



MOLEMOLE LAND USE MANAGEMENT SCHEME 2023

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A. PART I – GENERAL

1. TITLE OF LAND-USE SCHEME

This document shall be known as the Molemole Land-Use Scheme, 2023.

2. RESPONSIBLE AUTHORITY

The Molemole Local Municipality or its successor in title shall be the authority responsible for the enforcing and execution of the provisions of this land-use scheme.

3. AUTHORITY OF LAND-USE SCHEME

This Land-Use Scheme has been prepared in terms of the following legislation of Section 24 of the Spatial Planning and Land Use Management Act, Act 16 of 2013 and adopted in terms of Section 26 said Act for the municipal area.

4. CONTENTS OF THE LAND-USE SCHEME

This land-use scheme is divided into two main segments relating to the following matters, viz:

1) SCHEME CLAUSES

The scheme clause consists of eight (8) parts as follows:

- Part I: General.
- Part II: Land use and general definitions.
- Part III: General Conditions applicable to all properties.
- Part IV: Interpretation of use zones, use of land and buildings.
- Part V: Specific conditions and development criteria applicable to use zones.
- Part VI: Special, written and temporary consent of the local municipality.
- Part VII: Application of the scheme and powers of the local municipality.

2) SCHEME MAPS

There Scheme consists of land use maps for all settlements within the jurisdiction of Molemole Local Municipality.

5. AREA OF THE LAND-USE SCHEME

1) AREA

The land-use scheme applies to all properties within the municipal boundaries of the Molemole Local Municipality, as determined by the Municipal Demarcation Board.

2) ADMINISTRATION OF LAND-USE SCHEME IN AREA

The land-uses permitted are the use/s as depicted by the notations applicable to use zones on the map and in Part IV of the scheme clauses.

All land not depicted by a notation indicating a use zone as referred to in paragraph 5.1. above shall be deemed to be zoned and used for Agricultural use; provided that should any owner of land furnish proof of alternative rights obtained in terms of any previous lawful authority, such rights/uses shall be deemed to be legally obtained in terms of this scheme.

6. SUBSTITUTION

The Scheme substitutes the existing Molemole Land Use Scheme, 2006.

7. GENERAL PURPOSE OF THIS SCHEME

The principles that are adhered by the scheme:

I. Healthy Living Environment:

Some land uses such as open space and community facilities are required to create healthy communities. Other land uses may cause a nuisance and pollution and need to be allocated strategically.

II. Safety:

Some land uses are harmful to public health and need to be placed in areas where they can be controlled. Adequate space between neighboring properties is needed to make provision for access for fire-fighting equipment and storm-water.

III. Conservation:

Some buildings, places or areas with heritage and environmental significance, need to be conserved for future generations.

IV. Order:

Land uses that are not compatible need to be separated. People need to be certain when they buy or rent property, that their amenity and property values will be protected.

V. Amenity:

Amenity means a pleasant living environment. For example, people desire residential areas that look good, where they feel safe, and which are close to facilities.

VI. Convenience:

People need to be conveniently located in relation to employment opportunities and to community and other facilities.

VII. General Welfare:

Good land use management can benefit the whole community by creating a healthy and safe environment, and by ensuring that adequate provision has been made for all the necessary services and facilities.

VIII. Efficiency and Economy:

Good land use management makes maximum use of scarce resources.

IX. Participation:

The procedures involved in managing land need to be simple, clear and easily accessible to all people. This principle also applies to the compilation of the Spatial Development Framework, as part of the IDP.

8. CONFLICT BETWEEN PROVISIONS OF THIS LAND-USE SCHEME, CONDITIONS OF TITLE AND LEGISLATION

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

B. PART II – LAND USE AND GENERAL DEFINITIONS

9. DEFINITIONS

In this Scheme, except where the context otherwise requires, or it is otherwise expressly provided, the following words and expressions have the respective meanings assigned to them herein and the plural and alternative gender forms shall denote the same meanings, as follows:

1) LAND USE DEFINITIONS

“ADDITIONAL DWELLING UNIT” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons.

“AERODROME” means any demarcated area on land or water or any building which is used or intended to be used either wholly or in part, for the arrival or departure of aircraft, and includes any building, installation or equipment within such area which is used or intended to be used in connection with the arrival, departure or movement of aircraft.

“AGRICULTURAL USE” means land used or a building designed or used for the purposes such as, but not limited to ploughing, de-pasturing, horticulture, poultry farming, dairy farming, breeding and keeping of livestock, apiaries, forestry, mushroom and vegetable production, flower production, orchards and any other activity commonly connected with farming or associated therewith and include the sale of own produced goods. It includes residential buildings that are connected with the main farming activities such as accommodation for the farmer, farm manager and associated farm settlement.

“ANIMAL CARE CENTRE” means a place for the care of domestic pets and animals, operated on either a commercial or welfare basis and includes boarding kennels and pet training centres.

“BAKERY” means a building in which bread, rusks, biscuits, pies, pastries, confectionery and other baked products are produced in bulk for distribution to wholesalers and/or retailers, as well as such retail as may be approved by the local municipality.

“BED-AND-BREAKFAST” means a commercial accommodation establishment of a maximum four (4) guest rooms. The main function is to provide temporary accommodation under personal supervision of the owner and his/her family from his/her dwelling house. Meals (usually breakfast) are provided to paying guests only. Only one (1) kitchen per establishment is allowed. A bathroom for each guest room may be provided, but a bathroom may also be shared with the host family.

“BUILDERS YARD” means premises which is used for the storage or sale of building material and equipment including buildings ancillary thereto.

“BUS AND TAXI RANK” means land, building or part of a building used for the purpose of parking, loading and offloading of passengers and may include ancillary facilities.

“CAMPING SITE” means land and buildings used for temporary overnight accommodation of caravans, motor homes and tents and may include ablution facilities, caretaker’s flat, communal kitchen/s and ancillary and subservient shops and other related buildings for the use of such visitors.

“CAR WASH” means land and/or buildings used for the washing, polishing and cleaning of vehicles by means of mechanical apparatus or by hand.

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

“CEMETERY” means a place for the burial of human remains, and may include associated buildings such as an office, chapel and wall of remembrance, but does not include a crematorium.

“CHALET DEVELOPMENT” means a grouping of a two or more attached or detached habitable buildings used for holiday accommodation.

“COMMERCIAL USE” means uses such as distribution centres, wholesale trade, storage, warehouses, cartage and transport services, laboratories and computer centres and may include offices that are ancillary and subservient to the commercial use of the land.

“COMMUNE” means a dwelling unit where not more than six unrelated persons live together and share communal facilities, such as a kitchen, lounge, bathroom, etc., but does not include a household enterprise. The use is further subject to the policy of the local municipality as amended from time to time.

“COMMUNITY FACILITY” means a building or place owned or controlled by a public authority or a body of persons, which may provide for the physical, social, cultural or intellectual development or welfare of the local community.

“CONFERENCE FACILITY” means a building designed for use or used as a temporary lecture hall, training facility, conducting of workshops, meetings, conferences, symposiums and related uses, but does not include “Institution” and “Place of Instruction”. The area used for a conference facility may be restricted by the local municipality and is further subject to the policy of the local municipality as amended from time to time.

“CRECHE” means land and buildings used for the admission, protection and temporary or partial care of children/learners up to an age of seven (7) years and may be conducted as a pre-school, daycare centre or play group: Provided that the crèche shall not be brought into operation without the Written Consent of the Municipality.

“CREMATORIUM” means a building with the necessary specialised equipment used for the cremation of human and animal tissue subject to the provisions of the Crematoriums Act, 1965 (Act 18 of 1965). Such a building may include everything necessarily incidental and ancillary to that purpose.

“DRIVING SCHOOL” means land or a building used by driving instructors to teach and train persons to drive motor vehicle in preparation of their vehicle license test and may include the necessary administration buildings, classrooms, testing equipment as well as driving surfaces, road signage etc. to simulate driving conditions, but excluding testing stations for testing of the road worthiness of motor vehicles.

“DRY CLEANER” means land and buildings designed and used for the cleaning of clothes and garments utilising a chemical process and processes associated therewith and may include alterations to clothes and garments by an in-house tailoring service.

“DWELLING OFFICE” means an existing dwelling unit that is converted and used as an office, provided that the elevation treatment of the buildings maintains a residential character and appearance complementary to the environment and is also in accordance with the policy of the local municipality.

“DWELLING UNIT” means a self-contained, interconnected suite of rooms which does not include more than one kitchen, designed for occupation and use by a single-family or extended family as well as a maximum of four (4) unrelated persons and outbuilding and servants' quarters which are ordinarily incidental thereto.

“FARM SETTLEMENT” means the use of land for homesteads for people living on a commercial farm and is directly associated with the farming activities related to the particular farm, subject to the policy of the local municipality as amended from time to time.

“FARM STALL” means a building on a property zoned "Agricultural" and "Municipal" used for the sale of agricultural produce, a farm stall may not exceed 1000m².

“FILLING STATION” means land used or a building designed or used for fueling, washing, polishing and lubricating of motor vehicles, as well as for emergency repairs to vehicles, but excluding a “Public Garage”, panel beating, spray painting

or any major repair work and can include the retail trade of emergency spare parts, as a complimentary subservient service. A Convenience Store not exceeding 250m² is permitted as a primary right.

“FLATS” means a group of structurally linked dwelling units of which not all need to have a ground floor, with the linkage between the floors by means of stairs, escalators or lifts, together with communal outbuildings as are reasonably used therewith.

“FUNERAL PARLOUR” means a building used or designed for use as a mourning or funeral chapel and includes such other buildings designed for use in connection therewith and which is normally ancillary to or reasonably necessary for the business of a funeral undertaker but shall exclude a crematorium and mortuary.

“GAME RESERVE” means an area of land that is protected and managed to preserve rare or endangered animal or plant species or indigenous game animals and habitats, and in which human activities are limited and the natural environment is protected from man-made interventions.

“GOVERNMENT PURPOSES” means land or building used by or on behalf of Government or the Municipality for the purpose of carrying out of government or municipal related functions.

