education and other full-time education	0,4 bays per student plus 1,0 bay per classroom and 1,0 bay per additional trained / administration staff	0,2 bays per student plus 1,0 bay per classroom and 1,0 bay per additional trained / administration staff

LAND USE CATEGORY	REMAINDER OF CITY	PARKING ZONE B TOD CORRIDORS & NODES / PRASA, GAUTRAIN & BRT STATIONS / DEPRIVATION AREAS / ECONOMIC NODES
Under 18 part-time Instruction	0,5 bays per learner plus 1,0 bay per trained staff	0,2 bays per learner plus 1,0 bay per trained staff
Medical schools	0,8 bays per student plus 1,0 bay per classroom and 1,0 bay per additional trained / administration staff	0,4 bays per student plus 1,0 bay per classroom and 1,0 bay per additional trained / administration staff
<b>SOCIAL / RECREATIONAL/ INSTITUTIONAL</b>		
Convalescent homes, Old age homes, geriatric, homes with medical care, sanatoriums, charitable institutions	1,0 bay per bed plus 1,0 bay per trained / administration staff	1,0 bay per bed plus 1,0 bay per trained / administration staff
Bowling alleys, indoor shooting club, billiard saloons	6,0 bays per 100 m <sup>2</sup>	3,0 bays per 100 m <sup>2</sup>
Sports clubs	0,7 bays per player and staff plus 0,5 bays per spectator	0,4 bays per player and staff plus 0,2 bays per spectator
Sports stadium	0,7 bays per player and staff plus 0,5 bays per spectator	0,4 bays per player and staff plus 0,2 bays per spectator
Swimming pools	20,0 bays per 100 m <sup>2</sup> for whole enclosed area or 0,7 bays per seat, whichever is the greater	10,0 bays per 100 m <sup>2</sup> for whole enclosed area or 0,2 bays per seat, whichever is the greater
Squash courts	4,0 bays per court	2,0 bays per court
Social clubs, youth clubs, community centres	4,0 bays per 100 m <sup>2</sup>	2,0 bays per 100 m <sup>2</sup>
Show grounds, amusement parks, fairs, snake parks, etc.	15,0 bays per 100 m <sup>2</sup> of total site area excluding parking area	10,0 bays per 100 m <sup>2</sup> of total site area excluding parking area
Zoos, parks, nature/flower parks	10,0 bays per 100 m <sup>2</sup> of total site area excluding parking area	5,0 bays per 100 m <sup>2</sup> of total site area excluding parking area
Sport and recreation facilities	10,0 bays per 100 m <sup>2</sup> or 0,25 bays per seat	5,0 bays per 100 m <sup>2</sup> or 0,25 bays per seat

LAND USE CATEGORY	REMAINDER OF CITY	PARKING ZONE B TOD CORRIDORS & NODES / PRASA, GAUTRAIN & BRT STATIONS / DEPRIVATION AREAS / ECONOMIC NODES
<b>Gymnasium/Health Clubs</b>	10,0 bays per 100 m <sup>2</sup> plus 1,0 bay per trainer	5,0 bays per 100 m <sup>2</sup>
<b>Institution</b>	1,5 bays per 100 m <sup>2</sup>	0,75 bays per 100 m <sup>2</sup>
<b>PUBLIC GARAGES AND MOTOR RELATED USES</b>		
<b>Workshops, convenience shop, take-aways, Drive-throughs</b>	6,0 bays per 100 m <sup>2</sup>	3,0 bays per 100 m <sup>2</sup>
<b>Lubrication, tune-up bays, car wash</b>	4,0 bays per wash/tune-up bay	2,0 bays per wash/tune-up bay
<b>Related spares and sales</b>	2,0 bays per 100 m <sup>2</sup>	1,0 bay per 100 m <sup>2</sup>
<b>Related motor showroom</b>	3,0 bays per 100 m <sup>2</sup>	1,5 bays per 100 m <sup>2</sup>
<b>Stand-alone Filling Station</b>	2,0 stacking bays per pump	2,0 stacking bays per pump
<b>Used car sales lots</b>	3,0 bays per 100 m <sup>2</sup>	1,0 bay per 100 m <sup>2</sup>
<b>MEDICAL USES</b>		
<b>Hospital, Clinics, Step-down facilities</b>	2,0 bays per bed plus 6,0 bays per 100 m <sup>2</sup> for the medical consulting rooms	1,0 bay per bed plus 3,0 bays per 100 m <sup>2</sup> for the medical consulting rooms
<b>Veterinary hospitals and consulting rooms</b>	6,0 bays per 100 m <sup>2</sup>	3,0 bays per 100 m <sup>2</sup>
<b>Medical consulting rooms</b>	6,0 bays per 100 m <sup>2</sup>	3,0 bays per 100 m <sup>2</sup>
<b>BUSINESS USES</b>		
<b>Offices</b>	4,0 bays per 100 m <sup>2</sup>	2,0 bays per 100 m <sup>2</sup>

