



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SA KWAZULU-NATALI

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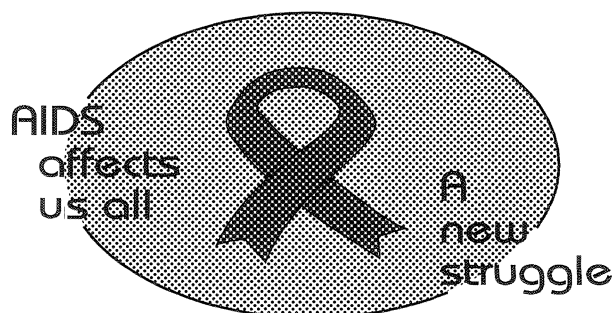
Vol. 8

PIETERMARITZBURG,

10 SEPTEMBER 2014
10 kuMANDULO 2014

No. 1223

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DEPARTMENT OF HEALTH

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- 194 UMthetho wokuLungiselela iNtuthuko, 1995: INdawo ekuthuthukiswa kuyo: Ingxenye 3, 4 neNsalela yePulazi I-South Hills No. 14995, Owaziswa Ngokuthi I-Miki Agri Village, kuMasipala Wasebuhlebezwe 12

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- 194 Wet op Ontwikkelingsfasilitering, 1995: Grondontwikkelingsgebied: Gedeeltes 3, 4 en Restant van die plaas South Hills No. 14995, Registrasie-Afdeling ET, bekend as Mziki Agridorp, Ubuhlebezwe Munisipaliteit.. 23

Ikhasi

PROVINCIAL NOTICE—PROVINSIALE KENNISGEWING—ISAZISO SESIFUNDAZWE**No. 194****10 September 2014****DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****DEVELOPMENT FACILITATION ACT, 1995: LAND DEVELOPMENT AREA; PORTIONS 3, 4 AND REMAINDER OF THE FARM SOUTH HILLS NO. 14995, MZIKI AGRI-VILLAGE, UBUHLEBEZWE MUNICIPALITY**

In terms of section 33(4) of the Development Facilitation Act, 1995 (Act No. 67 of 1995), the Development Tribunal approved the development of 385 Residential, 1 Community Facility (Worship), 1 Community Facility (Crèche), 1 Administration, 1 Administration (Service Site), 3 Administration (Reservoir), 1 Administration (Cemetery), 3 Business, 1 Special Zone, 7 Agriculture, 2 Kickabout Fields, 2 Public Open Spaces and 5 Roads situated on Portion 3, Portion 4 and Remainder of the Farm South Hills No. 14995, Registration Division ET, Mziki-agri Village, Ubuhlebezwe Municipality, subject to the following conditions of establishment relating to the suspension of restrictive conditions and servitudes, land use management and application of laws

-
- (a) condition A of Deed of Transfer T 14678/1972 that relates to Government Grant No. 3824 is suspended;
- (b) condition B of Deed of Transfer T 14678/1972 that refers to Government Grant No. 9484 is suspended;
- (c) the Ubuhlebezwe Town Planning Scheme is amended by the layout and zoning of the land development area in accordance with Layout Plan 02L02P03, dated October 2003;
- (d) sections 11, 11*bis*, 12, 16 – 28, 35 – 39, 44, 45, 47, 47*bis* and 67 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949), shall not apply to the land development area for the purpose of the development thereof in accordance with these conditions of township establishment;
- (e) the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and any other law that governs the erection of buildings within the land development area shall apply to the land development area;
- (f) the Ubuhlebezwe Municipality by-laws shall apply to the land development area;
- (g) the National Home Builders Registration Council Building Regulations shall apply to the land development area;
- (h) the provision of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), shall not apply to the land development area; and
- (i) the Provincial Housing Development Board National Norms and Standards shall apply to the land development area.

MA DE LANGE, Senior Manager: Land Administration

Date: 30 May 2014

File reference: 2003/511

LAND USE CONTROLS

DEFINITIONS

1. In these conditions, unless the context indicates otherwise –

“agricultural land” means arable, meadow or pasture land, market gardens, poultry farm, nursery garden and land used for the purpose of breeding or keeping domestic animals, poultry or bees and includes any buildings connected therewith, but excludes Agricultural Industry use and buildings, and buildings connected with the housing of cats and dogs;

“building” includes a construction or structure of any nature on any land;

“business purposes” means the use of a building and/or land for offices, showrooms, restaurants or any other business or commercial purposes other than for a place of instruction, a shop, a public garage, an industry, a noxious industry, a builder's yard or a scrap yard;

“coverage” means the area of a property covered by buildings measured over the external walls as seen vertically from above and expressed as a percentage of the area of the property;

“dwelling unit” means an interconnected suite of rooms, designed for human habitation that may contain a kitchen or scullery;

“floor area” means the sum total of the areas covered by the building at the floor level of each storey;

“home activity” means an activity or use, in conjunction with a dwelling or residential building, or a structure erected on the site of an existing dwelling or residential building which –

(a) shall be limited to the owner of the property, who shall reside thereon: Provided that the Municipality may, in exceptional circumstances, and if it is satisfied that the prime use of the dwelling as a residence will in no way be prejudiced, permit the activity to be conducted by a person other than the owner;

(b) shall not involve work on more than four motor vehicles: Provided that the Council may, in exceptional circumstances, and if it is satisfied that the prime use of the dwelling as a residence and the amenities of the neighbourhood will not be prejudiced, permit work to take place on more than four motor vehicles;

(c) shall not involve the parking of any vehicle with a tare mass exceeding 2 000kg, being parked on or adjacent to the site;

(d) shall not involve the regular congregation of more than five persons on the site nor the employment of more than three persons on the site;

(e) shall not involve any activity or work between the hours of 18h00 and 07h30, except with the specific approval of the Municipality;

(f) shall not occupy a floor area greater than 10% of the total area of the site which shall not exceed 50m², save with the consent of the Municipality;

(g) shall not involve the erection of a sign larger than 600mm by 450mm, indicating the nature of the activity. Such sign shall be of a material and shall utilise a style and size of lettering which will complement the residential character of the dwelling, and which shall be placed on the main wall of the building and shall be to the satisfaction of the Municipality;

(h) shall not produce a noise level exceeding 7db above the ambient noise level, measured at any point on the property boundary;

- (i) shall not generate traffic sufficient to warrant the provision of additional parking;
- (j) shall not involve the quoting of any residential address in any advertisement of the activity;
- (k) shall not involve any major storage of goods or items associated with the activity on, or adjacent to, the site;
- (l) shall in the case of the establishment of a child-minder/play school –
 - (i) generally be operated by one person only, who shall reside on the property, although an assistant may be employed at the discretion of the Municipality;
 - (ii) be limited to the accommodation and care of not more than twelve children, other than those of the applicant; and
 - (iii) be limited to operate between the hours of 07h00 and 17h30; and
- (m) shall not include the sale of liquor or any alcoholic beverages;

“industry” means an industrial building in which the processes carried on, or the machinery installed, are such as can be carried on or installed in a Light Industrial Zone without causing nuisance to other properties within such zone or to the general public, or without detriment to the amenities of other Use Zones, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation, size or other causes;

“institution” means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or any other institution, whether public or private;

“noxious industry” includes any industry or form of trade that, by virtue of noise or effluents, is dangerous or harmful to the health and welfare of the general public, such as, but not limited to, smelting ores and minerals, works for the production of sulphur dyes, or the sintering of sulphur bearing materials;

“occupant” in relation to any building, structure or land, includes any person occupying such building, structure or land or legally entitled to occupy it, or anybody having the charge or management thereof, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown;

“owner”, in relation to a building or land, means –

- (a) the registered owner;
- (b) a person who administers the estate of any person mentioned in (a) above, whether as executor, administrator or guardian or in any other capacity;
- (c) a person who receives payment from any occupant, or a person who would receive payment, should such building or land be let, whether for his/her own account or as agent for any person who is entitled thereto or who has interest therein; and
- (d) the duly authorised agent of a person contemplated in (a) to (c) above;

“place of instruction” means land used or a building designed or primarily used as a school, technical college, lecture hall, institute or other educational centre and includes a crèche, a convent or monastery, a public library, an art gallery, a museum and a gymnasium;

“place of public worship” means a building designed for use or primarily used as a church, chapel, oratory, house of worship, synagogue, mosque or other place of public devotion, and includes a building designed for use and used as a place of religious instruction and an institution on the same property as, and associated with, any of the foregoing

buildings that is intended to be used for social intercourse and recreation, but does not include a funeral chapel, which shall be deemed to be a **“special purpose”**;

“property” means any portion of land that is registered as a separate unit in a deeds registry;

“public garage” means a building designed for or land used primarily for the maintenance, repair or fuelling of vehicles and purposes ancillary thereto;

“residential building” means a building designed or used primarily for human habitation and the uses permitted in terms of paragraph 8, which may include one or more dwelling units;

“responsible authority” means the authority referred to in paragraph 3;

“shop” means land used or a building designed or used primarily for the purposes of carrying on retail trade and the necessary accompanying storage and packaging, and includes any accompanying use on the same site that is incidental and subordinate to the conduct of the retail trade;

“social hall” means a building designed for use or used primarily for social assemblies, gatherings, meetings or recreational purposes;

“special purposes” means purposes for which land or buildings may be used that are not specified in these conditions;

“storey” means the space in a building between one floor level and the following floor level or between one floor level and the ceiling or roof above; and

“Use Zone” means a zone that is subject to the restrictions imposed on the erection and use of buildings or the use of land contained in Table A.

APPLICATION OF DOCUMENT

2.(1) These conditions shall apply to any property within the area indicated on the Layout Plan.

(2) The provisions of these conditions shall not render unlawful any existing building that has been lawfully erected in accordance with approved buildings plans: Provided that alterations, other than minor alterations, or a change of use of such building shall be effected in accordance with these conditions.

RESPONSIBLE AUTHORITY

3. The Municipality, or, if there is no such municipality, the person or body responsible for the control of the relevant land, shall be the authority responsible for enforcing and administering the provisions of these conditions.

SIDE AND REAR SPACE

4.(1) No building other than boundary walls, fences and temporary buildings that are required in connection with building operations being conducted on the property, shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.

(2) The space at the side of the building shall be a minimum of two metres wide.

(3) The space at the rear of the building shall be a minimum of two metres wide.

RELAXATION OF SIDE AND REAR SPACE

5.(1) On receipt of a written application, the responsible authority may permit the erection of a building within the side or rear space.

(2) Any permission granted in terms of paragraph 5(1) shall be valid for the life of the building concerned.

ERECTION AND USE OF BUILDINGS OR USE OF LAND

6. The purposes for which buildings and land in each of the Use Zones specified in column 1 of Table A may –

- (a) be erected and/or used;
- (b) be erected and/or used only with the consent of the responsible authority; or
- (c) not be erected and/or used,

are shown in the second, third and fourth columns of Table A, respectively.