“GROUP HOUSING” means a group of detached and / or attached dwelling units on a stand or stands that form an integrated, harmonious and architectural unit and include concepts like group housing, townhouses, simplexes, duplexes and all such development, but excludes uses included in the definition of “Dwelling Unit”, “Residential Building” or “Flat”.

“GUEST HOUSE” means commercial accommodation establishment of between five (5) and sixteen (16) guest rooms. No permanent residents (except for the manager) are allowed. The main function is to provide temporary accommodation under personal supervision. If meals are provided, it should be served to paying guest only. Only one (1) kitchen per establishment is allowed. Each guest room

must have its own en-suite bathroom. All other facilities such as a bar and swimming pool are for paying guests only.

“GYMNASIUM” means a business where people do physical and aerobic exercises with or without apparatus.

“HOMESTEAD” means land, buildings and structures used for the accommodation of an extended traditional family, who has been allocated the land by means of customary law to a traditional community by the Traditional Council/ Authority. This land may include areas for the cultivation of trees and crops, a kraal for livestock and an enclosure for poultry.

“HOTEL” means a building or portion of a building offering transient lodging accommodation to the general public and providing additional services, such as restaurants, meeting rooms and recreational facilities. In respect of which a liquor license has been issued a bar may be permitted, but excludes any off-sales facility or liquor store and may at the discretion of the Municipality include an entertainment component.

“HOUSEHOLD ENTERPRISE” means a small scale enterprise which is used by the occupant for the conduct of a practice or occupation with the aim of deriving income there from and which is practiced by a maximum of four (4) persons, of which at least one is a full time resident of the property, from a dwelling unit in such a way that the residential character and primary use of the dwelling unit and environment shall not, in the opinion of the local municipality, be in any way harmed or changed. No retail trade is permitted from the property.

“INDUSTRY” means the use of land or a building for a factory, distributing depot, wholesale, storage, warehouse for the storage of wholesale merchandise, carting and transport services, laboratories, workshop and motor workshop and may also include offices which are normally associated with, or which are reasonably essential for the main use.

“INFORMAL BUSINESS” means the conducting of a business which, with the consent of the local municipality after consultation with the adjacent owners, is conveyed from place to place, whether by vehicle or otherwise, in a street or at any other place accessible to the public, at any open property or in, on or from any vehicle or moveable structure, subject to such requirements laid down by the local municipality.

“INSTITUTION” means a building designed to be used as a charitable institution, hospital, nursing home, old age home, clinic, sanatorium, either public or private but excludes institutions used mainly as offices or for administrative work, and may, with the permission of the local municipality include activities which is directly related to and subservient to the main use.

“KENNELS” means land used for the purpose of keeping, breeding, accommodating of any domestic animals. This includes pet motels, dog training facilities, and animal shelters.

“KIOSK” means a building designed and use for the preparation or retail sale of meals and refreshments as well as the retail sale of cold drinks, tobacco, reading material and sweets. Cafeteria has a similar meaning.

“LANDFILL SITE” is a site for the disposal of waste materials also known as a tip, dump, rubbish dump, garbage dump, or dumping ground.

“MEDICAL CONSULTING ROOMS” means a building designed or adapted as professional rooms for medical practitioners including general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as veterinary surgeons, and may include a dispensing chemist not exceeding 20m² but not uses included in the definition of "Institution".

“MINING AND QUARRYING PURPOSES” means land where the extracting of minerals occurring naturally, for example solids such as coal and ores; liquids such as crude petroleum and gasses such as natural gas. Mining includes underground and surface mines, quarries and the operation of oil and gas wells and all supplemental activities for dressing and beneficiating ores and other crude

materials such as crushing, screening, washing, cleaning, grading, milling, flotation, melting, refining, pelleting, topping and other preparation needed to render the material marketable. It also includes all associated works such as rock dumping, tailing dams, workshops and buildings for mining purposes. Reclamation of minerals from mine dumps and worked out mines is included.

“MOBILE DWELLING UNITS” means a prefabricated mobile unit of an interconnected set of rooms that does not include more than one kitchen and is designed for use by a household, and which is moveable.

“MORTUARY” means a building or part of a building where corpses are stored, may be exposed for identification purposes and where autopsies may be performed, and may include ancillary uses thereto at the discretion of the Municipality.

“MUNICIPAL PURPOSES” means such use of land for which the local municipality is authorized in terms of any empowering legislation.

“NATURE CONSERVATION PURPOSES” means purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity.

“NATURE RESERVE” means a Provincial Nature Reserve or a Private Nature Reserve., and further means- an area declared, or regarded as having been declared, in terms of section 23 of the National Environmental Management: Protected Areas an area which before or after the commencement of the National Act, 2003, as a nature reserve; or Environmental Management: Protected Areas Act, 2003, was or is declared or designated in terms of provincial legislation for a purpose for which that area could in terms of section 23(2) of the said Act be declared as a nature reserve, and includes an area declared in terms of section 23(1) of said Act as part of an area referred to in paragraph (a) or (b) above.

“NOXIOUS INDUSTRY” means an industry which is listed in Schedule 1 to the scheme.

“NURSERY” means a business where plants or seeds are cultivated, grown and sold, and includes the selling of products or items that are related to horticulture.

“OFFICE” means a building or part thereof, designed or used for administrative, professional and related purposes, including a bank, insurance company, building society, medical consulting rooms and related offices or rooms.

“PANEL BEATER” – means the replacement, reparation and/or panel beating of the body and spare parts of vehicles and the spray painting thereof.

“PARKING LOT” means land utilized for the parking of motor vehicles limited to the ground or below ground level only.

“PARKING GARAGE” means a building or part thereof earmarked for the parking of vehicles.

“PLACE OF AMUSEMENT” means a building designed or adapted to be used as a place of entertainment to which members of the public have access to and includes adult entertainment, theatre, cinema, music hall or concert hall, night club, shisanyama, bar premises licensed to sell alcohol for on-site consumption, and may provide eating facilities, an exhibition hall whether of agriculture, trade or industry or otherwise, a public hall used generally for several of such purposes on occasions as and when required a skating rink; a billiard saloon, an amusement park, racecourse or race track for animals or vehicles or sports ground where an admission charge may be applicable.

“PLACE OF INSTRUCTION” means a building designed for use as a school, college, technical or academic institution, crèche, lecture hall, nursery school, after school care center, or other educational center and a hostel in connection therewith and includes a convent or monastery, a library, art gallery and a museum.

“PLACE OF PUBLIC WORSHIP” means a building designed for use or used for religious purposes such as a church, chapel, oratory, prayer house, mosque, synagogue or other place of public devotion, and includes a building designed to be used as a place of religious instruction.

“PLACE OF REFRESHMENT” means a drive-in restaurant, café, tea-room or coffee shop, being a building other than a hotel, residential club, or boarding house, designed and used for the preparation or retail sale of meals and refreshments as well as the retail sale of fresh produce, cold drinks, tobacco, reading material and sweets.

“PRIVATE CLUB” means land used or a building designed or used for the private gathering of a group of persons being members of that club.

“PRIVATE NATURE RESERVE” means an area of land declared as a Private Nature Reserve in terms of Section 21(3)(a) of the Limpopo Environmental Management Act, 2003 to protect the area for the promotion or preservation of specific ecological processes, natural systems, natural beauty or species of indigenous wildlife; preservation of biotic diversity; to allow and support sustainable economic activities in the area; and develop and manage the area in the interest of conservation, education and sustained resource utilization.

“PRIVATE OPEN SPACE” means land zoned or used as a sport, play, rest and recreational ground or as an ornamental or pleasure garden and a tearoom / restaurant, to which, without permission, the general public has no right of admission.

“PRIVATE STREET” means any street which is not a public street and which is normally not owned or maintained by the Municipality. Such a street may include on-street parking and/or a loading zone.

“PROTECTED AREA” means an area of land declared as a Protected Environment in terms of Section 21(1) (a) of the Limpopo Environmental Management Act, 2003 that will substantially promote the preservation of specific ecological processes, natural systems, natural beauty or species of indigenous

wildlife or the preservation of biotic diversity in general with the nature primarily orientated to support sustained economic activities. Such area may comprise private, communal, or state land or any combination thereof which is contractually developed and managed with joint resources for conservation, education, recreation and sustainable resource utilization purposes.

“PROVINCIAL NATURE RESERVE” means an area of land declared as a Provincial Nature Reserve in terms of Section 15(1) (a) of the Limpopo Environmental Management Act, 2003 to protect the area because of its natural landscapes, indigenous fauna and flora and biotic communities; to propagate scarce and endangered species of Fauna and Flora; and to sustainably utilize the area for scientific, educational and eco-tourism purposes.

“PUBLIC OPEN SPACE” means any land zoned for use by the general public as an open space, park, garden, recreation site, sport field or square.

“PUBLIC GARAGE” means a building used for the maintenance, repair or fueling of vehicles and associated purposes, and may include a vehicle workshop, the display and sale of new and used motor vehicles, the cleaning and washing thereof, the sale of spare parts, accessories, fuel and lubricants and may also include a place of refreshment and convenient store as subservient use but excludes spray-painting, panel beating or a scrap yard, provided that the convenience store or place of refreshment, including store rooms, shall not exceed 250m².

“PUBLIC STREET OR ROAD” means the area or part of any street, road, bridge, subway, avenue, lane, sanitary lane, thoroughfare or right-of-way, as shown on the general plan of a township or in respect of which the public has acquired a right-of-way by prescription or otherwise and “ROAD” shall have a corresponding meaning.

“RAILWAY PURPOSES” means the use of land or a building designed or used for rail and/or incidental or related railway uses.

“RECREATIONAL PURPOSES” means normally or otherwise reasonably associated with the use of land primarily for recreation, including leisure, and amusement facilities at the discretion of the Municipality.

“RECREATION RESORT” 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 sports and recreation activities. It may include swimming pools, water slides, braai facilities, and camping, caravanning and wedding chapel.

“RESERVOIR” means a natural or artificial lake or large tank used for collecting and storing water, especially for community water supplies or irrigation.