LAND USE CATEGORY	REMAINDER OF CITY	PARKING ZONE B TOD CORRIDORS & NODES / PRASA, GAUTRAIN & BRT STATIONS / DEPRIVATION AREAS / ECONOMIC NODES
<b>Restaurants</b>	6,0 bays per 100 m <sup>2</sup>	3,0 bays per 100 m <sup>2</sup>
<b>Motor Showrooms</b>	6,0 bays per 100 m <sup>2</sup>	3,0 bays per 100 m <sup>2</sup>
<b>Showrooms</b>	3,0 bays per 100 m <sup>2</sup>	1,5 bays per 100 m <sup>2</sup>
<b>Shops</b>	6,0 bays per 100 m <sup>2</sup>	3,0 bays per 100 m <sup>2</sup>
<b>Shops (Shopping centres &lt; 5 000 m<sup>2</sup>)</b>	6,0 bays per 100 m <sup>2</sup>	3,0 bays per 100 m <sup>2</sup>
<b>Shops (Shopping centres &lt; 10 000 m<sup>2</sup>)</b>	5,0 bays per 100 m <sup>2</sup>	3,0 bays per 100 m <sup>2</sup>
<b>Shops (Shopping centres &gt; 10 000 m<sup>2</sup>)</b>	4,0 bays per 100 m <sup>2</sup>	3,0 bays per 100 m <sup>2</sup>
<b>Cinemas/theatre (in shopping centres)</b>	0,2 bays per seat	0,2 bays per seat
<b>Cinemas/theatres</b>	0,5 bays per seat	0,2 bays per seat
<b>Exhibition halls</b>	30,0 bays per 100 m <sup>2</sup>	15,0 bays per 100 m <sup>2</sup>
<b>Halls for entertainment, conferences (with seats)</b>	0,4 bays per seat	0,2 bays per seat
<b>Halls for entertainment, conferences (without seats)</b>	40,0 bays per 100 m <sup>2</sup>	20,0 bays per 100 m <sup>2</sup>
<b>Libraries, museums, galleries and other cultural buildings</b>	5,0 bays per 100 m <sup>2</sup>	2,5 bays per 100 m <sup>2</sup>
<b>Funeral Parlors</b>	2,0 bays per 100 m <sup>2</sup>	1,0 bay per 100 m <sup>2</sup>
<b>Place of amusement</b>	10,0 bays per 100 m <sup>2</sup> or 0,25 bays per seat	5,0 bays per 100 m <sup>2</sup> or 0,15 bays per seat
<b>Industrial, commercial &amp; warehousing uses</b>	2,0 bays per 100 m <sup>2</sup>	1,0 bay per 100 m <sup>2</sup>