CONDITIONS APPLICABLE TO ALL PROPERTIES

7.(1) Except with the written consent of the responsible authority, and subject to such conditions as it may impose, neither the owner nor any other person shall –

- (a) have the right, except to prepare the erf for building purposes, to excavate any material therefrom; and/or
- (b) have the right to sink any wells or boreholes thereon or abstract any subterranean water therefrom.

(2) Where it is impracticable for storm water to be drained from higher lying properties direct to a public street, the owners of the lower lying properties shall be obliged to accept and permit the passage over their properties of such storm water: Provided that the owner of any higher lying property, the storm water from which is discharged over any lower lying property, shall be liable to pay a proportionate share of the cost of any pipe line or drain that the owner of such a lower lying property may find necessary to lay or construct for the purpose of conducting the water so discharged over the property.

(3) The sitting of buildings, including outbuildings, on any property and of entrances to and exits from a public street system shall be to the satisfaction of the responsible authority.

(4) The owner shall be responsible for the maintenance of the entire development on the property.

ADDITIONAL USES PERMITTED IN RESPECT OF RESIDENTIAL PROPERTIES

8.(1) The number of dwelling units and the size of a residential building that may be erected on a property shall be limited only by the height and coverage provisions of these conditions and by any applicable health and building regulations.

(2) The occupants of a residential building may practise, *inter alia*, their social and religious activities and their occupations, professions or trades, including retail trade, on the property on which such residential building is erected: Provided that –

- (a) the dominant use of the property shall remain residential;
- (b) the occupation, trade or profession or other activity shall not be noxious;
- (c) the occupation, trade or profession shall not interfere with the amenity of the neighbourhood; and
- (d) the practise of the occupation, trade or profession shall not be inconsistent with the Land Uses provided for in Table A.

SPECIAL CONDITIONS APPLYING TO PUBLIC GARAGES

9.(1) Nothing shall be stored and no repairs of any nature to vehicles or equipment shall be undertaken in a public garage, except in an area that is screened to the satisfaction of the responsible authority for such purposes.

(2) The responsible authority may relax the restriction contained in paragraph 9(1) in a case where the property is adjacent to or surrounded by Industrial Uses.

CONSENT USE OR APPROVAL BY THE RESPONSIBLE AUTHORITY

10.(1) Any application to the responsible authority for the approval of a consent for use in respect of the relevant property that is listed in column 3 of Table A, shall be made by the owner of the land or building to which the application relates: Provided that the provisions of this paragraph and of paragraphs 11 and 12 shall not apply to any application for consent by the responsible authority except for purposes in terms of these conditions as specified in column 3 of Table A.

(2) The power of the responsible authority to grant its consent in terms of paragraph 10(1) shall include the power to refuse consent or approval, and if consent has been granted, the power to impose any conditions that it may deem fit.

(3) If the owner of the relevant property is in breach of a condition upon which any consent was granted by a responsible authority as contemplated in paragraph 10(2), the responsible authority may serve a notice upon such owner or the occupant of the property concerned, calling on him/her to remedy such breach, and if the relevant breach is not remedied as required in such notice such consent may be terminated by the responsible authority concerned.

(4) The notice referred to in paragraph 10(3) shall require that the breach be remedied within a specified period.

(5) Any applicant who feels aggrieved by any decision of the responsible authority, as contemplated in this paragraph, may appeal to the Tribunal within twenty eight days of the decision: Provided that, if the responsible authority refuses to give a decision on any application or delays unreasonably in giving a decision, the applicant may appeal to the Tribunal as if he/she were appealing against a decision of the responsible authority.

APPLICATION FOR CONSENT USE AND OBJECTIONS

11.(1) Any owner intending to apply to the responsible authority for its consent as contemplated in paragraph 10(1) shall, prior to the submission of such application –

- (a) affix, display and maintain a notice of such application on the land or building to which it applies, for a period of fourteen days; and
- (b) give fourteen days' written notice to the owners of adjacent properties and of the properties directly across the street from the property that forms the subject of the application.

(2) A notice referred to in paragraph 11(1) shall state that any person having any objection to the application may lodge such objection in writing with the responsible authority and with the applicant within fourteen days after the date of the last day on which the notice was displayed.

(3) Proof of the display of the notice contemplated in paragraph 11(1)(a), a list of the owners contemplated in paragraph 11(1)(b) and their address shall accompany the application to the responsible authority.

(4) The responsible authority shall consider any objections received within the fourteen-day notice periods contemplated in paragraph 11(1) and shall, within 60 days after the expiry of such notice periods, notify the applicant and the objectors, if any, of its decision by delivering a copy of such decision to the persons concerned.

(5) A decision by the responsible authority contemplated in paragraph 11(4) shall not take effect until the letters of notification to the applicant and objectors have been received by such persons as contemplated in paragraph 11(4) or, if an appeal is lodged in terms of paragraph 11(5), until a decision has been reached in respect of such appeal.

LAPSING OF CONSENT

12. If the rights obtained by virtue of the grant by the responsible authority of a consent in terms of paragraph 10 are not exercised within twenty-four months of the grant of such consent, or if the rights have been exercised but the use permitted thereunder is interrupted for a continuous period of eighteen months, the relevant consent shall lapse, unless any condition upon which such consent was granted specifically provides otherwise or the owner proves to the satisfaction of the responsible authority that he intends to resume the exercise of his rights.

SUBDIVISION AND CONSOLIDATION OF PROPERTIES

13. No property shall be subdivided or consolidated except on condition that –

- (a) a general plan approved by the Surveyor General, may be amended or partially or totally cancelled by the Surveyor General on the land shown or such general plan may be consolidated or subdivided, on such terms and conditions as the Tribunal/Minister/Member of the Executive Council may approve or direct; and
- (b) the township applicant shall be responsible for submitting any application for the amendment, or partial or total cancellation, of a general plan referred to in regulation 23(8) of these Regulations to the Surveyor General, together with any approval or direction referred to in that regulation, and such amending of the general plan shall comply with the requirements of the Land Survey Act, 1997 (Act No. 8 of 1997).

PROVISIONS OF PARKING

14.(1) Sufficient parking space shall be provided in respect of the land uses listed in Table B: Provided that such parking space shall be laid out to the satisfaction of the responsible authority.

(2) The responsible authority may, on application by the owner of the relevant property, grant permission for a relaxation of the parking requirements set out in Table B.

RESTRICTIONS OF HEIGHT OF BUILDINGS

15.(1) Buildings erected on properties in residential Use Zones shall not exceed two storeys without the consent of the responsible authority.

(2) Buildings erected on properties in Use Zones other than residential Use Zones shall not exceed three storeys without the consent of the responsible authority.

(3) The number of storeys contemplated in this paragraph shall include the storey at ground level but shall not include basement storeys that are below ground level.

RESTRICTIONS ON COVERAGE OF BUILDINGS

16. Buildings shall not exceed the coverage specified in Table C: Provided that, on written application, the responsible authority may grant consent for a maximum of 10% additional coverage.

GENERAL AMENITY AND CONVENIENCE

17.(1) Notwithstanding anything to the contrary contained in these conditions, no person shall use or develop a property in such a way as will detract from the amenity and convenience of the area within which it is located.

(2) The provisions of this paragraph shall be enforceable by the responsible authority or any other party against any lessee or registered owner of the relevant property as contemplated in paragraph 17(1).

SERVING OF NOTICE

18. Any notice required or authorised to be served in terms of these conditions shall be served in accordance with these Regulations.

TABLE A

1	2	3	4
USE ZONE	PERMITTED USES	USES PERMITTED ONLY WITH THE CONSENT OF THE RESPONSIBLE AUTHORITY	PROHIBITED USES
Residential	Residential buildings Home activity Agricultural land	Place of public worship, places of instruction, social halls, sports and recreational purposes, institutions, medical suites, special purposes	Uses not under column 2 or 3
Mixed Use	Residential buildings Home activity Shop	Place of public worship, places of instruction, social halls, sports and recreational purposes, institutions, medical suites, special purposes	Uses not under column 2 or 3

Business	Shops, business purposes, residential buildings, place of public worship, places of instruction, social halls, sports and recreational purposes, institutions	Uses not under column 2 or 4	Noxious industries
Light Industrial	Light industry, business purposes, shops, public garages, scrap yards, parking areas	Special purposes	Uses not under column 2 or 3
Community Facility Including crèche and worship	Place of public worship, places of instruction, social halls, sports and recreational purposes, institutions	Residential buildings, special purposes	Uses not under column 2 or 3
Administration	Municipal purposes	Residential buildings, special purposes	Uses not under column 2 or 3
Undetermined	None	Uses not under column 4	Noxious industries
Public Open Space	Parks, sports and recreational facilities and buildings used in connection therewith	Residential buildings, special purposes	Uses not under column 2 or 3
Agriculture	Agricultural land	Uses not under columns 2 or 4	Residential building, home activity, shops, industry, public garages, scrap yards.
Special Zone 1	Agricultural land, shop, place of instruction, social hall	Uses not under columns 2 or 4	Noxious industries.

TABLE B

PARKING

USE	MINIMUM PARKING REQUIREMENTS
Residential Buildings and/or Home Activity	1 space per dwelling unit
Shops	4 spaces per 100m ² of shopping floor area
Offices	2 spaces per 100m ² of office floor area
Light Industry and Business Purposes	1 space per 100m ² of floor area
Worship	1 space for every 10 seats
Crèche	1 space per teacher, plus 2 spaces for visitors

TABLE C

USE ZONE	PERMISSIBLE COVERAGE
Residential	30%
Business	70%
Light Industrial	50%
Community Facility, including Crèche and Worship	70%
Municipal, Public Open Space and Agriculture	To the satisfaction of the responsible authority
Undetermined	To the satisfaction of the responsible authority

No. 194

10 kuMandulo 2014

UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU

UMTHETHO WOKULUNGISELELA INTUTHUKO, 1995: INDAWO EKUTHUTHUKISWA KUYO; INGXYENYE 3, 4 NENSALELA YEPULAZI I-SOUTH HILLS NO. 14995, OWAZISWA NGOKUTHI I-MIKI AGRI VILLAGE, KUMASIPALA WASEBUHLEBEZWE

