PROVINCIAL ZONING SCHEME
MODEL BY-LAW

OCTOBER 2004
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PREAMBLE:

Section 156(1) of the Constitution of the Republic of South Africa, Act 108 of 1996, confers on municipalities the executive authority and the right to administer municipal planning.

Section 156(2) of the National Constitution empowers municipalities to make and administer by-laws for the effective administration of municipal planning.

Section 155(6) of the National Constitution charges each provincial government with the responsibility to inter alia support local government in its province and to promote the development of local government capacity to enable municipalities to perform their functions and manage their own affairs.

NOW THEREFORE it is confirmed that the Western Cape Provincial Government has made the following standard by-law, which is applicable in a municipality if adopted by the Council of that municipality, and subject to any modifications and qualifications adopted by the Council.
MUNICIPALITY OF _____________________

ZONING BY-LAW

Notification of the adoption of this by-law is published in Provincial Gazette No. -------dated ----------- (insert number and date). Subsequent amendments to the by-law are recorded in the "Record of Amendments".

In this by-law, text printed in italics shall be regarded as a note or guideline, while text printed in normal type constitutes the by-law.
## RECORD OF AMENDMENTS

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GENERAL OVERVIEW

Members of the general public should be able, by using this document, to ascertain their respective rights and obligations regarding land use management and the use of property. The by-law has been divided into 5 Parts which have been further divided into chapters, sections and sub-sections. This is done for ease of reference and to facilitate the finding of relevant provisions.

Practical hints are included in this general overview in order to make the by-law more user-friendly. If further assistance or clarification is required, the reader may contact the municipal planning department concerned. A brief description of the municipal planning and development management system is also provided to assist members of the public to understand the context and process by which decisions are made. While there may be differences between different municipalities, the general principles will still apply.

PRACTICAL HINTS

If you are uncertain of the meaning of any word or phrase used in this by-law, please refer to Chapter 20 which contains definitions of words and phrases used in this by-law.

Table A in Chapter 3 provides a summary of the various use zones and development management provisions that apply in each zone. You can use this table as a quick reference, but you must refer to the detailed conditions in the relevant use zone chapter for accuracy.

The top right hand corner of each page indicates the subject dealt with on that page, so that you can find your way around the document more easily. The bottom right hand corner indicates the date on which the page was issued. When amendments are produced, as they will be from time to time, they will be listed in a “Record of Amendments” maintained by the municipality. You will be able to check if you have the latest update by checking the amendment record issued by the municipality, against the page numbers and page dates of your copy. If you want to know more about a particular aspect, first peruse the contents list to find the heading under which the subject matter is dealt with, and then refer to the relevant pages.

Every property within the municipal area has been granted a zone for purposes of managing the use of land and buildings. Property situated within a particular zone is subject to the provisions specified in that zone as well as the general provisions which apply to all zones. If you want to ascertain the zoning or general land use rights of a property, you may obtain a zoning certificate from the municipal planning department and/or request the municipal planning officials to furnish you with an extract from the erf register. Note that, generally speaking one is not permitted to use land for any purpose whatsoever unless such use is specifically allowed in terms of the zoning of the property concerned.

If you want to establish what the primary rights, secondary rights or consent rights are for a property, you need to identify the relevant chapter in this by-law in Part V on the basis of the zoning description (as used in the zoning certificate) and turn to the chapter indicated. You may also ascertain the zoning of a particular property by inspecting the zoning map at the municipal offices.

You may find that your property is affected by other legislation, apart from zoning, such as environmental regulation, traffic impact limitations, agricultural requirements or title deed restrictions. For advice on these matters, please contact the municipal manager.

If you want to apply for an approval (e.g. rezoning or subdivision), kindly refer to Chapter 2. If you are dissatisfied with a decision taken by the Council, a committee or an official, you may have a right of appeal in terms of national or provincial legislation or this by-law.

Please participate in municipal policy-making by submitting your written inputs when planning is undertaken and especially, when overlay zones or integrated development plans are prepared. Effective planning depends to a large extent on public participation in the planning process. You are encouraged to make inputs when the opportunity presents itself, to ensure that planning reflects the wishes of the community.
THE PLANNING AND DEVELOPMENT MANAGEMENT SYSTEM

National and provincial legislation governs the way that the planning and development system is administered in the Western Cape, and all municipal planning must be consistent with provincial planning.

In order to fulfil their obligation towards sustainable development, municipalities must promote economic and social development, and must also promote conservation of the natural and cultural environment. This requires a pro-active approach to ensure ecologically sustainable land use and development, a pro-active approach to accommodate economic growth and the needs of a growing population, and a pro-active approach to protect areas of natural and cultural significance. This will be assisted by undertaking developmentally-orientated planning in conjunction with environmental assessments for the medium and long term, and managing such development within the framework of approved plans that balance the need for development and the need for conservation.

Various types of plans, strategies and policies with different levels of detail and areas of application, are used to achieve the desired result, including:

(a) **Integrated development plans**, which inter alia-
   (i) link, integrate and co-ordinate sectoral plans and take into account proposals for the development of the municipality;
   (ii) align the resources and capacity of the municipality with implementation plans; and
   (iii) provide a policy framework and general basis on which annual budgets must be based.

(b) **Spatial development frameworks and plans** which consist of strategies, guidelines and development goals, which indicate the spatial implications and reflects spatially the integration of the various strategies of an integrated development plan.

(c) **Sectoral plans**, which are written strategies or plans dealing mainly with one of the sectors or particular subjects that form part of an integrated development plan.

(d) **Structure plans** adopted in terms of the Planning Ordinance, which explain in the form of maps and policy guidelines, the future planning intention for the areas to which they relate.

(e) **Zoning maps** which identify the permitted use of property, thereby encouraging certain land uses and restricting others in a particular area.

(f) **Overlay zones**, which consist of plans and written development rules applicable to specific areas, where such rules apply in addition to the underlying or base zoning of the land units within the area concerned.

(g) **Detailed Urban Design, Heritage Resource, Urban Renewal or Environmental Management Plans** which depict detailed planning and environmental proposals for local areas.

The various plans are important to guide the Council in its decisions. They provide the planning framework within which decisions must be taken in the municipal sphere, they provide the Council with powers to handle a wide range of issues and they influence the manner in which the Council allocates financial resources for development.

Zoning is a system of land use management, which includes designation of land for a particular development category or zone. Within each zone there are provisions which set out the purposes for which land with such zoning may be used, and the manner in which it may be developed. Land can only be developed as permitted in terms of its zoning.

**TYPES OF APPLICATIONS**

An owner of land may submit any one or more of the following types of applications. These applications may be required by the Council or other authorities, such as Provincial or National Government Departments.

(a) **Rezoning** application is required to obtain municipal approval for a land use not permitted in
The requirements for applications are dealt with in the Planning Law and under Chapter 3 of this zoning scheme.

The fact that land may, in terms of the zoning scheme, be used for a specific purpose or that an approval has been granted under the Planning Law or the zoning scheme, does not exempt anyone from obtaining such other authorizations, permits, licences or approvals as may be required in terms of other legislation.

**DECISION MAKING STRUCTURES**

The Council consists of municipal councillors and all decisions in the municipal sphere, are taken by either the Council, a committee of councillors, an individual councillor appointed by the Council or municipal officials to whom the Council has delegated authority. Provision exists for municipal planning decisions to be subject to an appeal. An aggrieved party may also take a decision on review to the High Court.

The highest ranking municipal official, is the municipal manager and in order to promote an efficient administration, the other municipal officials have been organised into a number of directorates or departments, one of which is charged with the responsibility for land use planning matters.
All applications made under the Planning Law or the zoning scheme, will be submitted to the relevant municipal department for investigation and a departmental report will in turn be submitted to the Council, committee, the councillor or authorised official for consideration and a decision.

In certain cases decisions must be taken by the Provincial Government. This normally applies where there may be broader implications, such as the establishment of a regional shopping centre, or where appeals are lodged in terms of the Planning Law. In cases where the Council does not have delegated decision-making powers, it will make a recommendation to the Provincial Government and the final decision will be made by the responsible Provincial Minister.

PLANNING, DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT PRINCIPLES

When any application is evaluated, or when the municipal decision makers exercise powers relating to planning and development, the principles established by provincial and national spheres of government shall be taken into consideration.

Principles derived from other national laws and provincial laws and policies, include, but are not limited to those listed in Schedule 3 of this by-law.

The Council may adopt supplementary municipal principles and policies relating to planning, conservation and development, and shall take into consideration such principles when any application is evaluated or when municipal decision makers exercise powers or perform administrative functions in terms of this by-law.

BIOREGIONAL PLANNING

The Spatial Planning Categories contained in the Provincial Bioregional Planning Framework are not used as the basis of the zoning categories in these regulations; however, care was taken to ensure that each of the Spatial Planning Categories can be related to one or more zoning categories of these regulations. In the practical implementation of matters dealt with in terms of these regulations, therefore, the zoning categories used should, where relevant and then as part of the evaluation process, be linked to the Spatial Planning Category/ies concerned as contained in the Provincial Bioregional Planning Framework, with the purpose of ensuring that the bioregional planning principle is adhered to in the decision(s) concerned.
PART I

ADMINISTRATION

Chapter 1 of this Part stipulates the date of commencement of the by-law, the area to which it relates and the general purposes of zoning.

Chapter 2 deals with matters relating to applications for approvals under this by-law. It sets out minimum requirements relating to applications, advertisements and public participation, and describes procedures relating to the different approvals under the by-law. It includes requirements relating to decisions and deals with the imposition of conditions of approval.

Chapter 3 deals with the zoning and use of property, describing the various use zones and the difference between primary uses and consent uses. It refers to uses not permitted and describes how temporary land uses should be dealt with under this by-law.
CHAPTER 1
INTRODUCING THE BY-LAW

1.1 COMMENCEMENT AND VALIDITY

1.1.1 This by-law comprises the zoning scheme by-law of.................................................................
(insert the name of the municipality). It applies to the area described in 1.2. below with effect from
date that notice of its adoption is published in the Provincial Gazette for or on behalf of the
municipality.

1.1.2 If any provision in this by-law should be struck down as invalid by a court of law, such provision
shall be severable from the remainder of the by-law and shall not affect the validity of the
remaining provisions of this by-law.

1.2 AREAS OF APPLICATION

This by-law applies to the municipal area indicated on the map published in the Provincial Gazette
as an annexure to the notice of adoption of this by-law.

1.3 GENERAL PURPOSES OF ZONING

The general purposes of this zoning scheme are:
(a) to promote and implement the applicable national, provincial and municipal planning and
development principles adopted from time to time;
(b) to determine use rights, to manage urban growth, development and utilisation of land, as
well as conservation of the natural and cultural environment, in order to:
- achieve the co-ordinated and harmonious development of the municipal area in a
way that will most effectively tend to promote public health, safety, good order,
amenity, convenience and general welfare of the inhabitants of the municipal
area;
- promote integrated and sustainable development;
- enhance the quality of the urban environment
- protect important natural and cultural resources;
- promote a mutually supportive mix of land uses managed in an orderly manner;
- promote the opportunity for affordable and appropriate housing in areas close to
places of work;
- guide urban growth and contain urban sprawl,
- manage and control the physical appearance of the natural and built environment.

1.4 COMPONENTS OF ZONING

1.4.1 The zoning scheme consists of this by-law, the register which contains a record of all departures
granted and the zoning maps which indicate zoning and other stipulations for the areas shown
thereon.
1.4.2 The zoning map shall depict the zoning of land in accordance with the notation described in
Schedule 1.
CHAPTER 2
ADMINISTRATION AND ENFORCEMENT

PROCEDURES

2.1 Requirements Relating to Applications

2.1.1 In addition to the requirements stipulated in any other law, the following requirements relate to applications submitted in terms of this by-law.

2.1.2 Applicants must ensure that applications submitted to the municipality, are -
(a) clearly and legibly printed or typed and written in plain language;
(b) fully completed and properly motivated, in the format and accompanied by the fees and other documents required by the Council from time to time;
(c) accompanied by a draft advertisement, if the application needs to be advertised, setting out the application proposal in the format prescribed by the municipal manager from time to time, and
(d) accompanied by an executive summary in the format prescribed by the Council from time to time.

2.1.3 If an applicant wishes to make application for a matter not covered by a prescribed application form, such application must be submitted in writing, must be motivated and accompanied by such plans and supporting documentation as required by the Council.

2.1.4 The municipal manager must, within fourteen days from date of receipt of an application, notify the applicant in writing of the aspects that require further information or documentation, if any.

2.1.5 If an application has not been completed to the satisfaction of the municipal manager, the applicant and municipal manager must endeavour to reach an agreement as to the content of the application within four weeks from date of application; provided that:
(a) if agreement is reached within this period, the date on which the application is resubmitted in accordance with such agreement, shall be the date of application;
(b) if agreement is not reached within this period the municipal manager must -
(i) formally report such fact to the Council at its first meeting thereafter, and
(ii) inform the applicant of any right of appeal.

2.1.6 An application shall not be regarded as incomplete for advertisement purposes in terms of this by-law merely on the basis that any impact assessment or requirement under any other law, has not been completed as at the date of application.

2.2 Requirements Relating to Advertisement

2.2.1 In addition to the requirements relating to advertisements stipulated in any other law, the following requirements relate to advertisements in terms of this by-law.

2.2.2 The municipal manager must cause each application:
(a) for rezoning which is not consistent with strategies, proposals or guidelines contained in a current integrated development framework, sectoral plan or structure plan;
(b) which may have a significant impact on the development of the province or a region, including an impact on one or more nearby municipalities, to be advertised in the Provincial Gazette.

2.2.3 The municipal manager may cause any application to be advertised by the Council, or may require the applicant to advertise an application in accordance with municipal requirements.
2.2.4 An applicant required to advertise an application in terms of 2.2.3 shall, after the date of advertisement, lodge with the municipal manager:
(a) the full sheet with the heading and the date of the newspaper and, where applicable, Provincial Gazette, containing the relevant publication;
(b) if notices were served by prepaid registered mail, a copy of any notice so served and documentary proof of postage;
(c) if any supplementary method of making known was used, such proof of advertisement as the municipal manager may require.

2.2.5 If an approved development framework or structure plan exists in respect of the area in which the property concerned is situated and in the opinion of the municipal manager the proposed land use application is consistent with such framework and with national or provincial policies, guidelines, norms or standards, the publication of a notice in the press shall, subject to 2.2.1, be sufficient advertisement of the application.

2.2.6 Notwithstanding the provisions of 2.2.4, the Council:
(a) must require that the applicant re-advertise an application if the Council is of the opinion that substantial amendments were made to the proposal after the date of the initial advertisement of the application;
(b) may in any event follow such additional methods of making known as contemplated in the Planning Law.

2.2.7 If any application is also subject to advertisement or notification in terms of any other legislation, the comprehensive, simultaneous advertising of such application in terms of all applicable legislation is encouraged.

2.2.8 The municipal manager must clearly mark each plan which lies open for inspection at the offices of the Council, to indicate to which application it relates and on which dates the application was or is to be advertised in the press.

2.3 Requirements Relating to Public Participation

2.3.1 In addition to requirements stipulated in any other law, the following requirements relate to petitions and public meetings.

2.3.2 All petitions must clearly indicate -
(a) the full names and physical address of each signatory;
(b) the full name, postal address, telephone numbers and facsimile numbers of two persons to whom further communications relating to the application proposal is to be directed, and
(c) each page of a petition containing the signature of a petitioner, must contain the full text of the objection.

2.3.3 If an applicant is required to hold a public meeting -
(a) the applicant must publish in the press notice of such meeting, which notice should mention that objections may be lodged with the municipal manager within thirty days from date of such meeting;
(b) the applicant must cause those in attendance to be informed that it is required of anyone wishing his or her comments to be taken into consideration by the Council, to lodge written comment with the municipal manager within thirty days from date of such meeting;
(c) after such meeting, the applicant must lodge with the municipal manager written confirmation that the provisions of (a) and (b) were complied with.

2.3.4 The municipal manager must submit to the applicant any objections or comments received within the prescribed period.
2.3.5 The applicant must, within sixty days from date of having been furnished with the objections or comments in terms of 2.3.4, lodge with the municipal manager any comments which he or she might wish to make in respect thereof.

2.3.6 If the applicant fails to lodge such comments within the sixty-day period, the applicant shall be deemed to have no comment, unless prior written notice for an extended period is given by the applicant to the municipal manager.

2.4 Applying for the Determination of Use Rights

2.4.1 Any owner of land may apply in writing to the municipal manager for a determination of the lawful utilisation of land in terms of the Planning Law.

2.4.2 An application in terms of 2.4.1 must be accompanied by a written motivation, which must include:
(a) full particulars of the alleged use of the property on 1 July 1986,
(b) the period for which the property was put to such use without interruption prior to 1 July 1986,
(c) a written statement of confirmation of the alleged use of the property on 1 July 1986 by a third party, and
(d) a conveyancer’s certificate confirming which title deed restrictions (if any), apply to the property concerned.

2.4.3 The Council shall, on its own initiative or on the written application of any interested party, determine the lawful utilisation of any land designated in terms of the Less Formal Township Establishment Act, as on the date that a township register was opened as contemplated in section 6 or 17 of that Act.

2.4.4 An application in terms of 2.4.3 must be accompanied by a written motivation, which must include:
(a) full particulars of the alleged use of the property on the date of opening of the township register concerned,
(b) the period for which the property was put to such use without interruption prior to the date of opening of the township register concerned,
(c) a written statement of confirmation of the alleged use of the property on the date of opening of the township register concerned by a third party.
(d) A conveyancer’s certificate confirming which title restrictions (if any) apply to the property concerned.

2.4.5 The provisions of the Planning Law shall apply, to all applications submitted to the Council for determinations of the lawful utilisation of land, and to determinations which a Council intends making on its own initiative, in terms of 2.4.1 and 2.4.3 above.

2.4.6 With effect from the date that the Council makes a determination in terms of 2.4.5, the land concerned shall be deemed to be zoned in accordance with such determination, and the zoning map shall be amended, if necessary, to reflect such zoning.

2.5 Pre-Application Consultation

2.5.1 In addition to requirements stipulated in any other law, the following procedures relate to applications for departure, rezoning, subdivision or consent use.

2.5.2 An applicant for approval of a departure, rezoning or subdivision in terms of the Planning Law, or for a consent use or other approval in terms of this by-law, may enter into a pre-application consultation with the municipal manager, either by way of telephone, a meeting in person or exchange of correspondence, in order to establish which laws, by-laws, regulations, policies and other directives are applicable in respect of the intended application.
2.5.3 Prior to or at the pre-application consultation, an applicant may lodge with the municipal manager a written statement of intent, that contains sufficient information about the application to enable the municipal manager to consider the further procedures to be followed regarding the application in question, and including:
(a) the exact location of the property;
(b) the current zoning, land use and size of the property,
(c) a statement confirming if any conditions are registered against the title of the property concerned which prohibit or otherwise restrict the proposed land use or development;
(d) the surrounding land uses,
(e) the purpose and nature of the proposal, including a general statement about the scale and general design of the proposed development,
(f) a general statement about the consistency of the proposal with applicable integrated development frameworks, sectoral plans and this by-law, and
(g) the presence of sensitive biophysical aspects of significance, including aspects of visible or known archaeological, historical or cultural importance on the property.

2.5.4 The municipal manager must:
(a) advise the applicant in the course of a pre-application consultation on the process to be followed, preliminary requirements to be complied with and the minimum information to be included when lodging an application, including known requirements in terms of other legislation, and
(b) if requested to do so, confirm the requirements referred to in (a) by written notification to the applicant.

2.5.5 If a statement of intent contains insufficient information, the municipal manager must, in writing request such additional written information or plans as he or she may require in order to properly evaluate the statement of intent.

DECISIONS AND ENFORCEMENT

2.6 Procedures for Decisions

2.6.1 The Council must, when considering an application in terms of this by-law, take into account:
(a) the desirability of the proposed land use, which includes evaluating it against the principles referred to in Schedule 2 and Schedule 3;
(b) any objections received to the advertisement of the application, as well as comments received from other organs of state;(c) any response received from the applicant to objections or comments;
(d) any approved integrated development framework, sectoral plan or structure plan that applies to the application or area concerned.

2.6.2 The municipal manager must notify the applicant, all objectors and all persons who submitted written comments within the stipulated period, of the Council’s decision, within 120 days from date of application, provided that:
(a) such period may, with the written consent of the applicant, be extended;
(b) any time taken by the applicant:
(i) to respond to objections or comments which the municipal manager submitted to the applicant;
(ii) to complete any required impact assessment and lodge with the municipal manager an assessment report;
(iii) to submit an advertisement to the press from date of the municipal manager’s written request to the applicant to publish same, and to re-advertise an application in terms of section 2.2.6. (a); must not be taken into account.

2.6.3 The municipal manager must state in such notification the reasons for the Council’s decision.
2.6.4 If any written objection or comment was in the form of a petition, the written notification to the persons contemplated in terms of section 2.3.2(b), shall be deemed to be sufficient notification for purposes of this by-law: provided that:

(a) if the petitioners failed to comply with the provisions of section 2.3.2(b), written notification to any one of the persons who signed such petition shall be deemed to be sufficient notification for purposes of this by-law, and

(b) if the Council deems it to be a more effective method of making known its decision regarding the matter to which the petition relates, publication of a notice in the press confirming that a decision was taken in such matter and specifying the place where and the hours during which particulars of the matter will be available for perusal, shall be deemed to be sufficient notification for purposes of this by-law.

2.6.5 If the Council grants an application against which an objection was received within the time period stipulated, such approval shall be suspended until such time the municipal manager confirms in writing to the applicant that no appeal has been lodged against such approval, or in the event of an appeal having been lodged, the appeal has been decided by the relevant authority.

2.6.6 If no appeal is lodged within the prescribed period, the municipal manager shall notify the applicant in writing accordingly within fourteen days after such period has lapsed.

2.6.7 Every notification in terms of section 2.6.2 must be forwarded to the addressee by registered mail and must invite attention to the addressee’s right of appeal, if applicable.

2.7 Conditions of Approval

2.7.1 The Council may impose conditions of approval under this by-law which are consistent with the requirements of the Planning Law and which may include provisions not contained in this by-law or which may be more or less restrictive than the standard provisions which apply to the zone concerned.

2.7.2 Conditions imposed by the Council when granting approval have the same force and effect as if they were part of this by-law.

2.7.3 Conditions of approval imposed under the Townships Ordinance, and the Planning Ordinance shall continue to apply to the land concerned in so far as such conditions are more restrictive than the provisions of this by-law, unless amended by the Council after due process.

2.7.4 The Council may impose conditions of approval for a consent use that:

(a) limits the consent use rights to a particular owner or occupant of the property, and such consent shall lapse if the owner or occupant concerned vacates the property;

(b) limits the consent use for a specified period of time;

(c) requires that the consent use in question does not adversely affect the potential of that property for its primary use in terms of this by-law.

2.7.5 The Council may only impose conditions in terms of 2.7.4 if the consent use in question:

(a) requires the operator to possess particular skills or experience;

(b) needs to be monitored on an ongoing basis to ensure that it does not adversely affect the amenity of the surrounding area; or

(c) needs to be limited in scale and impact.

2.8 Council may Authorise and Condone Acts

2.8.1 Whenever an act is required to be done in terms of this by-law in a certain manner, or by a certain time, and such act has not been so done, the Council may, if it is satisfied that the manner in which the act was done will not substantially affect the rights of any other person, authorise the doing of such act in such manner or by such time as it may direct, and the act shall be deemed to have been validly done in accordance with the provisions of this by-law.
2.8.2 Whenever public notification is required in terms of this by-law, and the provisions for such notification are not fully complied with, the Council may, if it is satisfied that such non-compliance will not substantially affect the rights of any other person, condone such non-compliance and such notification shall be deemed to have been validly given in accordance with the provisions of this by-law.

2.8.3 Except where expressly provided to the contrary in this by-law, no Council approval, exemption, notice, order or action relating to the carrying out of the provisions of this by-law shall be invalid or set aside merely by reason of want of form.

2.9 Enforcement

2.9.1 If any person is of the opinion that any provision of this by-law or a condition of approval imposed under this by-law, is contravened, such person may lodge a written complaint with the municipal manager requesting action.

2.9.2 Where, in the Council's opinion, any contravention of this by-law or a condition of approval occurs, the Council may serve a written directive on the alleged offender and, if the alleged offender is not the owner of the land concerned, also on the land owner, requiring such person or persons to rectify the contravention.

2.9.3 A directive in terms of section 2.9.2 shall contain the following additional information, namely:
(a) the full particulars of the owner of the property concerned.
(b) a detailed description of the alleged contravention.
(c) the directives to be complied with in order to regularize the matter.
(d) the penalties payable in the event of a conviction.
(e) the date specified for compliance with the directive.

2.9.4 The persons on whom a directive is served in terms of section 2.9.2 must comply with such directive within the time period stipulated, even if they dispute the existence of the contravention, failing which the Council may obtain an interdict or other appropriate relief against them in a Court of Law.

2.9.5 The Council may, when issuing a directive in terms of section 2.9.2, suspend any approval granted under the Planning Law or this by-law pending the outcome of an appeal. If the Council has issued a directive regarding non-compliance with this by-law or conditions of approval imposed under this by-law and the persons to whom such directives were issued in terms of section 2.9.2, fail to punctually comply with the provisions thereof, the Council may forthwith withdraw the relevant approval by written notification to the affected parties.