LAND USE CATEGORY	REMAINDER OF CITY	PARKING ZONE B TOD CORRIDORS & NODES / PRASA, GAUTRAIN & BRT STATIONS / DEPRIVATION AREAS / ECONOMIC NODES
<b>Warehouses (storage)</b>	1,0 bay per 100 m <sup>2</sup>	0,5 bays per 100 m <sup>2</sup>
<b>All other Land Uses</b>	<b>To the satisfaction of Council</b>	

**TABLE 9: ON-SITE PARKING IN PARKING ZONE A (INNER CITY)**

(1) Offices	(2) Residential Buildings	(3) Buildings containing two or more dwelling units	(4) Uses not mentioned under Columns 1, 2, 3 and 5	(5) Public garages
2,0 bays per 100m <sup>2</sup>	<b>Guest rooms :</b> 0,75 bays per bedroom  <b>Restaurants:</b> 6,0 bays per 100m <sup>2</sup>  <b>Conference room:</b> 0,3 bays per seat	1,5 bays per dwelling unit	0,5 bays per 100m <sup>2</sup>	<b>Workshop:</b> 6,0 bays per 100m <sup>2</sup>  <b>Lubrication-, wash- or tune-up bay:</b> 4,0 bays per bay  <b>Storage and sale of spares and motor showrooms:</b> 2,0 bays per 100m <sup>2</sup>

### 37. ALTERNATIVES TO THE PROVISION OF ON-SITE PARKING

Where the parking accommodation with regard to an erf or site has been determined in terms of Clause 36, the Council may, if satisfied of the necessity and desirability thereof, on account of the size of the site, the nature of the buildings thereon and the likely parking demand, grant written consent for the

provision of the required number of parking bays elsewhere than on the site of the building / development concerned.

With regard to the obligation to provide parking accommodation on a site, the Council has, in terms of this Land Use Scheme or in terms of similar provisions in any town planning scheme previously administered by the Council, granted such consent, then the arrangement thus consented to as an alternative to the provision of parking on site shall be taken into account in the form of a credit against any parking accommodation, which has to be provided where erecting any building on the site following such consent.

### **38. LOADING AND OFF-LOADING**

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Loading and off-loading facilities for goods and passengers shall be provided on an erf or site to the satisfaction of the Council, provided that the Council may relax this requirement on submission of a written application for consent, accompanied by a Site Development Plan.

## PART VII: LAND DEVELOPMENT ADMINISTRATION

The Council, when considering any application for its consent for the erection and use of a building, or for the use of land, shall, in addition to other factors which it must take into account, have regard to whether such use or building is likely to cause injury to the amenity of the area in which it is or will be situated including, without prejudice to the generality of the foregoing, increased traffic, parking difficulties, and in the case of an industrial building, injury caused by the emission of noise, air or water emissions and pollution.

### 39. SITE DEVELOPMENT PLANS

Site Development Plans are required by the Council:

- (1.) A condition of an application, including consent use applications, as and when required by the Council; or
- (2.) On all Use Zones other than erven zoned "Residential 1" or land that is developed with a dwelling house only; or
- (3.) For the development of any structures by any party on erven or sites with a "Public Open Space" use in terms of the Land Use Scheme; or
- (4.) All erven within a registered Special Development Zone; or
- (5.) On erven in an Environmental Control Area; or
- (6.) Where required in any other part of the Land Use Scheme.
- (7.) Such Site Development Plan shall be drawn at a scale of 1:500 or such other scale as may be required by the Council, and shall be approved by the Council before any building plan in connection with the proposed development may be considered by the Council.
- (8.) Unless the Council requires less information, a Site Development Plan shall show at least the following:
  - (a.) The siting, height, floor area and coverage of all buildings; specific detailed floor plans for residential developments;
  - (b.) Children's play areas;
  - (c.) Pedestrian and vehicular entrances and exits to the erf or site;
  - (d.) If the erf or site is to be subdivided, the proposed subdivision lines;
  - (e.) Pedestrian access to buildings and parking areas and to and from the erf or site;
  - (f.) Building restriction areas (if any), boundary walls, fences, screening;
  - (g.) All servitudes and/or existing municipal services and/or any proposed engineering services affecting the erf shall be accurately indicated, including boreholes;