Ngokwesigaba 33 (4) soMthetho wokuLungiselela iNtuthuko, 1995, isiGungu seNtuthuko sigunyaze ukuthuthukiswa kweziNdawo zokuHlala ezingama-385, iSakhiwo soMphakathi (sokuDumisa) esi-1, iSakhiwo soMphakathi (iNkulisa) esi-1, iNdawo yezokuPhatha e-1, iNdawo yezokuPhatha (iSiza seMisebenzi) e-1, iziNdawo zezokuPhatha (i-Reservoir) ezi-3, iNdawo yezokuPhatha (amaThuna) e-1, iziNdawo zezamaBhizinisi ezi-3, iNdawo eKhethekile e-1, iziNdawo zezoLimo eziyi-7, iziNkundla zokuQeqeshela ezemiDlalo ezi-2, izindawo ezivulekile zoMphakathi ezi-2 nemigwaqo emi-5 etholakala kwiNgxenywe 3, iNgxenywe 4 neNsalela yePulazi i-South Hills No. 14995, isigaba Sokubhaliswa Ngu-ET, Owaziswa Ngokuthi i-Miki Agri Village, Kumasipala Wasebuhlebezwe, kuncike kule mibandela yokusungulwa okuphathelele nokumiswa kwimibandela enezithiyo nelungelo kumhlaba womunye umuntu okuphathelele nokuPhathwa kokuSetshenziswa komhlaba kanye nokusebenza kwemithetho –

- (a) imibandela A yeTayitela lokuDlulisela T 14678/1972 eliphathelene neSabelo sikaHulumeni No. 3824 iyamiswa;
- (b) imibandela B yeTayitela lokuDlulisela T 14678/1972 eliphathelene neSabelo sikaHulumeni No. 9484 iyamiswa;
- (c) uHlelo lokuHlelwa kweDolobha laseBuhlebezwe luchitshiyelwa ngokuhlelwa nokuklanywa kwendawo ekuthuthukiswa umhlaba kuyo ngokulandela ipulani 02L0203, lakuMfumfu 2003;
- (d) iziGaba 11, 11bis, 12, 16 – 28, 35 – 39, 44, 45, 47, 47bis no 76 ze-Odinensi yoHlelo lweDolobha, 1949 (i-Odinensi No. 27 ka 1949) azizukusebenza endaweni ekuthuthukiswa umhlaba kuyo ngenhloso yokuthuthukiswa kwayo ngokulandela le mibandela yokusungulwa kwelokishi;
- (e) izinhlinzeko zoMthetho wamaZinga oKwakha neMithethonqubo yoKwakha kaZwelonke, 1977 (uMthetho 103 ka 1977) neminye imithetho elawula ukwakhiwa kwezakhiwo endaweni ekuzothuthukiswa kuyo umhlaba zizosebenza endaweni ekuthuthukiswa umhlaba kuyo;
- (f) iMithethodolobha yakuMasipala waseBuhlebezwe izosebenza endaweni ekuthuthukiswa kuyo;
- (g) iMithethonqubo yoKwakha yoMkhandlu wokuBhalisa abakhi beziNdlu kuZwelonke izosebenza endaweni ekuthuthukiswa umhlaba kuyo;

- (h) izinhlinzeko zoMthetho woKwabiwa koMhlaba wezoLimo, 1970 (uMthetho No. 70 ka 1970) azizukusebenza endaweni ekuthuthukiswa umhlaba kuyo;
- (i) iziNqubo neMigomo kaZwelonke yoMgwamanda wokuThuthukiswa kweziNdlu esiFundazweni zizosebenza endaweni kuthuthukiswa umhlaba kuyo.

MA DE LANGE, isiKhulu esiPhezulu: sokuPhathwa kweNtuthuko

Usuku: 30 uNhlaba 2014

Inkomba yefayela: 2003/511

IZINDLELA ZOKULAWULA UKUSETSHENZISWA KOMHLABA

IZINCAZELO

1. Kulezi zimo, ngaphandle uma ingqikithi isho okwehlukile –

“**umhlaba wezolimo**” kushiwo umhlaba ongalinywa, imfunda noma amadlelo, izingadi ezilinyelwa ukudayisa, ipulazi lezinkukhu, insimu yezithombo nomhlaba osetshenziselwa ukuzalanisa noma ukufuya izilwane, izinkukhu noma izinyosi futhi kubandakanya noma eziphi izakhiwo ezixhumene nawo, kodwa awubandakanyi iMboni yezoLimo namabhilidi, namabhilidi axhumene nokufuya amakati nezinja;

“**isakhiwo**” kushiwo isakhiwo noma ngabe yini eyakhiwe kunoma omuphi umhlaba;

“**izinhloso zebhizinisi**” kushiwo ukusetshenziswa kwebhilidi kanye/noma uhlabathi wamahhovisi, amagumbi emibukiso, izindawo zokudlela noma eliphi elinye ibhizinisi noma izinhloso zezamabhizinisi ngaphandle kwezindawo zokufundisa, isitolo, igalaji lomphakathi, imboni, imboni enobungozi, igceke likamakhi noma igceke eligcina izimoto ezilimele;

“**ububanzi**” kushiwo indawo edliwe isakhiwo iklalwa ngengaphandle lezindonga uma zibhekwa ngaphezulu futhi bubalwa ngamaphesenti endawo yonke yesakhiwo;

“**indawo yokuhlala**” kushiwo amagumbi axhumene, akhelwe ukuhlala abantu angase abe nekhishi noma indawo yokuhlala izintsha noma izimpahla;

“**Indawo eyiphansi**” kushiwo isibalo esiphelele sezindawo ezingena ngaphansi kwesakhiwo kwisitezi ngasinye sebhilidi;

“**umsebenzi wasekhaya**” kushiwo umsebenzi noma lokho indawo esetshenziselwa khona, okuhambisana nendawo yokuhlala noma isakhiwo sokuhlala, noma isakhiwo esakhiwe kwisiza esikhona endaweni yokuhlala noma isakhiwo ekuhlalwa kuso –

(a) okungaba ngesomnikazi womhlaba oyedwa kuphela, ozohlala khona, kuncike kukuthi umasipala ezimweni ezithile ungase, futhi uma wanelisekile ukuthi lesa sakhiwo esizosetshenziswa njengendawo yokuhlala asizukuphazamiseka, ugonyaze ukuthi umsebenzi wenziwe omunye umuntu ongasiye umnikazi;

(b) ekungebandakanywe kuso umsebenzi wezimoto ezingaphezu kwezine kuncike kukuthi uMkhandlu ezimweni ezithile ungase futhi uma wanelisekile ukuthi ukusetshenziswa kwaleso sakhiwo njengendawo yokuhlala kanye nesimo

sendawo ekuhlalwa kuyo asizukuphazamiseka, ugunyaze ukuthi umsebenzi uqhubeke ezimotweni ezingaphezu kwezine;

(c) ekungeke kupakwe izimoto ezinesisindo esingaphezu kwamakhilogremu ayizi-2000, ezipakwa kwiziza ezakhelene naso;

(d) ekungebanjwe imihlangano yabantu abangaphezu kwabahlanu esizeni noma kuqashwe abantu abangaphezu kwabathathu esizeni;

(e) ekungebe nemisebenzi noma umsebenzi phakathi kwehora lesi-18H00 kuya kwelesi-07h30, ngaphandle uma kugunyaze umasipala;

(f) ekungesetshenziswe iphansi lesakhiwo elingaphezu kwama-10% obukhulu bendawo iphelele esizeni esingeqe kumaskwemitha angama-50, ngaphandle uma kunemvume evela kuMasipala;

(g) ekungebandakanywe ukugxunyeka kophawu obubanzi balo bungaphezu kwama-600mm futhi ubude balo bungama-450mm, oluveza uhlobo lomsebenzi. Lolo phawu luyakuba ngolwenziwe ngendwangu futhi luyosebenzisa isitayela nobukhulu bamagama obuzohambisana nesimo sendawo ekuhlalwa kuyo, futhi oluyobekwa odongeni olukhulu lwesakhiwo futhi oluyokwanelisa umasipala;

(h) ekungebangwe umsindo oweqe ku-7db ngaphezu komsindo ojwayelekile endaweni, oklalwa noma kuphi kwimingcele yesakhiwo;

(i) ekungedalwe isiminyaminyama emgwaqweni esingase siholele ekuhlinzekelweni ngendawo yokupaka engezelwe;

(j) ekungebandakanywe ukucashunwa kwekheli lanoma omuphi umuzi kunoma esiphi isikhungiso somsebenzi;

(k) ekungebandakanywe ukugcinwa kwezimpahla ezinkulu noma izinto ezihambisana nomsebenzi esizeni noma eduze naso;

(l) ekungase uma kusungulwa indawo yokugcina abantwana/inkulisa –

(i) ngokujwayelekile, iyophathwa umuntu oyedwa kuphela, oyobe ehlala esakhiweni, yize engamuqasha umsizi ngokugunyazwa uMasipala;

(ii) kungegcinwe noma kunakekelwe abantwana abangaphezu kweshumi nambili, ngaphandle kwalabo bamfakisicelo; futhi

(iii) uyogunyazwa ukuthi isebenze phakathi kwehora lesi-07h00 kuya kwelesi-17h30; futhi

(m) ekungebandakanywe ukudayiswa kotshwala noma eziphi ezinye iziphuzo ezidakanayo.

“imboni” kushiwo isakhiwo semboni lapho imisebenzi eyenziwa khona noma imishini efakwe khona iwuhlobo olungaphathwa noma olwakhele eNdaweni yeziMboni eziNcane ngaphandle kokuthikameza ezinye izakhiwo ezikuleyo ndawo noma umphakathi, noma ngaphandle kokuphazamisa isimo sezinye izindawo ezisetshenziswayo, ngokubanga umsindo, ukuzamazama, iphunga, ukuthunqa, intuthu, umsizi, umlotha, uthuli, amatshana, ukudala isiminyaminyama sezimoto, ubukhulu noma ezinye izizathu.