2.9.7 Nothing contained in this by-law and no approval granted under this by-law shall detract from or absolve compliance with-
(a) any of the Council's other by-laws;
(b) any right the Council possesses by virtue of a servitude or agreement;
(c) any condition of approval binding in terms of this by-law; and
(d) any restrictive title condition.

GENERAL ADMINISTRATION

2.10 Public scrutiny

The municipal manager must ensure that a copy of this by-law, the zoning map and register are available in the Council office for public scrutiny and must allow any person at a reasonable time, the opportunity to examine such documents.
2.11 Validity of information

Information in connection with this by-law and permissible land uses that is given to a person, shall only be valid if it is in writing and signed by the official duly authorised thereto by the Council. If, however, such information is in conflict with the provisions of this by-law, the zoning map or an approval granted by the Council, it shall be invalid.

2.12 Advisory Committees

2.12.1 The Council may establish one or more advisory committees to investigate any matter which the Council considers necessary for purposes of this by-law and to furnish the Council with a report in respect of its findings and recommendations.

2.12.2 The Council shall, when establishing an advisory committee or afterwards:
(a) give it a name or change its name,
(b) determine its purpose and functions or effect amendments thereto,
(c) determine the powers and duties of the committee,
(d) make appointments to the committee, including the chairperson and deputy chairperson,
(e) remove persons from the committee, and
(f) disestablish an advisory committee when it is no longer required.

2.12.3 The Council in appointing a member of an advisory committee, shall consider:
(a) the need for the committee to represent various relevant interests, and
(b) the expertise necessary for the committee to exercise its powers and perform its duties effectively.
CHAPTER 3 : ZONING AND USE OF PROPERTY

BASE ZONES AND CATEGORIES OF USE

3.1 Use Zones

3.1.1 The municipal area has been divided into use zones, as listed in Part III of this by-law, for purposes of managing land use, which includes the use and form of buildings.

3.1.2 The municipal manager must ensure that the zonings of all land within the municipal area are determined and depicted on the zoning map or recorded in the register.

3.1.3 Land situated within a particular zone, is subject to the provisions specified for that zone under Part IV of this by-law.

3.1.4 In addition to the provisions of Part III, the general provisions of Part IV of this by-law apply to all zones, and the provisions of any applicable overlay zone shall apply to the land concerned.

3.2 Primary Uses

Property may be put to a primary use, as listed under the zone concerned in Part III, without the need to first obtain the Council's consent in terms of this by-law.

3.3 Consent Uses

Property may only be put to a consent use as listed under the zone concerned in Part III, with the Council's prior consent.

3.4 Uses not Permitted

Any use not reflected as a primary or consent use for a particular zone shall, unless otherwise stipulated in the Planning Law or this by-law, not be permitted in the zone concerned.

3.5 Special Uses

3.5.1 If Council receives an application for a use that is not catered for in this by-law, it may classify such use as a special usage.

3.5.2 All applications for a special usage are deemed to be consent use applications in terms of this by-law.

3.6 Temporary Use Rights

3.6.1 The Council may permit the occasional use of property for temporary activities such as craft markets, circuses, religious gatherings, film shoots or other outdoor events, even though these are not in accordance with the zoning of the property concerned, provided that, in Council's opinion, the temporary activity will not have a significant negative effect on surrounding areas, or on the natural and cultural environment.

3.6.2 Permission in terms of section 3.6.1 shall be subject to such conditions as the Council may impose, including (but not limited to) the following -

(a) that the applicant provides parking and toilet facilities to the Council's satisfaction;
(b) that such temporary activities do not extend for a continuous period of more than seven days;
(c) that such approval may be withdrawn by written notice to the applicant, should any condition of approval not be complied with or should a public nuisance be created.
3.7 Non-conforming Uses

3.7.1 An existing non-conforming use at the commencement date shall not constitute an offence in terms of this by-law.

3.7.2 A non-conforming use may continue as long as it remains otherwise lawful, subject to the following provisions:
   (a) If such use ceases for any reason for a period of more than six consecutive months, any subsequent use of the property shall conform to the requirements of this by-law, with or without departures.
   (b) Subject to (a) above, any new use or structure shall conform to the land use and development management provisions stipulated in this by-law.

3.7.3 If an existing building, which constitutes a non-conforming use, is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building, the Council may grant permission for the reconstruction of such building, subject to conditions.

3.7.4 The Council may, at its discretion, permit the erection of a building or use of land, for which approval was granted before the commencement date, in accordance with the conditions of such approval.

3.7.5 Notwithstanding any other provisions of this by-law, a building, structure or site which is listed as a national monument or heritage site may be used, restored, reconstructed or extended in accordance with a permit issued by the South African Heritage Resources Agency.

GENERAL PROVISIONS REGARDING OVERLAY ZONES

3.8 The Purpose of Overlay Zones

3.8.1 The Council may prepare, review and amend overlay zones for specific areas in the municipality with the objective of:
   (a) giving expression, in a planning context, to the local needs and values of the communities concerned;
   (b) promoting particular types of development, urban form, landscape character, environmental features or heritage values.

3.9 Procedures for Establishing Overlay Zones

3.9.1 If the Council intends to adopt or amend an overlay zone, the municipal manager must:
   (a) cause the proposed adoption or amendment to be advertised in accordance with the public consultation policy of the Council, affording interested parties the opportunity to submit written comments or objections to the municipal manager within a period of not less than thirty days from the date of such advertisement;
   (b) obtain the relevant comment of any public institution which, in his or her opinion, has an interest in the overlay zone concerned;
   (c) submit the proposed overlay zone or amendment, and all relevant documentation to the Council for consideration and a decision;
   (d) notify all persons who submitted comments relating to the adoption or amendment of the overlay zone within the prescribed period, of the Council's decision, and
   (e) make known the adoption or amendment of an overlay zone by publication of a notice in the press, confirming at which municipal office the overlay zone may be inspected by interested parties.

3.9.2 The Council must review an overlay zone at least every five years from the date of adoption of that overlay zone.
3.10 Identification and Numbering of Overlay Zones

3.10.1 The Council shall approve a distinctive name and number for each overlay zone and any sub-zone when adopting such overlay zone or sub-zone.

3.10.2 The Council shall indicate the area of an overlay zone on the zoning map, and;
   a) shall record the existence of an overlay in the annexure to this by-law, with reference to where any detailed provisions of the overlay zone may be found;
   b) may include any detailed provisions of the overlay zone as an annexure to this by-law, or
   c) may record the detailed provisions of the overlay zone in a separate document with a cross reference to that document in the annexure concerned.

3.11 Status of Overlay Zones

3.11.1 An overlay zone does not change the underlying zoning of the properties to which it relates, but may vary the development rules relating to these properties.

3.11.2 The development rules of an overlay zone may be more restrictive or more permissive than the development rules applicable to the underlying zoning of the land concerned as recorded in part III of this by-law.

3.11.3 The provisions of an overlay zone do not in any way detract from any obligations in terms of national and provincial legislation.

SUMMARY OF USE ZONES AND DEVELOPMENT MANAGEMENT PROVISIONS

Table A overleaf contains a summary of the zones and development management provisions contained in this by-law. This table is provided for ease of reference and may not contain all of the provisions applicable to a particular zone. The detailed development management provisions are contained in Part III of this by-law, and in the event of a difference between Table A and Part III, the provisions of Part III shall prevail.
PART II
INTEGRATED DEVELOPMENT PLANNING AND ENVIRONMENTAL MANAGEMENT

This Part contains supplementary provisions to assist the Council with integrated development planning and environmental management in the municipal sphere of government. It highlights requirements for pro-active development planning and the need to consider all relevant facts before granting approvals, especially for activities which, if implemented, may impact negatively on the environment.

Schedule 4 contains principles for integrated development planning and environmental management, including the role of zoning within these processes.
CHAPTER 4: INTEGRATED DEVELOPMENT PLANNING AND ENVIRONMENTAL MANAGEMENT

GENERAL POLICY STATEMENT

(i) Integrated development planning involves linkages and co-ordination between the various sectors of activity that impact on the operation of the local authority. It is a participatory approach to integrate economic, sectoral, spatial, social, institutional, environmental and fiscal strategies in order to support the optimal allocation of scarce resources between sectors and geographical areas and across the population.

(ii) The Integrated Development Plan is the principal tool for municipalities to realise their developmental mandate and each municipal council is required to adopt an Integrated Development Plan for the development of the municipality. Every Integrated Development Plan must include a spatial development framework. In the Western Cape the preparation and approval of spatial development frameworks is based on the methodology and principles of bio-regional planning.

(iii) The spatial development framework is an indicative plan guiding the Council’s management decisions, while the detailed daily administration of land development and land use change is managed through the zoning scheme, which records the land use and development permissions accruing to a piece of land. The zoning scheme and its implementation therefore has to be consistent with, and give effect to, the spatial development framework.

(iv) Zoning schemes should not be exclusively control orientated or reactive, but include a proactive element in that they provide clear indications of what is acceptable. Apart from making provision for different zones, the zoning scheme creates mechanisms whereby the strategies reflected in the spatial development framework may be implemented.

(v) Integrated environmental management provides the philosophy for incorporation of environmental management principles into decision-making. Integrated environmental management promotes sustainable development and the equitable use of resources. Environmental impact assessment is the environmental management tool that is used at the decision making stage in integrated environmental management.

(vi) Environmental impact assessment is the process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of proposed projects and physical activities prior to major decisions and commitments being made. It is a detailed study of the environmental consequences of a proposed course of action. The purpose of environmental impact assessment is:

- to aid decision making,
- to aid the formulation of development actions,
- to promote sustainable development, and
- to prevent unacceptable environmental impact.

(vii) Environmental impact assessment may be prescribed by national legislation or may be required by the Council where it is of the opinion that a proposed land use or activity is likely to have a significant impact on the environment. These by-laws therefore create the mechanism and procedure whereby the Council may require and manage an environment impact assessment not provided for in other legislation.

INTEGRATED DEVELOPMENT PLANNING

4.1 Integration of Development Planning and Zoning

4.1.1 The Council must pro-actively undertake developmentally orientated planning in accordance with the requirements of national and provincial legislation, which includes the promotion of sustainable development.

4.1.2 The Council must progressively integrate all its development planning and in so doing, aim at removing any unnecessary duplication of controls in the municipal administration.
ENVIRONMENTAL MANAGEMENT

4.2 Consideration of activities

The Council must, in order to give effect to the general objectives of integrated environmental management as laid down in national and provincial legislation, consider and investigate activities which may significantly affect the environment, before granting any approval under the Planning Law.

4.3 Assessment of Environmental Impact

4.3.1 If the Council decides that a proposed land use is likely to have a significant impact on the capacity of municipal services or the biophysical environment or create a public nuisance, and alternative procedures are not specified in other legislation, the Council may require that an impact assessment be carried out to its satisfaction.

4.3.2 If an impact assessment is required in terms of section 4.3.1, the applicant -
   (a) must at the applicant's cost, appoint an independent consultant who must comply with the relevant requirements of this by-law relating to impact assessments on behalf of the applicant;
   (b) must ensure that the consultant has no financial interest in the proposed land use, other than to provide a professional service;
   (c) must ensure that the consultant, while complying with this section, has the expertise necessary to perform all the relevant tasks contemplated in this section;
   (d) must ensure that the consultant provides the Council access to, and opportunity for review of, all procedures, underlying data, reports and interviews with interested parties, whether or not such information may be reflected in a report required in terms of this section; and
   (e) is responsible for the public participation process to ensure that all interested parties, including organs of state that may have jurisdiction over any aspect of the activity, are given the opportunity to participate in the relevant procedures contemplated in this section.

4.3.3 The municipal manager must:
   (a) ensure that the evaluation and decisions required in terms of this section are done or reached efficiently and within a reasonable time, and that the applicant is informed immediately of any delay and is provided with a written explanation for any delay that may occur;
   (b) provide the applicant with any guidelines, as well as access to any other information in the municipal manager's possession, that may assist the applicant in fulfilling its obligations in terms of this section; and
   (c) try to keep the inputs required from the applicant to the minimum that are necessary to make an informed decision on the application, without putting any limitation on the rights that interested parties may have in terms of this section.

4.3.4 The municipal manager may:
   (a) request the applicant to submit a plan of study for scoping for the purposes of a scoping report referred to in section 4.3.5; or
   (b) request the applicant to submit such scoping report without a prior plan of study, and
   (c) inform the applicant of requirements to advertise the study and the manner in which this must be done.

4.3.5 A plan of study for scoping must include:
   (a) a brief description of the activity to be undertaken;
   (b) a description of tasks to be performed during scoping;
   (c) a schedule setting out when the tasks contemplated in paragraph (b) are likely to be completed;
   (d) an indication of the stages at which the Council will be consulted; and
(e) a description of the proposed method of identifying the environmental issues and alternatives.

4.3.6 The municipal manager may, after receiving the plan of study for scoping referred to in section 4.3.5 and after considering it, request the applicant to provide additional information.

4.3.7 After submitting a plan of study for scoping, and after complying with any requirements from the municipal manager in terms of 4.3.4 and 4.3.6, the applicant’s consultant must submit a scoping report to the municipal manager, which must include -
(a) a brief project description;
(b) a brief description of how the environment may be affected;
(c) a description of environmental issues identified;
(d) a description of the alternatives identified; and
(e) a description of the public participation process followed, including a list of interested parties and their comments.

4.3.8 The municipal manager may, after receiving the scoping report referred to in 4.3.7 and after considering it, request the applicant to make amendments in order to satisfy any shortcomings that the municipal manager has identified.

4.3.9 After a scoping report has been accepted, the municipal manager may decide that the information contained in the scoping report-
(a) is sufficient for the consideration of the application without further investigation; or
(b) should be supplemented by an environmental impact assessment which focuses on the identified alternatives and environmental issues identified in the scoping report.

4.3.10 In the event of a decision contemplated in 4.3.9 (a), the Council must consider the application in accordance with section 4.3.13.

4.3.11 In the event of a decision contemplated in 4.3.9 (b), the applicant must submit a plan of study for an environmental impact assessment, which must include:
(a) a description of the environmental issues identified during scoping that may require further investigation and assessment;
(b) a description of the feasible alternatives identified during scoping that may be further investigated;
(c) an indication of additional information required to determine the potential impacts of the proposed activity on the environment;
(d) a description of the proposed method of identifying these impacts; and
(e) a description of the proposed method of assessing the significance of these impacts.

4.3.12 The municipal manager may, after receiving the plan of study for environmental impact assessment referred to in section 4.3.11 and after considering it, request the applicant to make amendments in order to satisfy any shortcomings that the municipal manager has identified.

4.3.13 After submitting a plan of study for environmental impact assessment, and after complying with any requirements from the municipal manager in terms of 4.3.12, the applicant must submit an environmental impact report to the municipal manager, which must contain -
(a) descriptions of -
   (i) the environment concerned;
   (ii) the activities to be undertaken;
   (iii) each alternative considered in the environmental impact assessment;
(b) descriptions of
   (i) the public participation process followed, including a list of interested parties and their comments;
   (ii) any media reporting given to the proposed activity; and
   (iii) any other information included in the accepted plan of study;
(c) a comparative assessment of the alternatives including:
(i) the extent and significance of each identified environmental impact; and
(ii) the possibility for mitigation of each identified impact;
(d) conclusions and recommendations.

4.3.14 After the municipal manager has made a decision contemplated in 4.3.9(a), or has received an environmental impact report that complies with section 4.3.13, as the case may be, the Council must consider the application concerned and may decide to approve or refuse same.

### 4.4 Municipal Directives

4.4.1 If in the municipal manager’s opinion, the general amenity of the property in any zone is substantially impaired by:
(a) Any works of any nature undertaken or in process,
(b) Any use of any building, structure or land, or
(c) The condition of any building, structure or land,
the municipal manager may serve a notice on the owner or occupant of the property on which the objectionable works, use or conditions exist, requiring the owner or occupant, within a specified period, taken action, to abate and/or make good such objectional work, use or condition.

4.4.2 If garden refuse, waste, builder’s rubble, scrap metal, abandoned or inoperable motor vehicles accumulate on a land unit in such a way that, the municipal manager’s opinion, may:
(a) constitute a fire hazard,
(b) threaten public safety, or
(c) be unsightly or objectionable,
the municipal manager may serve a notice on the owner or occupant to remove such material within a specified period.

4.4.3 If the owner or occupant fails to comply with the requirements of a notice as contemplated in 4.4.1 and 4.4.2, the municipal manager may take the necessary steps to implement such requirements at the expense of the owner or occupant concerned.

### 4.5 Conservation of trees

4.5.1 When an application is submitted in terms of this by-law, the municipal manager may require a plan of the land unit concerned, prepared by a qualified landscape architect, showing trees considered to be worthy of conservation.

4.5.2 No person may damage, destroy or remove any tree shown on a plan as worthy of conservation in terms of 4.5.1, except with the prior written approval of the municipal manager.

### 4.6 Environmental Management Plan

4.6.1 The following provisions shall apply with regard to environmental management plans:
(a) An environmental management plan shall contain the information specified in the definition of “environmental management plan” unless the Council agrees to waive certain requirements.
(b) The Council may approve an environmental management plan which is submitted for its approval, or may require amendments before it is approved, or may refuse it.
(c) In circumstances where an environmental management plan is required in terms of this by-law, no application for subdivision of land, transfer of land units or for building plan permission in terms of the National Building Act, shall be approved by the Council, unless an environmental management plan has first been approved.
(d) The property shall be developed generally in accordance with the environmental management plan as approved by the Council, and to the satisfaction of the Council.
(e) Application may be submitted to the Council for amendment of an approved environmental management plan.
(f) The Council shall process an application to approve or amend an approved environmental management plan in accordance with its policy for transparency, public participation and administration of such applications.
(g) When approving an environmental management plan or amendment to a environmental management plan, the Council may impose conditions of approval.
PART III

CATEGORIES OF ZONES AND DEVELOPMENT MANAGEMENT PROVISIONS

This Part describes the various categories of zones the development management provisions applying to each zone, including primary and consent uses.
CHAPTER 5: SINGLE RESIDENTIAL ZONES

GENERAL POLICY STATEMENT

The following general policies and principles shall apply in the Single Residential Zones unless these policies and principles are superseded by an approved structure plan or development framework.

(i) The single residential zones are designed to provide locations for single-family dwelling units in a variety of densities, and to preserve the amenity and character of residential areas. The general aim of these single residential zones is to provide a comfortable, healthy, safe, and pleasant living environment and to promote the stability of residential neighbourhoods by preserving neighbourhood character. However there are controlled opportunities for home employment and low intensity mixed use development that is compatible with residential use, subject to the Council’s consent.

(ii) Opportunities are created in Single Residential Zone 3 for innovative design solutions and site specific development management provisions, to reflect different life styles such as residential golf estates, marinas and equestrian estates.

(iii) Provision is made in Single Residential Zone 4 for informal housing in specific areas. In such areas building and planning standards are relaxed, but the aim must be to upgrade these areas to acceptable standards as soon as possible. Once acceptable standards are reached, the properties concerned should be rezoned to Single Residential Zone 1 or 2.

5.1 SINGLE RESIDENTIAL ZONE 1: LOW DENSITY (SR1)

Objective

The objective of this zone is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, with each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary, secondary or consent uses, provided that the dominant use of the property remains residential, and impacts of such uses do not adversely affect the quality and character of the surrounding residential environment.

Use Of Property

5.1.1 The following use restrictions apply to property in this zone:

(a) **Primary uses** are: dwelling house, home occupation.

(b) **Consent uses** are: second dwelling unit, double dwelling house, bed and breakfast establishment, guest house, day care centre, commercial antenna

(c) **Additional use rights** which apply to a dwelling house in this zone are:

The occupant of a dwelling house may let out rooms in the dwelling house subject to section 5.1.6.


5.1.2 The following development management provisions apply

(a) **Coverage**

(i) The maximum coverage is determined in accordance with the table below:

<table>
<thead>
<tr>
<th>Nett Erf Area</th>
<th>Maximum Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 1000 m²</td>
<td>50%</td>
</tr>
<tr>
<td>Greater than 1000 m²</td>
<td>500 m² or 40% whichever is greater</td>
</tr>
</tbody>
</table>
(b) **Height**

(i) No building shall exceed a height of two storeys, provided that where the slope of the grade-line is greater than 1 in 5, the owner may elect to regulate height in accordance with clause (ii) below.

(ii) Where height is regulated in terms of this clause, no point on a building shall exceed a vertical distance above the grade-line of 6.0 m in the case of a flat roofed building, or 8.0 m in the case of an inclined or pitched roof building, provided that if it is an inclined or pitched roof building, only the roof structure may exceed a height of 6.0 m.

(c) **Building Lines**

(i) **Street Building Line**

The street building line is determined in accordance with the table below, subject to section 17.1.

<table>
<thead>
<tr>
<th>Land Unit</th>
<th>Street Building Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where the average depth does not exceed 20 m</td>
<td>3.0 m</td>
</tr>
<tr>
<td>Where the average depth exceeds 20 m</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Where the street boundary abuts a declared road</td>
<td>5.0 m, if required by the competent road authority.</td>
</tr>
</tbody>
</table>

(ii) **Side Building Line**

The side building line is determined in accordance with the table below, subject to section 17.1.

<table>
<thead>
<tr>
<th>Average Width of a Land Unit</th>
<th>Side Building Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where the average width does not exceed 20 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>Where the average width is greater than 20 m but does not exceed 25m</td>
<td>2.0 m</td>
</tr>
<tr>
<td>Where the average width is greater than 25 m</td>
<td>3.0 m</td>
</tr>
</tbody>
</table>

(iii) **Rear Building Line**

The rear building line is 3.0 m, subject to section 17.1.

(d) **Garages and Carports**

Garages and carports may be erected within the building lines under the circumstances described in section 17.1.

(e) **Parking and Access**

Parking and access must be provided on the land unit in accordance with section 18.1.

**Subdivision and Density Standards**

5.1.3 The following subdivision and density provisions shall apply:

(a) **Minimum Subdivision Area**

(i) The zoning map may designate areas within this zone where a minimum subdivision size is specified for a land unit.

(ii) Where a minimum subdivision size is specified in terms of (a)(i) above, the nett erf area of erven created by a new subdivision or any remainder to be zoned as Single Residential Zone 1, shall not be less than the minimum size specified.
(b) **Maximum Density**

(i) The zoning map may designate areas within this zone where a maximum density is specified for a land unit, area or precinct.

(ii) Where a maximum density is specified in terms of (b)(i) above, the gross density of development on the land unit, area or precinct shall not exceed the maximum density specified.

**Home occupation**

5.1.4 The following provisions shall apply where a portion of a dwelling house or dwelling unit is used for purposes of home occupation:

(a) The dominant use of the dwelling house or dwelling unit shall be for the living accommodation of a single family.

(b) No portion of such dwelling, and no home occupation, shall be used for the purposes of a noxious trade, risk activity or sale of alcoholic beverages.

(c) No goods for sale shall be publicly displayed and no external evidence of the home occupation shall be visible from the street, except for an advertising sign in accordance with clause (d).

(d) No advertising sign shall be displayed other than a single un-illuminated sign or notice not projecting over a street. Such sign shall not exceed 2 000 cm² in area and shall indicate only the name, telephone number and profession or occupation of the occupant.

(e) On-site parking must be provided to the satisfaction of the Council.

(f) An activity associated with a home occupation shall not occupy more than 25 % of the total floor area of the dwelling on the property or 40 m² whichever is the most restrictive.

(g) No products, goods, or supplies connected with the home occupation may be stored on the property outside a building.

(h) No more than four persons in total may be engaged in home occupation activities within a property, including the occupant or occupants and any assistants.

(i) No more than one commercial vehicle, not exceeding 3 500 kg. gross weight, may be utilised for the home occupation, provided that a vehicle used by an occupant exclusively for personal purposes shall not be regarded as a commercial vehicle.

(j) The hours of operation shall not extend beyond the hours of 07h30 to 17h30.

(k) Any new structure, or alteration to the existing dwelling or outbuilding, shall conform to the residential character of the area concerned.

**Second Dwelling, Double Dwelling House**

5.1.5 In granting its consent for a second dwelling, or double dwelling house, the Council may impose, but is not limited to, the following conditions:

(a) Total floor space of a second dwelling unit shall not exceed 120 m², while total floor space of a dwelling unit in a double dwelling house is not subject to this restriction.

(b) A second dwelling unit shall be constructed in an architectural style, with external materials and finishes compatible to the main dwelling house.

(c) A second dwelling unit shall not exceed one storey in height.

(d) Both dwelling units in a double dwelling house shall be designed to give the appearance of a single large dwelling house. Both units may have a ground storey, or one unit may be on the ground storey and one on the storey above.

(e) The Council may stipulate minimum subdivision sizes and maximum density ratios for specified areas, as a requirement in granting consent for a second dwelling unit, or double dwelling house.
(f) A second dwelling unit or dwelling unit in a double dwelling house may not be separately alienated in terms of the Sectional Titles Act, and shall not be deemed as sufficient reason for the Council to approve subdivision of the land unit containing a second dwelling or double dwelling house in terms of the Planning Law.