- (h.) Parking and maneuvering areas, and where required by the Council, circulation of vehicular and pedestrian traffic;
  - (i.) Elevational treatment of all buildings;
  - (j.) If it is not proposed to develop the whole erf or site simultaneously, the grouping of the dwelling units and the programming of the development thereof, must be clearly indicated on the plan;
  - (k.) Steps to be taken to control storm water runoff in compliance with the storm water by-laws;
  - (l.) Landscaping including existing, mature vegetation on the site or erf;
  - (m.) Contours;
  - (n.) Surrounding developments and their relation with the proposed development.
  - (o.) Open spaces and landscaping of the site shall include but not be limited to :
    - (i) All landscaping and existing mature vegetation.
    - (ii) A minimum of 10% of the site shall be landscaped.
    - (iii) A minimum of one (1) tree per three (3) parking bays shall be provided.
    - (iv) All hydrological features including such as, but not limited to, pans, ponds, dams, drainage features and wetlands.
    - (v) Natural environmental features such as, but not limited to, special geological formations and grassland.
  - (p.) Energy efficiency measures.
  - (q.) And any other additional information if so required by the Council.
- (9.) Public transport, metered taxis and pedestrians (including 'kiss-and-ride' drop-off) should be given priority over private vehicles on layouts of developments on Site Development Plans. Walking distances to drop-off areas should be kept to a minimum from the entrances to the developments. Thus, development layouts / Site Development Plans could also encompass a drop-off area for public transport and metered taxis, as well as 'kiss-and-ride' drop-off facilities (where there is a need for private vehicles to drop off people without parking).

#### **40. CONSENT OF THE COUNCIL**

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- (1.) Application to the Council for any consent which, in terms of this Land Use Scheme it is empowered to grant or refuse, shall be made by the owner as defined to which the application relates in terms of the City of Johannesburg Municipal Planning By-law, 2016.
- (2.) Any condition imposed in terms of a consent shall have the same force and effect as if it were a clause of this Land Use Scheme.



- (3.) A consent granted by the Council in terms of this Land Use Scheme may be subject to termination by the Council if any breach of a condition upon which such consent was granted is not remedied in compliance with a notice served by the Council upon the owner or occupier of the erf or site concerned after affording the applicant an opportunity for a hearing.
- (4.) The notice referred to in Sub-clause (2.) shall require that the breach be remedied within a specified period.

## **41. WRITTEN CONSENT APPLICATION PROCESS**

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- (1.) If a provision in this Land Use Scheme requires the written consent of the Council, the applicant shall, submit a written motivation detailing the nature of such application and shall be accompanied by such supporting documents as may be required and any applicable fees.
- (2.) Any condition imposed in terms of a written consent shall have the same force and effect as if it were a clause of this Land Use Scheme.
  - (a.) A written consent granted by the Council in terms of this Land Use Scheme may be subject to termination by the Council if any breach of a condition upon which such written consent was granted is not remedied in compliance with a notice served by the Council upon the owner or occupier of the erf or site concerned after affording the applicant an opportunity for a hearing.
  - (b.) The notice referred to in Sub-clause (a.) above shall require that the breach be remedied within a specified period.

## **42. TEMPORARY CONSENT**

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Notwithstanding anything to the contrary contained in this Land Use Scheme, it shall be competent for the Council to consent to the temporary use of any land or building within any Use Zone, for the following:

- (1.) Where the Use Zone permits the proposed use, the written consent of the Council is required.
- (2.) The occasional use of buildings or land for uses such as concerts, fairs, circuses, exhibitions, bazaars, public gatherings, celebrations, religious purposes, institutions, place of instruction, social halls, place of amusement; with the written consent of the Council not exceeding three (3) days. Should more than three (3) days but less than thirty (30) days be required, the full procedure as per City of Johannesburg Municipal Planning By-law, 2016, for consent of the Council shall be applied for.
- (3.) The Council is entitled to withdraw the approval given in terms of Sub-clause (1) and (2), should the land use in respect of which approval / consent was given be misused or if the use of the buildings or land for the

approved purpose is detrimental to the amenity of the area at the sole discretion of the Council.