“isikhungo” kushiwo isakhiwo esakhelwe noma esisetshenziswa ikakhulukazi njengesikhungo sokubonelela, isibhedlela, ikhaya labadala, indlu yokuphumula iziguli, umtholampilo noma esinye isikhungo, ekungaba esomphakathi noma esangasese;

“imboni enobungozi” kubandakanywa noma eyiphi imboni noma umsebenzi wokuhwebelana onobungozi noma ongalimaza isimo sempilo noma inhlalakahle yomphakathi ngenxa yomsindo noma imfucuza, efana noma ingagcini lapho nokuncibilikisa insimbi namaminali, imisebenzi yokukhiqiza odayi nge-sulphur, noma ukushiswa kwempahla ene-sulphur;

“umhlali” mayelana nanoma eliphi ibhilidi, isakhiwo noma umhlaba, ubandakanya noma ubani ohlala kulelo bhilidi, isakhiwo noma umhlaba noma onelungelo ngokomthetho lokuhlala kulo, noma ubani ophethe noma ongumphathi khona, futhi kubandakanya i-ejenti yalowo muntu ongekho endaweni noma ongaziwa ukuthi washonaphi;

“umnikazi” mayelana nebhilidi noma umhlaba, kuchaza –

- (a) umnikazi obhalisiwe;
- (b) umuntu olawula amafa anoma omuphi umuntu ohlongozwe ku (a) ngaphezulu, noma ngabe umabi wefa, umlawuli wefa noma umbheki noma kunoma esiphi isikhundla;
- (c) umuntu okhokhelwa yinoma omuphi umhlali, noma umuntu ongase akhokhelwe uma lelo bhilidi noma umhlaba kungase kuqashiswe ngawo, noma ngabe uzenzela ngokwakhe noma njenge-ejenti yanoma omuphi umuntu ofanelekile noma onentshisakalo ngawo; futhi
- (d) i-ejenti egunyaziwe yomuntu ohlongozwe ku (a) kuya ku (b) ngaphezulu;

“indawo yokufundela” kushiwo umhlaba osetshenziselwa noma ibhilidi elakhelwe noma elisetshenziswa ikakhulukazi njengesikole, ikolishi, iholo lokufundela, isikhungo noma esinye isikhungo sezemfundo, futhi kubandakanya inkulisa, isigodlo sezindela noma isigodlo sofata, umtapowolwazi womphakathi, indawo yemibukiso, isigcinamagugu nendawo yokuzivocavoca;

“indawo yomphakathi yokudumisa” kushiwo isakhiwo esakhelwe ukusetshenziswa noma ikakhulukazi esisetshenziswa njengesonto, indawo yokukhonzela, indawo yokushumayela, indlu yokudumisa, isinagoge, ithempeli lamasulumane noma enye indawo yokudumisa yomphakathi, futhi kubandakanya isakhiwo esisetshenziselwa noma esisetshenziswa njengendawo yokufundiswa ngezenkolo kanye nesikhungo esikuleyo ndawo esiyamaniswa nalezi zakhiwo ezibalwe ngenhla okuhloswe ukuthi zisetshenziselwe ukuhlalana komphakathi nokungcebeleka, kodwa akubandakanyi indawo yokukhonzela yomngcwabo, okuyobizwa ngokuthi “inhloso ekhethekile”;

“umhlaba” kushiwo noma eyiphi ingxenye yemhlaba obhaliswe yazimela ebhukwini lamatayitela;

“igalaji lomphakathi” kushiwo isakhiwo esakhelwe noma umhlaba osetshenziselwa ukunakekela, ukulungisa noma ukufaka uphethilomu ezimotweni nezinjongo ezisondelene nakho;

“isakhiwo sokuhlala” kushiwo isakhiwo esakhelwe noma esisetshenziselwa ikakhulukazi ukuhlalisa abantu kanye nezindlela zokusebenzisa ezigunyazwe ngokwesizinda 8, okungabandakanya indawo yokuhlala eyodwa noma ngaphezulu;

“umaziphathe ophethe” kushiwo umaziphathe ohlongozwe kwisizinda 3;

“isitolo” kushiwo umhlaba osetshenziswayo noma isakhiwo esakhelwe noma ikakhulukazi esisetshenziselwa ukudayisa kanye nokugcina impahla nokuyipakisha okuhambisana nakho, futhi kubandakanya noma eyiphi indlela osetshenziswa ngayo ehambisana nokudayisa kuleso siza okudingakalayo nokuhambisana nokudayisa;

“ihholo lomphakathi” kushiwo isakhiwo esakhelwe ukusetshenziswa noma ikakhulukazi esisetshenziselwa ukuhlalana komphakathi, imibuthano, imihlangano noma ezokungcebeleka;

“izinhloso ezikhethekile” kushiwo izinhloso zokusebenzisa umhlaba noma izakhiwo ezingabalulwana kule mibandela;

“**isitezi**” kushiwo isikhala esisesakhiweni kwisitezi ngasinye nesitezi esilandelayo noma phakathi kwezitezi nosilingi noma uphahla oluphezulu;

“**indawo osetshenziselwa kuyona**” kushiwo indawo enezithiyo ezibekiwe mayelana nokwakha kanye nokusetshenziswa kwezakhiwo noma ukusetshenziswa komhlaba okubalwe ku-Table A.

UKUSEBENZA KOMBHALO

2. (1) Le mibandela izosebenza kunoma esiphi isakhiwo esisendaweni edwetshwe kwipulani.

(2) Izinhlinzeko zale mibandela azizukukhomba ukwaphulwa komthetho esakhiweni esikhona esakhiwe ngokusemthethweni okuhambisana namapulani ezakhiwo agunyaziwe. Kuncike kukuthi ukulungiswa, ngaphandle uma kulungiswa into encane, noma ukushintshwa kwalokho isakhiwo esisetshenziselwa khona kuzokwenziwa ngokulandela le mibandela.

UMAZIPHATHE OPHETHE

3. UMasipala, noma, uma ungekho umasipala onjalo, umuntu noma uphiko olubhekele ukulawulwa komhlaba othintekayo uyoba umaziphathe obhekele ukuphoqelesa nokuphathe izinhlinzeko zale mibandela.

ISIKHALA ESECALENI NESINGEMUVA

4. (1) Akunasakhiwo ngaphandle kwezindonga eziyimingcele, izingcingo kanye nezakhiwo zesikhashana ezidingekayo mayelana nokwakhiwa kwesakhiwo, okuphakathi kwaso kanye nelinye icala lomngcele nangaphakathi kwesakhiwo nomgcele ongemuva womhlaba.

(2) Isikhala esisecaleni kwesakhiwo singebe ngaphansi kwamamitha amabili ububanzi.

(3) Isikhala esingemuva kwesakhiwo singebe ngaphansi kwamamitha amabili ububanzi.

UKUTHANJISWA KWEMITHETHO EPHATHELENE NESIKHALA ESISECALENI NESINGEMUVA

5.(1) Uma uthola isicelo esibhaliwe, umaziphathe ungagunyaza ukwakhiwa kwesakhiwo esikhaleni esisecaleni noma esingemuva.

(2) Noma eyiphi imvume etholakale ngokwesizinda 5(1) izohlala isebenza esakhiweni esithintekayo.

UKWAKHIWA NOKUSETSHENZISWA KWEZAKHIWO NOMA KOMHLABA

6. Izizathu zokusetshenziswa kwezakhiwo noma komhlaba ezindaweni osetshenziselwa kuzo ezivezwe kukhalamu 1 we-Table A zingase –

- (a) zakhiwe futhi/noma sisetshenzisiwe;
- (b) zakhiwe futhi/noma zisetshenzisiwe uma kuvume umaziphathe ophethe; noma
- (c) zingakhiwa futhi/noma zisetshenzisiwe,

zikhonjiswe kwikhalamu yesibili, yesithathu neyesine ye-Table A, njengoba kufanele.

IMIBANDELA ESEBENZA KUZO ZONKE IZAKHIWO NOMA UMHLABA

7.(1) Ngaphandle kwemvumo ebhaliwe evela kumaziphathe ophethe, futhi kuncike kukuthi leyo mibandela ongase uyibeke, umnikazi noma omunye umuntu ngeke akwazi –

- (a) ukuba nelungelo, ngaphandle kokulungisa isiza ukuze kwakhiwe kuso, ukumba noma ngabe eziphi izinziza kuso; futhi/noma
- (b) abe nelungelo lokumbela noma omuphi umthombo noma ipitsi khona noma ukudonsa amanzi angaphansi komhlaba akuleyo ndawo.

(2) Lapho izimo zingavumi ukuthi kudonswe amanzi emvula ezakhiweni ezisezindaweni eziphakeme eziqonde ngqo emigwaqweni yomphakathi, abanikazi bezakhiwo esezindaweni ezisezansi bayophoqeleka ukwamukela futhi bagunyaze ukuthi lawo manzi emvula adlule ezakhiweni zabo: Kuncike kukuthi umnikazi wesakhiwo ongaphezulu omanzi akhe emvula aphumela esakhiweni esingezansi uyophoqeleka ukuthi akhokhe ingxenye yepayipi noma yomsele umnikazi wesakhiwo esisezansi angase abone kunesidingo sokuwufaka ukuze amanzi akwazi ukudlula kuleso sakhiwo.

(3) Umumo wezakhiwo, kubandakanywa izakhiwo zangaphandle, kunoma esiphi isakhiwo kanye nezindawo zokungena nokuphumela emigwaqweni womphakathi kuyoba yilezo ezelisa umaziphathe ophethe.

(4) Umnikazi uyoba nejoka lokunakekela ukuthuthukisa okuzobe kwenziwa kuleyo ndawo.

UKUNYE OKUGUNYAZWE UKUTHI KUNGENZIWA EZAKHIWENI ZOKUHLALA

8.(1) Umkhawulo wesibalo sezindawo zokuhlala nobukhulu bezakhiwo zokuhlala ezingakhiwa esizeni uyoncika kubude baso kanye nezinhlizeko zale mibandela kanye neminye imithethonqubo yezempilo neyokwakha.

(2) Abahlali basezakhiweni zokuhlala bangakwazi, phakathi kokunye, ukwenza imisebenzi yabo ephathelene nenhlalakahle nezenkolo yabo nemisebenzi yabo, imisebenzi yobungoti, noma ukuhweba, okubandakanya ukuba nezitolo, esakhiweni ekwakhiwe kuso izindawo zokuhlala: kuncike kulokhu –

- (a) okuzohamba phambili kuleso sakhiwo kuzoqhubeka nokuba indawo yokuhlala;
- (b) ukuhlala, ukuhweba noma umsebenzi wobungoti noma omunye umsebenzi ozokwenziwa kuleso sakhiwo awuzukuba nobungozi; futhi
- (c) inqubo yokuhlala, ukuweba noma umsebenzi wobungoti awuzukushayisana nokusetshenziswa komhlaba okuhlongozwe ku-Table A.

IMIBANDELA EKHETHEKILE EPHATHELENE NAMAGALAGI OMPHAKATHI

9.(1) Akukho okuyogcinwa futhi akukho moto noma umshini oyolungiselwa egalagi lomphakathi, ngaphandle kwasendaweni eyanelisa umaziphathe ophethe ukuthi ingasetshenziselwa lowo msebenzi.

(2) Umaziphathe ophethe ungathambisa izithiyo eziqukathwe kwisizinda 9 (1) lapho isakhiwo siqondene noma singugwe yindawo esetshenziselwa izimboni.

IMVUME YOKUSEBENZISA NOMA UKUGUNYAZWA UMAZIPHATHE OPHETHE

10 (1) Noma okuphi ukufakwa kwesicelo esibhekiswe kumaziphathe ophethe ukuze agunyaze ukusetshenziswa kwesakhiwo esithile esisohlini olukukhalamu 3 ku-Table A, kuyokwenziwa umnikazi womhlaba noma isakhiwo ekufakwe isicelo mayelana naso: kuncike kukuthi izinhlinzeko zale sizinda nezesizinda 11 no 12 azizukusebenza kunoma esiphi isicelo esifakelwe ukuGunyazwa kukamaziphathe ophethe ngaphandle uma kuzokwenzelwa izinhloso eziphathelele nele mibandela ebalulwe kukhalamu 3 ku-Table A.