Bed and Breakfast Establishment, Accommodation of Lodgers
5.1.6 In granting its consent for a bed and breakfast establishment, or where rooms are let by an occupant of a dwelling house to lodgers, the Council may impose, but is not limited to, the following conditions:
(a) The dominant use of the property must remain as a dwelling for the living accommodation of a single family.
(b) No more than two rooms per land unit shall be used for bedroom accommodation for paying guests or lodgers, and no more than five guests or lodgers shall be supplied with lodging or meals at any time.
(c) A register of guests and lodgers must be kept, and completed when rooms are let, and the register must be produced for inspection on request by a council official.
(d) Every guest room must be attached to the dwelling house, or second dwelling unit, whichever is applicable.
(e) Guest rooms must not be converted to, or used as, separate dwelling units, and there shall be no cooking facilities in the guest rooms, apart from a kettle.
(f) Only meals which are supplied to guests or lodgers who have lodging at the bed and breakfast establishment, are permitted.
(g) No advertising sign shall be displayed other than a single un-illuminated sign or notice not projecting over a public street, and such sign must not exceed 2 000 cm² in area.
(h) On site parking must be provided to the satisfaction of the Council.
(i) Where a land unit contains both a bed and breakfast establishment, and rooms which are available for letting to lodgers, no more than five persons are permitted at any one time, as paying guests or lodgers.

Guest House
5.1.7 In granting its consent for a guest house, the Council may impose, but is not limited to, the following conditions:
(a) The property must remain as a dwelling for the living accommodation of a single family.
(b) No more than five rooms per land unit shall be used for bedroom accommodation for paying guests or lodgers, and no more than ten guests or lodgers shall be supplied with lodging or meals at any time.
(c) A register of guests and lodgers must be kept, and completed when rooms are let, and the register must be produced for inspection on request by a council official.
(d) Guest rooms must not be converted to, or used as, separate dwelling units, and there shall be no cooking facilities in the guest rooms, apart from a kettle.
(e) Only meals which are supplied to guests or lodgers who have lodging at the bed and breakfast establishment, are permitted.
(f) No advertising sign shall be displayed other than a single un-illuminated sign or notice not projecting over a public street, and such sign must not exceed 2 000 cm² in area.
(g) On site parking must be provided to the satisfaction of the Council.

Day Care Centre
5.1.8 In granting its consent for a day care centre, the Council may impose, but is not limited to, the following conditions:
(a) No more than 12 children shall be enrolled with the day care centre at a time;
(b) At least one toilet and one hand basin shall be available for the use of children attending the day care centre;
(c) A minimum area of indoor play space and outdoor play space shall be provided in accordance with the following table:
<table>
<thead>
<tr>
<th>Indoor Play Space</th>
<th>Outdoor Play Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.8m² per child, of which not more than one third may be enclosed verandah space.</td>
<td>4.5m² per child to be fenced off from any public street</td>
</tr>
</tbody>
</table>

5.2 SINGLE RESIDENTIAL ZONE 2 : MEDIUM DENSITY (SR2)

**Objective**
The objective of this zone is to provide more compact residential development for single families, such as detached or semi-detached dwelling units. Limited employment and additional accommodation opportunities are possible, provided that the dominant use of the property remains residential, and impacts of such uses do not adversely affect the quality and character of the surrounding residential area.

**Use Of Property**
5.2.1 The following use restrictions apply to property in this zone:
   (a) **Primary uses** are: dwelling house, home occupation.
   (b) **Consent uses** are: second dwelling unit, double dwelling house, bed and breakfast establishment, guest house, day care centre, house shop, house tavern, commercial antenna.
   (c) **Additional use rights** which apply to property in this zone are:
       The letting out of rooms in the dwelling house by an occupant of the dwelling house subject to section 5.2.6.

**Development Management Provisions**
5.2.2 The following development management provisions apply
   (a) **Coverage**:
       (i) The maximum coverage shall be determined in accordance with the nett erf area as follows:

       | Nett Erf Area                | Maximum Coverage |
       |----------------------------|------------------|
       | Less than or equal to 150 m² | 80%              |
       | Greater than 150 m² but not exceeding 250 m² | 75%             |
       | Greater than 250 m²         | 60%              |

   (b) **Height**
       (i) The maximum height of buildings is two storeys, provided that where the slope of the grade-line is greater than 1 in 5, the owner may elect to regulate height in accordance with (ii) below.

       (ii) Where height is regulated in terms of this clause, no point on a building shall exceed a vertical distance above the grade-line of 6,0 m in the case of a flat roofed building, or 8,0 m in the case of an inclined or pitched roof building, provided that if it is an inclined or pitched roof building, only the roof structure may exceed a height of 6,0 m.

   (c) **Building Lines**
       (i) Street Building Line
The street building line is determined in accordance with the table below, subject to section 17.1.

<table>
<thead>
<tr>
<th>Land Unit</th>
<th>Street Building Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where the nett erf area does not exceed 150m²</td>
<td>1,0 m</td>
</tr>
<tr>
<td>Where the nett erf area is greater than 150m² but does not exceed 250m²</td>
<td>2,0 m</td>
</tr>
<tr>
<td>Where the nett erf area is greater than 250m²</td>
<td>3,0 m</td>
</tr>
<tr>
<td>Where the street boundary abuts a declared road</td>
<td>5,0 m. may be required</td>
</tr>
</tbody>
</table>

(ii) Side Building Line
The side building line is determined in accordance with the table below, subject to section 17.1.

<table>
<thead>
<tr>
<th>Average Width of a Land Unit</th>
<th>Side Building Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 12,5 m</td>
<td>1 m from one side boundary and zero from the other.</td>
</tr>
<tr>
<td>Greater than 12,5 m but not exceeding 20m</td>
<td>1,5 m</td>
</tr>
<tr>
<td>Greater than 20 m</td>
<td>2,0 m</td>
</tr>
</tbody>
</table>

(iii) Rear Building Line
The rear building line is determined in accordance with the table below, subject to section 17.1.

<table>
<thead>
<tr>
<th>Land Unit</th>
<th>Rear Building Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where the nett erf area does not exceed 150m²</td>
<td>1,0 m</td>
</tr>
<tr>
<td>Where the nett erf area is greater than 150 m² but does not exceed 250 m²</td>
<td>2,0 m</td>
</tr>
<tr>
<td>Where the nett erf area exceeds 250 m²</td>
<td>3,0 m</td>
</tr>
</tbody>
</table>

(d) Window and Door Placement
Any portion of a building which contains a window or door facing directly onto a side or rear boundary, shall be placed a distance of at least 1,5 m away from such boundary. The portion of building required to be placed back from the boundary shall include the window or door, together with such additional length of wall as is required to make up a total length of at least 3,0 m.

(e) Garages and Carports
Garages and carports may be erected within the building lines under the circumstances described in section 17.1.

(f) Parking and Access
Parking and access must be provided on the land unit in accordance with section 18.1.

Subdivision and Density Standards
5.2.3 The following subdivision and density provisions shall apply

(a) Minimum Subdivision Area
(i) The zoning map may designate areas within this zone where a minimum subdivision size is specified for a land unit.
(ii) Where a minimum subdivision size is specified in terms of (a)(i) above, the nett erf area of erven created by a new subdivision or any remainder to be zoned as Single Residential Zone 2, shall not be less than the minimum size specified.

(b) Maximum Density
(i) The zoning map may designate areas within this zone where a maximum density is specified for a land unit, area or precinct.
(ii) Where a maximum density is specified in terms of (b)(i) above, the gross density of development on a land unit, area or precinct shall not exceed the maximum density specified.

Second Dwelling, Double Dwelling House
5.2.4 The development management provisions applicable to a second dwelling unit and double dwelling house in this zone shall be the same as those applicable in Single Residential Zone 1; provided:
(a) the Council may grant permission for a second dwelling unit or dwelling unit in a double dwelling house to be separately alienated in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), if it considers such alienation to be consistent with the Council’s policy objectives for the area in question, and
(b) such alienation shall not be deemed as sufficient reason for the Council to approve subdivision of the land unit in terms of the Planning Law.

Home Occupation
5.2.5 The development management provisions applicable to home occupation in this zone shall be the same as those applicable in Single Residential Zone 1; provided that no more than 3 persons in total may be engaged in home occupation activities within a property, including the occupant or occupants and any assistants.

Bed and Breakfast Establishment, Accommodation of Lodgers
5.2.6 The development management provisions applicable to a bed and breakfast establishment and lodgers in Single Residential Zone 1 shall also apply in this zone.

Day Care Centre
5.2.7 In granting its consent for a day care centre, the Council may impose, but is not limited to, the following conditions:
(a) No more than 12 children may be enrolled with the day care centre at a time.
(b) At least one toilet and one hand basin shall be available for the use of children attending the day care centre;
(c) A minimum area of indoor play space and outdoor play space shall be provided in accordance with the following table:

<table>
<thead>
<tr>
<th>Indoor Play Space</th>
<th>Outdoor Play Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,8m² per child, of which not more than one third may be enclosed verandah space.</td>
<td>4,5m² per child to be fenced off from any public street</td>
</tr>
</tbody>
</table>

House Shop
5.2.8 In granting its consent for a house shop, the Council may impose, but is not limited to, the following conditions:
(a) The extent and position of the retail component shall be clearly defined on a plan, and shall not exceed 25 m² or 50% of total floor space (excluding any water closet, change room and storeroom), whichever is the lesser area.
(b) In addition to the house shop, the property must contain a dwelling house which must be occupied by the proprietor of the house shop.
(c) Any new structure, or alteration to the existing dwelling or outbuilding, must conform to the residential character of the area concerned.

(d) No more than three persons, including the occupant of the dwelling house, are permitted to be engaged in retail activities on the property.

(e) Only one un-illuminated sign, shall be permitted, and shall not exceed 5 000 cm² in area. Such sign shall indicate only the name of the owner, name of the business and nature of the retail trade.

(f) The following are not permitted in a house shop: sale of liquor or alcoholic beverages, storage or sale of gas and gas containers, vending machines, video games or pool tables.

(g) The hours of operation shall not extend beyond 07h30 to 17h30.

(h) The Council may require on-site parking to its satisfaction.

(i) Permission to operate a house shop is granted to a particular operator operating from a particular property, and is not transferable.

House Tavern

5.2.9 In granting its consent for a house tavern, the Council may impose, but is not limited to, the following conditions:

(a) The extent and position of the house tavern shall be clearly identified on a plan to be approved by the Council, and the Council may restrict the floor area or specific location of the house tavern on the property.

(b) In addition to the house tavern, the property must contain a dwelling unit which must be occupied by the proprietor of the house tavern.

(c) The Council may restrict the maximum number of patrons, operating hours, number of staff and signage relating to the house tavern.

(d) The Council may require structural alterations to the property for fire or health reasons, and to ensure that the impact of the house tavern on neighbouring uses is minimised.

(e) The following uses are not permitted in a house tavern: vending machines, video games, pool tables, amusement centre, discotheque.

(f) The owner of the house tavern must obtain a liquor license in terms of the relevant legislation. In the event of the liquor license being withdrawn or suspended, the Council’s consent for the operation of a house tavern shall automatically lapse. Permission to operate a house tavern is granted to a particular operator, operating from a particular property, and is not transferable.

(g) Only one un-illuminated sign, shall be permitted, and shall not exceed 5 000 cm² in area. Such sign shall indicate only the name of the owner, name of the business, and nature of the retail trade.

(h) The Council may require on-site parking to its satisfaction.
5.3 SINGLE RESIDENTIAL ZONE 3: ESTATE HOUSING (SR3)

Objective

The objective of this zone is to provide a high degree of flexibility for low to medium density residential projects which have integrated site and design features, and which require individual design solutions and individually tailored development control provisions. This zone does not accommodate a resort, but is particularly suitable for residential estates that are governed by a property owners association, with access control and co-ordinated design requirements (such as golf estates, equestrian estates and residential marinas).

Use Of Property

5.3.1 The following use restrictions apply to property in this zone:
   (a) Primary uses are: dwelling house, retirement village, private open space.
   (b) Consent uses are: group housing, hotel, restaurant, place of assembly, commercial antenna.


5.3.2 The following development management provisions shall apply:
   (a) The Council may stipulate conditions with regard to the use of buildings and land, density, height, coverage, layout, building design, open space, landscaping, parking, access and environmental management.
   (b) A site development plan must be submitted to the satisfaction of the Council in terms of section 17.6.
   (c) The constitution for an owners’ association must be submitted to the satisfaction of the Council, and all owners of property within this zone shall be a member of an approved property owners association.
   (d) Architectural guidelines and a system of architectural control must be submitted to the satisfaction of the Council.
   (e) An environmental management plan must be submitted to the satisfaction of the Council in terms of section 4.6.
   (f) The land unit must be developed
      (i) in accordance with the site development plan, architectural guidelines and environmental management plan as approved by the Council, and
      (ii) to the satisfaction of the Council.
5.4 SINGLE RESIDENTIAL ZONE 4: INCREMENTAL HOUSING

Objective
The objective of this zone is to provide for upgrading and incremental housing from informal settlements to formal settlements. In recognition of the realities of poor and marginalised communities, development management provisions are not restrictive and local employment generation is encouraged within this zone. Once upgrading of an area has reached an appropriate stage, as determined by the Council, it is contemplated that the area may be rezoned to Single Residential Zone 2 or other zone.

Use Of Property
5.4.1 The following uses apply to property in this zone:
(a) Primary uses are: dwelling house, home occupation, second dwelling unit, bed and breakfast establishment, house shop, shelter.
(b) Consent uses are: double dwelling house, guest house, day care centre, place of instruction, house tavern, commercial antenna.

5.4.2 Notwithstanding the uses listed under 5.4.1, the following additional uses are permitted in this zone:
(a) An occupant of any dwelling house, second dwelling unit or shelter may utilise such unit for any social, educational, religious, occupational or business purpose subject to the following conditions:
   (i) the dominant use of the property shall remain residential; and
   (ii) the use concerned shall not interfere with the amenity of the neighbourhood.

5.4.3 The following development management provisions shall apply:
(a) Coverage
   The maximum coverage is 80 %.
(b) Height
   No building shall exceed a height of two storeys.
(c) Building Lines:
   (i) Street Building Line
       The street building line is 1,0 m, subject to section 17.1.
   (ii) Side Building Line:
       If the Council is satisfied that adequate fire protection measures exist, a land unit may have a zero side building line on one side boundary, provided there is at least 1,0 m side building line on the other side boundary, and that the combined distance between two structures on adjacent erven amounts to 2,0 m. If, in the Council’s opinion, there are inadequate fire protection measures on the land unit, the side building line shall be at least 1 m from both side boundaries.
   (iii) Rear Building Line:
       The rear building line is 1,0 m, provided further that if a mid-block sewage system is installed, a rear building line of 2,0 m may be imposed by the Council.
   (iv) Attention is drawn to the general building line exemptions in section 17.1
(d) Garages and Carports
    Garages and carports may be erected within the building lines under the circumstances described in section 17.1.
(e) Parking and Access
    (i) Parking shall be provided on the land unit in accordance with the following table:
<table>
<thead>
<tr>
<th>Use of Land or Building</th>
<th>Parking Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter.</td>
<td>No parking required.</td>
</tr>
<tr>
<td>Dwelling house, double dwelling house. Second dwelling unit, home occupation, bed and</td>
<td>one parking bay if required by the</td>
</tr>
<tr>
<td>breakfast establishment.</td>
<td>Council</td>
</tr>
<tr>
<td>Place of instruction, place of worship, guest house, house shop house tavern</td>
<td>No parking required.</td>
</tr>
<tr>
<td></td>
<td>As required by the Council</td>
</tr>
</tbody>
</table>

(ii) Land units in this zone are exempt from the requirements of section 18.1 which relate to parking and access.
CHAPTER 6: GENERAL RESIDENTIAL ZONES

GENERAL POLICY STATEMENT

The following general policies and principles shall apply in the General Residential Zones unless these policies and principles are superseded by an approved structure plan or development framework.

(i) Higher density residential development needs to be encouraged in suitable areas to help manage the pressure of urban growth and reduce urban sprawl. The general residential zones aim to provide a healthy, safe, and pleasant environment for urban living at higher densities.

(ii) The general residential zones are designed to provide opportunities for multi-family residential development at a variety of densities. Different zones permit different levels of development intensity, particularly relating to height and bulk.

(iii) Sufficient public open space should be provided in areas where higher density residential development is promoted.

(iv) Within the general residential zones there are controlled opportunities for home employment and low intensity mixed use development. However it is important to balance these needs with the need to protect the character and amenity of the residential area.

6.1 GENERAL RESIDENTIAL ZONE 1: GROUP HOUSING (GR1)

Objective

The objective of this zone is to encourage residential development of a medium density, with a co-ordinated design, and to accommodate group housing where special attention is given to aesthetics, architectural form and the inter-relationship between components of the group housing scheme. While higher densities in suitable areas can be supported, it is necessary to balance this with appropriate public open space and community facilities.

Use Of Property

6.1.1 The following use restrictions apply to property in this zone:

(a) Primary uses are: group housing, retirement village, dwelling house.

(b) Consent uses are: home occupation, commercial antenna.


6.1.2 The following development management provisions shall apply to group housing and retirement village:

(a) Design Principles

(i) The principles which are reflected in the definition of “group housing”, must be closely followed and implemented.

(ii) Special attention must be given to aesthetics, architectural co-ordination, urban design and landscaping.

(b) Density

The maximum gross density shall be 25 dwelling units per hectare on a group housing and retirement village site, provided that the Council may require a lower density if it considers such lower density necessary for environmental, topographic or planning reasons.

(c) Height

(i) No building shall exceed a height of two storeys, provided that where the slope of the grade-line is greater than 1 in 5, the owner may elect to regulate height in accordance with clause (ii) below.

(ii) Where height is regulated in terms of this clause, no point on a building shall exceed a vertical distance above the grade-line of 6.0 m in the case of a flat roofed building, or 8.0 m in the case of an inclined or pitched roof building, provided that if it is an inclined or pitched roof building, only the roof structure may exceed a height of 6.0 m.
(d) Open space
Each dwelling unit shall have access to an outdoor living area, which may include private, public or communal open space but excludes roads, service yards and parking areas.

(i) A minimum outdoor living area of 50 m² per dwelling unit shall be provided on the erf containing the dwelling unit, and a minimum of 50 m² per dwelling unit shall be provided as public or communal open space within the group housing site.

(ii) Where there is no distinction between public or communal open space, and outdoor living area provided on each erf, the open space requirements shall be replaced by a combined open space requirement of at least 100 m² per dwelling unit within the group housing site.

(e) Service yard
A service yard shall be provided for each dwelling unit, or a combined service yard may be provided for several units. Service yards shall be of an adequate area and screened by a wall, to the satisfaction of the Council.

(f) Building lines

(i) Street building lines may be zero provided that:
   - a 5,0 m street building line may be required where the street boundary abuts a declared road, and
   - all garages shall be set back at least 4,5 m from the road reserve, to ensure safe parking and traffic circulation.

(ii) Side and rear building lines shall be zero unless the Council requires a building line for fire fighting purposes, or where a group housing site abuts on another zone or another group housing site, in which case the side and rear building lines shall be 3,0 m.

(iii) Attention is drawn to the general building line exemptions in section 17.1.

(g) Parking and Access

(i) Parking and access shall be provided in accordance with section 18.1.

(ii) Parking may be provided at the group house concerned, or part of the required number of parking bays at some of the group houses and the remainder in the form of communal parking, or the entire requirement may be provided in the form of communal parking.

(h) Internal road width
The minimum internal road reserve width is 8,0 m provided that the Council may require a greater road reserve width where it is of the opinion that the vehicular use or length of road justifies such greater road reserve width.

Site Development Plan

6.1.3 A site development plan of the proposed group housing scheme, must be submitted to the satisfaction of the Council and the Council approval thereof must be attained in terms of section 17.6.

Proximity Of Group Housing Schemes

6.1.4 The Council shall not approve the establishment of an additional group housing scheme adjacent to, or in close proximity to an existing group housing scheme unless, in its opinion, the following minimum conditions apply.

(a) No group housing site may have an area greater than 2,0 ha;

(b) Adequate provision must be made outside any walls surrounding the additional group housing scheme for landscaping, either on the group housing site, in the road reserve, or on public open space in the vicinity of the group housing site;

(c) Any boundary walls or fences situated between the additional group housing site and a public street, must be designed and constructed to allow adequate visual contact between the additional group housing site and the public street;

(d) A plan, acceptable to the Council, must be prepared which co-ordinates the provision of public amenities, including community facilities, public streets, public open space and public transport requirements.
Home occupation

6.1.5 The Council may grant its consent for a home occupation in this zone provided that:

(a) no consent application shall be considered unless the owner has obtained the prior written comment of the relevant property owners association, and

(b) if the Council grants its consent, it may impose conditions which may include or be more restrictive than the conditions stipulated in 5.1.4.
6.2 GENERAL RESIDENTIAL ZONE 2: TOWN HOUSING (GR2)

Objective
The objective of this zone is to encourage residential development of a greater density than for General Residential Zone 1, while retaining the emphasis on design co-ordination and a modest scale in terms of height. Opportunities are also provided for limited integration of flats within the co-ordinated scheme. This zone has particular locational requirements, such as proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities.

Use Of Property
6.2.1 The following use restrictions apply to property in this zone:
   (a) Primary uses are: town housing, retirement village.
   (b) Consent uses are: flats, home occupation, commercial antenna.

Development Management Provisions For A Town Housing Scheme, Retirement Village
6.2.2 The following development management provisions shall apply to town housing and retirement village:

   Design Principles
   (i) The principles which are reflected in the definition of "town housing", shall be closely followed and implemented.
   (ii) Special attention shall be given to aesthetics, architectural co-ordination, urban design and landscaping.

   (a) Density
   The maximum gross density shall be forty dwelling units per hectare on the town housing site, provided that the Council may require a lower density if it considers such lower density necessary for environmental, topographic or planning reasons.

   (b) Height
   (i) No building shall exceed a height of three storeys, provided that where the slope of the grade-line is greater than 20 %, the owner may elect to regulate height in accordance with clause (ii) below.
   (ii) Where height is regulated in terms of this clause, no point on a building shall exceed a vertical distance above the grade-line of 9 m in the case of a flat roofed building, or 11 m in the case of an inclined or pitched roof building, provided that if it is an inclined or pitched roof building, only the roof structure may exceed a height of 6.0 m.

   (c) Building lines
   (i) Street building lines are zero, provided that the Council may require a street building line of:
      • 3.0 m to ensure safe parking and traffic circulation, or
      • 5.0 m where the street boundary abuts a declared road.
   (ii) Side and rear building lines shall be zero unless the Council requires a building line for fire fighting purposes, or where a town housing site abuts on another zone or another town housing site, in which case the side and rear building lines shall be 3.0 m.
   (iii) Attention is drawn to the general building line exemptions in section 17.1.

   (d) Parking and Access
   (i) Parking and access must be provided in accordance with section 18.1.
   (ii) Parking may be provided at the town house concerned, or part of the required number of parking bays at some of the town houses and the remainder in the form of communal parking, or the entire requirement may be provided in the form of communal parking.

   (e) Internal road width
   The minimum internal road reserve width may be 8.0 m provided that the Council may require a greater road reserve width where it is of the opinion that the vehicular use or length of road justifies such greater road reserve width.
**Site Development Plan**
6.2.3 A site development plan of the proposed town housing scheme, must be submitted to the Council in terms of section 17.6 and the Council's approval thereof obtained.

**Development Management Provisions For Flats**
6.2.4 The Council may grant its consent for flats as part of a town housing scheme, provided the flats do not exceed a height of three storeys, or the density requirement, and the design principles reflected in the definition of town housing are also applied to the flats.

**Home occupation**
6.2.5 The Council may grant its consent for a home occupation in this zone provided that:
   (a) no consent application shall be considered unless the owner has obtained the prior written comment of the relevant property owners association, and
   (b) if the Council grants its consent, it may impose conditions which may include or be more restrictive than the conditions stipulated in 5.1.4.
6.3 GENERAL RESIDENTIAL ZONE 3: LOW RISE APARTMENTS (GR3)

Objective

The objective of this zone is to promote higher density residential development including flats, but to limit the height and bulk of this development. The dominant use within this zone shall be residential, but limited mixed use development is possible with the Council’s consent. This zone has particular locational requirements, such as proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities.

Use Of Property

6.3.1 The following use restrictions apply to property in this zone:
(a) Primary uses are: flats, guest house, boarding house, group housing, town housing, retirement village.
(b) Consent uses are: hotel, institution, place of instruction, place of assembly, dwelling house, double dwelling house, home occupation, commercial antenna.


6.3.2 The following development management provisions apply to flats, boarding house, hotel, guest house.
(a) Floor Factor
The floor factor shall not exceed 1.5.
(b) Coverage
The maximum coverage is 60%.
(c) Height
No building shall exceed a height of four storeys.
(d) Building Lines
(i) Street Building Line.
The street building line is 5.0 m.
(ii) Side and Rear Building Lines.
The side and rear building lines for different storeys shall vary according to the storey concerned, and shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Storey of the building</th>
<th>Side and rear building line of the storey</th>
</tr>
</thead>
<tbody>
<tr>
<td>3rd storey and below</td>
<td>4.5 m</td>
</tr>
<tr>
<td>4th storey</td>
<td>6.0 m</td>
</tr>
</tbody>
</table>
(iii) Attention is drawn to the general building line exemptions in section 17.1.
(e) Open Space
(i) Every block of flats, boarding house or hotel in this zone shall have access to an outdoor living area on the land unit, which may include private, or communal open space, but excludes roads, service yards and parking areas.
(ii) A minimum outdoor living area of 10 % of the nett erf area shall be provided; such outdoor living area must be of reasonable proportions and location to allow for leisure or recreational use by residents, and may include open courtyards within the complex.
(f) Parking and Access
Parking and access must be provided on the land unit in accordance with section 18.1

Site Development Plan

6.3.3 The Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:
(a) the Council shall not unreasonably refuse a site development plan that is consistent with
the development management provisions of this zone, or conditions of a rezoning
approval, and
(b) the Council may require amendments to the site development plan to address
reasonable concerns relating to access, parking, architectural form, urban design,
landscaping, engineering services or similar concerns.