### **43. CONTRAVENTIONS / ILLEGAL LAND USES**

Any person who:

- (1.) Contravenes or fails to comply with any provision of this Land Use Scheme; or
- (2.) Contravenes or fails to comply with any requirements set out in a notice issued and served in terms of this Land Use Scheme; or
- (3.) Contravenes or fails to comply with any condition set out in terms of any provision of this Land Use Scheme; or
- (4.) Knowingly makes a false statement in connection with any provision of this Land Use Scheme;

shall be guilty of an offence and shall be prosecuted accordingly and may be liable on conviction to a fine or imprisonment as outlined in Sections 62 and 63 of the City of Johannesburg Municipal Planning By-law, 2016.

This Land Use Scheme does not absolve any compliance with any other relevant legislation.

### **44. SCHEDULE**

- (1.) The portions of land described in a Schedule, which is identified as an “S” on the Zoning Map, are subject to the restrictions, conditions and obligations and are entitled to the rights as set out in Columns 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.
- (2.) Columns 1 to 14 of the Schedule respectively contain the following:
 

Column 1	: The Use Zone, corresponding with a Use Zone as indicated in Column 1 of Table 2, within which the portion of land falls;
Column 2	: Description of the portion of land.
Column 3	: The purposes for which buildings may be erected and used or for which land may be used.
Column 4	: The purposes for which buildings may be erected and used or for which land may be used only with the consent of the Council.
Column 5	: The purpose for which buildings may not be erected and used and for which land may not be used.
Column 6	: The width of the servitude areas of those servitudes which have to be registered by the owner of the land

in favour of the Council free of any cost to the Council indicated in metres.

Column 7 : The permissible height of buildings in storeys or metres.

Column 8 : The permissible coverage.

Column 9 : The floor area ratio or "FAR".

Column 10 : Parking provisions.

Column 11 : Density provisions.

Column 12 : Building line provisions.

Column 13 : General provisions.

Column 14 : The Amendment Scheme Number.

- (3.) Whenever an L appears thus: L, it indicates that vegetation of the open areas of the site must be undertaken and maintained by or on behalf of the owner to the satisfaction of the Council.
- (4.) Wherever an asterisk appears thus: \*, it indicates that the general provisions of this Land Use Scheme, relating to the subject matter in the respective column, apply unless specifically excluded.

## **45. ANNEXURE**

- (1.) Special rights, conditions and restrictions, which may apply to any property / township / area within any Use Zone, may be indicated in an Annexure to this Land Use Scheme.
- (2.) The special conditions and restrictions referred to in Sub-clause (1.) shall:
  - (a.) Be in addition to the general conditions, restrictions and other provisions of this Land Use Scheme
  - (b.) Prevail should they conflict with any such other condition, restriction or provision in this Land Use Scheme.
- (3.) An Annexure contemplated in Sub-clause (1.) consists of:
  - (a.) A sheet upon which is inscribed the number of such Annexure, a description of the property / township / area to which it applies, the special rights, conditions and restrictions applying to the property, and the number and name of the relevant Amendment Scheme in terms of which the Annexure was prepared.
  - (b.) A diagram of the property concerned, which diagram shall accord with the layout shown on the Map.
  - (c.) The number of the relevant Annexure is inscribed inside a double circle within or next to the figure of the relevant property on the A-Series of the Map and if it be inscribed next to such figure. It shall be joined to the figure by means of a line.

## **SECTION 3: PROMOTION OF LAND DEVELOPMENT**

The purpose of Section 3 of the Land Use Scheme is to elaborate on innovative mechanisms that can be utilised in the land development process to further a specific vision as identified by the City of Johannesburg. These tools, which can be either incentives or disincentives, promote the new perspective of good urban management and strategic planning with the aim of achieving a sustainable and responsive urban form.