“RESIDENTIAL BUILDING” means a building, other than a “dwelling unit”, group housing, hotel, flat and institution that is designed for and used as a boarding house, residential club, hostel, residential hotel, Commune or rooms to let. The rooms within or forming part of a residential building does not include any kitchen of their own.

“RESTAURANT” means a building or part of a building where the public pay to sit and enjoy meals prepared and served on the property and includes the subservient serving and consumption of liquor on the property and may include a drive-through restaurant and shisanyama.

“RETIREMENT VILLAGE” means and includes dwelling units and community facilities such as a dining hall, sick-bay, sport and recreation facilities or such other facilities, approved by the local municipality, for occupancy and use by elderly people.

“RURAL GENERAL DEALER” means a building or part of a dwelling unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments. The area used for the rural general dealer shall not exceed a total floor area of 30m².

“SCRAPYARD” means land or buildings used for the dismantling, stacking, storing or preparing for resale of any used material, waste metal, scrap vehicles, scrap machinery or any other scrap material whether or not such dismantling or stacking is done with a view to disposal or re-use of such waste.

“SECURITY AND ACCESS CONTROL FACILITY” means land or buildings/structures used for managing the movement of vehicles and pedestrians to and from an enclosed area served by a restricted access.

“SERVICE INDUSTRY” means land which, in the opinion of the local municipality is a small-scale industry, incidental to the needs of the local community, with emphasis on maintenance and repair, as well as retail trade in connection therewith, that shall not cause the deterioration of the amenity of the neighborhood or cause disturbance in consequence of noise, appearance, odor or activities or any reason whatsoever, but excludes a filling station and public garage.

“SEWAGE FARM” means land designed or used for the treatment and purification of sewage, and may include ancillary offices and storerooms, package plant and ancillary and subservient uses deemed necessary by the municipality.

“SHOP” means land used or a building designed or used for the purpose of carrying on retail trade and the necessary accompanying storage and packing and includes any accompanying uses on the same property appurtenant but ancillary to the retail trade being carried on. The following uses are not regarded as appurtenant to a shop: A noxious trade, drive-in-restaurant, and place of refreshment, scrap yard, parking garage, public garage, vehicle workshop, filling station and warehouse.

“SOCIAL HALL” means a building designed for use, or used for cultural activities, social meetings, gatherings and recreational purposes, that is not profit seeking in its primary purpose, and includes a non-residential club but excludes a place of amusement.

“SPAZA” means a building designed for or a portion of a residential unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments, where the residential use of the property remains the primary use of the property. The area used for a spaza shall not exceed 20% of the total floor area of the main building on the site/erf with a maximum of 30m² and is further subject to the policy of the local municipality as amended from time to time.

“SPECIAL USE” means land used or a building designed or used for any purposes not defined in this Scheme or contained in Table "A" hereof. A special use is a consent use/right provided under provisions of Clause 22 (Special consent) of this Scheme, for any purposes not defined in the definitions, or contained in Table “A” thereof.

“STUDENT ACCOMMODATION” means a secure and professionally managed dwelling place for the accommodation of student(s) registered in an academic institution, with communal areas that include Lounge/ Dining room; Kitchen; Bathroom(s); serviced and maintained daily/weekly, and conducive to studying and personal wellbeing. The use is further subject to the policy of the local municipality as amended from time to time.

“TAVERN” means a building on land zoned primarily for residential purposes where liquor is primarily sold for on-site consumption and the following activities may be incidental to the tavern use: serving of meals, including a shisanyama or braai meat, watching television, background music and the provision of six or less games/gaming machines. In addition, the establishment of a tavern should be secondary to the residential use, should not create a disturbance, and should not affect the character of the surrounding area.

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

“TELECOMMUNICATION MAST” means a structure in the form of a mast and a base station, which is designed for communication over a distance by means of telephone, radio, television and internet wave technology or other technology as may be permitted in terms of the relevant legislation.

“VEHICLE SALES LOT” means land used or a building designed or used for the display and sale of motor vehicles, which are roadworthy and of good outward appearance.

“VETERINARY CLINIC” means land or building where animals may be stored (such as a kennel) or given medical care and may include a grooming parlor and a retail outlet restricted to the sale of veterinary and animal maintenance products.

“WAREHOUSE” means a building used for the storage of goods and may include ancillary uses thereto.

“WHOLESALE TRADE” means the sale of goods or produces in large quantities to other retailers and excludes sales to the general public.

2) GENERAL DEFINITIONS

“ANCILLARY AND SUBSERVIENT USE” means when used in the context of an associated use or purpose, means a use, purpose, building or activity, which is ancillary and subservient to the lawful dominant use of the property and which support and complement the main use.

“ACT” means the Spatial Planning and Land Use management Act, Act 16 of 2013 as well as any amendment thereto.

“ADVERTISE” in relation to making known a matter means any one or more of the following methods of making known which, according to Council policy, or in the absence thereof, in the opinion of the Municipal Manager or his/her delegates, is the most suitable method to reach as many people as possible, who may have an interest or is possibly affected in the matter:

- i. serving a notice that complies with the provisions as set out in this Scheme
- ii. holding public meetings, whether before or after the submission of an application
- iii. displaying a notice on a land unit
- iv. publishing of a notice in the press
- v. Consultative forums or entering into social compacts before a decision is taken by Council; and “advertisement” has a corresponding meaning.

“ADVERTISEMENT” in relation to promoting and/or publicizing a product, service, or event means any advertisement or any advertising device of any kind which is visible from any street, but does not include an advertisement erected inside a building or any advertisement relating to the holding of an ecclesiastical, amateur, sporting, educational, political or charitable meeting, event or function, or to the candidature of any person duly nominated for election as a member of Parliament, the Provincial Administration, the municipality or any similar body, and “advertising sign” has the same meaning;

“ANCILLARY USE” means a land use, purpose, building, structure or activity which is directly related to, and subservient to, the lawful dominant use of the property.

“AGRICULTURAL HOLDING” means land laid out in accordance with Agricultural Holdings (Transvaal) Registration Act, 1919 (Act No. 22 of 1919) or any amendment thereof;

“AGRICULTURAL LAND” means arable, meadow, or pasture land, market gardens, poultry farms, nursery gardens and land used for the purpose of breeding or keeping domestic animals, poultry or bees, or agriculture and includes any buildings associated therewith.

“ANNEXURES” means documents comprising of provisions, inter alia, special rights and conditions applicable to those properties shown on the A Series of the map by encircled figures.

“AREA OF THE SCHEME” means the area described in Clause 5 of the scheme and as shown on the map.

"APPEAL AUTHORITY" means the appeal authority referred to in regulation 20 to the Act.

“APPLICANT” defined in terms of the Molemole Local Municipality Spatial Planning and Land Use Management By-law, 2020.

“APPROVAL” means the written approval of the municipality on application lodged as per the municipal bylaw and provision of the scheme;

“APPROVED TOWNSHIP” means an approved township as defined in the Molemole Municipal Planning By-law or its successor in title.

"AUTHORISED OFFICIAL" means an official who may consider and determine applications as contemplated in section 35(2) of the Act

“BUILDING” means and includes structures or constructions of any nature whatsoever.

“BUILDING LINE” means a line indicating the limits of a building restriction area as measured from a street boundary or other boundary of a property which does not border on a street and which, at a fixed distance from such boundary, runs parallel to such boundary.

“BUILDING RESTRICTION AREA” means an area wherein no building, except those permitted in the scheme, may be erected.

“BY-LAW” means Molemole Local Municipality Spatial Planning and Land Use Management By-law, 2020.

“COMMUNAL PROPERTY ASSOCIATION” means an association which is registered or qualifies for registration in terms of Section 8 of the Communal Property Registration Act, No. 28 of 1996.

“CONSENT USE” – Means the consent of the local municipality in terms of Table “A” to be read in conjunction with Clauses 22, 23 and 24.

“CONTROLLING AUTHORITY” means the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940), or the Commission as defined in the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 70 of 1998), and other legislation applicable, as far as Town Planning is concerned, within the jurisdictional area of the local municipality as the case maybe.

“COVERAGE” means the area of a property covered by buildings as seen vertically from above and expressed as a percentage of the area of the erf but excluding a structure without a roof or covered by hail net.

“DEPARTMENT” means the national department responsible for spatial planning and land use management.

“DEED OF GRANT” means a deed in respect of an ownership unit issued or deemed to have been issued in terms of the Regulations of the Administration and Control of Townships, 1962 (Regulation R.293 of 1962).

“DOMINANT USE” means the predominant or major use of a property and may consist of primary or consent uses permitted on the property.

“ENVIRONMENTAL IMPACT ASSESSMENT” means a report concerning the assessment of potential environmental, socio-economic and cultural heritage impacts of activities in terms of the requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

“ERF” means “land” as defined in the Spatial Planning and Land use management Act, act 16 of 2013 or other relevant legislation or municipal by-law.

“EXISTING LAND USE” means the otherwise legal use of land and/or buildings exercised on or before the fixed date as contemplated in section 43 of the Ordinance or relevant legislations and which is not contradictory to the stipulations of the scheme.

“FLOOR AREA” - Means the sum of the total area occupied in a building at the floor level of each storey: Provided that in the calculation of the floor area the following areas shall not be included: Unroofed buildings, open roofs and areas occupied by external fire- escapes; Parking spaces for the occupants of the building; Entrance passages and corridors (excluding entrance halls, porches and corridors in a dwelling unit or a residential building where such entrance halls, porches and corridors are not enclosed by outer walls or windows); Accommodation for the lift motors and other mechanical or electrical equipment necessary for the proper use of the building; Housing for domestic workers on the roof of a building: Provided that the floor area thus excluded shall not exceed 3% of the permissible floor area of such building; A veranda or balcony in a building: Provided that such veranda or balcony shall not be enclosed except to conform to safety precautions listed in the National Building Regulations; and Areas reasonably used for the cleaning, maintenance and care of the building or buildings, except dwelling units for supervisors, cleaners and caretakers.

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

“FIRE SERVICES” means an organization responsible for preventing and fighting fires.