Group Housing
6.3.4 The development management provisions applicable to group housing in General Residential
Zone 1 shall also apply to group housing in this zone.

Town Housing, Retirement Village
6.3.5 The development management provisions applicable to town housing or a retirement village in
General Residential Zone 2 shall also apply to town housing or a retirement village in this zone.

Institution, Place Of Instruction, Place Of Assembly
6.3.6 The development management provisions, which apply to an institution, place of instruction and
a place of assembly in Community Zone 3 shall also apply in this zone. However, in cases
where the institution, place of instruction or place of assembly is situated within a building which
is also used for flats or a boarding house, then the coverage, height and building line
requirements for the flats or boarding house shall apply.

Home occupation
6.3.7 The Council may grant its consent for a home occupation in this zone provided that:
(a) no consent application shall be considered unless the owner has obtained the prior
written comment of the relevant property owners association, and
(b) if the Council grants its consent, it may impose conditions which may include or be
more restrictive than the conditions stipulated in 5.1.4.

6.4 GENERAL RESIDENTIAL ZONE 4: MEDIUM RISE APARTMENTS (GR4)

Objective
The objective of this zone is to promote higher density residential development in multi-family buildings
of medium height, up to seven storeys. The dominant use within this zone shall be residential, but limited
mixed use development is possible with the Council’s consent. This zone has particular locational
requirements, such as proximity to transport and amenities, and should not be randomly located without
due consideration of the availability of open space and community facilities.

Use Of Property
6.4.1 The following use restrictions apply to property in this zone:
(a) Primary uses are: flats, boarding house, guesthouse, group housing, town housing,
retirement village.
(b) Consent uses are: shop, hotel, institution, place of instruction, place of assembly,
dwelling house, double dwelling house, home occupation, commercial antenna.

6.4.2 The following development management provisions apply to flats, boarding house, hotel, guest
house.
(a) Floor Factor
The floor factor shall not exceed 2.5.
(b) Coverage
The maximum coverage is 40%
(c) Height
No building shall exceed a height of seven storeys.
(d) Building Lines
(i) Street Building Line.
The street building line is 5.0 m.
(ii) **Side and Rear Building Lines.**

The side and rear building lines for different storeys shall vary according to the storey concerned, and shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Storey of the building</th>
<th>Side and rear building line of the storey</th>
</tr>
</thead>
<tbody>
<tr>
<td>3rd storey and below</td>
<td>4.5 m</td>
</tr>
<tr>
<td>4th storey</td>
<td>6.0 m</td>
</tr>
<tr>
<td>5th storey</td>
<td>7.5 m</td>
</tr>
<tr>
<td>6th storey and above</td>
<td>9.0 m</td>
</tr>
</tbody>
</table>

(iii) Attention is drawn to the general building line exemptions in section 17.1.

(e) **Open Space**

(i) Every block of flats, boarding house or hotel in this zone shall have access to an outdoor living area on the land unit, which may include private, or communal open space, but excludes roads, service yards and parking areas.

(ii) A minimum outdoor living area of 10% of the nett erf area shall be provided, and such outdoor living area must be of reasonable proportions and location to allow for leisure or recreational use by residents.

(f) **Parking and Access**

Parking and access must be provided on the land unit in accordance with section 18.1.

**Site Development Plan**

6.4.3 The Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:

(a) the Council shall not unreasonably refuse a site development plan that is consistent with the development management provisions of this zone, or conditions of a rezoning approval, and

(b) the Council may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.

**Town Housing, Retirement Village**

6.4.4 The development management provisions applicable to town housing and retirement village in Residential Zone 3 apply to town housing and retirement villages in this zone.

**Institution, Place of Instruction, Place of Assembly**

6.4.5 The development management provisions which apply to an institution or place of instruction and a place of assembly in the Community Zone 3 shall also apply in this zone. However, in cases where the institution, place of instruction or place of assembly is situated within a building which is also used for flats, then the coverage, height and building line requirements for the flats shall apply.

**Home Occupation**

6.4.6 The Council may grant its consent for a home occupation in this zone provided that:

no consent application shall be considered unless the owner has obtained the prior written comment of the relevant property owners association, and

If the Council grants its consent, it may impose conditions which may include or be more restrictive than the conditions stipulated in 5.1.4.

**Shop**

17.4.7 The Council may grant its consent for a shop to be incorporated within the ground floor of a block of flats, provided that the gross leasable area of the shop does not exceed 500m², or 25% of the floor space of the ground floor, whichever is the lesser.
CHAPTER 7
BUSINESS ZONES

GENERAL POLICY STATEMENT

The following general policies and principles shall apply in the Business Zones unless these policies and principles are superseded by an approved structure plan or development framework.

(i) The business zones are designed to provide locations for a wide range of economic activities, and to include mixed land uses such as residential and community development. Different business zones permit different levels of development intensity.

(ii) Provisions are included to encourage, where appropriate, the use of detailed urban design criteria to achieve specific urban environments and mix of uses.

(iii) The business zones are intended to be in context with the scale and intensity of development in the surrounding area. Low intensity business zones are appropriate for local neighbourhood shops, while high intensity business centres are appropriate for a central business district that accommodates a full range of compatible land uses.

(iv) Particular business zones are provide for petrol filling stations and associated development because of important road access implications.

17.1 BUSINESS ZONE 1: INTERMEDIATE BUSINESS (B1)

Objective
The objective of this zone is to provide an intermediate zone which can, if required, act as a buffer or interface between high and medium intensity business zones, and residential zones. Retail activities are limited to those which are ancillary to the dominant permitted uses, which are offices and flats. In order to protect the amenity of adjacent residential areas appropriate levels of landscaping and environmental management are required.

Use Of Property
7.1.1 The following use restrictions apply to property in this zone:

(a) **Primary uses** are: offices, office park, flats, boarding house, guest house

(b) **Consent uses** are: place of assembly, place of instruction, shop, institution, hotel, home occupation, public parking, commercial antenna.

7.1.2 The following development management provisions apply:

(a) **Floor Factor**
The floor factor on the land unit shall not exceed 1,0.

(b) **Coverage**
The maximum coverage is 60%.

(c) **Height**
(i) No building shall exceed a height of three storeys.

(ii) Notwithstanding the definition of “storey”, the ground storey of a building in a Business Zone 1 may extend to 4 m from the surface of the ground floor to the surface of the next floor above.

(d) **Setback**
(i) The Council may require that all buildings or structures on the land unit are setback at least 6,5 m from the centre line of the abutting street or streets.

(ii) The provision of section 17.1.3 shall apply.

(e) **Street Building Line**
The street building line is zero subject to:

(i) the setback regulation,

(ii) a 5,0 m street building line may be required where the street boundary abuts a declared road,
(iii) minor architectural and sun screen features may project or extend beyond the street building line provided that such features are situated above the ground storey and do not project more than 500 m beyond the street boundary.

(f) **Side and Rear Building Lines**

The side and rear building lines may be zero provided that:

(i) A building or portion of a building which is erected on the side or rear boundary of a property shall have no doors, windows, ventilation or other openings inserted in any wall on such boundary, unless the Council is satisfied that such openings will not adversely affect any future development on adjacent land units.

(ii) Where the side or rear boundary of a Business Zone 1 property abuts a Single or General Residential Zone property, the building line in the Business Zone 1 shall be at least 3.0 m from the side and rear boundaries, subject to section 17.1.

(g) **Canopy or Balcony Projection**

The Council may require, and may permit, a canopy or balcony projection over the street boundary in accordance with the following conditions:

(i) the canopy shall not project nearer than 500 mm to a vertical plane through the kerb line or proposed kerb line;

(ii) no portion of a canopy projection shall be less than 2.8 m above the pavement;

(iii) The Council may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony;

(h) **Building Projection over the Street Boundary**

Notwithstanding the street building line, the Council may permit a projection of the building over the street boundary subject to the following conditions:

(i) The projection may not exceed the width of the sidewalk within the road reserve or 3.0 m whichever is the lesser distance.

(ii) The projection may not exceed a ground floor plus one additional storey above the ground floor storey;

(iii) The ground floor level of the projection shall be used exclusively as a public pedestrian way, with or without a colonnade;

(iv) The projection shall provide at least 2.8 m clearance above the level of the pavement;

(v) The floor space of the additional storey that may be erected over the ground floor level of the projection, shall not be included in the calculation of maximum floor space;

(vi) The owner must enter into an encroachment agreement with the Council.

(i) **Public Pedestrian Way along the Street Boundary**

If the owner provides a public pedestrian way on the land unit of at least 3.0 m wide, which is situated alongside the street boundary, open to a public street and accessible to the public at all times, then:

(i) the maximum floor space of a building which contains a public pedestrian way, may be increased by twice the area of the public pedestrian way, and

(ii) the permissible height of the building may be increased by one additional storey

(j) **Street Corners**

The Council may require that the owner of a building, to be situated at a public street corner which the Council considers to be significant, shall incorporate in the building architectural features which focus visual interest on the corner, and which emphasize the importance of pedestrian movement around the corner. Such features may include building cut-offs, walkthrough covered arcades, plazas or other elements.

(k) **Parking and Access**

(i) Parking and access shall be provided on the land unit in accordance with section 18.1.

(ii) In order to enhance the amenity of the street level, the Council may require that no parking bays on the land unit or within a building at ground floor level, shall be located closer than 10 m to the street boundary.

(l) **Screening**

The Council may require:
(i) any part of the land unit which is used for the storage or loading of goods, shall be enclosed with a suitable brick wall, concrete wall or landscape screening;

(ii) any external utility service or equipment which is required for a building, whether on the roof, side of the building or ground, shall be appropriately screened from view, and such enclosure of screening shall be integrated with the building in terms of materials, colour, shape and size and shall be to the Council’s satisfaction.

Site Development Plan
7.1.3 The Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:

(a) the Council shall not unreasonably refuse a site development plan that is consistent with the development management provisions of this zone, or conditions of a rezoning approval, and

(b) the Council may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.

Office park
7.1.4 The following development management provisions shall apply to an office park:

(a) Design Principles

(i) The principles which are reflected in the relevant definition shall be closely followed and implemented.

(ii) Special attention shall be given to aesthetics, architectural co-ordination, urban design and landscaping.

(b) Site Development Plan

A site development plan of the proposed development must be submitted to the satisfaction of the Council in terms of section 17.6.

(c) Parking and Access

Parking and access must be provided in accordance with section 18.1.
7.2 BUSINESS ZONE 2: LAW INTENSITY BUSINESS (B2)

**Objective**
The objective of this zone is to provide for low intensity commercial and mixed use development which serves local neighbourhood needs for convenience goods and personal services. Such development should be limited in scale and capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the residential neighbourhood. While mixed use development is encouraged, care must be taken not to compromise business operations.

**Use Of Property**
7.2.1 The following use restrictions apply to property in this zone:
(a) **Primary uses** are: business premises, flats, public parking.
(b) **Consent uses** are: guest house, place of assembly, place of entertainment, restaurant, bottle store, service trade, any use that includes the sale of alcoholic beverages, commercial antenna.

**Development Management Provisions**
7.2.2 The following development management provisions apply:
(a) **Floor Factor**
The floor factor on the land unit shall not exceed 0.8.
(b) **Coverage**
The maximum coverage is 75%.
(c) **Height**
(i) No building shall exceed a height of two storeys.
(ii) Notwithstanding the definition of "storey", the ground storey of a building in Business Zone 2 may extend to 4 m from the surface of the ground floor to the surface of the next floor above.
(d) **Setback**
(i) The Council may require that all buildings or structures on the land unit are setback at least 6.5 metres from the centre line of the abutting public street or streets.
(ii) The provisions of section 17.1.3 shall apply.
(e) **Street Building Line**
(i) The street building line is zero subject to:
   • the setback restriction, and
   • a 5.0 m street building line may be required where the street boundary abuts a declared road.
(ii) Minor architectural and sun screen features may project or extend beyond the street building line provided that such features are situated above the ground storey and do not project more than 500 mm beyond the street boundary.
(f) **Side Building Line**
The side building line may be zero provided that:
(i) A building or portion of a building which is erected on the side boundary of a property shall have no doors, windows, ventilation or other openings inserted in any wall on such boundary, unless the Council is satisfied that such openings will not adversely affect any future development on adjacent land units.
(ii) Where the side boundary of a Business Zone 2 property abuts a Single or General Residential Zone property, the side building line on the Business Zone 2 property shall be 3.0 m, subject to section 17.1.
(g) **Rear Building Line**
The rear building line is 3.0 m subject to section 17.1.
(h) **Canopy or Balcony Projection**
The Council may require, and may permit, a canopy or balcony projection over the street boundary in accordance with the conditions: stipulated for a canopy or balcony projection in Business Zone 1.
(i) **Street Corners**  
The Council may require that a proposed building, which is to be situated at a public street corner, shall incorporate architectural features in accordance with the conditions stipulated for street corners in Business Zone 1.

(j) **Parking and Access**  
Parking and access must be provided on the land unit in accordance with section 18.1.

(k) **Screening**  
The Council may require screening in accordance with the conditions stipulated for screening in Business Zone 1.

**Site Development Plan**

7.2.3 The Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:

(i) the Council shall not unreasonably refuse a site development plan that is consistent with the development management provisions of this zone, or conditions of a rezoning approval, and

(ii) the Council may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.
7.3 BUSINESS ZONE 3: MEDIUM INTENSITY BUSINESS (B3)

Objective
The objective of this zone is to provide for mixed use development and general business activity of a medium intensity, which will serve a wide catchment area. While mixed use development is encouraged, care must be taken not to compromise business operations.

Use Of Property
7.3.1 The following use restrictions apply to property in this zone:

Primary uses are: business premises, flats, office park, public parking.

Consent uses are: industrial hive, warehouse, light industry, service station, funeral parlour, commercial antenna.

7.3.2 The following development management provisions apply.

(a) Floor Factor
The floor factor on the land unit shall not exceed 2.0.

(b) Coverage
The maximum coverage is 100 %.

(c) Height
(i) No building may exceed four storeys in height.
(ii) Notwithstanding the definition of "storey", the ground storey of a building in a Business Zone 3 may extend to 4 m from the surface of the ground floor to the surface of the next floor above.

(d) Setback
(i) The Council may require that all buildings or structures on the land unit are setback at least 8.0 m from the centre line of the abutting public street or streets.
(ii) The provisions of section 17.1.3 shall apply.

(e) Street Building Line
The street building line is zero subject to:
(i) the setback restriction,
(ii) a 5.0 m street building line may be required where the street boundary abuts a declared road,
(iii) minor architectural and sun screen features may extend beyond the street building line provided that such features are situated above the ground storey and do not project more than 500 mm beyond the street boundary.

(f) Side and Rear Building Lines
The side and rear building lines may be zero provided that:
(i) A building or portion of a building which is erected on the side or rear boundary of a property shall have no doors, windows, ventilation or other openings inserted in any wall on such boundary, unless the Council is satisfied that such openings will not adversely affect any future development on adjacent land units.
(ii) Where the side or rear boundary of a Business Zone 3 property abuts a Residential Zone property, the building line in the Business Zone 3 shall be 3.0 m from that side or rear boundary, subject to section 17.1.

(g) Canopy or Balcony Projection
The Council may require, and may permit, a canopy or balcony projection over the street boundary in accordance with the conditions stipulated for a canopy or balcony projection in Business Zone 1.

(h) Building Projection over the Street Boundary
Notwithstanding the street building line, the Council may permit a projection of the building over the street boundary subject to the conditions stipulated for a projection over the street boundary in Business Zone 1.
(i) **Public Pedestrian Way along the Street Boundary**
A public pedestrian way along the street boundary in this zone shall be subject to the conditions stipulated for a public pedestrian way along the street boundary in Business Zone 1.

(j) **Street Corners**
The Council may require that a proposed building, which is to be situated at a public street corner, shall incorporate architectural features in accordance with the conditions stipulated for street corners in Business Zone 1.

(k) **Parking and Access**
(i) Parking and access must be provided on the land unit in accordance with section 18.1.
(ii) In order to enhance the amenity of the street level, the Council may require that no parking bays on the land unit or within a building at ground floor level, shall be located closer than 10.0 m to the street boundary.

(l) **Screening**
The Council may require screening in accordance with the conditions stipulated for screening in Business Zone 1.

**Site Development Plan**
7.3.3 The Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:
(a) the Council shall not unreasonably refuse a site development plan that is consistent with the development management provisions of this zone, or conditions of a rezoning approval, and
(b) the Council may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.

**Office Park, Industrial Hive**
7.3.4 The following development management provisions and design principles shall apply to an office park or industrial hive:
(a) The principles which are reflected in the relevant definition shall be closely followed and implemented.
(b) Special attention shall be given to aesthetics, architectural co-ordination, urban design and landscaping.
(c) A site development plan of the proposed development must be submitted to the satisfaction of the Council in terms of section 17.6.
7.4 BUSINESS ZONE 4: HIGH INTENSITY BUSINESS (B4)

Objective
The objective of this zone is to provide for intensive business and mixed use development with relatively few restrictions in order to promote urban vitality and economic growth.

Use Of Property
7.4.1 The following use restrictions apply to property in this zone:
(a) **Primary uses** are: business premises, adult entertainment business, place of entertainment, place of assembly, institution, flats, hotel, boarding house, town housing, service trade, public parking.
(b) **Consent uses** are: warehouse, service station, funeral parlour, commercial antenna.

7.4.2 The following development management provisions shall apply:
(a) **Floor Factor**
The maximum floor factor on the land unit is 3.0, subject to (h).
(b) **Coverage**
The maximum coverage is 100%.
(c) **Height**
(i) No building may exceed seven storeys in height.
(ii) Notwithstanding the definition of "storey", the ground storey of a building in a Business Zone 4 may extend to 4.0 m from the surface of the ground floor to the surface of the next floor above.
(d) **Setback**
(i) The Council may require that all buildings or structures on the land unit are setback at least 8.0 m from the centre line of the abutting public street or streets.
(ii) The provisions of section 17.1.3 shall apply.
(e) **Street Building Line**
The street building line is zero subject to:
(i) the setback restriction,
(ii) a 5.0 m street building line may be required where the street boundary abuts a declared road,
(iii) minor architectural and sun screen features may extend beyond the street building line provided that such features are situated above the ground storey and do not project more than 500 mm beyond the street boundary.
(f) **Side and Rear Building Lines**
The side and rear building lines may be zero provided that:
(i) A building or portion of a building which is erected on the side or rear boundary of a property shall have no doors, windows, ventilation or other openings inserted in any wall on such boundary, unless the Council is satisfied that such openings will not adversely affect any future development on adjacent land units.
(ii) Where the side or rear boundary of a Business Zone 4 property abuts a Residential Zone property, the building line in the Business Zone 4 shall be 3.0 m from that side or rear boundary, subject to section 17.1
(g) **Canopy or Balcony Projection**
The Council may require, and may permit, a canopy or balcony projection over the street boundary in accordance with the conditions stipulated for a canopy or balcony projection in Business Zone 1.
(h) **Building Projection over the Street Boundary**
The Council may permit a projection of the building over the street boundary subject to the conditions stipulated for a projection over the street boundary in Business Zone 1.
(i) **Public Pedestrian Way along the Street Boundary**
A public pedestrian way along the street boundary in this zone shall be subject to the conditions stipulated for a public pedestrian way along the street boundary in Business Zone 1.
(j) **Street Corners**
The Council may require that a proposed building, which is to be situated at a public street corner, shall incorporate architectural features in accordance with the conditions stipulated for street corners in Business Zone 1.

(k) **Parking and Access**
(i) Parking and access shall be provided on the land unit in accordance with section 18.1.
(ii) In order to enhance the amenity of the street level, the Council may require that no parking bays on the land unit, or within a building at ground floor level, shall be located closer than 10 m to the street boundary.

(l) **Screening**
The Council may require screening in accordance with the conditions stipulated for screening in Business Zone 1.

**Site Development Plan**

7.4.3 The Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:
(a) the Council shall not unreasonably refuse a site development plan that is consistent with the development management provisions of this zone, or conditions of a rezoning approval, and
(b) the Council may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.

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**7.5 BUSINESS ZONE 5: SERVICE STATION (B5)**

**Objective**
The objective of this zone is to provide opportunities in urban areas, for petrol filling stations, service stations, motor repair garages and associated facilities which have specific vehicle access requirements and potential negative impacts on the adjoining area.

**Use Of Property**

7.5.1 The following use restrictions apply to property in this zone:
(a) **Primary use** is: service station.
(b) **Consent uses** are: motor repair garage, shop, business premises, restaurant, commercial antenna.

**Development Management Provisions**

7.5.2 Development management provisions
(a) **Floor factor**
The floor factor on the land unit shall not exceed 1.0.
(b) **Coverage**
The coverage is 75%.
(c) **Height**
No building shall exceed a height of two storeys and no structure, including a signpost, shall exceed a height of 8.0 m above the grade-line.
(d) **Setback**
(i) The Council may require that all buildings or structures on the land unit are set back at least 8.0 m from the centre line of the abutting public street or streets.
(ii) The provisions of section 17.1.3 shall apply.
(e) **Street Building Line**
The street building line is 5.0 m in the case of a declared road, or 3.0 m in the case of other roads, subject to section 17.1.
(f) **Side and Rear Building Lines**
The side and rear building lines may be zero, provided that:
(i) A building or portion of a building which is erected on the side or rear boundary of a property shall have no doors, windows, ventilation or other openings inserted in any wall on such boundary unless the Council is satisfied that such openings will not adversely affect any future development on adjacent land units.

(ii) Where the side or rear boundary of a Business Zone 5 property abuts a Single or General Residential Zone property, the building line in the Business Zone 5 shall be 3,0 m from the side and rear boundaries, subject to section 17.1.

(g) Parking
(i) At least four parking bays per repair bay plus one parking bay per 50 m² of gross leasable area devoted to spares and sales activities shall be provided, with a minimum of eight parking bays on the land unit.

(h) Site access requirements
(i) The total width of vehicle carriageway crossings shall, where they cross the street boundary, not exceed 10 m.
(ii) A wall, at least 100 mm thick and 200 mm high, shall be erected on the street boundary between different carriageway crossings. The wall shall continue along such boundary unless the property is otherwise enclosed.
(iii) The vehicle carriageway crossings shall be limited to two per site, unless the total length of a street boundary exceeds 30 m, in which case one additional carriageway crossing may be permitted.
(iv) At the point where it crosses the street boundary, a vehicle carriageway crossing, shall not be closer than:
   • 30 m to the intersection of a declared road, with any other road of a like status;
   • 30 m to the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;
   • 10 m from the corner of an intersection not referred to above, if such intersection is not splayed, or 5 m from the point where the splay meets the road boundary if such intersection is splayed;
   • 1,5 m from a side boundary.

(i) Screening
Any part of the property of a service station which is used for the repair of motor vehicles, the storage of inoperable motor vehicles or parts of motor vehicles, empty containers such as oil drums and packing cases, or any other scrap whatsoever, shall be enclosed with a brick or concrete screen wall, to the satisfaction of the Council, at least 2,0 m high, or contained in a building.

Alternative Development Management Provision
7.5.3 The Council may approve a site development plan of a proposed service station, as a substitution for the development management provisions set out above in (a) – (i) above: provided that:
(a) the site development plan of the proposed service station must comply with the requirements of section 17.6; and
(b) the site development plan must pay particular attention to provisions for: vehicle access, risk management of fuel pumps and fuel storage areas, screening of areas used for the storage of inoperable motor vehicles or parts of motor vehicles, empty containers such as oil drums or any other scrap, and minimising any visual intrusion or operational disturbance with adjoining properties.
CHAPTER 8
INDUSTRIAL ZONES

GENERAL POLICY STATEMENT

The following general policies and principles shall apply in the Industrial Zones unless these policies and principles are superseded by an approved structure plan or development framework.

(i) The industrial zones are designed to accommodate manufacturing and related industrial processes. These cover a wide range, from light industrial uses which have limited impact on surrounding areas, to hazardous or noxious uses which have a potentially high impact and need to be carefully managed.

(ii) The different zones are based on the degree of potential impacts resulting from the different activities and processing of materials, including impacts associated with noxious, risk and extractive processes.

(iii) In a modern economy it is inevitable that certain activities will cause nuisance and present potential risks to other land uses, persons or surrounding areas. Such activities should be confined to suitable areas where the risks can be identified and mitigated as far as possible.

(iv) Industrial development often has particular requirements in terms of road and waste infrastructure and it is important to reserve industrial zoned land for industrial purposes in order to ensure the optimal utilisation of this infrastructure.

(v) Limited opportunities are given for consent uses associated with industrial areas, such as factory shops.

8.1 INDUSTRY ZONE 1: LIGHT INDUSTRY (IND1)

Objective
The objective of this zone is to accommodate industry uses and service trades that may be carried out without nuisance to other properties or the general public. Such uses may be located next to business uses and in close proximity to residential areas, and do not present a potential negative impact on the character or amenity of such areas.