### **PART VIII: SPECIAL MECHANISMS FOR LAND DEVELOPMENT**

#### **46. SPECIAL DEVELOPMENT ZONES**

For the purposes of strategic intervention in the land development and investment process, the Council may, from time-to-time designate a Special Development Zone, which includes a number of erven or sites with their individual land use zonings. The Special Development Zone, which will need to be approved and advertised, shall have a specific function and include a number of developmental tools so as to achieve desired objectives. The Special Development Zone shall comprise the following, in order to be advertised:

- (1.) A geographical delineation of the Special Development Zone, ensuring that the boundaries are cadastrally based or geographically identifiable;
- (2.) Statement of policy and intention that elaborates on the given developmental perspective and which will be used by the Council in the assessment of land development applications within the Special Development Zone;
- (3.) A consultation result, which elaborates on the consultation process with interested and affected parties within the proposed Special Development Zone, as well as their response and uptake;
- (4.) Background information, development standards and proposed land management tools that will be in force in the Special Development Zone;
- (5.) A monitoring and assessment mechanism along with the Council's investment commitment for the public areas and facilities within and supporting the Special Development Zones, including proposed achievement timeframes.

A resolution adopting a Special Development Zone containing the minimum elements detailed in Sub-clause (1.) - (5.) above shall be passed at a meeting of the Council and follow the process detailed below:

- (6.) After the passing of a resolution by the Council, the Special Development Zone shall be advertised in the Provincial Gazette and the Local Newspaper and shall simultaneously be open for inspection at the Council office during normal working hours for not less than twenty eight (28) days;
- (7.) Further, the Council shall notify all land owners within the Special Development Zone on or before the date of advertisement;
- (8.) Representations, comments or objections on the said Special Development Zone or any proposal contained therein may be lodged, in writing, with the Council on or before a certain date. Such date shall not be less than twenty-eight (28) days after the date of the closure of the advertisement period in Sub-clause (6.) above;
- (9.) The Council shall consider each representation, comment or objection received within the stipulated period and approve or amend the Special Development Zone, stipulating the date of commencement via a notice in the Provincial Gazette;
- (10.) The Council may at any time amend a Special Development Zone, subject to compliance with the procedures set out in Sub-clauses (6.), (7.), (8.) and (9.) of this Clause;
- (11.) After a Special Development Zone has been approved by Council it shall be deemed to be the overriding process for the erven falling within its boundaries;
- (12.) The Council may revoke a Special Development Zone by passing a Council resolution.

## **47. INCLUSIONARY HOUSING**

Inclusionary Housing shall be provided in terms of the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the City of Johannesburg Municipal Planning By-law, 2016, as set out further in the Spatial Development Framework (SDF) / detailed policy to be fully determined by the Council, which shall be addressing the methodology for levying Inclusionary Housing contributions and/or the provision of inclusionary dwelling units.

## **PART IX: GENERAL LAND DEVELOPMENT MECHANISMS**

### **48. HERITAGE**

All properties are subject to the National Heritage Resources Act (NHRA of 1999). In checking for heritage controls which may be applicable, the following factors should be considered:

- (1.) In terms of the National Heritage Resources Act: No person may destroy, damage, deface, excavate, alter, remove from its original position, subdivide or change the planning status of any heritage site without a permit issued by the heritage resources authority responsible for the protection of such site.
- (2.) The National Heritage Resources Act provides for the designation of heritage areas by a planning authority together with the provincial heritage resources authority. Such properties are either gazette or part of a heritage area or an individual heritage site.
- (3.) In terms of the National Heritage Resources Act: No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.
- (4.) Development shall meet the following criteria set out in the National Heritage Resources Act :
  - (a.) The construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
  - (b.) The construction of a bridge or similar structure exceeding 50 metres in length;
  - (c.) Any development or other activity which will change the character of a site -
    - (i) exceeding 5 000 m<sup>2</sup> in extent; or
    - (ii) involving three or more existing erven or subdivisions thereof; or
    - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
    - (iv) the costs of which will exceed a sum set in terms of regulations by South Africa Heritage Resources Authority (SAHRA) or a provincial heritage resources authority; or
    - (v) the rezoning of a site exceeding 10 000 m<sup>2</sup> in extent; or