“FORMAL RURAL SETTLEMENT” means a settlement which is planned and surveyed (General Plan). A formal rural settlement can be handled in the same manner as an approved township.

“GROSS LEASIBLE FLOOR AREA” means floor area that is designed for the occupation and control by a tenant, or that is suitable therefore, measured from the center line of joint partitions and the internal surface of external walls.

“GROUND FLOOR” means the storey of which the floor is on the lowest natural ground level.

“HEIGHT” means the height of the building expressed in the number of storeys.

“HOUSEHOLD” means a group of persons regarded as a domestic unit in terms of legislation, common law or customary law.

“INTEGRATED DEVELOPMENT PLAN” (IDP) means a participatory planning process aimed at developing a strategic development plan to guide and inform all planning, budgeting, management and decision- making in a municipality, in terms of the requirements of Chapter 5 of the Municipal Systems Act (Act 32 of 2000).

“LAND” means any erf, agricultural holding or farm portion, and includes any improvement or building on the land and any real right in land.

“LAND DEVELOPMENT” means the erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme.

“**LAND USE**” means the purpose for which land is or may be used lawfully in terms of a land use scheme, existing scheme or in terms of any other authorization, permit or consent issued by a competent authority, and includes any conditions related to such land use purposes.

“**LAND-USE MANAGEMENT**” (**LUM**) means establishing or implementing any statutory or non-statutory mechanism in terms of which the use of land is or may be restricted or in any other way regulated.

“**LAND-USE SCHEME**” means a scheme which determines and regulates the use and development of land in an area in accordance with the Spatial Planning and Land Use management Act, Act 16 of 2013 and is a component of land-use management.

“**LOADING SPACE**” means a rectangular area of not less than 3m by 16m in size used for loading purposes by vehicles or trucks.

“**LOCAL MUNICIPALITY**” – Means the Molemole Local Municipality and/or any employee in his service to whom the authority is delegated.

“**LISTED ACTIVITIES**” means a development action that is likely to result in significant environmental impact as identified by the Minister of Environmental Affairs and Tourism in terms of sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

“**MAP**” means the scheme map (also marked Map 3) as amended from time to time.

“**MUNICIPAL PLANNING TRIBUNAL**” means established structure by the Municipality in terms of Section 35 of the Spatial Planning and Land Use Management Act, Act 16 of 2013 read together with regulation 3 of the Spatial Planning and Land Use Management Regulation: Land Use Management and General matters, 2015;

“MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK” (SDF) means the spatial development framework that must be included in a municipality’s integrated development plan in terms of Section 26(e) of the Municipal Systems Act, (Act 32 of 2000)

“OCCUPANT” means in relation to any building, structure or land includes the following: Any person actually occupying such building, structure or land or is legally entitled to occupy it, or anybody having the authority to manage such property, and includes the agent of such a person who is absent from the area or whose whereabouts are unknown.

“OUTBUILDING” Means a building or portion of a building attached or detached from a dwelling and ancillary to the dwelling that does not exceed 30% of the dwelling size. Save with the Consent of the Municipality the size may be increased to a maximum of 50% of the dwelling size. The Municipality may waive the requirements for the consent procedure to be followed, provided that all the owners of the properties identified by the Municipality, give their consent in writing to such outbuilding not exceeding 30%. An outbuilding may not be used for business purposes save with the consent of Municipality.

“OWNER” in relation to the property: the registered owner; or where such a person is deceased, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other whatsoever; or the occupant, or the lessee by virtue of a lease which is registered by law; but not for purposes of lodging an application in terms of the provisions of this scheme; or when an owner, as defined above is absent from the area or his address unknown, "owner" shall mean an agent of such an owner or any person that receives rent or that is entitled to rent in respect of the premises; de facto occupant but not for purposes of lodging an application in terms of the provisions of this scheme; the holder of any right in land whether registered or unregistered, and may include the interest of a labor tenant and sharecropper, a customary law interest, the interest of a beneficiary under a trust arrangement and beneficial occupation for a continuous period of not less than 10 years prior to the dispossession in question; or The holder of any right in land as determined by the

provisions of the Interim Protection of Informal Land Rights Act, 1996.

“PARKING SPACE” means a rectangular area measuring not less than 5,5m x 2,7m for perpendicular or angled parking and 6,0m x 2,7m for parallel parking. For calculation purposes of parking requirements listed within Table A, Column 7, a parking place should be calculated at 30m² which include the area of the parking place and such maneuvering space which is necessary for free access to each parking place within a parking area.

“PERMISSION TO OCCUPY CERTIFICATE” or “PTO” means a permission granted to occupy an allotment in terms of the Regulations of the Black Administration Act, Act 38 of 1927 (Regulation R.188 of 1969);

“REGULATION” means Spatial Planning and Land Use Management regulations: Land Use Management and General matters, 2015.

“PRIMARY RIGHT” in relation to land or buildings means any use specified in terms of Table “A” as a primary use, being a use that is permitted without the need first to obtain the Council’s consent.

“RIGHTS” means land use rights obtained in terms of this scheme.

“SANITATION” means conditions relating to public health, especially the provision of clean drinking water and adequate sewage disposal.

“SCHEDULES”—Means a supplement(s) to the scheme containing special procedures and/or some areas or properties to which specific rights or provisions are applicable and such schedules may from time to time be amended by the local municipality. Where any discrepancy exists between the Schedules and the provisions of the Clauses and tables, the most prohibitive conditions shall prevail.

“SCHEME” – Means this land-use scheme in operation and includes the clauses, Map 3A and the annexure.

“SEMI FORMAL RURAL SETTLEMENT” means a settlement situated either on private, tribal or state land. Settlement is planned and surveyed (not a general plan). Management is done by a communal property association or tribal authority or local municipality.

“SITE” – Means any portion of land identifiable by means of boundaries or beacons and includes any building on such site.

“SITE DEVELOPMENT PLAN” means a plan as described in Schedule 2 to the scheme.

“SPECIAL BUILDING” Means a building or use specifically not defined in the scheme.

“SPECIAL CONSENT” means the consent of the local municipality granted in terms of the provisions of Clause 22.

“STOREY” means the space in the building between one floor level and next floor level or ceiling or roof above.

“SURROUNDING OWNERS” means the registered owners of the properties directly adjacent to the subject property as well as properties abutting any streets to which the subject property has direct access within such a radius, with the subject property as center point, as determined by the local municipality and such other owners or interested parties as the local municipality may specify.

“TEMPORARY BUILDING” means a building designated as such by the owner after consulting with the local municipality and which is used, or will be used, for a specified period for a specified purpose, but does not include a building shed.

“TEMPORARY CONSENT” means the temporary consent of the local municipality envisaged in accordance with the provisions of Clause 24 of the scheme.

“TOURISM” means the business of providing services to tourists; the practice of travelling for pleasure; organized touring; accommodation and entertainment of tourists as an industry.

“TOWNSHIP” means a settlement area which was planned and established in terms of the Development Facilitation Act, 1995(repealed), the Town-planning and Townships Ordinance, 1986 or the provision of Proclamation R293 of 1962 or the provision of Spatial Planning and Land Use management Act, act 16 of 2013 or the provision of Molemole Municipal By-Law, (or its successor in title) or any other relevant legislation utilized for township establishment purposes and for which the township general plan was approved and a township register opened in a deeds registry office. A township may be classified as a rural settlement by the local authority for the purposes of land-use control in terms of this Scheme.

“URBAN AGRICULTURE” means the cultivation of crops and rearing of small numbers of livestock, on relatively small areas within the urban area, for own consumption or sale in neighboring markets.

“WRITTEN CONSENT” means consent granted by the local municipality in terms of Clause 23 of the scheme.

“ZONE” means a part of this scheme, as shown on the map, by means of a distinctive notation or edging or other distinctive manner as depicted in Column 2 of the Land Use Table of this scheme, and use zone has the same meaning.

C. PART III – GENERAL CONDITIONS APPLICABLE TO ALL PROPERTIES

10. USE OF ALL LAND

Land may only be used in accordance with its approved land-use zone as determined in this scheme.

11. EXCAVATIONS (EXCLUDING USE ZONE 20) AND BOREHOLES

Except with the written consent of the local municipality and subject to such conditions as it may impose, neither the owner nor occupant (excluding where the local municipality, government or wholly owned government companies is the owner) shall, or allow any other person to-

- 1) excavate any material from an erf or other land within the jurisdictional area of the local municipality save as may be necessary to prepare such erf or land for building purposes;
- 2) sink any wells or boreholes on such erf or other land within the jurisdictional area of the local municipality or extract any underground water there from, save as may be necessary on land where the local municipality is not the service provider; and
- 3) manufacture or permit the manufacturing of tiles or earthenware, pipes or other articles of similar nature for any purpose whatsoever on the erf or other land within the jurisdictional area of the local municipality

12. PROTECTION OF LAND AND THE ENVIRONMENT

- 1) No person may spoil or damage land in any Use Zone so as to impair its use or the purpose for which it was zoned.
- 2) No person may develop land without complying with the requirements of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended from time to time and without observing the requirements relating to listed activities

13. HANDLING AND DRAINAGE OF STORMWATER

- 1) Where, in the opinion of the local municipality, it is impracticable for storm water to be drained from higher lying erven direct to a public street, the owner of the lower lying erf shall be obliged to accept and permit the passage of such storm water over the lower lying erf;
- 2) Provided that the owners of the higher lying erven from where the storm water is discharged over a lower lying erf, shall be liable to contribute a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find reasonably necessary to lay or construct for the purpose of leading away the water so discharged over the erf, subject to the approval of the pipeline or drain by the local municipality.

14. PLACING AND DEVELOPMENT OF BUILDINGS

- 1) The siting of buildings, including outbuildings erected on the erf, as well as exits and entrances to a public street system shall be to the satisfaction of the local municipality.
- 2) No building of any nature shall be erected on that portion of the property which is likely to be inundated by the floodwater of a public stream on an average of 100 years, as determined by the relevant legislation from time to time and the local municipality.

15. BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS:

- 1) No building or structure other than boundary walls, fences, garden decorations, pergolas or temporary buildings or structures required in connection with building operations on the property, shall be erected within any building restriction area.
- 2) The building lines as defined in Table "E" are applicable to all properties according to the use zones as set out therein. Provided that, in addition to the building lines stipulated in Table "E":
- 3) The local municipality has the right to use a 2m strip next to any two boundaries of a property (street boundary excluded) and in case of a panhandle, an additional servitude, 2m wide across the access portion of the erf for the installation of engineering services, and such strips are to be considered as building restriction areas (no building or other structure shall be erected within the foresaid servitude

area and no large rooted trees shall be planted within the area).

- 4) The erection of buildings on distances from boundaries other than street boundaries must comply with the Act on National Building Regulations and Building Standards (Act 103 of 1977) and any amendments thereof.
- 5) The local municipality may, after receipt of an application for written consent in terms of Clause 34 from the owner, and subject to such conditions as the local municipality may find expedient: permit the erection of a building in the building restriction area in the case of corner properties or where, due to the slope of the property or adjoining land, or the proximity of buildings already erected, compliance with the building line requirements will hamper development of the property to an unreasonable extent or where the building line is not needed for the installation of services; during consideration of a site development plan, relax the building restriction area for all or part, if it is of the opinion that such relaxation would result in an improvement of the development potential of the erf and the esthetical quality of the building; and permit the construction of a swimming pool or tennis court in the building restriction area.
- 6) Where an erf or other land borders on a national or provincial road, or if provided otherwise in the conditions of title, the applicable building line shall be the building line prescribed by the Controlling Authority, or the building line indicated in Table "E", Column 15, whichever is the wider, and such building line shall not be relaxed, modified or amended without the written consent of the Controlling Authority. For the purpose of this clause a sanitary and pedestrian alley is not considered to be a street or road.
- 7) Access to and exit from a property to any public street or road, shall, where prohibited across a boundary line, be indicated by the following symbol on the scheme map:



- 8) Provided that the local municipality may, upon receipt of a written application, permit its relaxation upon such conditions as it may deem fit, if, due to extraordinary circumstances, compliance with such restriction of access, will hamper development of the property to an unreasonable extent;
- 9) Provided further that no relaxation of a restriction on access to or exit from a property, to a provincial or national road, shall be permitted without the consent of the Controlling Authority.

16. SCREEN WALLS AND FENCES

- 1) A screen wall or walls shall be erected and maintained to the satisfaction of the local municipality if and when required by it. Where a property has been fenced, such fence shall be maintained to the satisfaction of the local municipality.
- 2) The Municipality may, in approving an application for a change in land use, require the owner to erect a wall or fence along the perimeter of the property to a height it deems appropriate in order to improve the privacy of any adjacent property and the overall aesthetical quality of any development.

17. MAINTENANCE OF BUILDINGS, GARDENS AND SITES

- 1) The owner is responsible for the maintenance of the entire development on the property.
- 2) Where the amenity of any use zone is detrimentally affected by the condition of any garden, yard, building or any development on a property, the local municipality may, by notice served upon the owner or occupant of the premises on which such condition exists, require him to take, within a period of 28 days or such other period the local municipality in his discretion may deem reasonable from the date of service of the notice, such steps as may be necessary to abate such condition and the measures required to be taken at his expense to abate the condition complained of, shall be set out in such notice.

18. EXEMPTION OF EXISTING BUILDINGS

- 1) The stipulations of the land-use scheme are not applicable to existing buildings other than existing buildings in accordance with previous planning legislation.
- 2) Where such buildings are altered or added to and where such altered use, alteration, rebuilding or construction is in the opinion of the local municipality substantial, the stipulations of this land-use scheme are considered to be binding and valid in respect of those parts that are changed, altered or rebuilt:
- 3) Provided that additions and constructions that do not exceed 30m² in total (or is of a limited extent such as the removal of non-load bearing internal walls, the erection of moveable partitions, safes and toilets inside an existing building, or repair work inside or outside a building), are not considered to be substantial.

19. BUILDINGS USED FOR MORE THAN ONE PURPOSE

- 1) Where a building is used, or a proposed building is designed for more than one purpose, it shall, for the purposes of density; height; coverage and parking, be deemed to be partially used or to have been partially designed, for each such purpose or use: Provided that for the purposes of this clause if more than 75 % of a building is otherwise designed or used for a single use or a single use is predominant in such building, it shall be dealt with as if used or designed for such predominant use.
- 2) The local municipality shall, in its discretion when considering a building plan, or upon application for this purpose being made by the person in charge of the erection of a building, or proposing to erect a building, decide which use is predominant.
- 3) The local municipality shall notify the applicant, within twenty-eight (28) days or such other period the local municipality in its discretion may deem reasonable, after official receipt of the building plan or application in terms of any decision

D. PART IV – INTERPRETATION OF USE ZONES, USE OF LAND AND BUILDINGS

20. STRUCTURES WHICH MAY BE ERECTED IN ANY USE ZONE

This land-use scheme does not prohibit the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, boundary walls and fences.

21. ERECTION AND USE OF BUILDINGS OR USE OF LAND

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

- 1) The purposes for which buildings and land in each of the use zones:
 - a. may be erected and/or used;
 - b. may be erected and/or used only with the special consent of the local municipality, permanently or for a specified period;
 - c. may be erected and/or used only with the written consent of the local municipality ;or
 - d. May not be erected and/or used. are shown in the Land Use Table
- 2) No person shall without consent being granted in terms of Clauses 33, or 34 hereof use, or cause or permit to be used, any building or property or part thereof for a purpose other than the purpose for which it was zoned.
- 3) If the use of building changes because of the rights those have been granted to a property or have already vested in the property, such building and the property shall comply with all the conditions laid down and which are applicable to the use.
- 4) If the use of an existing building changes and it is not in accordance with the rights attached to the property, it shall comply with all the stipulations of the scheme.
- 5) Where the use of land or a building can only be conducted with the permission of the local municipality, the use may not be conducted prior to the consent being given.
- 6) Nothing herein contained shall be deemed to grant exemption from any of the local municipality’s neither by-laws nor any other Act.

**E. PART V – SPECIFIC CONDITIONS AND DEVELOPMENT CRITERIA
APPLICABLE TO USE ZONES**

22. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 1

- 1) Where application is made for the subdivision of an erf zoned "Residential 1" into two or more portions (hereafter referred to as "resultant erf or erven") in terms of the Municipal Planning Bylaw, or any superseding legislative provision such application shall not be granted if, as a result of such subdivision, any resultant erf will –
 - a. have a size, which is smaller than the minimum erf size specified in an adopted policy of the Municipality, as may be applicable from time to time;
 - b. not have vehicular access to a public street to the satisfaction of the Municipality.

- 2) Where the subdivision of an erf is approved, such subdivision shall, subject to the following conditions in addition to any conditions imposed by the decision-making authority:
 - a. The resultant erf shall have an acceptable shape and street frontage for vehicular access; or if such resultant erf is an erf with a panhandle then:
 - b. the panhandle shall provide access from a street to the panhandle portion;
 - c. the panhandle shall be not less than 3 m wide along its entire length and not wider than 8 m, except with the Written Permission of the Municipality;
 - d. the area of the panhandle portion, excluding the panhandle, shall be in accordance with the minimum erf size requirements of this Scheme;
 - e. the slope of the panhandle shall not exceed 1:8: Provided that the Municipality may grant Permission to deviate from this requirement in special circumstances;
 - f. a panhandle shall provide access only to the erf of which it forms a part, as well as a property in favour of which a servitude of right of way has been registered over the panhandle, except where the Municipality determines otherwise;
 - g. the registered owner of the panhandle portion shall, at own expense, pave the panhandle to the satisfaction of the Municipality prior to or simultaneously with the erection of any building on the erf and such paved panhandle access shall thereafter be maintained dust free to the

satisfaction of the Municipality;

- h. the registered owner of the panhandle portion shall when required by the Municipality, erect screen walls or appropriate fencing or barriers along the boundaries of the panhandle to the satisfaction of the Municipality;
- i. no buildings or structures shall be erected in the panhandle access; and the minimum street frontage of the panhandle access shall not be less than 3,0 m.

23. CONDITIONS APPLICABLE TO ERVEN ZONED RESIDENTIAL 2 AND RESIDENTIAL 3

- 1) The following additional conditions will apply to the erven in Use Zone 3 (Residential 2) and Use zone 4 (Residential 3):
 - a. The requirements as set out in table “a” to “e”.
 - b. A site development plan shall be submitted, as set out in clause 18.
 - c. The erf or any group of erven shall not be subdivided into plots with single dwelling units thereon, before full implementation of the proposals embodied in the site development plan relating to the particular erf or group of erven have been fully implemented or the local municipality has granted written consent thereto.
- 2) If it is not the intention to develop the whole of the erf or any group of erven simultaneously the grouping of the dwelling units and programming of the development must be shown clearly on the site development plan.
- 3) The internal roads on the property shall be constructed and maintained by the owner as required by the local municipality.

24. CONDITIONS APPLICABLE TO PUBLIC GARAGE AND FILLING STATION ERVEN

The following additional conditions will apply to erven used for public garages or filling stations:

- 1) The requirements as set out in table “a” to “e”.
- 2) A site development plan shall be submitted, as set out in clause 18
- 3) No material or equipment of any nature whatsoever may be stored or stacked to a height greater than the height of the screen wall.

- 4) No repair work to vehicles or equipment of any nature, shall be performed outside the garage building, except in an area screened off for the purpose to the satisfaction of the local municipality.
- 5) No material or equipment of any nature whatsoever shall be stored or stacked outside the garage building, except in an area screened off for the purpose.