Use Of Property
8.1.1 The following use restrictions apply to property in this zone:

(a) Primary uses are: service trade, industrial hive, warehouse, restaurant, service station, public parking.

(b) Consent uses are: industry, motor repair garage, wholesale trade, shop, bottle store, offices, office park, adult entertainment business, commercial antenna.

(c) Additional use rights which apply to property in this zone are:

The occupant of an industry or service trade may sell goods which have been completely or partially manufactured on the property, and such other goods as the Council may permit, provided that:

(i) the total floor space devoted to the sale of goods shall not exceed ten percent of the total floor space of all the buildings on the land unit, and

(ii) such other goods that are offered for sale but that have not been manufactured on the property, are connected with the goods that are manufactured or partially completed on the property.

8.1.2 The following development management provisions apply:

(a) Floor factor

The floor factor on the land unit shall not exceed 1.5.

(b) Coverage

The maximum coverage is 75%

(c) Height

No building shall exceed a height of two storeys.
(d) **Street Building Line**
The street building line is 5.0 m subject to section 17.1.

(e) **Side building lines**
(i) Where an external wall is constructed of a material which has one hour fire resistance, where there are no openings in such external walls, and the land unit abuts another industry zone a 0m side building line is permitted.
(ii) Where the land unit abuts a zone that is not an industry zone a 3.0 m side building line shall apply.
(iii) In all other cases a 3.0 m side building line shall apply.

(f) **Rear building line**
(i) No building shall be erected closer than 3.0 m to the rear boundary.
(ii) In cases where a building extends to both side boundaries, and there is no other means of obtaining access to the rear of the property, other than through the building, at least one opening in the external wall of the building shall be provided to the rear boundary, and such opening shall be protected by automatic fire shutters to the satisfaction of the Council.

(g) **Boundary walls**
Where a land unit has a common boundary with another land unit that is not zoned for industrial purposes, The Council may require a 1.8 m high wall to be erected along the boundary to its satisfaction.

(h) **Parking and access**
Parking shall be provided in accordance with section 18.1.

(i) **Loading Bays**
Loading bays shall be provided in accordance with section 18.1.

(j) **Screening**
The Council may require any part of the land unit which is used for storage or the loading of goods to be enclosed with a brick or concrete screen wall to the Council’s satisfaction.

(k) **Environmental impact**
No activity which includes storage of on-site hazardous substances shall be permitted unless a risk management and prevention plan has been approve by the Council.

**Site Development Plan**
8.1.3 The Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:
(a) the Council shall not unreasonably refuse a site development plan that is consistent with the development management provisions of this zone, or conditions of a rezoning approval, and
(b) the Council may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.

**Industrial Hive**
8.1.4 The following development management provisions shall apply to an industrial hive.
(a) **Design principles**
(i) The principles which are reflected in the definition of industrial hive shall be closely followed and implemented.
(ii) Special attention shall be given to aesthetics, architectural co-ordination, urban design and landscaping.

(b) **Site development plans**
A site development plan of the proposed industrial hive shall be submitted to the satisfaction of the Council in terms of section 17.6.

(c) **Parking and access**
Parking and access shall be provided in accordance with section 18.1.

(d) **Mix of retail and industrial development**
(i) The Council may impose conditions specifying limits on the mix of retail and manufacturing activities.
(ii) In the absence of conditions referred to in (i), an industrial hive may not contain more than 50% of the total floor space allocated to retail activities, shops or associated uses.

**Service Station**

8.1.5 The same development management provisions that apply to service station in Business Zone 5: Service Station, shall apply to a service station in this zone.
8.2 INDUSTRY ZONE 2: GENERAL INDUSTRY (IND2)

Objective
The objective of this zone is to accommodate all forms of industry, except noxious trade and risk activity, in order to promote the manufacturing sector of the economy. Some allowance is made for non-industrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.

Use Of Property
8.2.1 The following use restrictions apply to property in this zone:

(a) **Primary uses** are: industry, service trade, warehouse, scrapyard, transport usage, restaurant, public parking, industrial hive, service station, motor repair garage.

(b) **Consent uses** are: shop, bottle store, place of instruction, place of worship, place of assembly, adult entertainment business, funeral parlour, waste disposal site, commercial antenna.

(c) **Additional use rights** which apply to property in this zone are: The occupant of a service trade or industry may sell goods which have been completely or partially manufactured on the property, and such other goods as the Council may permit, provided that:

(i) the total floor space devoted to the sale of goods shall not exceed ten percent of the total floor space of all the buildings on the land unit, and

(ii) such other goods that are offered for sale but that have not been manufactured on the property, are connected with the goods that are manufactured on the property.

8.2.2 The following development management provisions apply:

(a) **Floor factor**
The floor factor on the land unit shall not exceed 2.0.

(b) **Coverage**
The maximum coverage is 75%.

(c) **Height**
(i) No height restriction applies to an industry, service trade, warehouse and transport usage.

(ii) All other buildings shall not exceed 10.0 m in height above the grade-line, provided that where a greater height is shown to be important for the function of a building the Council may grant permission for such greater height.

(d) **Street building line**
The street building line is 5.0 m subject to section 17.1.

(e) **Side building lines**
(i) Where an external wall is constructed of a material which has a 1 hour fire resistance, where there are no openings in such external walls, and the land unit abuts another industrial zone a 0 m side building line is permitted.

(ii) Where the land unit abuts a zone that is not an industry zone a 3.0 m side building line shall apply.

(iv) In all other cases a 3.0 m side building line shall apply.

(f) **Rear building line**
(i) No building shall be constructed closer than 3.0 m to the rear boundary, subject to section 17.1.

(ii) In cases where a building extends up to both side boundaries, and there is no other means of access to the rear of the property, other than through the building, at least one opening in the external wall of the building shall be provided to the rear boundary, and such opening shall be protected by automatic fire shutters to the satisfaction of the Council.
(g) **Boundary walls**
Where a land unit has a common boundary with another land unit that is not zoned for industrial purposes, the Council may require a 1.8 m high wall to be erected along the boundary to its satisfaction.

(h) **Parking and access**
Parking and access shall be provided on the land unit in accordance with the provisions of section 18.1.

(i) **Loading bays**
Loading bays shall be provided on the land unit in accordance with the provisions of section 18.1.

(j) **Screening**
The Council may require any part of the land unit which is used for storage or the loading of goods to be enclosed with a suitable brick or concrete screen wall to the satisfaction of Council.

**Environmental impact**
8.2.3 No activity which includes the storage of on-site hazardous substances shall be permitted unless a risk management and prevention plan has been approved by the Council.

**Site Development Plan**
8.2.4 The Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:
   (a) the Council shall not unreasonably refuse a site development plan that is consistent with the development management provisions of this zone, or conditions of a rezoning approval, and
   (b) the Council may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.

**Industrial Hive**
8.2.5 The same development management provisions which apply to industrial hive in Industry Zone 1: Light Industry, shall apply to an industrial hive in this zone.

**Service Station**
8.2.6 The same development management provisions that apply to service station in Business Zone 5: Service Station, shall apply to a service station in this zone.
8.3 INDUSTRIAL ZONE 3: RISK INDUSTRY (IND3)

Objective
The objective of this zone is to provide for those industries which are noxious in terms of smell, product, waste or other objectionable consequence of their operation, or which carry a high risk in the event of fire or accident. While other uses are permitted with consent, the Council must ensure there is sufficient capacity for noxious trade in the limited areas suitable for this zone. Risk industry should not be located close to residential areas.

Use Of Property
8.3.1 The following use restrictions apply to property in this zone:
   (a) Primary uses are: noxious trade, risk activity
   (b) Consent uses are: industry, service trade, warehouse, scrapyard, transport usage, shop, service station, motor repair garage, waste disposal site, public parking, commercial antenna.
   (c) Additional use rights which apply to property in this zone are:
       The occupant of a service trade, industry, noxious trade or risk activity may sell goods which have been completely or partially manufactured on the property, and such other goods as the Council may permit: provided that:
       (i) the total floor space devoted to the sale of goods shall not exceed ten percent of the total floor space of all buildings on the land unit, and
       (ii) such other goods that are offered for sale but that have not been manufactured on the property, are connected with the goods that are manufactured on the property.

Environmental Impact
8.3.2 In addition to the requirements of any other legislation relating to environmental impact, the following provisions apply:
   (a) No property shall be utilised for Industry Zone 3: Risk Industry, unless an environmental impact assessment has been undertaken, and the Council is satisfied with the conclusions of the environmental impact assessment.
   (b) No activity, which includes storage of on-site hazardous substances shall be permitted unless a risk management and prevention plan has been approved by the Council.

8.3.3 The following development management provisions apply:
   (a) Floor factor
       The floor factor on the land unit shall not exceed 2,0.
   (b) Coverage
       The maximum coverage is 75%
   (c) Height
       (i) No height restriction applies to a noxious trade, risk activity and industry.
       (ii) Other buildings not referred to in (i) shall not exceed 10,0 m in height above the grade line, provided that where a greater height is shown to be important for the function of the building, the Council may grant permission for such greater height.
   (d) Building lines
       (i) The street building line is 5,0 m.
       (ii) The side and rear building lines are 10,0 m
       (iii) Attention is drawn to the general building line exemptions in section 17.1.
   (e) Parking and access
       Parking and access shall be provided on the land unit in accordance with section 18.1.
   (f) Loading bays
       Loading bays shall be provided on the land unit in accordance section 18.1.
   (g) Screening
       The Council may require any part of the land unit which is used for storage or loading of goods to be enclosed within a suitable brick or concrete wall.
(h) **Boundary walls**
Where a land unit has a common boundary with another land unit that is not zoned for industrial purposes, The Council may require a 1.8 m high wall to be erected along the boundary to the satisfaction of the Council.

**Site Development Plan**
8.3.4 The Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:

(a) the Council shall not unreasonably refuse a site development plan that is consistent with the development management provisions of this zone, or conditions of a rezoning approval, and

(b) the Council may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.

**Service Station**
8.3.5 The same development management provisions that apply to service station in Business Zone 5: Service Station, shall apply to a service station in this zone.
8.4 INDUSTRY ZONE 4: EXTRACTIVE INDUSTRY (IND4)

Objective
The objective of this zone is to provide for the use of land for the extraction of minerals and raw materials and to a limited extent associated business operations. This zone is intended for operations of a more permanent nature as opposed to temporary, short term mining or prospecting activities.

Use Of Property
8.4.1 The following use restrictions apply to property in this zone:
(a) **Primary use** is: mining
(b) **Consent uses** are: industry, risk activity, commercial antenna.

8.4.2 The following development management provisions apply:
(a) **Application Requirements**
(i) The owner shall comply with national and provincial statutory requirements applicable to mining, including but not limited to:
   - The authorisations or exemptions necessary in accordance with the Environment Conservation Act, 1989 (Act 73 of 1989).
(ii) Any application to rezone a land unit to Industry 4 shall contain an explanation of the measures that will be implemented to address safety and environmental concerns, including but not limited to:
   - Control of drainage, sedimentation and erosion.
   - Preservation of natural vegetation and wildlife habitats.
   - Protection of surface and subsurface water.
   - Preservation of topsoil.
   - Provision for restoration and the re-use of the site.
   - Provision for noise and visual buffering.
   - Accommodation of heavy traffic and vehicles on roadways.
   - Provision for a phased programme of commitments and liabilities commensurate with the restoration requirements.
(iii) In the assessment of an application to conduct industrial activities in this zone, particular consideration shall be given to the potential nuisance or risk such activity may pose to the surrounding area and persons or community.
(b) **Site Development Plan**
A site development plan shall be submitted to the satisfaction of the Council in terms of section 17.6.

Operational Requirements
8.4.3 The following provisions shall apply during the operation of an extractive industry:
(a) The owner or operator of an extractive industry shall:
   - Notify the Council of any seasonal, temporary or permanent shutdown occurrences;
   - Not increase drainage and water runoff to any adjacent property or watercourse;
   - Provide adequate on site dust control to the satisfaction of the Council.
(b) Haulage routes for vehicles and equipment travelling to and from the site shall be subject to the approval of the Council.
(c) The Council may impose such other conditions and development management provisions, as it deems necessary.
CHAPTER 9
COMMUNITY ZONES

GENERAL POLICY STATEMENT FOR COMMUNITY ZONES

The following general policies shall apply in the Community Zones unless these policies are superseded by an approved structure plan or development framework:

i. Community zones are designed to accommodate a range of social uses directed at serving local community needs such as education, religious and health facilities. Provision is also made for higher order facilities that serve the broader community.

ii. The diversity of development requirements for community uses is recognised and development management provisions, including the use of site development plans, are directed at mitigating negative impacts on surrounding areas.

iii. Nevertheless community buildings constitute important social and urban design focal points, and prominent architectural forms should be encouraged.

9.1 COMMUNITY ZONE 1: EDUCATION (C1)

Objective
The objective of this zone is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses.

Use Of Property
9.1.1 The following use restrictions apply to property in this zone:

(a) Primary uses are: place of instruction.

(b) Consent uses are: conference facility, place of assembly, place of worship, institution, commercial antenna.

(b) A property in this zone may occasionally be used for social functions provided:

(i) the social functions are incidental and related to the activities permitted in this zone, and

(ii) the social functions do not, in Council’s opinion, generate excessive or prolonged disturbance such as noise.

9.1.2 The following development management provisions apply:

(a) Floor factor
The floor factor on the land unit shall not exceed 1.0

(b) Coverage
The maximum coverage for all buildings on the land unit is 60%.

(c) Height
No building shall exceed three storeys.

(d) Street building line
The street building line is 10.0 m subject to section 17.1

(e) Side and rear building lines
The side and rear building lines are 4.5 m subject to section 17.1

(f) Parking and access
Parking and access shall be provided on the land unit in accordance with section 18.1.

(g) Site development plan
Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:

(i) the Council shall not unreasonably refuse a site development plan that is consistent with the development management provisions of this zone, or conditions of a rezoning approval, and

(ii) the Council may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.
9.2 COMMUNITY ZONE 2: PLACE OF WORSHIP C2)

Objective
The objective of this zone is to provide for places where communities can congregate and worship according to the custom of their specific faith or religion.

Use Of Property
9.2.1 The following use restrictions apply to property in this zone:
   (a) Primary use is: place of worship, religious leader’s house.
   (b) Consent uses are: place of instruction, place of assembly, cemetery, institution, commercial antenna.
   (c) A property in this zone may occasionally be used for social functions provided:
       (i) the social functions are incidental and related to the activities permitted in this zone, and
       (ii) the social functions do not, in Council’s opinion, generate excessive or prolonged disturbance such as noise.

9.2.2 The following development management provisions shall apply:
   (a) Floor factor
       The floor factor on the land unit shall not exceed 1.0
   (b) Coverage
       The maximum coverage for buildings on the land unit is 60%
   (c) Height
       No building shall exceed two storeys, except for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of the building as a place of worship.
   (d) Street building line
       The street building line is 10.0 m subject to section 17.1.
   (e) Side and rear building line
       Side and rear building lines are 4.5 m subject to section 17.1.
   (f) Parking and access
       Parking and access shall be provided on the land unit in accordance with section 18.1.
   (g) Site development plan
       Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:
       (i) the Council shall not unreasonably refuse a site development plan that is consistent with the development management provisions of this zone, or conditions of a rezoning approval, and
       (ii) the Council may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.
9.3 COMMUNITY ZONE 3: INSTITUTION (C3)

Objective
The objective of this zone is to provide for a wide range of institutional uses including facilities for health, education and worship.

Use Of Property
9.3.1 The following use restrictions apply to property in this zone:
(a) Primary uses are: institution, hospital, clinic.
(b) Consent uses are: place of assembly, place of instruction, boarding house, commercial antenna.

9.3.2 The following development management parameters shall apply:
(a) Floor factor
The floor factor on the land unit shall not exceed 1,5
(b) Coverage
The maximum coverage for all buildings on the land unit is 60%
(c) Height
No building shall exceed a height of four storeys
(d) Street building line
The street building line is 10,0 m subject to section 17.1.
(e) Side and rear building line
Side and rear building lines are 4,5 m subject to section 17.1.
(f) Parking and access
Parking and access shall be provided in accordance with the provisions of section 18.1.
(g) Site development plan
The Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6, provided that:
(i) the Council shall not unreasonably refuse a site development plan that is consistent with the development management provisions of this zone, or conditions of a rezoning approval, and engineering services or similar concerns.
(ii) the Council may require amendments to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban design, landscaping, engineering services or similar concerns.
CHAPTER 10

AUTHORITY ZONES

GENERAL POLICY STATEMENT FOR AUTHORITY ZONES

The following general policies shall apply in the Authority Zones unless these policies are superseded by an approved structure plan or development framework.

i) Government sites, whether national, provincial or municipal, should be zoned according to their use, not ownership. However, government activities which cannot be classified into other zones, should be included in this zone.

ii) It is recognised that certain government or parastatal activities, such as prisons and military bases, may have impacts on adjacent areas that cannot be prevented, but should be mitigated.

iii) A distinction is made between Authority Zone 1 which is intended for government installations, and Authority Zone 2 which is intended to accommodate utility services that may be installed by a municipality or other service provider.

iv) Some flexibility for the use of land and development management provisions is provided.

10.1 AUTHORITY ZONE 1: GOVERNMENT (AU1)

Objective
The objective of this zone is to reserve land for uses normally undertaken by central, provincial and municipal government agencies, and which do not fall into another zoning category.

Use Of Property
10.1.1 The following use restrictions apply to property in this zone:
   (a) **Primary use** is: authority usage, utility usage, commercial antenna.
   (b) **Consent uses** are: any use determined by Council, commercial antenna.

10.1.2 The following development management provisions apply:
   (a) No structure shall be erected nor land used in this zone, unless it is considered by Council to be compatible with, and associated with, the permitted uses.
   (b) The Council shall determine the development management provisions applicable to land units in this zone.

10.2 AUTHORITY ZONE 2: UTILITY (AU2)

Objective
The objective of this zone is to reserve land for utility services such as electrical substations. Some flexibility for the use of land and development parameters is provided.

Use Of Property
10.2.1 The following use restrictions apply to property in this zone:
   (a) **Primary use** is: utility usage
   (b) **Consent uses** are: authority usage, any other use determined by Council.

10.2.2 The following development management provisions apply:
   (a) No structure shall be erected nor land used in this zone, unless it is considered by Council to be compatible with, and associated with, the permitted uses.
   (b) The Council shall determine the development management provisions applicable to land units in this zone.
CHAPTER 11
TRANSPORT ZONES

GENERAL POLICY STATEMENT

The following general policies shall apply in the Transport Zones unless these policies are superseded by an approved structure plan or development framework.

(i) Transport zones are designed to facilitate efficient operation of the various transport systems. There is a close relationship between transportation and development, and appropriate development can help to promote public transport. Provision is made for controlled mixed use development in certain transportation zones, provided the operation of the transport system is not compromised.

(ii) Many transport systems run along defined corridors and levels, and there are opportunities for air rights and underground rights, whereby appropriate development can be constructed at a different level to the transport system without compromising the operation of the system.

11.1 TRANSPORT ZONE 1: TRANSPORT USAGE (TR1)

Objective
The objective of this zone is to reserve land for transportation systems, excluding private roads and public streets, but including all other transport undertakings such as airports, heliports, harbours, railway lines, bus depots, taxi ranks, cable car stations, and modal interchanges.

Use Of Property
11.1.1 The following use restrictions apply to property in this zone:

(a) **Primary uses** are: transport usage, public parking.

(b) **Consent uses** are: shop, offices, business, restaurant, bottle store, warehouse, industry, service trade, service station, motor repair garage, place of assembly, place of entertainment, institution, commercial antenna.

11.1.2 The following development management provisions apply:

(a) **Floor factor**
The floor factor on the land unit shall not exceed 2.0.

(b) **Coverage**
The maximum coverage is 75%.

(c) **Height**
Council may determine a height restriction for particular land units in this zone.

(d) **Building lines**
(i) The street building line is 0 m., except where the street boundary abuts a declared road, in which case a 5.0 m street building line may be required.
(ii) The side and rear building lines are 0 m, except where the boundary abuts a zone which is not a Transport Zone, in which case the side and rear building lines are 3.0 m.
(iii) Attention is drawn to the general building line exemptions in section 17.1.

(e) **Parking and access**
Parking and access shall be provided on the land unit as required by the Council

(f) **Air rights and underground rights**
The Council may grant permission for consent uses to be implemented as air rights above or below land in this zone, provided that:
(i) the Council is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of the transport usage or public parking, and
(ii) an agreement defining the extent of rights, ownership and maintenance obligations relating to property affected by the air rights, is concluded between the parties concerned and is approved by the Council.
11.2 TRANSPORT ZONE 2: ROAD (TR2)

Objective
The objective of this zone is to provide for public streets and private roads, whether constructed or still to be constructed.

Use Of Property
11.2.1 The following use restrictions apply to property in this zone:
(a) Primary uses are: public street, private road, public parking, private parking.
(b) Consent uses are: any other uses determined by Council, subject to the following:
   (i) Such use does not, in the Council’s opinion, compromise the movement of vehicles and or pedestrians in the vicinity
   (ii) Such land should be rezoned if the use constitutes a significant and permanent change from the primary use, and if this by-law provide a more suitable alternative zone
(c) Any public street, or any portion of land indicated as a public street on an approved plan that has not lapsed, shall be deemed to be zoned as Transport Zone 2: Road

11.2.2 The following development management provisions apply:
(a) Street vendors
   Use of the road reserve in a public street for business by street vendors, peddlers or hawkers within the road reserve of a public street is permitted subject to:
   (i) compliance with any applicable Council by-law relating to street vendors, peddlers or hawkers, and
   (ii) the Council may terminate such use if, in its opinion, there is interference with pedestrian or vehicular movement, or with the amenity of the area, or such use constitutes a public nuisance.
(b) Construction and deposit of materials
   No person shall:
   (i) construct a private crossing, bridge or culvert onto or across a public street;
   (ii) construct or lay a sidewalk on a public street;
   (iii) construct a veranda, stoep, wall, steps or other projection in or over a public street;
   (iv) deposit or leave any goods, articles, building materials or waste in a public street other than for a reasonable period during the course of loading, off-loading or removal thereof, or in compliance with sub-section (i), except in accordance with the written permission and requirements of the Council.
(c) Air rights and underground rights
   The Council may grant permission for consent uses to be implemented above or below the primary uses, provided that:
   (i) the Council is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of the street, road or parking, and
   (ii) an agreement defining the extent of rights, ownership and maintenance obligations relating to property affected by the air rights, is concluded between the parties concerned and is approved by the Council.
(d) Proposed public street, street widening and street closure.
   Any reference on the zoning map to proposed public street, proposed street widening or proposed street closure shall be subject to 17.7.
11.3 TRANSPORT ZONE 3: PARKING (TR3)

Objectives

i) The objective of this zone is to provide for parking of operable motor vehicles on a temporary basis in order to meet a parking demand, with or without a fee. Such parking may be provided in buildings as well as open parking lots, and may be privately or publicly owned.

ii) Any parking associated with a permitted use on a land unit is considered as incidental and subsidiary to the permitted use, and it is not necessary to zone such parking areas as Transport Zone 3.

iii) This zone should be used where only parking is required as a primary use and other uses need to be restricted.

Use Of Property

11.3.1 The following use restrictions apply to property in this zone:

(a) **Primary use** is: public parking, private parking.

(b) **Consent uses** are: shop, business premises, service station, motor repair garage, commercial antenna.


11.3.2 The Council shall determine the development management provisions applicable to a land unit in this zone.
GENERAL POLICY STATEMENT

The following general policies shall apply in the Conservation and Open Space Zones unless these policies are superseded by an approved structure plan or development framework.

(i) Provision is made for different types of conservation, depending on the biophysical characteristics of an area. Conservation of the natural environment is an important component of bio-regional planning, is essential for the protection of bio-diversity and is in the general public interest.

(ii) Provision must be made for different types of open space, depending on the different functions of that open space. Public open space has a particularly important status because of its contribution to the general public interest and the difficulty of replacing public open space once lost. For these reasons public open space needs to be differentiated from private open space, and the status of public open space should not be changed without very careful consideration.

(iii) Certain open spaces have special significance as nature areas, whether public or private, and need to be clearly identified in terms of the zoning map. These areas may also be subject to other requirements in terms of environmental legislation regarding their use.

(iv) Cemeteries have sometimes been included in the public open space zone, but they have a different function and characteristics, and should rather be zoned separately. A zone is created for this purpose in section 12.6.

12.1 CONSERVATION ZONE 1: WILDERNESS AREA (CON 1)

Objective
The objective of Conservation Zone 1: Wilderness Area, is to provide for the conservation of predominantly natural, remote and environmentally unspoilt areas. Such areas may be proclaimed nature areas or may not be proclaimed, but in either case the range of permitted uses is extremely limited.

Use Of Property
12.1.1 The following use restrictions apply to property in this zone:
(a) Primary use is: wilderness conservation
(b) Consent uses are: none.

Management Provisions
12.1.2 An environmental management plan shall be prepared to the satisfaction of the Management Agency.
12.1.3 The Management Agency, in consultation with the Council, shall determine the land use restrictions and the management provisions for the property based on the objectives of this zone, the particular circumstances of the property and in accordance with an approved environmental management plan.