- (vi) any other category of development provided for in regulations by South Africa Heritage Resources Authority (SAHRA) or a provincial heritage resources authority.
- (5.) In terms of the Act 'must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development'. The heritage resources authority will then advise whether an impact assessment report is required.

## **49. ENVIRONMENTAL CONSIDERATIONS**

### **(1.) Open space Use Zones and Definitions**

It is recognized that land for passive and active recreational activities is not the same as land which is reserved / preserved as open space for the protection of ecologically sensitive systems or for the intrinsic ecosystem services which it provides.

For the above reason the following land uses within the "Public Open Space" and "Private Open Space" Use Zones shall be defined.

The following environmental / open spaces have been defined:

- (a.) Social Open Space : Open space for parks / landscaped / horticulturally transformed areas, and for active and passive recreation activities.
- (b.) Ecological Open Space : Open space for the conservation and/or protection of natural areas.
- (c.) Protected Area : Formally proclaimed areas in terms of the National Environmental Management Act.

When a site is rezoned or a township is established the appropriate open space category as defined above must be allocated to the applicable open space Use Zone.

Recycling facilities are not permitted within any "Open Space" Use Zones.

If any structure is permitted in any "Open Space" Use Zone, these can only be erected in terms of an approved Site Development Plan as per Clause 39.

### **(2.) Environmental Control Areas**

An Environmental Control Area is an area defined by the Council within which any development shall be subject to a Site Development Plan or any other requirement as determined by the Council.

### **(3.) Catchment Management and Wetland Protection**

- (a.) Flood line information :

Any information in relation to flood lines, wetlands and riparian zones shall be taken into consideration during the development of a site. Such information shall be clearly indicated on the Site Development Plan.

- (b.) Restrictions on development within floodplains, riparian zones and wetlands

No development shall be permitted within the area which is subject to flooding by a 1:100 year flood or within the riparian zone and a buffer area of thirty (30) metres from the edge of the riparian zone or river bank where this is clearly identifiable, whichever is the greater.

## **50. PROMOTION OF ENERGY EFFICIENCY GUIDELINES**

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The assessment of applications shall be done in accordance with the policy guidelines and criteria as adopted by the Council. Developers should be encouraged to consider alternative forms of energy, renewable sources of energy and building design paradigm that embraces energy efficiency.

The visual impact of the energy efficiency measures shall be indicated on the Site Development Plan and the design materials / screening shall be specified.

## **51. AESTHETICS MANAGEMENT WITHIN PRECINCT PLANS WHERE URBAN DESIGN GUIDELINES HAVE BEEN DETERMINED**

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- (1.) The owner of any land upon which a building is to be erected shall, prior to the commencement of the erection of the building, submit to the Council for its approval of the external appearance of the building:
- (c.) drawings or any similar indication sufficient to enable the Council to consider the proposed external appearance;
  - (d.) a description of the materials to be used in relation to the external appearance;
  - (c.) a plan to a scale of 1:500 showing the position of buildings on the site, and the relationship between such buildings and buildings on adjoining sites.
- (2.) In considering particulars submitted to it for approval in terms of Sub-clause (1.) the Council shall have regard to whether, on account of the character of the locality or of the buildings erected, or to be erected, thereon, the external appearance of the building would adversely affect the visual aspect of the environment.
- (3.) The Council shall either approve or disapprove of the proposed external appearance of the building, in accordance with the stipulated standards detailed where Urban Design guidelines have been determined.