25. DENSITIES, SUBDIVISION AND OCCUPATION

- 1) Table "C" Columns 8, 9 and 10 stipulates density in terms of the maximum number of dwelling units per net to hectare or per erf, attached to the erf as a primary right, as well as the extent to which it may be relaxed by special consent in terms of Clause 33, or written consent in terms of Clause 34 by the local municipality, as the case maybe.
- 2) The local municipality will compile a policy on residential densities permissible in different townships and rural settlements and/or residential neighborhoods to guide decisions with applications for the relaxation of densities by special consent in terms of Clause 33 or written consent in terms of Clause 34 by the local municipality, as the case maybe.
- 3) The local municipality may, upon application being made for its special consent in terms of Clause 33, or its written consent in terms of Clause 34 as the case may be, amend the density of an erf in accordance with the local municipality's policy on density and as amended from time to time.
- 4) Where a dwelling unit has been erected on a "Residential 1" and "Agricultural" zoned property, the owner may apply in terms of Clause 34 to erect an additional dwelling unit on such property.
- 5) The local municipality will not consent to the subdivision of land or an erf if such subdivision does not comply with the density stipulations as set out in Table "C" or any other reasonable conditions the local municipality may require.
- 6) Notwithstanding any conditions that are applicable regarding the subdivision of erven in terms of the Municipal Bylaws or this scheme, the following further conditions are applicable to panhandle subdivisions:
 - a. the panhandle shall provide access from a street to the panhandle portion;
 - b. the panhandle shall not be less than 3m wide along its whole length, unless the local municipality otherwise grants written consent;

- c. the area of the panhandle portion, excluding the panhandle, shall be in accordance with the density requirements of this scheme;
- d. except with the written consent of the local municipality the slope of the pan handle shall not exceed 1:8;
- e. a panhandle shall provide access only to the erf of which it forms a part as well as the property in favor of which a servitude of right of way has been registered over the panhandle, except where the local municipality otherwise determines;
- f. the registered owner of the panhandle portion shall, when required by the local municipality, at his own expense pave the panhandle to the satisfaction of the local municipality prior to or simultaneously with the erection of any building on the erf and such roadway shall thereafter be maintained dust free to the satisfaction of the local municipality;
- g. The registered owner of the panhandle portion shall, when required by the local municipality, erect screen walls or dense barriers along the boundaries of the panhandle to the satisfaction of the local municipality. The extent, material, design, height, position and maintenance of such screen walls or barriers shall be to the satisfaction of the local municipality.
- h. No buildings or structures except such walls and barriers envisaged shall be erected in the panhandle.
- i. Not more than one household, together with two other persons, or a maximum of eight (8) persons may live on a permanent basis in one dwelling unit. If the number of persons exceeds above-mentioned, written consent in terms of Clause 34 must be obtained.

26. HEIGHT OF BUILDINGS

- 1) Dwelling unit/s or residential buildings in the “Residential 1 and 2” use zone shall not exceed two storeys in height, except in accordance with the written consent of the local municipality, obtained in terms of Clause 34, prior to the erection of any new building.
- 2) If a dwelling unit or residential building in the “Residential 1 and 2” use zones exceeds 1 storey and due to the topography of the area may impair on the privacy, aesthetics, or view of adjacent properties a site development plan may be required for approval, by the local municipality.

- 3) No building, may exceed five (5) storeys in height, except in accordance with written consent of the local municipality obtained in terms of Clause 34, prior to the erection of new buildings or additions to existing buildings.

27. COVERAGE OF BUILDINGS

- 1) Table “C”, Columns 11 and 12 contains respectively, the coverage, which may be implemented on a property, and the extent to which the coverage maybe relaxed.
- 2) Coverage of buildings shall not exceed the coverage stipulated in Table “C” except in cases where the written consent of the local municipality in terms of Clause 34 had been obtained, and then only on condition that the total number of parking spaces required, read together with Table “B”, Column 7 can be made available.

28. FLOOR AREA RATIOS

- 1) Table “D”, Columns 13 and 14 contain the floor area ratio of the area of an erf and the extent to which the floor area ratio may be relaxed.
- 2) The floor area ratio shall apply to all new buildings and / or additions or alterations to the existing buildings as set out in table “D”, Columns 13 and 14.
- 3) The floor area ratio may not be exceeded except with special consent of the local municipality read together with table “D”, prior to the erection of new buildings or additions to existing buildings.

29. SITE DEVELOPMENT PLANS

- 1) A site development plan shall be prepared for all erven on which buildings are erected or extended in all Use Zones.
- 2) A site development plan shall be submitted to the local municipality prior to submission of any building plans.
- 3) No building may be erected on the erf before approval of such site development plan by the local municipality and the entire development on the erf shall be in accordance with the approved site development plan;
- 4) Provided that the plan may from time to time be amended with the written consent of the local municipality; Provided further that alterations or additions to buildings, which in the opinion of the local municipality, will have no influence on the overall development of the erf, may be exempted from written consent procedures as

referred to supra.

- 5) The Municipality may require of the owner of any property intending to erect a building or structure thereon, to provide one or all of the following plans in addition to buildings plans required in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977):
 - a. A Site Development Plan and, if required, a Landscape Development Plan to be considered for approval before any building plans are submitted.
 - b. Such plan shall be fully detailed, to a minimum scale of 1:200 (or such other scale as may be acceptable to the Municipality), which shall be amplified by means of sketch plans, sections and elevations of all buildings to an appropriate scale of 1:100: Provided that the Municipality may accept scales other than the afore-mentioned and which fully illustrates the following aspects:
 - c. the siting, height, FAR and coverage of all buildings and structures (proposed extensions included) and the number of dwelling-units per hectare;
 - d. landscaping, communal open spaces, children's play areas, private living areas, backyards, laundry rooms, drying areas for washing, refuse-bin area, and swimming pool, as well as the location, height, construction and finish of screen walls or other acceptable forms of screening;
 - e. entrances to and exits from the erf to any public street;
 - f. the proposed lines of subdivision if the erf is to be subdivided;
 - g. entrances to buildings, parking spaces, loading spaces and vehicular and pedestrian traffic systems;
 - h. building restriction areas and the building set-backs on any boundary;
 - i. the location of existing buildings on adjoining erven;
 - j. contour lines with 0,5 m intervals or other intervals or height indications to the satisfaction of the Municipality;
 - k. the grouping of dwelling-units and the phasing of the development if it is envisaged not to develop the whole erf simultaneously;
 - l. the design, height and finish of all buildings and physical barriers on the street boundaries if these are required by the Municipality;
- 6) The local municipality shall use its best endeavors to consider a site development plan, submitted within 60 (sixty) days after submission thereof.

30. PARKING AND LOADING ZONES

- 1) The parking requirements are indicated in Column 7, Table “B”:
- 2) Effective parking and maneuvering space for the various use zones and uses shall be provided, laid out, constructed and maintained on all properties in accordance with the requirements stipulated in Table “B”, to the satisfaction of the local municipality by and at the cost of the person who intends to erect a building.
- 3) The number of parking spaces to be provided according to Table “B”, shall be determined by the local municipality and shall be applicable to all existing and/or new buildings (excluding a single dwelling unit) and to extensions to existing buildings (excluding a single dwelling unit).
- 4) The local municipality may consent to a maximum of thirty (30) percent of the required parking and maneuvering space, as stipulated in Table "B", not being provided on the property: Provided that the owner shall in this event be liable for payment of a cash contribution to the local municipality in lieu of the provision of parking spaces for all parking spaces required to be supplied on the property.
- 5) Such contribution for parking shall be used solely for the provision of parking areas.
- 6) The owner of a building in respect of which parking spaces are required shall keep such parking spaces in a proper condition for such purposes to the satisfaction of the local municipality.
- 7) Loading areas shall be provided as follows:
 - a. The municipality may, upon application being made for approval of building plans submitted in terms of the National Building Regulations and Building Standards Act (Act 103 of 1977) and any amendments thereof, require the owner to submit proposals for the provision on the property of appropriate and sufficient facilities for loading and off-loading of goods, which proposals shall, indicate positions for parking, stopping or fueling of service vehicles.
 - b. No owner or occupant of a building in respect whereof proposals in terms of this clause are required, may undertake or permit the loading, off-loading, parking or fueling of vehicles otherwise than in accordance with a written approval from the local municipality and in accordance with the conditions imposed in this regard.

- c. In every Business and Industrial use zone there shall be provided over and above parking, one loading area per erf, regardless of the size of the building erected thereon (if required by the local municipality)

31. USE OF ANNEXURES

- 1) Special rights, conditions and restrictions applicable to any property within any use zone, may be stipulated in an Annexure to this land-use scheme.
- 2) The special conditions and restrictions referred to above shall: apply in addition to the general conditions, restrictions and other provisions of this land-use scheme; and Prevail, in case of conflict between such special condition and any other condition, restriction or provision of this land-use scheme.
- 3) An Annexure contemplated in above shall consists of:
 - a. a sheet upon which is inscribed the number of such Annexure, a description of the property to which it applies, the special rights, conditions and restrictions applicable to the property, as well as the name and number of the scheme in terms whereof the Annexure was prepared; and
 - b. A diagram of the property concerned which diagram shall correspond with the layout shown on the map.
 - c. The number of the Annexure concerned shall be inscribed inside a double circle within or adjacent to the figure of the relevant property on Map 3A and, if adjacent to such figure, shall be joined thereto by means of a line.
 - d. The local municipality shall not, except as provided for in any of the conditions contained in an Annexure, grant any consent in terms of this land- use scheme.

F. PART VI – SPECIAL, WRITTEN AND TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY

32. CRITERIA FOR THE CONSIDERATION OF APPLICATIONS

- 1) Subject to the provisions of Clauses 33, 34 and 35 hereof, the local municipality may, when application is made for its special, written or temporary consent in terms of this scheme refuse or grant such consent subject to such conditions as it may think fit, with due consideration of:
 - a. the amenities of the area;
 - b. health and safety of the area;
 - c. the character of other uses in the area;
 - d. the need and desirability of the use concerned; and
 - e. The Integrated Development Plan (IDP) and the Municipal Spatial Development Framework and any review thereof.
- 2) The local municipality may upon the granting of any consent contemplated in Clauses 33 and 34 of this scheme, impose conditions regarding the payment of contributions for the provision of services, open spaces and parks, as envisaged in Section 49(4) of the Spatial Planning and Land Use management Act, Act 16 of 2013, read with the provision of the Molemole Municipal Planning By-Law, or its successor in title for which purposes the provisions of Section 120 of the of the PMPB shall mutatis mutandis apply.