(2) Amandla kamaziphathe ophethe okugunyaza ngokwesizinda 10 (1) ayobandakanya amandla okungayikhiphi imvumo noma okungagunyazi, futhi uma kutholakale imvume, amandla okubeka imibandela obona ifanele.

(3) Uma umnikazi wesakhiwo esithintekayo ephula umbandela wemvumo egunyazwe umaziphathe ophethe njengokuhlongozwe kusizinda 10(2), umaziphathe ophethe angakhipha isaziso esibhekiswe kulowo mnikazi noma umuntu ohlala esakhiweni esithintekayo esimuphoqa ukuthi alungise lapho eke khona imiyalelo, futhi uma loko kweqa imiyalelo okuthintekayo kungalungiswa njengoba kulindelekile kuleso saziso angaxoshwa yilowo maziphathe ophethe othintekayo.

(4) Isaziso esihlongozwe kusizinda 10(3) siyodinga ukuthi ukuphulwa kwemiyalelo kulungiswe phakathi kwesikhathi esibekiwe.

(5) Noma omuphi umfakisicelo ongathokozile ngesinqumo sikamaziphathe ophethe njengokuhlongozwe kulesi zinda angafaka isikhalazo esigungwini zingakapheli izinsuku ezingamashumi amabili nesishiyagalombili kukhishwe isinqumo: kuncike kukuthi, uma umaziphathe ophethe enqaba ukwenza isinqumo kunoma esiphi isicelo esifakiwe noma edembesela ngaphandle kwesizathu ekwenzeni leso sinqumo, umfakisicelo angakhalaza kwisigungu ngokulandela inqubo yokuphikisana nesinqumo esithathwe umasiphathe ophethe.

ISICELO SEMVUME YOKUSEBENZISA NOKUPHIKISANA NASO

11.(1) Noma omuphi umnikazi ohlose ukufaka isicelo kumaziphathe ophethe ukuze athole imvume ngokuhlongozwe kwisizinda 10(1) uyokwenza lokhu, ngaphambi kokufaka leso sicelo –

(a) uyogxumeka, abeke futhi agcine isaziso saleso sicelo kumhlaba noma kwisakhiwo afake isicelo kuso, isikhathi esingangezinsuku eziyishumi nane; futhi

(b) uyonikeza abanikazi bezakhiwo akhelene nazo nezakhiwo eziphesheya komgwaqo isaziso esibhaliwe esiyisihloko sesicelo.

(2) Isaziso esihlongozwe kwisizinda 11(1) siyoveza ukuthi noma omuphi umuntu ophikisana nesicelo angafaka leso siphikiso esibhaliwe komaziphathe ophethe nakumfakisicelo zingakapheli izinsuku eziyishumi nane emuva kosuku lokugcina ebekubekwe ngalo isaziso.

(3) Ubufakazi bokubekwa kwesaziso okuhlongozwe kwisizinda 11(1)(a), uhlu lwabanikazi abahlongozwe kwisizinda (a)(ii) namakheli abo buyohambisana nesicelo esibhekiswe kumaziphathe ophethe.

(4) Umaziphathe ophethe uyocubungula noma okuphi ukuphikisa okutholakele ezinsukwini eziyishumi nane ngesikhathi sesaziso njengokuhlongozwe kwisizinda 11(1) futhi, ezinsukwini ezingamashumi ayisithupha kuphele izikhathi zesaziso, uyokwazisa umfakisicelo nabantu abaphikisayo, ngesinqumo sawo ngokuhambisa ikhophi yesinqumo kumuntu othintekayo, uma sesithathiwe.

(5) Isinqumo sikamaziphathe ophethe esihlongozwe kwisizinda 11(4) asizukusebenza baze labo bantu abahlongozwe kwisizinda 11(4) bathole izincwadi zesaziso ezibhekiswe kumfakisicelo nomuntu ophikisayo noma, uma kufakwe isikhalo ngokwesizinda 11(5), kuze kufinyelelwe kwisinqumo mayelana naleso sikhalo.

UKUPHELA KWEMVUME

12. Uma amalungelo etholakale ngokugunyazwa umaziphathe ophethe ngemvume ngokwesizinda 10 engasetshenziswa ezinyangeni ezingamashumi amabili nane kugunyazwe leyo mvume, noma uma amalungelo esetshenzisiwe kodwa imvume egunyazwe khona iphazamiseka esikhathini sezinyanga eziyishumi nesishiyagalombili esiqhubekayo, leyo mvume ethintekayo iyophela, ngaphandle uma kukhona umgomo leyo mvume egunyaziwe izeza okuhlukile ngokucacile noma umnikazi anelisa umaziphathe ophethe ngokuthi uzimisele ngokuqala asebenzise amalungelo akhe.

UKUHLUKANISA NOKUHLANGANISA KWEZAKHIWO

13. Asikho isakhiwo esiyohlukaniswa noma noma sihlanganiswe ngaphandle uma kunomgomo wokuthi-

(a) Ipulani ejwayelekile egunyazwe uMklami woMhlaba Jikelele, ingachitshiyelwa noma ingxenye yayo isulwe noma isulwe ngokuphelele wuMklami woMhlaba Jikelele kumhlaba oveziwe noma leyo pulani ihlangukane noma yahlukaniswe, ngokulandela le migomo nemibandela egunyaziwe noma ekhishwe isigungu/uNgqongqoshe/iLungu loMkhandlu oPhethe.

(b) Umfakisicelo welokishi uyoba nejoka lokwethula noma esiphi isicelo sokuchibiyela noma ukusula ingxenye yepulani noma ukusula ipulani ngokuphelele okushiwo kuMthethonqubo 23(8) wale Mithethonqubo kuMklami woMhlaba Jikelele, kuhambisane nanoma okuphi ukuGunyazwa noma okushiwo kulowo Mthethonqubo, futhi lokho kuchitshiyelwa okujwayelekile kwepulani kuyohambisana nalokho okudingakalayo ngokoMthetho wokuKlanywa koMhlaba, 1997.

IZINHLENGEKO ZOKUPAKA

14.(1) Kuyohlizekwa ngesikhala sokupaka esanele ngokulandela izindlela zokusebenzisa umhlaba ezisohlwini oluku-Table B: Kuncike kukuthi leso sikhala sokupaka siyomiswa ngendlela eyokwanelisa umaziphathe ophethe.

(2) Umaziphathe ophethe angakwazi, uma umnikazi wesakhiwo efake isicelo, ukugunyaza imvume yokuthambisa imithetho yokupaka njengoba kubekiwe ku-Table B.

IZITHIYO ZOBUDE BEZAKHIWO

15.(1) Izakhiwo ezakhiwe kumhlaba osendaweni yokusetshenziselwa ukuhlala azizukweqa kwizitezi eziMbili ngaphandle kwemvume kamaziphathe ophethe.

(2) Izakhiwo ezakhiwe kumhlaba ongasetshenziselwa okunye ngaphandle kokuhlala azizukweqa kwizitezi ezintathu ngaphandle kwemvume komaziphathe ophethe.

(3) Isibalo sezitezi esihlongozwe kulesi sizinda siyobandakanya isitezi esisigabeni esikwiphansi kodwa asizukubandakanya izitezi ezingaphansi kwesigaba sephansi.

IZITHIYO EZIPHATHELENE NOBUBANZI BEZAKHIWO

16. Izakhiwo azizukweqa kububanzi obubalulwe ku-Table C: Kuncike kukuthi uma kufakwa isicelo esibhaliwe umaziphathe ophethe angagunyaza indawo yokungezela ububanzi engedlule kuma-10%.

UBUHLE BENDAWO NOKWENZA IMPILO IBE LULA

17.(1) Ngaphandle kokuphikisana nokuqukethwe kule mibandela, akekho umuntu oyosebenzisa noma oyothuthukisa isakhiwo ngendlela eyophazamisa ubuhle nokuphila kalula endaweni ekwakhiwe kuyo.

(2) Izinhlinzeko zale sizinda ziyophoqelelwa umaziphathe ophethe noma omunye umuntu kunoma ubani oqashile noma obhalisiwe njengomnikazi wesakhiwo esithintekayo ngokuhlongozwe kwisizinda 17(1).

UKUKHIPHA ISAZISO

18. Noma esiphi isaziso esidingekayo noma ekugunyazwe ukuthi sikhishwe ngokwale mibandela siyokhishwa ngokulandela le Mithethonqubo.

U-TABLE A

INDAWO OSETSHENZISELWA KUYONA	OKUVUMELEKILE	OKUVUMELEKILE NGOKUGUNYAZWA UMAZIPHATHE OPHETHE KUPHELA	OKUNGAVUNYELWE
1	2	3	4
Indawo yokuhlala	Izakhiwo zokuhlala Umsebenzi wasekhaya Umhlaba wokulima	Izindawo zokudumisa zomphakathi, izindawo zokufundisa, amahholo omphakathi, okwezemidlalo nezokungebeleka, izikhungo, izindawo zodokotela, izinhloso ezikhethekile	Ukuwusebenzisa okungekho kukhalomu 2 noma 3

Ukusebenzisela okuxubile	Izakhiwo zokuhlala Umsebenzi wasekhaya Isitolo	Izindawo zokudumisa zomphakathi, izindawo zokufundisa, amahhlo omphakathi, okwezemidlalo nezokungebeleka, izikhungo, izindawo zodokotela, izinhloso ezikhethekile	Ukuwusebenzisa okungekho kukhalomu 2 noma 3
Amabhizinisi	Izitolo, izinhloso zamabhizinisi, izindawo zokuhlala, izindawo zokudumisa zomphakathi, izindawo zokufundisa, amahhlo omphakathi, okwezemidlalo nezokungebeleka, izikhungo, izindawo zodokotela, izinhloso ezikhethekile	Ukuwusebenzisa okungekho kukhalomu 2 noma 4	Izimboni ezinobungozi
Izimboni ezincane	Izimboni ezincane, izinhloso zamabhizinisi, izitolo, amagalagi omphakathi, indawo yezimoto eziphukile, izindawo zokupaka	Izinhloso ezikhethekile	Ukuwusebenzisa okungekho kukhalomu 2 noma 3
Isikhungo soMphakathi okubandakanya inkulisa nokudumisa	Izindawo zokudumisa yomphakathi, izindawo zokufundisa, amahhlo omphakathi, okwezemidlalo nezokungebeleka, izikhungo	Izakhiwo zokuhlala, izakhiwo ezikhethekile	Ukuwusebenzisa okungekho kukhalomu 2 noma 3
Ezokuphatha	Izinhloso zikamasipala	Izakhiwo zokuhlala, izindawo ezikhethekile	Ukuwusebenzisa okungekho kukhalomu 2 noma 3
Okunganqunyiwe	Akukho	Ukuwusebenzisa okungekho kukhalomu 4	Izimboni ezinobungozi

Indawo yoMphakathi eVulelekile	Amapaki, ezemidlalo nezikhungo zokungcebeleka nezakhiwo ezisetshenziselwa lokho	Izakhiwo zokuhlala, izinhloso ezikhethekile	Ukuwusebenzisa okungekho kukhalomu 2 noma 3
Ezolimo	Umhlaba wokulima	Ukuwusebenzisa okungekho kukhalomu 2 noma 3	Izakhiwo zokuhlala, umsebenzi wasekhaya, izitolo, izimboni, amagalaji omphakathi, izindawo yezimoto eziphukile.
Indawo eKhethekile 1	Umhlaba wokulima, isitolo, indawo yokufundisa, iholo lomphakathi	Ukuwusebenzisa okungekho kukhalomu 2 noma 4	Izimboni ezinobungozi.