12.2 CONSERVATION ZONE 2: STATUTORY CONSERVATION (CON 2)

Objective
The objective of Conservation Zone 2: Statutory Conservation, is to provide for the conservation of natural resources in areas that have been proclaimed as nature areas, in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses are provided to supplement and support the main objective of this zone.

Use Of Property
12.2.1 The following use restrictions apply to property in this zone:
(a) Primary use is: statutory nature conservation.
(b) **Consent uses** are: tourist facilities, 4x4 trail, management facilities, and sustainable resource usage, commercial antenna.

**Management Provisions**

12.2.2 An environmental management plan shall be prepared to the satisfaction of the Cape Nature Conservation Board.

12.2.3 The Cape Nature Conservation Board shall, in consultation with the Council, determine the land use restrictions and the development management provisions for the property based on the objectives of this zone, the particular circumstances of the property and in accordance with an approved environmental management plan.

12.3 **CONSERVATION ZONE 3: NON-STATUTORY CONSERVATION (CON 3)**

**Objective**

The objective of Conservation Zone 3: Non-Statutory Conservation, is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas, in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses are provided to supplement and support the main objective of this zone.

**Use of Property**

12.3.1 The following use restrictions apply to property in this zone:

(a) **Primary uses** are: nature conservation, sustainable resource usage.

(b) **Consent uses** are: tourist facilities, 4x4 trail, management facilities, commercial antenna.

**Management Provisions**

12.3.2 Council may request the preparation of an environmental management plan to its satisfaction.

12.3.3 The Council shall determine the land use restrictions and the development management provisions for the property based on the objectives of this zone, the particular circumstances of the property and where applicable in accordance with an approved environmental management plan.
12.4 OPEN SPACE ZONE 1: PUBLIC OPEN SPACE (OS1)

Objective
The objective of this zone is to provide for active and passive recreational areas on public land, in order to promote recreation, and enhance the aesthetic appearance of an area.

Use Of Property
12.4.1 The following use restrictions apply to property in this zone:
   (a) Primary use is: public open space.
   (b) Consent uses are: none.

Management Provisions
12.4.2 The following development management provisions apply:
   The Council shall determine the development management provisions applicable to a land unit in accordance with the objective of this zone.
12.5 OPEN SPACE ZONE 2: PRIVATE OPEN SPACE (OS 2)

Objective
The objective of this zone is to provide for active and passive recreational areas on private land, in order to promote recreation and enhance the aesthetic appearance of an area.

Use Of Property
12.5.1 The following use restrictions apply to property in this zone:
   (a) Primary use is: private open space.
   (b) Consent uses are: none.

12.5.2 The following development management provisions apply:
   Council shall determine the development management provisions applicable to a land unit in accordance with the objective of this zone.

12.6 OPEN SPACE ZONE 3: CEMETERY (OS3)

Objective
The objective of this zone is to provide for land that is reserved for the burial of the dead, and associated activities.

Use Of Property
12.6.1 The following use restrictions apply to property in this zone:
   (a) Primary use is: cemetery.
   (b) Consent uses are: crematorium, place of worship, funeral parlour, commercial antenna.

12.6.2 The following development management provisions apply:
   (a) Council shall determine the development management provisions applicable to a land unit in accordance with the objective of this zone.
   (b) Parking shall be provided on the land unit in accordance with section 18.1.
CHAPTER 13
RESORT ZONE

13.1 RESORT ZONE 1 (RE1)

Objective
The objective of this zone is to promote tourist and holiday facilities in areas with special environmental or recreational attributes, and to encourage access to these facilities by the general public. At the same time care is needed to minimise potential negative impacts of development on fragile environments. The guiding principle should be that a resort must not detract from the amenity that attracted the holiday facilities in the first place, nor should it cause a public nuisance for other people living and working in the vicinity. This zone should only be used in exceptional cases and is normally applied to tourist developments outside established, built up areas.

Use Of Property
13.1.2 The following use restrictions apply to property in this zone:
(a) Primary use is holiday accommodation, nature conservation, private open space.
(b) Consent uses are: tourist facilities, conference facilities, hotel, holiday housing, commercial antenna.

Management Provisions
13.1.2 The following development management provisions apply:
(a) The Council shall stipulate development parameters with regard to density, height, coverage, layout, building design, landscaping, parking, access and the use of buildings or land.
(b) A site development plan shall be submitted to the satisfaction of the Council in terms of section 17.6.
(c) A landscape master plan and environmental management plan shall be prepared to Council’s satisfaction in terms of section 4.6.
(d) Council may require that a qualified landscape architect forms part of the design team that prepares the site development plan, and to supervise implementation of the landscape proposals.
(e) The Council may require an environmental contract to form part of any civil and building contracts for development on the property.
CHAPTER 14
AGRICULTURAL AND RURAL ZONES

GENERAL POLICY STATEMENT

The following general policies shall apply in the Agricultural Zones unless these policies are superseded by an approved structure plan or development framework.

1. Agricultural land should generally be protected from developments that render the land less suitable for agriculture, or detract from its aesthetic and cultural value. The sub-division of farms should be avoided and economically viable units must be maintained. Subdivision and rezoning of agricultural properties should only be considered when this will help to promote sustainable development.

2. Bona fide agricultural activities should not be subject to unreasonable limitations because the economic viability of the agricultural sector is important. Complementary activities to conventional agriculture will also assist with the viability of the sector. To this end, compatible uses, listed as consent uses, can be considered to enhance economic viability of farms. Where non-agricultural uses are allowed, such uses should form an integral part of the agricultural undertaking, and not compromise the dominant use of the property for agriculture.

3. Aside from sustaining a valuable economic resource, preservation of agricultural land can help to promote stability of the urban edge, conserve wetlands and other naturally sensitive areas, as well as maintain rural characteristics which are valued by the community.

4. Rural Zone 2: Rural Settlement, makes provision for the establishment of agri-villages or rural settlements in support of provincial initiatives to provide security of tenure for employees in rural areas. Both “on the farm” and “off the farm” settlement options are recognised for farm employees and their dependants, allowing them various tenure, housing and subsidy benefits. Rural Zone 2: Rural Settlement, also caters for rural employees in other sectors apart from agriculture, such as forestry and conservation employees, and may occur on privately or publicly owned land. Provision is made for complementary consent uses that will improve the amenity of the settlement or supplement the economic base for residents.

5. Council may, if considered desirable, approve an application for rezoning to Rural Zone 2 under the following circumstances:
   - where a rural area has substantial demand for “on the farm” and/or “off the farm” settlement, and has no established urban settlements within practical commuting distance from the rural community, and the where the local authority has no feasible means of establishing and managing a new town in terms of conventional procedures; or
   - where the owners and the workforce of a company, farm, or group of neighbouring farms, have identified sufficient demand and capacity for the establishment of a centrally located settlement for housing, communal facilities and services to be provided in a cost-effective manner for the local rural workers;
   - where there are substantial numbers of rural workers who choose to retire “on the farm” or “off the farm”, but do not aspire to an urban retirement and prefer to live in their rural environment;
   - where the type of product cultivated or the nature of the farming activities precludes “on the farm” housing.
**Objective**
The objective of this zone is to promote and protect agriculture on large farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide rural communities in more remote areas with the opportunity to increase the economic potential of their properties, provided these uses do not present a significant negative impact on the primary agricultural resource.

**Use Of Property**
14.1.1 The following use restrictions apply to property in this zone:
   (a) **Primary uses** are: agriculture, dwelling house
   (b) **Consent uses** are: additional dwelling unit, home occupation, guest-house, bed and breakfast establishment, tourist facilities, farm stall, farm shop, aqua-culture, intensive animal farming, intensive horticulture, plant nursery, riding school, 4x4 trail, commercial kennel, commercial antenna.

**Development Management Provisions**
14.1.2 The following development management provisions apply:
   (a) **Floor Space**
      (i) Any additional dwelling unit shall not exceed a total floor space of 120m².
      (ii) Any farm shop or farm stall shall not exceed a floor space of 100m².
   (b) **Building lines**
      (i) The street building line is 30.0 m.
      (ii) The side building line is 30.0 m.
      (iii) The rear building line is 30.0 m.
      (iv) Attention is drawn to the general building line exemptions in section 17.1.
   (c) **Parking**
      (i) Parking and access shall be provided on the land unit in accordance with section 18.1, where applicable.
   (d) **Height**
      (i) Dwelling houses shall not exceed a height of two storeys, provided that, where the slope of the grade line is greater than 1 in 5, the owner may elect to regulate height in accordance with clause (ii) below;
      (ii) Where the height is regulated in terms of this clause, no point on a building shall exceed a vertical distance above the grade line of 6m in the case of a flat roofed building, or 8m in the case of an inclined or pitched roof building, provided that if it is an inclined or pitched roof building, only the roof structure may exceed a height of 6.0 metres;
      (iii) Agricultural buildings other than the dwelling houses shall not exceed 10 metres in height above the grade line to the ridge of the roof, provided that where Council is satisfied that a greater height is necessary for the function of the building, it may permit such greater height.
   (e) **Minimum Subdivision Size**
      (i) The zoning map may designate areas within this zone where a minimum subdivision size is specified for a land unit, in which case the nett erf area of a new subdivision or any remainder to be zoned Agricultural Zone 1, shall not be less than the minimum size specified.
      (ii) No subdivision shall be approved in this zone unless, at least the remaining extent after subdivision, is capable in Council's opinion, of remaining a viable agricultural unit.
      (iii) If condition (ii) is impossible to achieve, the land unit must be rezoned prior to subdivision, and Council may grant or refuse such rezoning.
Site development plan
14.1.3 Council may require that a site development plan be submitted to its satisfaction in terms of section 17.6 for a consent use.

Bed and breakfast establishment
14.1.4 The development management provisions applicable to a bed and breakfast establishment in Single Residential Zone 1 shall also apply in this zone.

Home occupation
14.1.5 The Council may grant its consent for a home occupation in this zone subject to conditions which may include or be more restrictive than the conditions stipulated in 5.1.4.
14.2 AGRICULTURAL ZONE 2: AGRICULTURAL PROCESSING (AGR2)

Objective
The objective of this zone is to make provision for the processing of agricultural products on farms or portions of farms where such processing may, in Council’s opinion, potentially impact negatively on the amenity of the surrounding area in terms of the size or intensity of the activity, but for reasons of efficiency these activities are best situated within an agricultural area, as opposed to an urban or industrial area. The use category “agricultural industry” has a different meaning to “agriculture” to protect the agricultural resource base and amenity of agricultural areas.

Use Of Property
14.2.1 The following development management provisions apply:
(a) Primary use is: agricultural industry
(b) Consent uses are: tourist facilities, farm stall abattoir, dwelling house, worker accommodation, commercial antenna.

Identification of Zoned Area
14.2.2 The Council may approve rezoning of a portion of a land unit that is otherwise zoned, to Agricultural Zone 2, provided that the area affected by the Agricultural Zone 2 zoning is clearly identified on a survey diagram or other plan prepared by a suitably qualified person to Council’s satisfaction.

Management Provisions
14.2.3 The following development management provisions apply:
(a) Floor Space
   (i) The total floor space of all dwelling units on the land portion zoned Agricultural Zone 2, including worker accommodation associated with an agricultural industry, shall not exceed 500m².
   (ii) Any farm stall shall not exceed a floor space of 100m².
   (iii) Council may stipulate additional floor space limitations taking into account the character of the area and operational requirements of a particular agricultural industry.
(b) Coverage
   The maximum coverage for all buildings on a land portion zoned as Agricultural Zone 2, is 80%.
(c) Building lines
   (i) The street building line for the land portion zoned as Agricultural Zone 2, is 30.0 m.
   (ii) The side building line for the land portion zoned as Agricultural Zone 2, is 30.0m.
   (iii) The rear building line for the land portion zoned as Agricultural Zone 2, is 30.0 m.
   (iv) Attention is drawn to the general building line exemptions in section 17.1.
(d) Parking
   (i) Parking and access shall be provided on the land unit in accordance with section 18.1, where applicable.
   (ii) Council may stipulate additional parking and loading requirements in response to the operational requirements of a particular agriculture industry.
(e) Height
   Council may determine a height limitation in response to the operational requirements of a particular agriculture industry.

Site development plan
14.2.4 Council may require a site development plan, to its satisfaction, in terms of section 17.6 for all new development and extensions of existing development within this zone.
**14.3 RURAL ZONE 1: SMALLHOLDINGS (RU1)**

**Objective**
The objective of this zone is to accommodate larger residential properties which may be used for limited agriculture, but primarily serve as places of residence for people who seek a rural lifestyle. Such properties often occur close to towns and villages, and may only occur within a demarcated urban edge. Development of this type should conform to provincial policy on the establishment of agricultural smallholdings on the urban fringe.

**Use Of Property**

14.3.1 The following use restrictions apply to property in this zone:

(a) **Primary uses** are: agriculture, dwelling house, home occupation.

(b) **Consent uses** are: second dwelling unit, guest house, bed and breakfast establishment, tourist facilities, riding school, plant nursery, intensive horticulture, intensive animal farming, commercial kennel, commercial antenna.

**Development Management Provisions**

14.3.2 The following development management provisions apply:

(a) **Floor Space**  
The total floor space of all dwelling units on the land unit, including worker accommodation shall not exceed 500m².

(b) **Building lines**  
(i) The street building line is 10,0 m.  
(ii) The side building line is 10,0 m.  
(iii) The rear building line is 10,0 m.  
(iv) Attention is drawn to the general building line exemptions in section 17.1.

(c) **Parking**  
(i) Parking and access shall be provided on the land unit in accordance with section 18.1, where applicable.

(d) **Height**  
(i) No building shall exceed a height of two storeys, provided that, where the slope of the grade line is greater than 1 in 5, the owner may elect to regulate height in accordance with clause (ii) below;

(ii) Where the height is regulated in terms of this clause, no point on a building shall exceed a vertical distance above the grade line of 6m in the case of a flat roofed building, or 8m in the case of an inclined or pitched roof building, provided that if it is an inclined or pitched roof building, only the roof structure may exceed a height of 6, 0 metres.

**Minimum Subdivision Size**

14.3.3 No new subdivision or any remainder to be zoned Rural Zone 1 shall be less than:

(a) 3,0 ha, if no minimum subdivision size is specified on the zoning map, or

(b) the specified minimum size if the zoning map specifies a minimum subdivision size for a land unit in this zone.

**Site development plans**

14.3.4 Council may require that a site development plan be submitted to its satisfaction in terms of section 17.6 for a consent use.
14.4 RURAL ZONE 2: RURAL SETTLEMENT (RU2)

**Objective**
The purpose of this zone is to support the government's rural land development programme and provide for the establishment of worker accommodation outside conventional towns. This will help to address the accommodation needs of workers and their dependents in rural areas such as farms, forestry and conservation areas. Provision is made for complementary consent uses that will improve the amenity of the settlement or supplement the economic base for residents.

**Use Of Property**
14.4.1 The following use restrictions apply to property in this zone:
(a) **Primary use** is: worker accommodation
(b) **Consent uses** are: day care centre, place of assembly, clinic, shop, house shop, house tavern, farm shop, commercial antenna, any other ancillary use determined by Council.

**Zoning**
14.4.2 The Council may approve rezoning of a portion of land that is otherwise zoned, to Rural Zone 2, provided that the area affected by the Rural Zone 2 is clearly identified on a survey diagram or other plan prepared by a suitably qualified person to Council’s satisfaction.

**Development Management Provisions Rural Zone 2**
14.4.3 The following development management parameters apply for the land portion zoned as Rural Zone 2.
(a) The development management provisions applicable in this zone shall be determined by the Council.
(b) Engineering services shall be provided to the satisfaction of the Council. Council may require the developer to provide guarantees for the long term provision and maintenance of services.

**Site development plan**
14.4.4 A site development plan shall be submitted to the Council’s satisfaction in terms of section 20.6.

**Application**
14.4.5 The Council may require that a business plan is submitted and approved to its satisfaction, and in accordance with the specifications of either the Provincial Housing Development Board where application is made for the Housing Subsidy, or in accordance with the specifications of the Department of Land Affairs where application is made for a subsidy in terms of the Settlement/Land Acquisition Act.
CHAPTER 15

SPECIAL ZONES

GENERAL POLICY STATEMENT

The following general policies shall apply to property affected by the other zones listed in this chapter, unless these policies are superseded by an approved structure plan or development framework.

(i) There are three other zones, one called Undetermined one called Special and one called Subdivisional Area.

(ii) The undetermined zone is used when no other zone is suitable. This zone should be used sparingly because one of the objectives of this by-law is to contribute to greater certainty in matters pertaining to property.

(iii) The Special zone provides the Council with a mechanism whereby special or site specific directives, land use parameters and design parameters may be established for a property or area. The special zone can be applied by stipulating these special directives in an annexure to this by-law, or in terms of an approved site development plan.

(iv) In applying the Special zone, Council must bear in mind the objectives of this by-law and of any applicable integrated development plan. The technique can be used to generate appropriate responses to local or site specific issues, but should be used responsibly. The special zone should be used sparingly and only when suitable provisions do not exist in any other zone in this by-law.

(v) The Subdivisional Area zone designates land where approval is granted for future subdivision and development, subject to conditions which must be fulfilled, including submission of a plan of subdivision. After a plan of subdivision has been confirmed, the zoning of individual land units within the subdivision is deemed to be a substitution scheme and such zoning applies to the land units concerned. At that stage the Subdivisional Area zone will no longer apply to the land units concerned.

15.1 UNDETERMINED ZONE (UN)

Objective

The objective of this zone is to enable Council to defer a decision regarding a specific land use and development management provisions until the circumstances affecting the land unit have been properly investigated; or until the owner of the land makes an application for rezoning; or a zoning determination is made by Council.

Use Of Property

15.1.1 The following use restrictions apply to property in this zone:

(a) No primary uses apply in this zone, provided that this shall not be interpreted to preclude a landowner from continuing any lawful utilisation of the land commenced on or before 1 July 1986.

(b) No consent uses apply in this zone.


15.1.2 Development Management Provisions

No new development shall be permitted on any land portion in this zone.
**15.2 SPECIAL ZONE (SP)**

**Objective**
The objective of this zone is to provide for circumstances where special or unique factors justify the creation of specific development management provisions for a specific site or sites without justifying the creation of a new zone in this by-law. In addition it provides an opportunity to introduce collaborative planning techniques into the development process, whereby a negotiated settlement between the Council and owner/developer is possible in the interests of sustainable development. It allows for unforeseen or special circumstance where it is not possible or expedient to accommodate the use or activity in an existing use zone, and it allows for innovative design, architectural styles, building forms and site relationships. As one of the key aims of the zoning by-law is to provide clarity and consistency, special zones should be used sparingly.

**Use Of Property**
15.2.1 The following use restrictions apply to property in this zone:
   (a) **Primary use** is: special usage
   (b) **Consent uses** are: any use specified by Council.

**Alternative Methods of Development Management**
15.2.2 Council may, at its discretion, employ one of the following methods of development management in this zone:
   (a) Special development management provisions may be determined by Council and described as a separate Special Zone in an annexure to this by-law. This method is known as the Special Zone Annexure.
   (b) The development management provisions may also be determined by Council, by means of a site development plan. This method is known as the Special Zone Site Development Plan.
   (c) Council may combine both the Special Zone Annexure method and the Special Zone Site Development Plan method.
   (d) Once a land unit has been zoned Special, Special Zone Annexures and Special Zone Site Development Plans may be adopted or amended by Council in terms of a standing Council resolution, and do not require the formal amendment of this by-law.

15.2.3 The Special Zone Annexure is suitable for sites where:
   (a) the development management provisions can be clearly determined, and the Council is prepared to accept differing forms of development subject to compliance with the development management provisions; or
   (b) the size of the proposed development, number of land units or range of uses is such that Council considers this method to be the most appropriate for development.

15.2.4 The Special Zone Site Development Plan is suitable for sites where:
   (a) the Council requires a commitment from the developer/owner to a specific form of development; or
   (b) the size of the proposed development, number of land units or range of uses is such that Council considers this method to be the most appropriate for the development management.

**Development Management Provisions**
15.2.5 The following development management provisions apply:
   (a) **General**
      (i) If special factors justify the creation of special development management provisions for a property, without justifying the creation of a new zone in this by-law, such property may be zoned as Special Zone.
      (ii) When approving rezoning of a land unit to this zone, the Council shall determine development management provisions in accordance with the procedures stipulated in either (b) or (c) below.
(b) **Special Zone Annexures**

(i) When Council employs the Special Zone Annexure method of development management, it shall identify the area concerned on the zoning map by way of a separate number, and shall stipulate the development management provisions for that area as a separate Special Zone in an annexure to this by-law.

(ii) Each Special Zone where the management provisions differ from those of another Special Zone, shall be given a separate number, and each number with the accompanying development management provisions, shall be described as a separate Special Zone in the annexure to this by-law.

(iii) A list of special zone annexures established in terms of this by-law shall be provided in Annexure A.

(c) **Special Zone Development Plan**

(i) Where Council employs the Site Development Plan method of development management, it shall require a site development plan to be submitted in terms of Section 17.6.

(ii) The reference number of a site development plan approved by Council shall be recorded in the register.
15.3 SUBDIVISIONAL AREA ZONE (SA)

Objective
The objective of this zone, is to designate land where future subdivision and development rights are granted in terms of the Planning Law subject to conditions including the submission of a detailed subdivision application. This zone confirms only the principle of subdivision, not the detail which will be determined when an actual application for subdivision is approved.


15.3.1 Development Management Provisions
(a) The zoning of the land unit as Subdivisional Area, shall not exempt an owner from compliance with the provisions of relevant planning laws which govern the subdivision of land.
(b) The density requirement and other conditions which are laid down at the time of approval of the rezoning to Subdivisional Area shall apply.
(c) Such conditions may include, but are not limited to, requirements for a development framework, environmental management plans, traffic impact assessments, landscape master plans, precinct plans or site development plans.

15.3.2 At the confirmation of a subdivision for land which has been zoned as Subdivisional Area, the zoning parameters approved by Council as part of the subdivision approval shall be deemed to be a substitution scheme.
CHAPTER 16
OVERLAY ZONES

GENERAL POLICY STATEMENT

The following general policies shall apply to property affected by an overlay zone.

(i) A range of overlay zones can be used to increase flexibility and provide opportunities for development to respond to special circumstances or local conditions. The overlay zones, once adopted for a particular area, shall apply in addition to any base zones applicable in that area. They provide the Council with a mechanism whereby directives, land use parameters and design parameters may be established for a property or area, and which apply over and above the existing zoning/s on the property or area.

(ii) The overlay zones can result in more restrictive parameters requiring particular design responses, or they can result in less restrictive parameters applicable to property.

(iii) In applying the overlay zones, the Council must bear in mind the objectives of this by-law and of any applicable integrated development plan. The techniques can be used to generate appropriate responses to local or site specific issues, but should be used responsibly.

(iv) Before applying an overlay zone to an area or site, the Council shall follow a transparent process, either through forward planning initiatives, rezoning procedures or resolutions in terms of this by-law. This should be a collaborative process between the Council, the community and property owners.
**Objective**

The objective of the Heritage Area Overlay Zone is to guide development in order to protect and enhance the character of an area which has special historical, heritage, cultural or architectural value. In addition, this zone creates the mechanism whereby heritage areas may be protected in compliance with the requirements of section 37(1) the Heritage Resources Act.

**Designation of Heritage Area Overlay Zone**

16.1.1 Subject to the provisions of Sections 3.8 to 3.11, the Council may designate an area to be a Heritage Area Overlay Zone and shall record the designation in Annexure B.

**Criteria for Identification of a Heritage Area Overlay Zone**

16.1.2 The Council shall take the following criteria into account when making a decision about the designation of a Heritage Area Overlay Zone:

(a) the history of settlement in the area;
(b) the conservation worthiness, architectural excellence, cultural value, history and age of buildings, urban spaces or structures in the area; and
(c) the aesthetic value of the landscape, streetscape or townscape of the area

**Grading of buildings, structures or spaces**

16.1.3 Within a Heritage Area overlay zone the Council may grade a structure or space according to its relative conservation worthiness, in terms of the following criteria:

(a) Grade I shall be considered to have qualities so exceptional that they are of special national significance and which are proclaimed national monuments or have the potential to be proclaimed a national heritage resource, or which Council regards as:
   - of great architectural, historic or cultural significance,
   - rare or outstanding examples of their period in history.

(b) Grade II shall be considered to have special qualities which make them significant in the province or region, or which the Council considers to have a good degree of conservation worthiness because:
   - of good architectural, historical or cultural significance,
   - they are landmarks for historical or aesthetic reasons,
   - they are good examples of their period in history.

(c) Grade III shall include other heritage resources which in the Council’s opinion are worthy of conservation and which comply with the assessment criteria set out in section 3(3) of the Heritage Resources Act or which the Council considers to have a largely contextual value and regard as:
   - of some architectural, historical or cultural significance, and
   - contributing to the character of the area.

**Development Management Provisions**

16.1.4 The following development management provisions apply:

(a) **Council’s consent**

   The Council’s prior written approval is required for any one or more of the following activities within this Overlay Zone:

   (i) the demolition of a building or structure or part thereof, other than an internal wall or partition;
   (ii) the erection of, or alterations to, a building or structure other than an internal wall or partition;
   (iii) the erection of a sign;
   (iv) the removal of a mature tree or a mature hedgerow.
(b) Factors which the Council must consider before granting consent
(i) The Council shall refuse its approval in terms of (a) above if it considers that the proposed action is potentially detrimental to the historical or architectural character of the area.