**LOCAL AUTHORITY NOTICE 6 OF 2019**

Notice is hereby given in terms of section 42.(4) of the City of Johannesburg: Municipal Planning By-law, 2016, that the City of Johannesburg Metropolitan Municipality has approved the following in respect of **Erf 592 Northcliff Extension 2**:

The removal of Conditions (d), (e), (i), (l) and (m) from Deed of Transfer T000049610/2017.

A copy of the approved application lies open for inspection at all reasonable times, at the office of the Director: Land Use Development Management, 158 Civic Boulevard, Metropolitan Centre, A Block, 8th Floor, Braamfontein 2017. This notice shall come into operation on the date of publication hereof.

**Hector Bheki Makhubo**  
**Deputy Director: Legal Administration**  
**City of Johannesburg Metropolitan Municipality**  
Notice No.609/2018

**LOCAL AUTHORITY NOTICE 7 OF 2019****AMENDMENT SCHEME 01-17467**

Notice is hereby given in terms of Section 22(4) of the City of Johannesburg Municipal Planning By-Law, 2016, that the City of Johannesburg Metropolitan Municipality has approved the amendment of the Johannesburg Town Planning Scheme, 1979, by the rezoning of Erf the Remaining Extent of Erf 2383 Houghton Estate from "Residential 3" to "Residential 3", subject to certain conditions as indicated in the approved application, which Amendment Scheme will be known as Amendment Scheme 01-17467. Amendment Scheme 01-17467 will come into operation on date of publication hereof.

The Amendment Scheme is filed with the Executive Director: Development Planning, 158 Civic Boulevard, Metropolitan Centre, A Block, 8<sup>th</sup> Floor, Braamfontein 2017 and is open for inspection at all reasonable times.

**Hector Bheki Makhubo**  
**Deputy Director: Legal Administration**  
**City of Johannesburg Metropolitan Municipality /**  
Notice No. 610/2018

**LOCAL AUTHORITY NOTICE 8 OF 2019****AMENDMENT SCHEME 02-17616**

Notice is hereby given in terms of Section 22(4) of the City of Johannesburg Municipal Planning By-Law, 2016, that the City of Johannesburg Metropolitan Municipality has approved the amendment of the Sandton Town Planning Scheme, 1980, by the rezoning of Erf 2226 Bryanston Extension 1 from "Residential 1" to "Residential 1", subject to certain conditions as indicated in the approved application, which Amendment Scheme will be known as Amendment Scheme 02-17616. Amendment Scheme 02-17616 will come into operation on date of publication hereof.

The Amendment Scheme is filed with the Executive Director: Development Planning, 158 Civic Boulevard, Metropolitan Centre, A Block, 8<sup>th</sup> Floor, Braamfontein 2017 and is open for inspection at all reasonable times.

**Hector Bheki Makhubo**  
**Deputy Director: Legal Administration City of Johannesburg Metropolitan Municipality /**  
Notice No. 608/2018

**LOCAL AUTHORITY NOTICE 9 OF 2019****AMENDMENT SCHEME 02-17626**

Notice is hereby given in terms of Section 22(4) of the City of Johannesburg Municipal Planning By-Law, 2016, that the City of Johannesburg Metropolitan Municipality has approved the amendment of the Sandton Town Planning Scheme, 1980, by the rezoning of Erf 75 Wynberg from "Industrial 3" to "Residential 3", subject to certain conditions as indicated in the approved application, which Amendment Scheme will be known as Amendment Scheme 02-17626. Amendment Scheme 02-17626 will come into operation on date of publication hereof.

The Amendment Scheme is filed with the Executive Director: Development Planning, 158 Civic Boulevard, Metropolitan Centre, A Block, 8<sup>th</sup> Floor, Braamfontein 2017 and is open for inspection at all reasonable times.

**Hector Bheki Makhubo**  
**Deputy Director: Legal Administration**  
**City of Johannesburg Metropolitan Municipality /**  
Notice No.611/2018