U-TABLE B

UKUPAKA

UKUSETSHENZISWA KOMHLABA	OKUNCINYANA OKUDINGEKAYO UKUZE UPAKE
Izakhiwo zokuhlala futhi/noma imisebenzi yaseKhaya	Isikhala esi-1 kwindawo yokuhlala ngayinye
Izitolo	Izikhala ezi-4 kumakwemitha angama-100 endaweni eyiphansi lezitolo
Amahhovisi	Izikhala ezi-2 kumakwemitha angama-100 endaweni eyiphansi lamahhovisi
Izinhloso zezimboni ezincane nezamabhizinisi	Isikhala esi-1 kumakwemitha angama-100 endawo eyiphansi
Ukudumisa	Isikhala esisodwa ezihlalweni eziyi-10
Inkulisa	Isikhala esi-1 kuthisha ngamunye, kanye nezikhala ezi-2 zezivakashi

U-TABLE C

INDAWO OSETSHENZISELWA YONA	UBUBANZI OBUVUMELEKILE
Indawo yokuhlala	30%
Ibhizinisi	70%
Imboni encane	50%
Isakhiwo soMphakathi, okubandakanya inkulisa nendawo yokudumisa	70%
UMasipala, iNdawo eVulelekile yoMphakathi nezoLimo	Obanelisa umaziphathe ophethe
Okunganywanga	Obanelisa umaziphathe ophethe

No. 194

10 September 2014

DEPARTEMENT VAN SAMEWERKENDE REGERING EN TRADISIONELE SAKE

WET OP ONTWIKKELINGSFASILITERING, 1995: GRONDONTWIKKELINGSGBIED; GEDEELTES 3, 4 EN RESTANT VAN DIE PLAAS SOUTH HILLS NO. 14995 REGISTRASIE-AFDELING ET, BEKEND AS MZIKI AGRIDORP, UBULEBEZWE MUNISIPALITEIT

Ingevolge artikel 33(4) van die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995), het die Ontwikkelingstribunaal die ontwikkeling van 385 Residensieel, 1 Gemeenskapsfasiliteit (Aanbidding), 1 Gemeenskapsfasiliteit (Bewaarskool), 1 Administrasie, 1 Administrasie (Dienstereen), 3 Administrasie (Opgaardam), 1 Administrasie (Begraafplaas), 3 Besigheid, 1 Spesiale Sone, 7 Landbou, 2 Oefenvelde, 2 Openbare Oopspasies en 5 Paaie geleë op Gedeelte 3, Gedeelte 4 en Restant van die Plaas South Hills No. 14995, Registrasie-Afdeling ET, Mziki Agridorp, Ubulebezwe Munisipaliteit, goedgekeur, behoudens die volgende stigtingsvoorwaardes met betrekking tot die opheffing van beperkingsvoorwaardes en serwitude, grondgebruiksbestuur en toepassing van wette –

- (a) voorwaarde A van Transportakte T 14678/1972 wat betrekking het op Staatstoekenning No. 3824 word opgehef;
- (b) voorwaarde B van Transportakte T 14678/1972 wat verwys na Staatstoekenning No. 9484 word opgehef;
- (c) die Ubulebezwe Dorpsbeplanningskema word gewysig deur die uitleg en sonering van die grondontwikkelingsgebied in ooreenstemming met Uitlegplan 02L02P03, gedateer Oktober 2003;
- (d) artikels 11, 11*bis*, 12, 16 – 28, 35 – 39, 44, 45, 47, 47*bis* en 67 van die Dorpsbeplanningsordonnansie, 1949 (Ordonnansie No. 27 van 1949), sal nie van toepassing wees op die grondontwikkelingsgebied vir die doel van die ontwikkeling daarvan in ooreenstemming met hierdie dorpsstigtingsvoorwaardes nie;
- (e) die bepalings van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977), en enige ander wet wat die oprigting van geboue binne die grondontwikkelingsgebied beheer, sal van toepassing wees op die grondontwikkelingsgebied;
- (f) die Ubulebezwe Munisipale Verordeninge sal van toepassing wees op die grondontwikkelingsgebied;
- (g) die Bouregulasies van die Nasionale Huisbouersregistrasieraad sal van toepassing wees op die grondontwikkelingsgebied;

- (h) die bepaling van die Wet op die Onderverdeling van Landbougrond, 1970 (Wet No. 70 van 1970), sal nie van toepassing wees op die grondontwikkelingsgebied nie; en
- (i) die Provinsiale Behuisingsontwikkelingsraad se Nasionale Norme en Standaarde sal van toepassing wees op die grondontwikkelingsgebied.

MA DE LANGE, Senior Bestuurder: Grondadministrasie

Datum: Mei 2014

Lêerverwysing: 2003/511

BEHEERMAATREËLS OP GRONDGEBRUIK

OMSKRYWINGS

1. In hierdie voorwaardes, tensy uit die samehang anders blyk beteken –

“**dekking**” die gebied van die eiendom gedek deur geboue gemeet oor die eksterne mure soos vertikaal van bo af gesien en uitgedruk as 'n persentasie van die eiendomsgebied;

“**eienaar**” met betrekking tot 'n gebou of grond beteken –

- (a) die geregistreerde eienaar;
- (b) 'n persoon wat die boedel van enige persoon vermeld in (a) hierbo administreer, hetsy as eksekuteur, administrateur of voog of in enige ander hoedanigheid;
- (c) 'n persoon wat betaling van enige okkupant ontvang, of 'n persoon wat betaling sou ontvang, sou sodanige gebou of grond verhuur word, hetsy vir sy/haar eie rekening of as agent vir enige persoon wat geregtig is daarop of wat 'n belang daarin het; en
- (d) die behoorlik gemagtigde agent van 'n persoon bedoel in (a) tot (c) hierbo;

“**eiendom**” enige grondgedeelte wat as 'n afsonderlike eenheid in 'n aktekantoor geregistreer is;

“**gebou**” die insluiting van 'n konstruksie of struktuur van enige aard op enige grond;

“**Gebruiksone**” 'n sone wat onderhewig is aan die beperkings wat opgelê word op die oprigting en gebruik van geboue of die gebruik van grond vervat in Tabel A;

“**instelling**” 'n gebou ontwerp of hoofsaaklik gebruik as 'n liefdadigheidsinrigting, hospitaal, verpleeginrigting, sanatorium, kliniek of enige ander instelling, hetsy openbaar of privaat;

“**landbougrond**” bewerkbare, weiveld of grasveld, marktuine, pluimveeplaas, kwekerytuin en grond wat gebruik word vir die teel of aanhou van mak diere, pluimvee of bye met inbegrip van enige geboue wat daarmee verband hou, maar uitgesluit Landbounywerheidsgebruik en -geboue, en geboue wat verband hou met die huisvesting van katte en honde;

“**nywerheid**” 'n nywerheidsgebou, waarin die verwerkings uitgevoer, of die masjinerie geïnstalleer word, wat sodanig is dat verwerking kan plaasvind of masjinerie so geïnstalleer kan word in 'n Ligte Nywerheidsone sonder om steurnis te

veroorsaak vir ander eiendomme binne sodanige sone of vir die algemene publiek, of sonder benadeling van die geriewe van ander Gebruiksones, vanweë geraas, vibrasie, reuk, dampe, rook, roet, as, stof, grint, verkeersgenerering, grootte of enige ander oorsake;

“okkupeerder” met betrekking tot enige gebou, struktuur of grond, ingesluit enige persoon wat sodanige gebou, struktuur of grond okkupeer of wat regtens geregtig is daarop om dit te okkupeer, of enigeen wat in die beheer of bestuur daarvan staan, en ingesluit die agent van sodanige persoon, wat afwesig is vanaf die gebied, of wie se doen en late onbekend is;

“openbare motorhawe” 'n gebou ontwerp, of grond gebruik, hoofsaaklik vir die instandhouding, herstel of brandstofvoorsiening vir voertuie en doeleindes bykomstig daartoe;

“plek van onderrig” grond gebruik of 'n gebou ontwerp of hoofsaaklik gebruik as 'n skool, tegniese kollege, lesingsaal, instelling of enige ander opvoedkundige sentrum, ingesluit 'n bewaarskool, 'n klooster of monnikenklooster, 'n openbare biblioteek, 'n kunsgallery, 'n museum en 'n gimnasium;

“plek van openbare aanbidding” 'n gebou ontwerp vir die gebruik, of hoofsaaklik gebruik, as 'n kerk, kapel, gebedskamer, huis van aanbidding, sinagoge, moskee of ander plek van openbare toewyding, ingesluit 'n gebou ontwerp vir die gebruik, en wat gebruik word, as 'n plek van godsdienstige onderrig en 'n instelling op dieselfde eiendom as, en in verband staan met, enige van die voorafgenoemde geboue wat bedoel is om gebruik te word vir sosiale omgang en ontspanning, maar sluit nie 'n begrafniskapel in nie, wat as 'n **“spesiale doel”** beskou sal word;

“residensiële gebou” 'n gebou ontwerp of hoofsaaklik gebruik vir menslike bewoning en die gebruike toegelaat ingevolge paragraaf 8, wat een of meer wooneenhede kan insluit;

“sakedoeleindes” die gebruik van 'n gebou en/of grond vir kantore, vertoonkamers, restourante of enige ander sake- of kommersiële doeleindes anders as 'n plek van onderrig, 'n winkel, 'n openbare motorhawe, 'n nywerheid, 'n skadelike nywerheid, 'n bouerswerf of 'n skrootwerf;

“skadelike nywerheid” sluit in enige nywerheid of handelsvorm wat, as gevolg van geraas of uitloeiings, gevaarlik of skadelik vir die gesondheid en welsyn van die algemene publiek is soos, maar nie beperk nie tot, erts-smelting en minerale, fabriek vir die produksie van swaalkleurmiddels of sintering van swaeldraende materiale;

“sosiale saal” 'n gebou ontwerp vir gebruik of hoofsaaklik gebruik vir sosiale byeenkomste, samekomste, vergaderings of ontspanningsdoeleindes;