(ii) Before granting its approval, the Council shall give consideration to the principles contained in section 16.1.5.

Principles for the Control and Guidance of Development
16.1.5 The Council’s decisions relating to land use or development in this zone shall take into account the following principles for the control and guidance of development:
   (a) The preservation and restoration of Grade I buildings shall be given high priority.
   (b) The preservation, restoration and adaptive re-use of Grade II buildings shall be encouraged.
   (c) The maintenance of the existing building form or envelope of Grade III buildings shall be encouraged.
   (d) New buildings and existing buildings should be in keeping with the character and heritage of the area without necessarily limiting the form, proportion or materials of the proposed development.
   (e) The Council shall, when applying the development management provisions of this zone, endeavour not to diminish the reasonable development potential of a land unit as permitted in terms of the base use zone, while still responding to the objective of this zone.

Conservation and Design Guidelines
16.1.6 Council may prepare specific guidelines for conservation, design and development within a Heritage Area Overlay Zone and shall take such guidelines into consideration before granting its consent in terms of section 16.1.4. Different areas may be subject to different conservation and design guidelines, which may include but not be limited to the following:
   (a) architectural form and specifications,
   (b) urban design
   (c) vistas
   (d) streetscape
   (e) landscaping
**16.2 ENVIRONMENT PROTECTION OVERLAY ZONE (EPO)**

**Objective**
The objective of this zone is to protect the special natural and environmental characteristics of an area, to encourage a sensitive form of development for the benefit of the local and general population, including tourists, and to promote sustainable development.

**16.2.1 GENERAL**

(a) **Designation of an Environmental Protection Overlay Zone**
Subject to the provisions of Sections 3.8 to 3.11, the Council may designate an area to be an Environmental Protection Overlay Zone and shall record the designation in Annexure C.

(b) **Liability**
Any person undertaking development in this zone does so at their own risk, and Council accepts no liability for flood damage, erosion damage, landslide damage or other damage that may occur on a land unit.

(c) **Application of this Overlay Zone**
(i) The provisions of this zone are general in nature and may be interpreted by Council with some flexibility in their application to specific sites, provided that the objective of this zone is respected.
(ii) The Council may, at its discretion, employ one of the following methods of development management in an Environmental Protection Overlay Zone.
(iii) Development may be managed in terms of an approved environmental management plan, in which case the provisions of the approved environmental management plan shall apply as the overlay zone provisions.
(iv) As an alternative to (ii) above, in an area where there is no approved environmental management plan, or where such plan does not contain provisions for development management, the Council may apply the specific provisions stipulated in this overlay zone that relate to the environment or sub zone of the area concerned, including, but not limited to the following:
   - A hillside area
   - A river, wetland or floodway
   - A coastal edge
   - Fire management area,
   - Other special environmental area.

(d) **Site Development Plan**
Council may require a site development plan to be submitted to its satisfaction in terms of section 17.6 for all development in the Environmental Protection Overlay Zone.

**16.2.2 HILLSIDE AREA PROVISIONS**

In the absence of an approved environmental management plan, the Council may apply the following provisions to property situated in a hillside area:

(a) **Grading and Earthworks**
(i) Grading of any land unit shall conform to the following principles, based on the natural slope of the land, unless Council grants its prior written approval to deviate from these principles.
   - On a slope of less than 1 in 5, any grading should respond to the natural character of the land form, and techniques such as custom foundations, split level designs and stacking of built form are expected to reduce the need for large platforms, embankments or retaining walls.
• On a slope of between 1 in 5 and 1 in 4, limited grading may occur, but major topographical features shall retain their natural forms, and special hillside architectural and design techniques are expected in order that buildings fit in with the natural land form.
• On a slope greater than 1 in 4 development and limited grading may only occur if it can clearly be demonstrated, to the Council’s satisfaction, that adverse environmental, aesthetic and safety impacts will be avoided. Structures shall blend with the natural environment through their shape, materials and colours, and roadways shall follow the natural contours wherever possible.

(ii) All graded areas shall be protected from wind and water erosion through slope stabilisation methods acceptable to the Council, such as planting, walls or netting. The Council may require the submission of an erosion control plan, certified by a registered professional engineer.
(iii) Slopes created by grading of the site shall not exceed 2 in 1 unless a soils report and stabilisation report is submitted to the satisfaction of the Council.
(iv) No graded slope shall have continuous embankments or retaining walls that exceed 3.0m in height, and a level area of at least 1.0m deep shall be provided between successive embankments or retaining walls up a graded slope; provided that the Council may vary these specifications where the slope will result in a natural appearance and will not, in Council’s opinion, create geological or erosion hazards, or adverse visual impact.

(b) Water Drainage
(i) If required by the Council, on site water catchment basins, siltation basins and water energy absorbing devices shall be provided as a means to prevent erosion and to provide for groundwater recharge.
(ii) Natural drainage courses shall be protected from grading activity.
(iii) Where drainage ditches are required, they should wherever possible incorporate natural plant materials and local rock.
(iv) The maximum average coverage of a land unit by impervious surfaces shall not exceed 50% of the nett erf area.

(c) Vegetation
(i) Indigenous vegetation and mature trees shall be preserved wherever possible and incorporated into the design of buildings or land uses on the land unit.
(ii) Exposed slopes and graded areas shall, where possible, be landscaped with ground cover, shrubs and trees.

(d) Building Design and Placement
(i) Buildings shall be designed so as to blend into the terrain, to be compatible with the natural surrounds of the area and shall not dominate the natural environment.
(ii) Exterior finishes shall blend in with the natural surroundings by using earth tones and avoiding reflective materials and finishes.
(iii) Buildings shall be sited in a manner that will:
• Preserve or enhance vistas, particularly those seen from public places;
• Preserve visually significant rock outcrops, natural water features, indigenous plant communities and areas of visual or historical/cultural significance;
• Respond sympathetically to existing views from adjoining buildings and land units.
(iv) The highest point of any building shall not project above a ridgeline when viewed from the boundary of the land unit, unless approved by the Council.
(v) Where a retaining wall faces a public street, the wall shall be clad with aesthetically pleasing material such as natural rock facing, or plant material.
16.2.3 FLOODWAY AREA PROVISIONS

In the absence of an approved environmental management plan, the Council may apply the following provisions to property situated in, or adjacent to, a river, wetland or floodway:

(a) All encroachments into rivers, wetlands or floodways, including fill, new construction, substantial improvements and other development are prohibited, without the prior written approval of the Council.

(b) No natural watercourse shall be altered, diverted or relocated so as to change its position without the prior written approval of the Council.

(c) No development, which in Council’s opinion, might adversely affect the water carrying capacity of any floodway, may be undertaken without the prior written approval of the Council.

(d) The Council may identify areas of special flood risk or erosion risk related to floods, and may control or prohibit development in such areas. This may include special provisions relating to the area defined by the 1 in 50 year flood line and the area falling between the 1 in 50 year flood line and the 1 in 100 year flood line.

(e) Any new building, and substantial improvement of an existing building, shall have the lowest floor elevated to a level above the base flood level.

16.2.4 COASTAL EDGE PROVISIONS

In the absence of a approved environmental management plan, the Council may apply the following provisions to property which is situated adjacent to the high water mark, or adjacent to public open space which is adjacent to the high water mark:

(a) No access for vehicles or boats shall be permitted to the beach or coastline across a side or rear boundary without the prior written approval of the Council.

(b) No footpath or pedestrian access to the beach or coastline shall be permitted without the prior written approval of the Council.

(c) Where the Council grants its approval in terms of (a) or (b) above, it may impose conditions in respect of the location, demarcation and construction materials for such footpath or access, together with conditions relating to the conservation of vegetation and stabilisation of sand dunes.

(d) A footpath or access, which has not been authorised by the Council, shall be closed off and vegetation restored by the owner to the satisfaction of the Council on written demand, failing which the Council may undertake the necessary work and recover the costs reasonably incurred, from the owner.

(e) The owner or occupant of a land unit shall not destabilise, destroy or harm sensitive natural features of the coastal zone on that land unit, such as frontal dunes, beaches, primary vegetation, wetlands, estuaries, or stream banks, without the prior written approval of the Council. If the Council grants its approval, it shall specify requirements to minimise damage to the environment.

(f) If, in the opinion of the Council, a dune or portion of a dune within a land unit poses a hazard due to its instability or threat of instability, the Council may require the owner of that property to undertake stabilisation measures to the Council’s satisfaction.

16.2.5 FIRE MANAGEMENT AREA PROVISIONS

The Council may stipulate special fire management provisions for an area designated as a fire management area in terms of this overlay zone.

16.2.6 OTHER SPECIAL ENVIRONMENTAL FEATURES

The Council may stipulate additional provisions to guide development in an area which is subject to the provisions of an Environmental Protection Zone and which contains special environmental features not covered by the above sections.
16.3 BIOREGIONAL PLANNING OVERLAY ZONE (BRPO)

Objective

The planning and environmental management approach known as bioregional planning incorporates a process and set of principles to promote biodiversity and sustainable development. The aim of this approach is to facilitate a balanced integration of conservation and development interests, and in particular to support a programme of biosphere reserves throughout the Cape Floral Kingdom, which is internationally recognised as the smallest of the six floral kingdoms of the world. The Cape Floral Kingdom is characterised by its exceptional richness and diversity, but requires special treatment because of its relatively small geographic area and the development pressures being exerted in this area.

The Provincial Government of the Western Cape is actively promoting the biosphere reserve programme and the bioregional planning process. Various mechanisms are available to support this process, such as integrated development plans, and this zoning by-law includes a range of base zones to help manage sustainable development and conservation. An additional mechanism is the overlay zone which is an enabling mechanism that permits the Council to implement area specific requirements in support of the bioregional planning approach.

Objective

The objective of the Bioregional Planning Overlay Zone is to provide a mechanism to support bioregional planning, biodiversity and sustainable development. The overlay zone provides the Council with the opportunity to determine development management provisions that respond to specific issues and characteristics of different bioregions, including core, buffer and transition areas. It includes provisions to place a contractual obligations on landowners to whom additional land use rights have been granted.

Designation

16.3.1 Subject to the provisions of Sections 3.8 to 3.11, the Council may designate an area to be a Bioregional Overlay Zone and shall record the designation in Annexure D.


16.3.2 The Bioregional Planning Overlay Zone may be further divided into sub-zones in accordance with established bioregional planning principles including:

(a) core areas,
(b) buffer areas,
(c) transition areas.

16.3.3 The development management provisions contained in the Bioregional Planning Overlay Zone may vary between different bioregions and different sub-zones and may include, but are not limited to, provisions to:

(a) conserve viable natural eco-systems and biodiversity,
(b) promote good environmental management and sustainable land use,
(c) protect or encourage a particular pattern and type of agriculture,
(d) protect or encourage a particular pattern and type of settlement,
(e) ensure that ecological corridors remain open to support and enhance biodiversity,
(f) promote outdoor recreation and environmental education,
(g) encourage sustainable harvesting of natural resources,
(h) encourage conservation and nature related economic development,
(i) create effective buffers between core and transition areas,
(j) provide minimum subdivision sizes to maintain ecosystems of sufficient size,
(k) restrict inappropriate consent uses,
(l) promote appropriate architectural, urban design and place-making principles, and
(m) promote other bioregional planning principles.
16.3.4 The development management provisions contained in the Special Management Area Overlay Zone may also encourage desired levels of conservation, including the following:

(a) Voluntary Reserves, where land contains, or is suitable for, important eco-systems and habitats, and where owners co-operate to retain the natural character of such reserves

(b) Management Agreement Reserves, where land contains areas of rare and threatened habitat, and where development rights are partially restricted.

(c) Contractual Reserves, where land units are sufficiently large to be self contained eco-systems, development rights are restricted, but conservation and appropriate tourist related uses are encouraged.

16.3.5 Council may place a contractual obligation on a landowner to whom additional land use rights have been granted, to deal with the following matters:

(a) implementation of an environmental management system to ensure that land use and resources are managed in a manner that promotes environmental sustainability and biodiversity,

(b) implementation of a trust fund to ensure that the necessary financial resources are available for effective long term management of the area,

(c) protection or improvement of the aesthetic quality of the area,

(d) provisions for environmental auditing, monitoring and corrective action.
16.4 URBAN EDGE OVERLAY ZONE (UEO)

GENERAL POLICY STATEMENT

The following general policies and principles shall apply in the Urban Edge Overlay Zone.

(i) The Urban Edge Overlay Zone is designed to assist the Council to manage development along the urban edge. The urban edge refers to the transition in land use and landscape that distinguishes between urban and rural areas.

(ii) The urban edge is significant for the following reasons:
- It serves as a gateway to urban areas, and accentuates the quality of rural landscapes.
- It integrates urban open space systems with the rural hinterland.
- It serves as an interface between multiple use urban areas and ecologically sensitive natural areas, whether these are conservation or agricultural areas.
- It provides resources vital to the functioning of urban areas, such as recreational, agricultural, infrastructural and mineral resources.
- It provides amenity spaces around urban areas.
- It provides landscapes for the conservation of certain historical precincts and serves as a significant visual resource.

(iii) In pursuit of sustainable development the establishment of an urban edge overlay zone provides the Council with an opportunity to:
- Contain urban sprawl
- Protect significant and sensitive environments and resources
- Re-orientate growth expectations
- Densify built environments in pursuit of efficiency
- Restructure growth patterns
- Rationalise service delivery areas

(iv) The establishment of the Urban Edge Overlay Zone provides the Council with additional development management provisions to pursue the abovementioned principles.

Objective
The objective of this overlay zone is to guide development along the urban edge area in order to achieve a sensitive transition between urban and rural environments, to contain urban sprawl and to protect vulnerable rural areas adjacent to urban development.

Designation of the Urban Edge Overlay Zone
16.4.1 Subject to the provisions of Sections 3.8 to 3.11, the Council may designate an area to be an Urban Edge Overlay Zone and shall record the designation in Annexure E.

Components of the Urban Edge Overlay Zone
16.4.2 The Urban Edge Overlay Zone shall comprise the following components:
(a) a demarcated line, being the urban edge, that defines the outer limits of urban development over a period of time determined by the Council, and
(b) management zones, on either one or both sides of the urban edge, for which development management provisions are stipulated to direct and control the use of land.

Determination of the Urban Edge
16.4.3 Council shall consider, but is not limited to, the following factors, when demarcating an urban edge:
- the physical environment
- the biophysical and ecological environment
- river and wetland systems
- infrastructure location and capacity
- land use and related patterns
- demographic and socio-economic profiles and trends
- the legal, planning and land ownership situation
- the cultural and historic environment, and
Management Sectors
16.4.4 Within an Urban Edge overlay zone, the Council may, for the purposes of development management, designate:
   (a) an urban transition sector which is an area within the urban edge that lies next to existing or planned urban development; and
   (b) a non urban sector which is an area that falls beyond the urban edge.

Management provisions
16.4.5 The Council shall, when demarcating an urban edge, determine land use management provisions which may be more or less restrictive than the provisions of the base zone, provided that they do not diminish the reasonable development potential of the land unit as permitted in terms of the base zone.

16.4.6 Separate management provisions may be determined for:
   (a) an urban transition sector;
   (b) a non urban sector; and
   (c) different areas along the urban edge in either the urban transition sector or non urban sector.

16.4.7 The development management provisions applicable to an Urban Edge overlay zone may include, but are not limited to, measures that:
   (a) reduce fire risk,
   (b) reduce the visual impact of development,
   (c) protect agricultural areas, nature areas, significant rural landscapes, natural vegetation, areas of cultural or environmental importance and ecological corridors.

   (a) The Council may require an applicant to submit a site development plan to its satisfaction in terms of section 17.6 for all new development within the Urban Edge Overlay Zone, taking into consideration any management provisions adopted in terms of 16.4.7.
16.5 SCENIC DRIVE OVERLAY ZONE (SDO)

GENERAL POLICY STATEMENT

The visual amenity of the Western Cape is a significant resource that should be protected in order to ensure the quality of the environment as a whole, as well as promote the tourism and the recreational potential of the province. It is therefore important that development, in particular along tourist routes, be managed to prevent development that may detract from the natural beauty of the landscape or cultural significance of the built environment. This zone is directed at protecting views of scenic beauty alongside designated roads, while at the same time allowing reasonable development to occur. The scenic drive overlay zone should therefore ensure that new development is constructed in a sensitive manner so that important views from the scenic drive are not impaired.

Objective

The objective of the Scenic Drive Overlay Zone is to protect, conserve and enhance the scenic resources adjacent important tourist and transport routes.

Designation of a Scenic Drive

16.5.1 Subject to the provisions of Sections 3.8 to 3.11, the Council
(a) may designate a public street or portion of a public street to be a Scenic Drive;
(b) may determine the scenic drive corridor associated with the Scenic Drive, and
(c) shall record any Scenic Drive designation in Annexure F.

Management Provisions

16.5.2 The Council may, at its discretion, employ one of the following methods of development management in a Scenic Drive Overlay Zone:
(a) Specific development management provisions may be adopted for particular scenic drive corridors or portions of scenic drive corridors; or
(b) In an area where no specific development management provisions have been adopted, the Council may apply the general provisions stipulated in this section of the by-law.

Site Development Plan

16.5.3 Council may require that a site development plan be submitted to its satisfaction in terms of section 17.6 for all new development within the Scenic Drive Overlay Zone, and in addition to the standard requirements, the site development plan should identify but not be limited to:
• the nature of the scenic amenity of the property,
• the particular views that need to be preserved and enhanced,
• the location, nature and form of the development, and
• indicate compliance with the provisions of this Overlay Zone.

16.5.4 The Council shall take into consideration the relevant development management provisions adopted in terms of 16.5.2 before approving any site development plan.

GENERAL PROVISIONS

Building Placement

16.5.5 The following principles apply to the placement of buildings:
(a) Buildings and structures shall be sited so as to limit alteration of the natural topography, land forms, tree removal and earthworks.
(b) Buildings shall be designed to blend with the natural setting, or if applicable the cultural setting.
(c) Buildings shall be located to retain existing panoramic and scenic views as seen from the scenic drive.
Building Height
16.5.6 The following provisions apply to the height of buildings in relation to scenic amenity and views:
(a) On the down-slope side of a scenic drive, no portion of a building or structure shall project to a height above the footway in the public street, unless Council grants its approval on the basis that:
(i) exceptional circumstances exist which directly affect the land, building or use concerned,
(ii) the building design is of a unique character or landmark as seen from the scenic drive,
(iii) circumstances exist which make it impossible to erect a building on the land unit.
(b) On the up-slope side of a scenic drive, no portion of a building shall project so as to impair the view of the top of a ridge, hill or mountain, identified as significant by Council, when viewed from a point 1.0 m above the centreline of the scenic drive at a position or positions determined by Council.
(c) Building heights must, in Council’s opinion, be compatible with existing development and avoid creating sharp contrasts with neighbouring structures or with the landscape.
(d) All plumbing, rooftop equipment, air conditioning units, elevator shafts, and other mechanical equipment shall be screened from view as seen from the scenic drive.

Buffer Areas
16.5.7 The following provisions apply to the creation of buffer areas alongside a scenic drive:
(a) Buffer areas shall be provided along any street boundary which abuts a scenic drive, and the width of the buffer areas shall not be less than:
(i) 5.0 m in urban areas,
(ii) 10.0 m in suburban areas,
(iii) 30.0 m in rural areas;
provided that the Council shall determine which is an urban, suburban or rural area.
(b) Within the buffer area:
(i) no parking is permitted unless the floor or ground level of such parking is at least 2.0 m below the level of the footway of the scenic driveway concerned;
(ii) any portion of fence or wall which exceeds 1.2 metres in height shall be constructed of open work which allows visual permeability to the Council’s satisfaction;
(iii) berms and soft landscaping may be used to provide privacy and screening, provided that important views and the scenic amenity of the scenic drive are not, in the Council’s opinion, adversely affected.

Parking and Loading
16.5.8 The following provisions apply to the establishment of parking areas alongside a scenic route:
(a) For land uses requiring large amounts of parking, Council may require that parking areas are broken up into smaller units not exceeding 50 parking bays per area, resulting in a series of smaller parking areas.
(b) Loading bays, refuse rooms and unsightly accessory equipment shall be located in such a manner as to be screened from view from the scenic drive.
(c) All surface parking areas visible from the scenic drive shall include at least one tree for every six parking bays, and such trees shall be located so as to help screen parked vehicles.

Landscaping
16.5.9 The following landscaping requirements apply to property alongside a scenic drive:
(a) Plants, shrubs and trees shall be selected to fit in with the predominant landscape character of the area, with the emphasis on indigenous, low maintenance species or locally appropriate species.
(b) Significant natural features shall be preserved and the development on a land unit shall respect ridgelines, gullies, streams, wetlands, rock outcrops, endangered species and trees worthy of conservation.
Where existing trees or shrubs have to be removed, an equivalent number of trees or shrubs shall be replanted on the land unit and the type of plants to be replanted shall be compatible with the surrounding vegetation and micro-climatic conditions to Council’s satisfaction.

**Exterior Lighting**
16.5.10 The following requirements apply to exterior lighting on property alongside a scenic drive:
(a) All exterior lighting shall be located and controlled so as to avoid direct illumination, glare or reflection onto any adjoining property or scenic drive.
(b) All non-residential exterior lighting shall be turned off during non-business hours, except lighting deemed necessary for public safety or for security on the land unit as approved by the Council.

**Earthworks and Grading**
16.5.11 The following requirements apply to grading and earthworks on property alongside a scenic drive:
(a) Grading shall be permitted only to the extent necessary to construct buildings and access roads, and shall not adversely affect views from the scenic drive.
(b) Grading slopes shall be rounded to blend with the existing topography, to fit in with the natural contours of the land, and to establish a transition between constructed and existing slopes.
(c) The natural surface drainage system shall be maintained.
(d) Cut and fill surfaces shall be stabilised by planting low maintenance indigenous or locally appropriate ground cover and shrubs.
16.6 LOCAL AREA OVERLAY ZONE (LAO)

GENERAL POLICY STATEMENT

(i) One of the purposes of the zoning scheme is to introduce equity into the system of land use control, but it is necessary to recognise the diversity which characterises our society, in terms of physical and social circumstances. Different communities may have different needs, and local area identities add to the diversity and richness of the urban and social fabric. The local area overlay zone is provided as a mechanism to determine specific local development management provisions to reflect local circumstances.

(ii) This zone does not only to provide a mechanism whereby more restrictive development control may be exercised. It also creates the opportunity whereby development management parameters may be relaxed in order to promote development and to address socio economic needs. It may be utilised as a tool to facilitate the implementation of local economic development.

(iii) Public participation and consultation is an important component in establishing a Local Area Overlay Zone, whether the initiative to establish the Local Area Overlay Zone comes from the community or the Council.

(iv) This overlay zone must be used sparingly, and the interests of the general community must be balanced with the interests of a particular neighbourhood. The Council has an obligation to all its citizens and should not give preferential treatment to certain areas through this zoning mechanism, unless it is in the general public interest to do so.

Objective
The objective of the Local Area Overlay Zone is to provide the opportunity for communities to determine specific local development management provisions to reflect local circumstances. It is recognised that different communities may have different requirements, and that local area identities add to the diversity and richness of the urban and social fabric. The local area overlay zone also provides the Council with the opportunity to determine specific local development management provisions to encourage development in support of the local economy.

Designation
16.6.1 Subject to the provisions of Sections 3.8 to 3.11, the Council may designate an area to be a Local Area Overlay Zone and shall record the designation in Annexure G.

Management Provisions
16.6.2 The development management provisions contained in the Local Area Overlay Zone may vary between local areas and may include, but are not limited to, the following issues:

(a) Requirements for the minimum size of new subdivisions in order to preserve the character of an area.

(b) Limitations on the maximum permissible density or maximum permissible floor space of new development in order to preserve the character of an area or to optimise the capacity of utility services.

(c) Requirements for a minimum density or minimum permissible floor space of new development in order to promote efficiency or higher density development.

(d) Specifications for boundary walls and fences in order to preserve the character of an area, and to maintain a visual relationship between the street and adjacent development.

(e) Limitations on the maximum height of buildings in order to preserve the character of an area, protect important views or maintain an appropriate scale of development.

(f) Architectural design guidelines required for new development in order to promote good design, to harmonise new development with existing development and to promote the special architectural character of an area.

(g) Limitations on the Council’s discretion to grant specified consent applications within the local area to ensure that such consent uses do not occur within the local area concerned.

(h) Deemed approval for consent uses in order to permit such uses without requiring a separate application in terms of this by-law.
(i) Policy guidelines and requirements for the approval of consent and conditions to be imposed by the Council.
(j) Limitations and design guidelines for outdoor advertisements within a local area.
**16.7 SPECIAL PLANNING AREA OVERLAY ZONE (SPAO)**

**Objective**
The objective of this zone is to provide a mechanism to manage large or strategic projects, and to facilitate agreement about future development, bulk and land use without requiring detailed planning to be in place at the outset. A staged process of planning and approval is instituted, whereby appropriate levels of detail are approved subject to conditions, and through which the project may be managed until there is confirmation of formal development provisions applicable to particular land units, in terms of the zoning scheme. The Special Planning Area Overlay Zone creates a framework for planning and development that is action-oriented, strategic and capable of being updated periodically as circumstances warrant. It does not aim to create a blueprint plan, but to provide a flexible plan, which within prescribed limits, can accommodate emerging needs, respond to market demand, provide the basis for delegation of decisions, and the basis for approval of detailed development plans. The Special Planning Area Overlay Zone may be used in conjunction with the Subdivisional Area Zone.