33. SPECIAL CONSENT OF THE LOCAL MUNICIPALITY

- 1) Any owner (hereinafter referred to as “the applicant”) intending to apply to the Local Municipality for special consent for:
- 2) The erection and use of a building or for the use of land in any use zone, whether wholly or partially for any purposes which requires the special consent of the local municipality in terms of Column 4, Table “A”; and
- 3) An increase in the density of an erf (see Column 10, Table “C”), shall submit such application to the local municipality in writing, in the prescribed manner.
- 4) An application shall include a report to the local municipality, containing full particulars on the criteria as well as particulars appearing in notices or any other relevant particulars which may be required by the local municipality.

- 5) The applicant shall at his own expense publish a notice twice (for two consecutive weeks) in a local newspaper/s, circulating in the area of the application:
- 6) such notice shall be in any two of the official languages of which one should be in English.
- 7) Display a notice, and maintain same, for a period of not less than 14 consecutive days from date of first publication, in a conspicuous position, visible from the street on each separate portion of the land to which such consent will apply.
- 8) In the case of an application lodged in the “Agriculture” use zone, obtain the written comments of the adjacent land owners in the prescribed manner.
- 9) Refer the application to any other person or body that may be required by the local municipality.
- 10) The notice. shall contain the name and address of the applicant; the description, address and locality of the property as well as particulars of the existing zoning and the purpose for which the land and buildings will be used and shall state that it lies for inspection at the local municipality offices and that any objection to or representation in connection with such application shall be lodged simultaneously with the local municipality and the applicant within a period of 28 days calculated from the day when the notice was first published and displayed on the site; and
- 11) Shall not be less than 594mm by 420mm in size and no letter thereon shall be less than 6mm in height.
- 12) The applicant shall within twenty-eight (28) days from the date of the first publishing and posting up of the notice on site., lodge the application with the local municipality, failing which shall be deemed as non-compliance with the application procedures, save that the local municipality shall have the right to condone filing outside the 28-day time period, on good cause shown.
- 13) The applicant shall lodge, simultaneously with the application, an affidavit confirming that the notice, was properly displayed and maintained.
- 14) The applicant shall submit proof that the application., was published twice as prescribed.
- 15) The local municipality shall consider and hear any objection or representation received within the aforementioned period of twenty-eight (28) days, at a hearing arranged by the local municipality within a reasonable time period.
- 16) A reasonable time period referred to above shall be deemed to be 90 days calculated as from lapsing of 28 days.
- 17) Should any objection to, or representation against, the application be received by the local municipality, it shall set a time and place for the hearing of such objection or representation in a manner complying with the requirements of the administrative justice,

and shall give written notice thereof, by registered post or by electronic communication or facsimile, at least 14 days prior to the hearing, to the applicant and/or his duly authorized agent and all objectors.

- 18) Where the objections or representations of more than one person are contained in one document, it shall be deemed sufficient compliance if the person who has lodged the document or is a signatory thereto is notified as contemplated in the latter clause.
- 19) The local municipality shall after due consideration of any objections, in writing notify the applicant and every person who has lodged an objection or had made representations, of such decision.
- 20) The decision of the local municipality shall (where any objection to this application was received) not come into operation before expiry of fifty-six(56) days calculated from the date of notification of the parties in writing.
- 21) The applicant may note an appeal in terms of the provisions of the municipal planning bylaws if the application is refused by the local municipality.
- 22) Every applicant shall, after approval by the local municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in the month, during which the applicant was notified of such an approval, to the satisfaction of the local municipality, submit an affidavit in confirmation of inter alia the fact that the conditions pertaining to such approval and use, are fully complied with.
 - a. Any consent that the local municipality granted lapses under the following conditions:
 - b. if any right to which the consent applies are not exercised within a period of 12 months from the date of such consent;
 - c. if such rights have been exercised and such rights are discontinued for a period of 15 consecutive months; with the condition that the local municipality may extend the periods at its discretion.
 - d. if a building for which such consent has been granted, is demolished, falls into disuse or becomes unsuitable for the purpose for which such consent was given; and
 - e. if a condition that applies to any consent is not met, or if any act is contrary to such consent, provided that the local municipality has given 28 days written notice to the owner and the owner after elapse of such period, still does not comply with the notice.

- 23) Granting of special consent for a noxious industry shall be considered: provided that there is proof of compliance with the national environmental management act, 1998 (act 107 of 1998) and a certificate be issued by the medical officer of health of a local municipality certifying that the process proposed to be used in connection with any of the industries or factories listed in Schedule 1 of this scheme, will effectively eliminate any nuisance or health hazard in the vicinity of the property due to:
- a. Vapors, smoke or odours;
 - b. fluids or effluent originating on the property; and in the event of it being proposed to dispose of such materials by land treatment, the nature, slope and surface of the land concerned, as well as its location in relation to streams or water courses shall be disclosed; and
 - c. solid waste matter.

34. WRITTEN CONSENT OF THE LOCAL MUNICIPALITY

- 1) Any owner (hereinafter referred to as “the applicant”) intending to apply to the local municipality for consent to:
- a. erect and use a building or to use land in any Use Zone, for any purpose which requires the Written Consent of the Municipality (contemplated in Column 5, Table “A”).
 - b. erect an additional (second) dwelling unit or increase the density in respect of, or number of dwelling units on an erf (Column 9 Table “C”);
 - c. increase (relax)the height of a building (Column 12 Table “C”);
 - d. increase the coverage on a property (Column 14 Table “C”);
 - e. decrease a building line (Clause 15);
 - f. amend a Site Development Plan (Clause 29);
 - g. amend a Line of No Access (Clause 15);
 - h. subdivide erven zoned “Residential 2, 3 or 4” (Clause 23);
 - i. amend conditions associated with Public Garages and Filling stations (Clause 24);
 - j. amend conditions applicable to subdivided erven and panhandle erven (Clause 25);
 - k. permit a larger number of persons to occupy a dwelling unit (Clause 25);and

- 2) An application shall include a report to the Local Municipality, containing full particulars of the proposed uses, as well as:
 - a. the name and address of the applicant;
 - b. the description, address and the locality of the subject property;
 - c. existing zoning of the property; and
 - d. a complete description of the proposed use of the land and/or building.
- 3) No written consent shall be granted in terms of this clause until the applicant has, to the satisfaction of the local municipality, obtained the written comments of the surrounding owners
- 4) The applicant shall:
 - a. procure a form, as prescribed by the local municipality for the consent to be completed by every occupant or owner of land or his duly authorized agent, who owns property situated:-
 - b. in a township or rural settlement, within a radius of 50m or such other distance as determined by the local municipality from the closest point of the property in respect of which an application is made; and
 - c. supply full particulars and a description of the nature and extent of the intended use; relaxation required; the property description; the owner; and record therein that none of the persons notwithstanding their being aware of their right to object or to make representations against the application, has any objection thereto and such form shall be signed by, and disclose the name, street address and cellphone number of, every person;
- 5) The local municipality shall consider any objection received and hear any representation made at a hearing arranged by the local municipality within a reasonable time period
- 6) The local municipality shall notify in writing, the applicant, and if applicable to the objectors within a reasonable time of its decision.
- 7) Every applicant shall, after approval by the local municipality, of an application envisaged in this clause, be obliged to, on an annual basis, in the month, during which the applicant was notified of such an approval, to the satisfaction of the local municipality, submit an affidavit in confirmation of inter alia the fact that the conditions pertaining to such approval and use, are fully complied with.

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

35. TEMPORARY CONSENT OF THE LOCAL MUNICIPALITY

- 1) Notwithstanding any other provision of this scheme, the local municipality may, upon receipt of a written request, give its consent to the temporary use of any land or building within any use zone, for any of the following purposes:
 - a. The erection and use of temporary buildings, or the use of existing buildings for site offices, storage rooms, workshops or such other uses as may be necessary during the erection of any permanent building or structure on the land; Provided that such consent shall ipso facto lapse upon completion of the permanent structure or on the expiry date thereof as determined by the local municipality.
 - b. The occasional use of land or buildings for public religious exercises, place of instruction, institution, place of amusement or social hall.
 - c. The use of land or buildings thereon for state or municipal purposes.
 - d. The use of land or the erection of buildings necessary for the purpose of informal retail trade.
 - e. The use of land or buildings, on a rural settlement only, for small-scale manufacturing of cement bricks for use by the owner of such rural settlement site or the selling of such bricks to owners of sites within the same rural settlement.
- 2) Any temporary consent granted in terms of this clause shall not be granted for any period in excess of 12 months, which period may however be extended by the local municipality for further periods of 12 months each, subject to a maximum period of 3 years in aggregate in cases mentioned above

36. CONSENT FOR THE PRACTICE OF A HOUSEHOLD ENTERPRISE

- 1) In addition to any conditions imposed by the local municipality in the granting of a special or written consent, the exercise of a household enterprise, from a dwelling unit, shall be subject to the following:

- a. No title condition applicable to the property may be transgressed.
- b. The applicant may practice his occupation in any trade form subject thereto that he is personally on a day-to-day basis in charge of the enterprise and holds the majority interest in the business.
- c. The residential character and function of the dwelling unit must be maintained, and not more than 20% of the floor area of the dwelling unit, outbuildings excluded, or a maximum floor area of 75m² may be used for such practice.
- d. Should more than the prescribed number of persons be accommodated on the premises where the household enterprise is conducted or, if more than 20% of the dwelling unit, outbuildings excluded or more than the maximum floor area of 75m², is to be used for the household enterprise, the special consent of the local municipality must be obtained in terms of Clause 23.
- e. For the purposes of this clause, an agent or representative of the applicant will be considered an employee of such applicant.
- f. The necessary building plans to indicate the change in use must be submitted if required by the local municipality. Parking is to be provided to the satisfaction of the local municipality in accordance with Table "B".
- g. No goods may be displayed in public, in a window or in any other manner.
- h. No notice or sign except such notice or sign as is normally displayed at the dwelling unit, to reflect the name of the applicant and the nature of the household enterprise may be displayed provided that the size of such notice shall not exceed 600mm by 450mm.
- i. The amenity of the area may not be prejudiced.