“spesiale doeleindes” doeleindes waarvoor grond of geboue wat nie in hierdie voorwaardes gespesifiseer word nie gebruik kan word;

“tuisaktiwiteit” 'n aktiwiteit of gebruik, tesame met 'n woning of residensiële gebou, of struktuur opgerig op die perseel van 'n bestaande woning of residensiële gebou wat –

(a) beperk sal word tot die eienaar van die eiendom, wat daarop sal woon: Met dien verstande dat die Munisipaliteit, in uitsonderlike omstandighede, en indien hy tevrede is dat die hoofsaaklike gebruik van die woning as 'n woonhuis op geen wyse bevoordeel/benadeel sal word nie, kan toelaat dat die aktiwiteit deur 'n persoon anders as die eienaar uitgevoer word;

- (b) nie werk op meer as vier motorvoertuie sal behels nie: Met dien verstande dat die Raad, in uitsonderlike omstandighede, en indien hy tevrede is dat die hoofsaaklike gebruik van die woning as 'n woonhuis en die aantreklikheid van die buurt nie bevoordeel/benadeel word nie, werk op meer as vier motorvoertuie kan toelaat;
- (c) nie die parkering van enige voertuig met 'n tarragewig wat 2 000kg oorskry sal behels nie, wat geparkeer word op, of aangrensend tot, die perseel;
- (d) nie die gereelde byeenkoms van meer as vyf persone op die terrein sal behels nie en nóg minder die indiensneming van meer as drie persone op die perseel;
- (e) nie enige aktiwiteit of werk tussen die ure van 18h00 en 07h30 sal behels nie, behalwe met die spesifieke goedkeuring deur die Munisipaliteit;
- (f) nie 'n vloeroppervlak wat meer as 10% van die algehele oppervlak van die terrein, wat nie 50m² sal oorskry nie, sal beslaan nie, behalwe met die toestemming van die Munisipaliteit;
- (g) nie die oprigting van 'n uithangbord groter as 600mm by 450mm, wat die aard van die aktiwiteit aandui, behels nie. Sodanige uithangbord sal van 'n materiaal wees en gebruik maak van 'n styl en lettergrootte wat die residensiële karakter van die woning sal komplementeer en sal aangebring word op die hoofmuur van die gebou en sal tot die voldoening van die Munisipaliteit wees;
- (h) nie 'n geraasvlak sal produseer wat 7db oorskry bo die omringende geraasvlak nie, gemeet op enige punt van die eiendomsgrens;
- (i) nie genoegsame verkeer sal genereer wat die verskaffing van bykomende parkering sal regverdig nie;
- (j) nie die aanhaling van enige residensiële adres in enige advertensie van die aktiwiteit sal behels nie;
- (k) nie enige grootskaalse stoor van goedere of items verbonde aan die aktiwiteit op, of aangrensend tot, die terrein sal behels nie;
- (l) sal, in die geval van die daarstelling van 'n kinderversorgingskool of speelskool –
 - (i) in die algemeen bedryf word deur slegs een persoon, wat op die eiendom sal woon, alhoewel 'n assistent in diens geneem kan word, volgens die diskresie van die Munisipaliteit;
 - (ii) beperk wees tot die akkommodasie en versorging van nie meer as twaalf kinders nie, buiten dié van die aansoeker; en
 - (iii) beperk word tot die bedryfsure tussen 07h00 tot 17h30; en
- (m) nie die verkoop van alkohol of alkoholiese drankies insluit nie;

“verdieping” die spasie in 'n gebou tussen een vloervlak en die volgende vloervlak of tussen een vloervlak en die plafon of dak;

“verantwoordelike gesag” die gesag verwys na in paragraaf 3;

“vloeroppervlak” die somtotaal van die gebiede gedek deur die gebou op die vloervlak van elke verdieping;

“winkel” grond gebruik of 'n gebou ontwerp hoofsaaklik vir die doeleindes van kleinhandelbedryf en die nodige meegaande stoor en verpakking, ingesluit enige meegaande gebruik op dieselfde terrein wat bykomend en ondergeskik is aan die kleinhandelbedryf; en

“wooneenheid” 'n suite van kamers wat verbind en ontwerp is vir menslike bewoning wat 'n kombuis of opwaskombuis kan insluit.

TOEPASSING VAN DOKUMENT

2.(1) Hierdie voorwaardes sal van toepassing wees op enige eiendom binne die gebied aangedui op die Uitlegplan.

(2) Die bepalinge van hierdie voorwaardes sal nie enige bestaande gebou wat wettiglik opgerig is, in ooreenstemming met goedgekeurde bouplanne, onwettig maak nie: Met dien verstande dat verbouings, behalwe geringe verbouings, of 'n verandering in die gebruik van sodanige gebou ooreenkomstig hierdie voorwaardes, in werking gestel sal word.

VERANTWOORDELIKE GESAG

3. Die Munisipaliteit, of, indien daar nie sodanige munisipaliteit bestaan nie, die persoon of liggaam verantwoordelik vir die beheer van die betrokke grond, sal die gesag verantwoordelik vir die handhawing en toepassing van die bepalinge van hierdie voorwaardes wees.

KANT- EN AGTERSPASIE

4.(1) Geen gebou behalwe grensmure, heininge en tydelike geboue wat vereis word in verband met bouwerkzaamhede wat op die eiendom bedryf word, sal opgerig word sonder 'n spasie, vry van enige gebou of struktuur, tussen die gebou en een van die kantgrense asook tussen die gebou en agtergrens van die eiendom.

(2) Die spasie aan die kant van die gebou sal 'n minimum van twee meters wyd wees.

(3) Die spasie aan die agterkant van die gebou sal 'n minimum van twee meters wyd wees.

VERSLAPPING VAN KANT- EN AGTERSPASIE

5.(1) By ontvangs van 'n skriftelike aansoek, kan die verantwoordelike gesag die oprigting van 'n gebou binne die kant- of agterspasie toelaat.

(2) Enige toestemming toegestaan ingevolge paragraaf 5(1) sal geldig wees vir die lewensduur van die betrokke gebou.

OPRIGTING EN GEBRUIK VAN GEBOU OF GRONDGEBRUIK

6. Die doeleindes waarvoor geboue en grond in elk van die Gebruiksones gespesifiseer in kolom 1 van Tabel 1 –

(a) opgerig en/of gebruik kan word;

(b) opgerig en/of gebruik kan word slegs met die instemming van die verantwoordelike owerheid; of

(c) nie opgerig en/of gebruik kan word nie,

word onderskeidelik in die tweede, derde en vierde kolom van Tabel A aangedui.

VOORWAARDES VAN TOEPASSING OP ALLE EIENDOMME

7.(1) Buiten die skriftelike toestemming van die verantwoordelike gesag, en behoudens sodanige voorwaardes soos hy kan oplaë, sal nóg die eienaar nóg enige ander persoon –

(a) die reg hê, buiten om die erf voor te berei vir boudoeleindes, om enige materiaal daaruit te grawe; en/of

(b) die reg hê om enige waterputte of boorgate daarop te sink of enige ondergrondse water daaruit te haal.

(2) Waar dit onprakties is om vloedwater vanaf hoërliggende eiendomme te dreiner direk na 'n openbare straat, sal die eienaars van die laerliggende eiendomme verplig wees om die vloei van sodanige vloedwater deur hul eiendomme te aanvaar en toe te laat. Met dien verstande dat die eienaar van enige hoërliggende eiendom, vanwaar die vloedwater oor enige laerliggende eiendom afvloe, aanspreeklik sal wees vir die betaling van 'n proporsionele gedeelte van die koste van enige pyplyn of drein wat die eienaar van sodanige laerliggende eiendom nodig mag vind om aan te lê of te bou vir die afvoer van die water wat oor die eiendom vloei.

(3) Die ligging van geboue, ingesluit buitegeboue, op enige eiendom en van ingange na en uitgange vanaf 'n openbare straatstelsel sal tot die bevrediging van die verantwoordelike owerheid wees.

(4) Die eienaar sal verantwoordelik wees vir die instandhouding van die volle ontwikkeling op die eiendom.

BYKOMENDE GEBRUIKE TOEGELAAT TEN OPSIGTE VAN RESIDENSIËLE EIENDOMME

8.(1) Die getal wooneenhede en die grootte van 'n residensiële gebou wat op 'n eiendom opgerig kan word sal beperk word slegs deur die hoogte- en dekkingsbepalings van hierdie voorwaardes en deur enige toepaslike gesondheids- en bouregulasies.

(2) Die okkupeerders van 'n residensiële gebou kan, *inter alia*, hul sosiale- en godsdiensaktiwiteite en hul beroepe, professies, of ambagte, ingesluit kleinhandel, op die eiendom waarop sodanige residensiële gebou opgerig is beoefen. Met dien verstande dat –

- (a) die dominante gebruik van die eiendom residensieel sal bly;
- (b) die beroep, ambag of professie of ander aktiwiteit nie skadelik sal wees nie;
- (c) die beroep, ambag of professie nie sal inmeng met die aantreklikheid van die buurt nie; en
- (d) die beoefening van die beroep, ambag of professie nie teenstrydig sal wees met die Grondgebruike waarvoor voorsiening gemaak word in Tabel A nie.

SPESIALE VOORWAARDES VAN TOEPASSING OP OPENBARE MOTORHAWENS

9.(1) Niks sal gestoor word, en geen herstel van enige aard aan motorvoertuie of toerusting sal onderneem word in 'n openbare motorhawe nie buiten in 'n gebied wat afgeskerm is vir sodanige doeleindes tot die bevrediging van die verantwoordelike gesag.

(2) Die verantwoordelike gesag kan die beperking vervat in paragraaf 9.1 verslap in 'n geval waar die eiendom aangrensend is aan, of omring word deur, Nywerheidsgebruike.

TOESTEMMINGSGEBRUIK OF GOEDKEURING DEUR DIE VERANTWOORDELIKE GESAG

10.(1) Enige aansoek om goedkeuring van toestemmingsgebruik, aan die verantwoordelike gesag, ten opsigte van die betrokke eiendom wat in kolom 3 van Tabel A gelys word, sal deur die eienaar van die grond of gebou waarop die aansoek van toepassing is, gedoen word. Met dien verstande dat die bepalinge van hierdie paragraaf en paragrawe 11 en 12 nie van toepassing sal wees op enige aansoek om goedkeuring deur die verantwoordelike gesag nie, buiten vir doeleindes ingevolge hierdie voorwaardes soos gespesifiseer in kolom 3 van Tabel A.

(2) Die bevoegdhede van die verantwoordelike gesag om sy toestemming te verleen ingevolge paragraaf 10(1) sal die bevoegdheid om toestemming of goedkeuring te weier insluit en, indien toestemming verleen word, die bevoegdheid om enige voorwaardes wat hy nodig mag ag op te lê.

(3) Indien die eienaar van die tersaaklike eiendom 'n voorwaarde waarop enige toestemming verleen is deur 'n verantwoordelike gesag, soos bedoel in paragraaf 10(2), skend, kan die verantwoordelike gesag 'n kennisgewing, wat beroep doen op hom/haar om sodanige skending reg te stel op sodanige eienaar of die okkupeerder van die betrokke eiendom beteken en, indien die tersaaklike skending nie reggestel word soos vereis word in sodanige kennisgewing nie, kan sodanige toestemming beëindig word deur die betrokke verantwoordelike gesag.

(4) Die kennisgewing verwys na in paragraaf 10(3) sal vereis dat die skending binne 'n gespesifiseerde tydperk reggestel word.

(5) Enige aansoeker wat gegrief voel deur enige besluit van die verantwoordelike gesag, soos bedoel in hierdie paragraaf, kan by die Tribunaal appèl aanteken binne agt-en-twintig dae na die besluit: Met dien verstande dat, indien die verantwoordelike gesag weier om 'n beslissing te lewer oor enige aansoek of onredelik talm om die beslissing te lewer, kan die aansoeker by die Tribunaal appèl aanteken asof hy/sy appelleer teen 'n besluit van die verantwoordelike gesag.

AANSOEK OM TOESTEMMINGSGEBRUIK

11.(1) Enige eienaar wat van voorneme is om by die verantwoordelike owerheid gesag aansoek te doen om sy toestemming soos bedoel in paragraaf 10(1) sal, voor die indiening van sodanige aansoek –

(a) 'n kennisgewing van sodanige aansoek aanbring, vertoon en in stand hou op die grond of gebou waarop dit van toepassing is vir 'n tydperk van veertien dae; en

(b) veertien dae skriftelik kennis gee aan die eienaars van aangrensende eiendomme en van die eindomme direk oorkant die straat van die eiendom wat die onderwerp van die aansoek uitmaak.

(2) 'n Kennisgewing, verwys na in paragraaf 11(1), sal vermeld dat enige persoon wat enige beswaar teen die aansoek het, sodanige beswaar, skriftelik, kan indien by die verantwoordelike gesag en by die aansoeker binne veertien dae na die datum van die laaste dag waarop die kennisgewing vertoon is.

(3) Die aansoek by die verantwoordelike gesag moet vergesel gaan van bewys van die vertoon van die kennisgewing, soos bedoel in paragraaf 11(1)(a), 'n lys van die eienaars bedoel in paragraaf 11(1)(b), en hul adresse.

(4) Die verantwoordelike gesag moet enige besware wat ontvang is binne die veertien dae kennisgewingstydperke, bedoel in paragraaf 11(1), oorweeg en sal, binne 60 dae na die verval van sodanige kennisgewingstydperke, die aansoekers en die beswaarmakers, indien enige, in kennis stel van sy besluit deur 'n afskrif van sodanige besluit te lewer aan die betrokke persone.

(5) 'n Besluit deur die verantwoordelike gesag bedoel in paragraaf 11(4) sal nie in werking tree totdat die kennisgewingsbriewe aan die aansoeker en beswaarmakers deur sodanige persone soos bedoel in paragraaf 11(4) ontvang is nie of, indien enige appèl aangeteken word ingevolge paragraaf 10(5), totdat 'n beslissing ten opsigte van sodanige appèl bereik is.

VERSTRYKING VAN TOESTEMMING

12. Indien die regte wat bekom is kragtens die verleen van toestemming ingevolge paragraaf 10 nie uitgeoefen word binne vier-en-twintig maande vanaf sodanige toestemming verleen is nie, of as die regte uitgeoefen is maar die toegelate gebruik daarkragtens onderbreek word vir 'n deurlopende tydperk van agtien maande, sal die betrokke toestemming verstryk, tensy enige voorwaarde waarop sodanige toestemming verleen is bepaald andersins voorsiening maak of die eienaar, tot die bevrediging van die verantwoordelike gesag, bewys dat hy van voorneme is om die uitoefening van sy regte te hervat.

ONDERVERDELING EN KONSOLIDASIE VAN EIENDOMME

13. Geen eiendom sal onderverdeel of gekonsolideer word nie, behalwe op voorwaarde dat –

- (a) 'n algemene plan, goedgekeur deur die landmeter-generaal, gewysig word of gedeeltelik of algeheel gekanseleer kan word op die grond aangedui deur die landmeter-generaal, of sodanige algemene plan kan gekonsolideer of onderverdeel word op sodanige bepalings en voorwaardes as wat die Tribunaal/Minister/Lid van die Uitvoerende Raaad kan goedkeur of gelas; en
- (b) die dorpsaansoeker sal verantwoordelik wees vir die indiening van enige aansoek om die wysiging of gedeeltelike of algehele kansellering van 'n algemene plan verwys na in regulasie 23(8) van hierdie Regulasies by die landmeter-generaal, tesame met enige ander goedkeuring of bevel verwys na in daardie regulasie, en sodanige gewysigde algemene plan moet voldoen aan die vereistes van die Opmetingswet, 1997 (Wet No. 8 van 1997).

VERSKAFFING VAN PARKERING

14.(1) Voldoende parkering ten opsigte van die grondgebruik gelys in Tabel B sal voorsien word: Met dien verstande dat sodanige parkeerspasie uitgelê sal word tot die bevrediging van die verantwoordelike gesag.

(2) Die verantwoordelike gesag kan, by aansoek deur die eienaar van die betrokke eiendom, toestemming verleen vir 'n verslapping van die parkeringsvereistes uiteengesit in Tabel B.

BEPERKINGS OP HOOGTE VAN GEBOUE

15.(1) Geboue opgerig op eiendomme in Residensiële Gebruiksones sal nie twee verdiepings oorskry sonder die toestemming van die verantwoordelike gesag nie.

(2) Geboue opgerig op eiendomme in Gebruiksones anders as Residensiële Gebruiksones sal nie drie verdiepings oorskry sonder die toestemming van die verantwoordelike gesag nie.

(3) Die getal verdiepings bedoel in hierdie paragraaf sal die grondvlakverdieping insluit maar sal nie kelderverdiepings wat onder die grondverdieping is insluit nie.

BEPERKINGS OP DEKKING VAN GEBOUE

16. Geboue sal nie die dekking in Tabel C aangedui oorskry nie: Met dien verstande dat die verantwoordelike gesag, by skriftelike aansoek, toestemming mag verleen vir hoogstens 10% bykomende dekking.

ALGEMENE AANTREKLIKHEID EN GESKIKTHEID

17.(1) Ondanks enigiets strydig wat vervat is in hierdie voorwaardes, sal geen persoon 'n eiendom gebruik of ontwikkel op sodanige wyse dat dit afbreuk sal doen aan die aantreklikheid en geskiktheid van die gebied waarbinne dit geleë is nie.

(2) Die bepalings van hierdie paragraaf sal deur die verantwoordelike gesag of enige ander party afdwingbaar wees op enige huurder of geregistreerde eienaar van die tersaaklike eiendom, soos bedoel in paragraaf 17(1).

BETEKENING VAN KENNISGEWING

18. Enige kennisgewing wat volgens vereiste beteken moet word ingevolge hierdie voorwaardes sal beteken word in ooreenstemming met hierdie Regulasies.

TABEL A

1	2	3	4
GEBRUIKSONE	TOEGELATE GEBRUIKE	GEBRUIKE TOEGELAAT SLEGS MET DIE TOESTEMMING VAN DIE VERANTWOORDELIKE GESAG	VERBODE GEBRUIKE
Residensiëel	Residensiële geboue Tuisaktiwiteit Landbougrond	Plek van openbare aanbidding, plekke van onderrig, sosiale sale, sport- en ontspanningsdoeleindes, inrigtings, mediese suites, spesiale doeleindes	Gebruike nie in kolom 2 of 3 nie
Gemengde Gebruik	Residensiële geboue Tuisaktiwiteit Winkel	Plek van openbare aanbidding, plekke van onderrig, sosiale sale, sport- en ontspanningsdoeleindes, inrigtings, mediese suites, spesiale doeleindes	Gebruike nie in kolom 2 of 3 nie
Sake	Winkels, sakedoeleindes, residensiële geboue, plek van openbare aanbidding, plekke van onderrig, sosiale sale, sport- en ontspanningsdoeleindes, inrigtings	Gebruike nie in kolom 2 of 4	Skadelike nywerhede

Ligte Nywerheid	Ligte nywerheid, sakedoeleindes, winkels, openbare motorhawens, skrootwerwe, parkeerareas	Spesiale doeleindes	Gebruik nie in kolom 2 of 3 nie
Gemeenskapsfasiliteit ingesluit bewaarskool en aanbidding	Plek van openbare aanbidding, plekke van onderrig, sosiale sale, sport- en ontspanningsdoeleindes, inrigtings	Residensiële geboue, spesiale doeleindes	Gebruik nie in kolom 2 of 3 nie
Administrasie	Munisipale doeleindes	Residensiële geboue, spesiale doeleindes	Gebruik nie in kolom 2 of 3 nie
Nie bepaal nie	Geen	Gebruik nie in kolom 4 nie	Skadelike nywerhede
Openbare Oop Spasie	Parke, sport- en ontspanningsfasiliteite en geboue gebruik in verband daarmee	Residensiële geboue, spesiale doeleindes	Gebruik nie in kolom 2 of 3 nie
Landbou	Landbougrond	Gebruik nie in kolom 2 of 4 nie	Residensiële gebou, tuisaktiwiteit, winkels, nywerheid, openbare motorhawens, skrootwerwe
Spesiale Sone 1	Landbougrond, winkel, plek van onderrig, sosiale saal	Gebruik nie in kolom 2 of 4 nie	Skadelike nywerhede

TABEL B**PARKERING**

GEBRUIK	MINIMUM VEREISTES VIR PARKERING
Residensiële Geboue en/of Tuisaktiwiteit	1 spasie per wooneenheid
Winkels	4 spasies per 100m ² van winkelvloerarea
Kantore	2 spasies per 100m ² van kantoorvloerarea
Ligte Nywerheid en Sakedoeleindes	1 spasie per 100m ² van vloerarea
Aanbidding	1 spasie vir elke 10 sitplekke
Bewaarskool	1 spasie per onderwyser, plus 2 spasies vir besoekers

TABEL C

GEBRUIKSONE	TOELAATBARE DEKKING
Residensieel	30%
Sake	70%
Ligte Nywerheid	50%
Gemeenskapsfasiliteit, ingesluit Bewaarskool en	70%
Munisipale, Openbare Oop Spasie en Landbou	Ter bevrediging van die verantwoordelike gesag
Nie bepaal nie	Ter bevrediging van die verantwoordelike gesag

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za
 - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
 - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
 - Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.