37. CONSENT FOR SPECIFIC PURPOSES

- 1) Without prejudice to any powers of the local municipality derived from any law, or the remainder of this scheme, nothing in the foregoing provisions of this scheme shall be construed as prohibiting or restricting the following:
 - a. the exploitation of minerals on any land not included in a proclaimed township;
 - b. the letting of a dwelling unit for occupancy of only one family; and
 - c. the letting of not more than two rooms of a dwelling unit.

38. CONVERSION RIGHTS

- 1) “Mining 1 and Quarrying” or “Mining 2”- Where land is already zoned as “Mining 1 and Quarrying” or “Mining 2”, the Mining Rights holder shall consequent upon complying with any relevant requirements prescribed in terms of Mining and Environmental legislation such as The National Environmental Management Act, 1998 (Act No. 107 of 1998) with its amendments, and The Mineral and Petroleum Resources Development Act 2002 (Act No. 28 of 2002); such rights holder shall have the right to convert the zoning to “Mining 1 and Quarrying”.
- 2) The mining company must provide the local municipality with:
 - a. Written notification;
 - b. Maps indicating the area of which the status has changed as indicated above.
 - c. Upon delivery of complete documentation “Mining and Quarrying Purposes” rights shall commence forthwith.

39. REGISTER OF SPECIAL AND WRITTEN CONSENT APPROVALS AND RELEVANT CONDITIONS.

The local municipality shall keep a complete register of amendments, special and written consents approved by it in terms of this land-use scheme, or granted through the verdict of appeals, as well as conditions imposed in such approvals. Such register together with the land-use scheme will be available for inspection at any reasonable time to any interested person or body.

G. PART VII – APPLICATION OF THE SCHEME AND POWERS OF THE LOCAL MUNICIPALITY

40. BINDING FORCE OF CONDITIONS

Where consent to erect a building, or to execute any works, or to use any building or land for a particular purpose, in terms of this land-use scheme is granted, subject to conditions, such conditions shall have the same legal force as if incorporated in this land-use scheme and shall be regarded as though they were part of this scheme.

41. OVERRIDING RIGHTS OF THE MUNICIPALITY

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

42. ENTRY UPON AND INSPECTION OF PROPERTIES

- 1) The local municipality may, through its authorized officials, enter upon any property at all reasonable times to conduct any inspection which the local municipality or its representative may consider necessary or desirable for the application of this scheme.
- 2) No person shall in any manner hinder, obstruct or interfere with the execution of any duties by any authorized officer of the local municipality, or in so far as it may fall within his power, permit such official to be hindered, obstructed or interfered with.

43. SERVING OF NOTICES

- 1) Any directive, notice or other document which in terms of this scheme, requires or is authorized to be served, shall be signed by the Municipal Manager or another official authorized thereto by the local municipality, and shall be served in any of the following ways:
 - a. On the person concerned, in person, or on his authorized representative.
 - b. If service cannot be effected at his residence or place of business or place of employment, on a person apparently not less than 16 years of age and apparently residing or employed there.

- c. If no such person can be found on the property by affixing such directive, notice or other document at a conspicuous place on the premises and by dispatching a copy of such directive, notice or other document by pre-paid registered post to the last known place of residence, business, employment or post box of the person concerned.
- d. If such person upon whom a notice is to be served has chosen a domicilium et executandi, on such domicilium.
- e. Where any service is affected in accordance, such service shall be deemed to have been affected at the time when a letter containing such directive, notice or other document would have been delivered in the ordinary course of postal deliveries and proof that such directive, notice or other document was properly addressed and registered, shall be deemed sufficient proof of service thereof.
- f. Any directive, notice or other document which in terms of the provisions of this land-use scheme is required to be given to the owner or occupant of any particular premises, may be addressed to the “owner” or “occupant” of such premises in respect whereof the directive, notice or other document is given, without any further name or description, and shall be deemed to follow the provisions of this clause.

44. POWERS OF LOCAL MUNICIPALITY IN CASE OF CONTRAVENTION OF LAND-USE SCHEME

- 1) Where any person, in conflict with any provision of the land-use scheme in operation—
Undertakes or proceeds with erection or alteration of or addition to a building or causes it to be undertaken or proceeded with; Performs, undertakes or proceeds with any other work or causes it to be to be performed, undertaken or proceeded with; Uses any land or building or causes it to be used;
- 2) The local municipality shall direct such person in writing:
 - a. to discontinue such erection, alteration, addition or other work or to discontinue such use or cause it to be discontinued; and
 - b. At his own expense to:
 - i. remove such building or other work or cause it to be removed;
 - ii. to cause such building or other work or such use to comply with the provisions of the scheme.

- 3) Any person who contravenes the provisions of this scheme or fails to comply with an instruction commits an offence.
- 4) If a person fails to comply with a directive, the local municipality may irrespective of the fact that such a person has criminally been charged or prosecuted, remove the building or other works at the expense of such a person, obtain a court order to remove the building or other work or cause, the building or other work to comply with the provisions of its land-use scheme and to recover all expenditure incurred in connection therewith, from such person.
- 5) Whenever any person is required to perform any act to the satisfaction of the local municipality:
 - a. the local municipality shall have the right to inspect the property or works under question to satisfy itself of compliance;
 - b. if the local municipality is not satisfied that compliance is taking place it shall:
 - i. Send a notice to such a person informing the person of non-compliance, giving such a person 14 days and
 - ii. failing shall apply mutatis mutandis to this clause.
- 6) any act or omission, being an offence, is triable in a Magistrates Court and upon conviction, is punishable with a fine not exceeding R5000.
- 7) Where a member of the public is aware of a possible contravention of the scheme with regard to the use of a property in the scheme area, such a member of the public may file a complaint of alleged contravention with the Municipality.

45. SCHEDULES

SCHEDULE 1

FORMULA FOR CALCULATING BLOCKS OF FLATS

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

$$\text{NOR} = \frac{\text{AOP}}{50}$$

where

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

The maximum permitted number of habitable rooms in a Residential building for student accommodation shall be determined by the following formula in line with annexure A:

$$\text{NOR} = \frac{\text{AOP}}{8 \text{ or } 14}$$

where

NOR = Maximum permitted number of habitable rooms, and AOP = Area of property in square metres.

Room's specifications

Single room : not less than 8 m²
Double room : not less than 14 m²

NB: This must be read with gazette no: 39238: Policy on the minimum norms and standards for student Housing at public universities

SCHEDULE 2

METHOD OF CALCULATING GROSS FLOOR AREA

CONDITIONS GOVERNING THE CALCULATION OF GROSS FLOOR AREA OF A BUILDING

:

1. Gross Floor Area = (TFA - D) (1 - X) where –

"TFA" means the total floor area of a building, including, but not limited to, the floor area of mezzanine floors, and the floor area of basements, internal passages, the area covered by a roof over fuel pumps at a filling station or public garage, external passages and balconies

(2) "D" means the sum of -

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

(3) "X" represents 5% or such other percentage which shall be certified by a Quantity

Surveyor or an Architect: Provided that such percentage -

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

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

- (a) Ducts.
- (b) Stairs, stairwells, stair-landings and external passages.
- (c) Lift shafts and lift motor-rooms.
- (d) External and internal walls and their finishing.
- (e) Fire escapes.
- (f) Areas used for mechanical, electrical, cleaning and maintenance equipment.
- (g) Projections and architectural features only if they form part of the calculations
- (h) Refuse rooms.
- (i) Municipal electricity substations.
- (j) Such other areas as may be approved by the Municipality.

SCHEDULE 3

LIST OF NOXIOUS INDUSTRIES

1. The use of buildings or land for any of the following purposes:

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

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

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

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

- (1) amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, hexamine, iodoform, Bnaphthol, salicylic acid, lamp-black, sulphurated organic compounds, sulphur dyes, glass, and resin products (except synthetic resins, plastic-moulding or extrusion compositions and plastic sheets, rods, tubes, filaments or optical components produced by casting, calendering, moulding, shaping or extrusion);

- (2) paint or varnish manufacture (excluding mixing, milling and grinding);
- (3) rubber from scrap; and
- (4) ultra marine, zinc chloride and oxide.

4. For the purpose of:

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

SCHEDULE 4

CONDITIONS GOVERNING A HOUSEHOLD ENTERPRISE

1. With respect to a dwelling-unit and its outbuildings, a Household Enterprise is restricted to -

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

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

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

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

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

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

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

(a) the health and safety requirements of the Municipality shall be complied with;

(b) no activities shall be held on weekdays after 17:30, or on Saturdays, Sundays or public holidays;

(c) an acoustically-acceptable screen wall of at least 1,8 m high, shall be erected on the property boundary, where the play area abuts the living-room(s) of an adjoining dwelling unit, to the satisfaction of the Municipality; and

(d) the dwelling-unit shall be on property zoned "Residential 1" and "Agricultural".

2. One parking space per 25m² or portion thereof of the area referred to in Condition 1(2), hereof shall be provided on the property.

3. Only in the case of a dwelling-house on property zoned "Residential 1" or "Agricultural"; may a maximum of two persons be employed, whether on the property or off the property.

4. Noxious Industries and Industries are not permitted.

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

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

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

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

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

SCHEDULE 6

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

I the

undersigned Of

address

(Full Names/Surname)

—

(address of complainant)

Contact telephone
number

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

1. Property on which the alleged contravention occurs:

- Erf/Portion Number
-

- Township/Farm
-

- Street address
-

(if possible, enclose a map indicating the situational context of the relevant property)

2. Description of alleged contravention:

(Describe in simplified terms. If space is inadequate, please attach details on a separate sheet(s))

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

Date _____

4. Can the complainant provide any photographic evidence of the alleged contravention?

YES	NO
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This is not a requirement but may assist the Municipality in assessing the facts of the complaint.

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

Hand delivery:
LED & Planning
Molemole Local Municipality Molemole Local Municipality
30 Church Street,
Mogwadi
0175
Tel: 015 501 0243

Date: _____

Signatory