**Designation of a Special Planning Area Overlay Zone**
16.7.1 Subject to the provisions of Sections 3.8 to 3.11, the Council may designate an area to be a Special Planning Area Overlay Zone and shall record the designation in Annexure H.

**Development Management Provisions**
16.7.2 Land zoned as a Special Planning Area shall be subject to the Package of Plans for the purpose of development management and development control. Council may require any or all of the following six components of the package of plans to be submitted, for its approval, by an owner or developer of land within the Special Planning Area, and may refuse clearance for transfer of land or building plan approval until the required Package of Plans has been approved.

**Package of Plans**
16.7.3 The Package of Plans consists of the following six components that are listed in a hierarchy from higher order to lower order plans.

(a) **A Contextual Framework**
The contextual framework lays down broad policy for the Special Planning Area and the surrounding area. It may include principles or heads of agreement summarising the general obligations of Council and the developer in relation to the Special Planning Area. The Contextual Framework may be prepared by Council, or by a land owner or development agency under the supervision of Council.

(b) **A Development Framework**
The Development Framework shall identify overall policy, broad goals and principles for the development within the Special Planning Area as a whole. The Development Framework shall identify the range of uses, general spatial distribution of uses and the densities proposed. Major linkages and any limits to the development within the Special Planning Area, including but not limited to density and maximum floor space, should be specified.

(c) **Precinct Plans**
Precinct plans apply to local areas within the Development Framework that have common features or functional relationships. There may be several Precinct Plans that make up the area of the Special Planning Area. While still providing a measure of flexibility, a Precinct Plan describes in more detail the objectives and intentions for a particular precinct, as well as the principles for urban design, land use, movement and strategic implementation.

(d) **Site Development Plans**
Site Development Plans depict more detailed design and development parameters for individual units or groups of land units. These parameters may include, but are not limited to, details relating to land use, floor factor, building lines, height and parking requirements as well as details relating to the position and appearance of buildings, open spaces and movement systems.
(e) **Subdivision Plans**

Subdivision Plans, if required, shall be processed in terms of the Planning Law to establish new cadastral boundaries and facilitate the transfer of land units. Subdivision Plans may be approved at any stage after the Development Framework has been approved. Apart from establishing cadastral boundaries, Subdivision approvals may include conditions imposed by Council relating to development and zoning restrictions applicable to the particular land unit. At the confirmation of the subdivision plan for land zoned Subdivisional Area, any zoning parameters approved by Council as part of the subdivision approval shall be deemed to be a substitution scheme.

(f) **Building Plans**

Building plans contain the detailed specifications in accordance with which building work may be performed, once approved by Council in terms of the National Building Act.

**Approval and amendment of plans**

16.7.4 The following provisions shall apply to the approval and amendment of plans with the Package of Plans:

(a) Approval of the Development Framework shall be the responsibility of Council. Application for approval of Precinct Plans, Site Development Plans, Subdivision Plans and Building Plans shall be directed to the municipal manager or other delegated officials to Council’s satisfaction.

(b) All plans within the Package of Plans may be amended from time to time to reflect changing circumstances. Lower order plans should be consistent with the principles established by higher order plans.

(c) Where lower order plans are consistent with the principles established by higher order plans, Council may use its discretion to minimise advertisement and procedural delays in processing such lower order plans. Where a lower order plan differs materially from the principles established in the higher order plans, then the appropriate amendments of the plans are required before development may proceed. To the extent that there is a material conflict, the higher order plans shall prevail over the lower order plans, unless the higher order plans are amended.

**Conditions**

16.7.5 In approving the Development Framework, Precinct Plans, Site Development plans and Subdivision Plans, Council may impose conditions as contemplated in the Planning Law, which may include a requirement that a “Service Agreement” be concluded between the parties concerned.

**Service Agreement**

16.7.6 Council may require as a condition of approval of a Development Framework, Precinct Plan or Site Development Plan, a binding agreement known as a “Service Agreement”, which:

- shall identify commitments and obligations that the parties agree to uphold,
- may include commitments relating to the provision, phasing and financing of services;
- may include agreements about the process of planning, implementation and review, and the exercise of management functions.

**Allocation of Bulk**

16.7.7 In approving a Development Framework Plan, Council may determine the total amount of development rights or bulk which is permitted within the Special Planning District.

(a) The allocation of bulk should take into account the carrying capacity of internal and external infrastructure including roads and utility services, and any urban design principles approved by Council as part of a rezoning or contextual framework.

(b) The bulk within the Development Framework may be allocated to particular precincts, or may be regarded as floating bulk to be allocated to individual land units or buildings at a later stage, as the development moves from general stages of planning to detailed stages of planning.
16.8 ACTIVITY SPINE OVERLAY ZONE (ASO)

GENERAL POLICY STATEMENT

Development frameworks frequently promote concepts such as activity corridors or spines as part the spatial planning for an area. The Activity Spine Overlay Zone provides the Council with a technique whereby the principles of an activity spine can be promoted and supported through the zoning scheme. These principles include a mix of land uses with a continuity of built form and emphasis on the pedestrian environment.

Objective
The objective of this overlay zone is to strengthen and enhance an activity spine which has been designated by Council in order to:

- Create an attractive, enabling environment which is characterised by mixed use activity.
- Encourage pedestrian activity by creating a positive pedestrian experience, and encourage the use of public transport.
- Generate pride and confidence through design quality.
- Enhance the value and amenity of property through quality control.

Designation of an Activity Spine
16.8.1 Subject to the provisions of Sections 3.8 to 3.11, the Council may designate an area to be an Activity Spine Overlay Zone and shall record the designation in Annexure I.

16.8.2 The provisions of this overlay zone are general in nature and may be interpreted by the Council with some flexibility in the application to specific sites, provided that the objective of this zone is respected.

16.8.3 The Council may, at its discretion, employ one of the following methods of development management in an Activity Spine Overlay Zone:

(a) Specific development management provisions may be adopted for a particular activity spine or activity corridor; or

(b) In an area where no specific development management provisions have been adopted, the Council may apply the general provisions stipulated in this section of the by-law.

GENERAL PROVISIONS

Building lines and setback
16.8.4 The Council may require that the first two floors of any building shall be built directly adjacent to the street boundary, unless:

(a) a hard landscaped plaza (for up to 50% of the building face), is provided between the building face and the street boundary, or

(b) it can be demonstrated that the above configuration causes undue hardship, in which case the Council may require that only 50% of the building face shall be located directly adjacent to the street boundary, or

(c) the Council agrees to a negotiated design solution with variable setbacks, pedestrian sidewalks and canopies which require space between the building and the street boundary.

Street corner obligations
16.8.5 Any building located at a corner intersection shall incorporate architectural features at the ground floor which emphasises the importance of pedestrian movement. These features may include building cut-offs, walk through covered arcades and other elements which focus visual interest on the corners. Corner intersections include the corner adjacent to a public street, private road, driveway or pedestrian walkway intersections.
Canopies and awnings
16.8.6 The following provisions shall apply to canopies, awnings and trellises:
   (a) Canopies, awnings, trellises and other accessory building structures which are relatively open and do not restrict pedestrian or vehicular movement, may project over the street boundary, subject to an encroachment agreement to be concluded between Council and the parties concerned.
   (b) Canopies should preferably shelter all openings of each building at the ground floor from sun and rain.

Parking orientation
16.8.7 The following provisions shall apply to parking areas:
   (a) the Council may prohibit large parking areas between the street boundary and the main face of the building. Parking should be located as much as possible to the rear of buildings.
   (b) Vehicular entry points to parking areas shall receive special paving treatment where the driveway crosses the public sidewalk.
   (c) Where parking is permitted between the street boundary and the main face of the building the Council may require owners and developers to plant trees and provide hard landscaping elements to promote a human scale in the activity corridor.

Streetscape improvements
16.8.8 The following provisions shall apply to streetscape improvements:
   (a) The owner or developer is encouraged to improve the streetscape in front of their building with paving, planters, benches, lighting and landscaping.
   (b) The Council may agree to reduce the bulk services levies which are payable in recognition of, and in proportion to, the streetscape improvements implemented by an owner or developer.

Plaza provisions
16.8.9 The following provisions shall apply to streetscape improvements:
   (a) The building may be set back from the street boundary at ground level if the area is designated as a pedestrian plaza. To qualify as a pedestrian plaza the following specifications shall be incorporated into the design:
   (b) The minimum size of the plaza shall be 4.0 m deep and the length of the entire building face which is set back from the street boundary.
   (c) A minimum of 80% of the plaza shall be paved with a decorative paver of textured coloured concrete or brick or as Council may approve. Asphalt or plain concrete are considered not acceptable as plaza paving material.
   (d) Landscaping is required in accordance with a landscape plan to be approved by Council.
   (e) An optional low wall which allows people to sit on it may be located along the street boundary next to the plaza for restaurants and outdoor retailing. The wall shall not extend for more than 80% of the building frontage which has been setback to accommodate the plaza.

Architectural design
16.8.10 The following provisions shall apply to architectural design:
   (a) The building face along a public street shall have at least 50% of its ground floor surface area made from a transparent material, such as non-tinted glass, in order to allow visual contact into the building.
   (b) Blank solid walls or sidewalls visible from the public street should be avoided. If such walls are necessary for interior reasons, the exterior structure of the wall shall receive some form of articulation such as awnings or cornice bands.
   (c) The facades of adjacent structures shall be considered in the design of new development to avoid clashes in architectural style and materials.
Lighting
16.8.11 The following provisions shall apply to architectural design:

(a) The owner or developer is encouraged to install lighting as an element in creating safe, vibrant night-time environments.

(b) Exterior lighting shall be designed as part of the overall architectural theme of a building or development. Fixtures, standards and exposed accessories shall be harmonious with the building design, lighting design and hardware of the adjacent public spaces.

(c) For safety, identification and convenience, all entrances of buildings, parking areas and plazas shall be well illuminated.
16.9 AIRPORT OVERLAY ZONE (AO)

GENERAL POLICY STATEMENT

Airports are an important part of the modern economy and transport system, and require large amounts of capital expenditure to construct and maintain. It is important to manage development around airports to ensure that their operations are not compromised by inappropriate development. At the same time, airports can have significant impacts on surrounding areas, and pose potential risk for development within the flight paths of aircraft. Development around airports should be compatible with airport operations, while the airport operators need to recognise and mitigate the potential impacts of their operations.

Objective

The objective of this overlay zone is to promote the safety and general welfare of people living in the vicinity of airports by firstly, reducing human exposure to potential aircraft accidents and high noise levels generated by airport operations, and secondly, by ensuring that development and land uses are compatible to the operation of airports. Land use management in the vicinity of an existing airport should take into account future airport development so that when such development does take place, potential conflicts are minimised. This overlay zone also serves to inform potential residents that they are situated within or in the vicinity of an airport and indicates the area of potential impact and conflict.

Designation of an Airport Overlay Zone

16.9.1 Subject to the provisions of Sections 3.8 or 3.11, the Council may designate an Airport Overlay Zone and shall record the designation in Annexure J.

Designation of Aircraft Noise Contours

16.9.2 For the purpose of land use management, the Council:
(a) may require the airport owner or airport operator to determine noise contours within an Airport Overlay Zone in accordance with national policy on aircraft noise and engine emissions for:
   (i) the existing operation and
   (ii) projected operations for the next 15 years;
(b) may require such noise contours to be depicted on a map, and
(c) may require that the boundaries of the noise contours are reviewed at least every 10 years.


16.9.3 The Council may, at its discretion, employ one of the following methods of development management in an Airport Overlay Zone:
(a) Specific development management provisions may be adopted for a particular airport; or
(b) In an area where no specific development management provisions have been adopted, the Council may apply the general provisions stipulated in this section of the by-law.

Uses of Property

16.9.4 Uses, that in Council’s opinion have the following characteristics shall not be permitted:
(a) Uses that concentrate people who are unable to respond to emergency situations, such as children, the elderly, ill or handicapped persons.
(b) Uses that involve explosives, fire, toxic material, corrosive material or other material that may be hazardous to airport operations.
(c) Uses that pose significant hazards to aircraft, aircraft communication systems or pilot vision such as those which release emissions, direct light, indirect reflection or that create electronic interference with airport operations.

Bird Hazard Considerations

16.9.5 In order to discourage large numbers of birds from locating in the vicinity of an airport, the Council may:
(a) require that no activities such as piggeries, fruit farming or bird sanctuaries take place within an Airport Overlay Zone;
(b) require that the airport owner implements reasonable and practical measures to ensure that the runway and flight paths are kept clear of birds.

Height
16.9.6 In addition to the provisions of this scheme, no structure within an Airport Overlay Zone shall be erected to a height in excess of the applicable height limit set by the South African Civil Aviation Authority.

Noise Mitigation
16.9.7 Noise control by-laws for land uses around airports are determined in terms of the Noise Control by-laws promulgated in terms of the Environmental Conservation Act 73 of 1989. The Noise Control by-laws refer, *inter alia*, to the standards set out in the SABS publication (0117 – 1974) entitled “Code of Practice for the determination and limitation of disturbances around an aerodrome due to noise from aeroplanes”. The following table identifies categories of land use that are suitable within different noise contours, and serves as a guide for land use in relation to aircraft noise in the vicinity of airports.

<table>
<thead>
<tr>
<th>NOISE INDEX</th>
<th>ACCEPTABLE LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤65dBA</td>
<td>Residential uses</td>
</tr>
<tr>
<td>≤75dBA</td>
<td>Residential uses with acoustically insulated buildings providing at least a 20dBA reduction of noise between the outside and the inside of the building</td>
</tr>
<tr>
<td>≤85dBA</td>
<td>Industrial and associated uses</td>
</tr>
<tr>
<td>&gt;85dBA</td>
<td>No development should be permitted</td>
</tr>
</tbody>
</table>

16.9.8 Where buildings can be insulated in a satisfactory manner, with a difference of at least 20dBA between the inside and the outside of the building, they may be permitted within a higher noise contour.

16.9.9 The Noise Control by-laws place a general prohibition on the erection of educational, residential, hospital, church or office buildings within the “controlled area” unless acoustic screening measures have been provided to ensure acceptable interior noise levels measured inside the building, to 40dBA. A “controlled area” is defined as an area of land designated by the local authority, in the case of aircraft noise in the vicinity of an airport, projected for a 15-year period, and exceeds 65dBA.

Establishment of an Airport Environmental Committee
16.9.10 The Council may establish an Airport Environmental Committee in order to advise on development around the airport and to promote public awareness, and the terms of reference for the Airport Environmental Committee shall be based on the provisions of section 3.17 relating to advisory committees.
PART IV
GENERAL PROVISIONS
CHAPTER 17
GENERAL PROVISIONS APPLICABLE TO ALL ZONES

17.1 BUILDING LINES

Encroachment Of Building Lines
17.1.1 The following additional development management provisions apply with regard to encroachment of building lines:

(a) Notwithstanding the building lines set out in Part III, the following structures or portions of structures may be erected within the prescribed building lines:

(i) boundary walls and fences;
(ii) open and uncovered stoeps;
(iii) entrance steps, landings and entrance porches;
(iv) eaves projecting no more than 1,0 m from the wall of the building;
(v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the wall of the building;
(vi) screen-walls not exceeding 2,0 m in height above the natural level of the ground, provided that no screen-wall shall be erected over the street building line without the Council's consent;
(vii) swimming pools not closer than 1,0 m from any boundary;
(viii) drying yards, provided that no drying yard shall be erected over the street building line without the Council's consent;
(ix) a basement, provided that the basement ceiling does not project above ground level.

(b) The Council may permit the erection of an outbuilding or second dwelling unit which encroaches into the side or rear building line.

(c) When an outbuilding, second dwelling unit or building is permitted within a side or rear building line, the following conditions shall apply:

(i) no building shall exceed the height of one storey
(ii) no door or window shall be permitted in any wall which is closer than 1,5 m to the side or rear boundary concerned;
(iii) an access way, other than through a building and at least 1m wide, shall be provided from a public street to every vacant portion of the land unit concerned, other than a court yard;
(iv) no runoff of rainwater from the roof shall be discharged directly onto any adjoining property.

(d) In circumstances where there is a zero side or rear building line, the following provisions shall apply:

(i) no door or window shall be permitted in any wall which is closer than 1,5 m to the side or rear boundary concerned;
(ii) no runoff of rainwater from the roof shall discharge onto any adjoining land unit.

(e) The Council may relax the street building line under the following circumstances:

(i) in the case of a garage or carport subject to section 17.1.2;
(ii) if, in its opinion, the architectural effect of the building line relaxation will enhance the appearance of a public street;
(iii) if, in its opinion, there are other special circumstances such as the topography of the site.

Garages and Carports within Building Lines
17.1.2 The following additional development management provisions apply with regard to garages and carports within building lines:

(a) The Council may permit the erection of a garage within the street building line if, in the Council's opinion, the garage cannot reasonably be sited at the prescribed distance due to the slope of the land unit, or for other reasons provided,
(i) the height of such garage from the finished floor level to the top of its roof shall not exceed 4.0 m;
(ii) the garage shall not be closer than 5.0 m to the road kerb.

(b) A carport may be erected on the street boundary provided that:
(i) the width of such carport measured edge to edge of the roofing and guttering and parallel to the street boundary shall not exceed 6.5 m;
(ii) the roof of the carport shall be supported by metal or wrought timber posts or brick, concrete or masonry pillars;
(iii) the carport shall not be enclosed on any side except by:
   • a boundary wall or fence not exceeding 1.8 m high;
   • a wall which forms an external wall to the building;
   • a wall or fence, not being a wall or fence referred to above, which does not exceed 1.25 m in height.
(iv) The height of such carport from the floor to the highest point of its roof shall not exceed 3 m;
(v) The edges of the roof sheeting shall be neatly trimmed with a facia board not less than 150 mm in depth.

Setback
17.1.3 The portions of the land unit falling within the setback area shall be excluded for the purpose of determining coverage and the maximum floor space on the land unit, unless the owner transfers the portion of land concerned to the Council free of any charge. In that case the portion shall be included for the purpose of determining the coverage or maximum floor space on the land unit.

17.2 OUTDOOR STORAGE AND PLACEMENT OF VEHICLES

Outdoor Storage and Placement of Vehicles
17.2.1 The following development management provisions apply in all Residential zones with regard to outdoor storage and placement of vehicles:
(a) Motor vehicles owned by the occupants of a dwelling unit, and used for commercial activities conducted away from the dwelling unit, may be parked on the land unit concerned, provided that:
   (i) no more than one commercial vehicle per dwelling shall be parked on the land unit, and
   (ii) the gross weight of any such commercial vehicle shall not exceed 3 500kg.
(b) A recreation vehicle, such as a caravan, may not be used for habitation by the occupant or guests on a land unit for more than 60 days during any 12 month period.
(c) No area visible from a public street shall be used for the outdoor storage of inoperable vehicles.
(d) No area visible from a public street shall be used for the outdoor storage of building material, appliances or similar items except:
   (i) when being temporarily stored for the purpose of construction in accordance with a valid building plan approval; or
   (ii) in conjunction with a yard or garage sale with a duration of not more than two consecutive days.

Mobile Homes
17.2.2 The following development management provisions shall apply with regard to mobile homes:
(a) Mobile homes which are to be situated in a mobile home park are subject to any the Council by-law relating to mobile homes if such a by-law exists.
(b) Mobile homes which are placed on a land unit zoned for residential purposes, shall be subject to the following requirements:
   (i) The mobile home shall be sited on a foundation slab and anchored to the Council’s satisfaction;
   (ii) Solid, perimeter skirting, of material and colour complementary to the mobile home, shall be provided from the bottom of the mobile home to the ground surface;
(iii) The roof and exterior siding of the mobile home shall be of a non-reflective material;
(iv) Any structural additions shall be of materials which, in the opinion of the Council, are compatible with the mobile home.

17.3 SIGNS AND OUTDOOR ADVERTISEMENTS

GENERAL POLICY STATEMENT

The following general policies and principles shall apply with regard to signage and outdoor advertising unless these policies and principles are superseded by by-laws or policy approved the Council:

(i) The environmental impact of outdoor advertising needs to be controlled and managed in order to preserve the visual quality of the landscape and townscape, and for considerations of road safety.
(ii) The visual impact of outdoor advertising varies according to the type of environment, and the type of advertisement. Some areas are highly sensitive while others are not particularly sensitive and may accommodate outdoor advertising with limited negative effects.
(iii) In general natural and rural areas are highly sensitive to negative visual impacts from outdoor advertising. Urban areas may include places of high sensitivity such as heritage areas and scenic routes, places of some sensitivity such as most residential neighbourhoods, and places of lesser sensitivity such as business districts and industrial areas.
(iv) The Council should regulate outdoor advertising in a manner that differentiates between environmental quality and the sensitivity of different parts of the municipal area. The general approach should be to regulate the most sensitive areas most strictly, and less sensitive areas less strictly. The potential for outdoor advertising should be determined by linking the area of control with the landscape type and the sign type.

Objective

17.3.1 The objective is to provide minimum provisions for the regulation of large advertisements and signs, that are visible from any public street in natural, rural and urban areas, and include all types of billboards and tower structures intended predominantly for advertising purposes. In addition provision is made for the Council to designate different control areas where the degree of control is matched with the sensitivity of the environment.

Application to Display a New Sign or Alter an Existing Sign

17.3.2 The following provisions shall apply:

(a) Notwithstanding the provisions of the Transportation Act and the Advertising on Roads and Ribbon Development Act, no person may display a new sign or alter an existing sign which is visible from a public street, and which is equal to or greater than 4.5 m² in area, without the prior written approval from the Council.

(b) In granting its approval the Council may impose conditions relating to, but not limited to, the following:
   (i) the shape, size and height of the sign,
   (ii) colour and texture of the sign,
   (iii) the location and orientation of the sign in relation to the road,
   (iv) illumination and animation of the sign,
   (v) road safety considerations,
   (vi) the design and construction of the sign, and
   (vii) general maintenance of the sign.

(c) In the absence of a Council by-law relating to signage and the control of outdoor advertising, the Council shall assess the application in accordance the principles and guidelines contained in the South African Manual for Outdoor Advertising Control compiled for the Department of Transport and the Department of Environmental Affairs and Tourism.

(d) The Council may require that an impact assessment be conducted by the applicant and shall require such impact assessment with regard to an application to display any billboard or sign with an area in excess of 36.0 m². The impact assessment shall include but is not limited to:
(i) a visual impact assessment, and  
(ii) a traffic safety assessment.

(e) In granting its approval the Council shall limit the period for display of the sign to not longer than 5 years, after which a new application must be submitted.

Declaration of Areas of Control
17.3.3 The Council may declare areas of control for signs and outdoor advertisements, and should be guided by the principles and guidelines contained in the South African Manual for Outdoor Advertising Control with regard to the delimitation and management of such areas.

(a) Areas of maximum control
(i) In areas of maximum control the Council shall strictly regulate all outdoor advertising so that such advertising does not intrude upon, dominate or derogate in any way from the character or quality of the environment.
(ii) The Council may indicate the type of signage that is permitted, excluded or requires further approval in areas of maximum control.
(iii) All nature and rural zones shall be deemed to be areas of maximum control.
(iv) The following urban areas are deemed to be areas of maximum control:
   • public open space,
   • heritage conservation areas,
   • scenic drives and vistas from important view points,
   • areas of historic or architectural significance,
   provided that the responsible roads authority may, after an impact assessment, identify areas along main roads, where a relaxation may be allowed, in which case these areas will be indicated as areas of partial control.

(b) Areas of partial control
(i) In areas of partial control the Council shall regulate signage to achieve integration between signage and surrounding land uses, while recognising greater freedom with regard to the size, number and position of such signs.
(ii) The Council may indicate the type of signage which is permitted, excluded or requires further approval in areas of partial control.
(iii) The following areas are deemed to be areas of partial control:
   • high density mixed use areas, including high density residential areas,
   • medium density residential areas in transition to office and commercial uses,
   • local neighbourhood centres, suburban shopping centres and office parks,
   • ribbon development along main streets,
   • educational institutions, sports fields and commercialised squares,
   • government usage and civic amenities.

(c) Areas of minimum control
(i) In areas of minimum control the Council shall regulate signage to generally permit signs except for high impact signage.
(ii) The Council may lay down conditions relating to high impact signage including but not limited to the shape, size and height of the sign, colour and texture, the location and orientation of the sign in relation to the road, illumination and animation, road safety considerations, the design and construction of the sign, and general maintenance of the sign.
(iii) The following areas are deemed to be minimum control:
   • business districts, commercial shopping centres and office precincts,
   • industrial areas and industrial parks,
   • prominent public transport nodes such as railway stations, large bus stations and taxi ranks, airports and harbours,
   provided that areas of historical, cultural and architectural value shall be excluded from areas of minimum control.
17.3.4 Areas of control shall be indicated on a plan, which together with any accompanying by-law or policy document shall be listed in the Annexures to this by-law.

17.4 PUBLIC NUISANCE

17.4.1 No one may cause a public nuisance in the municipal area.

17.4.2 The municipal manager must, if satisfied that a public nuisance exists within the municipal area, serve,
   (a) on the author of such nuisance,
   (b) if such author cannot be found, on the occupier of the land unit on which the nuisance exists, or
   (c) if there is no such occupier or such occupier cannot be found, the owner of the land unit concerned,
   an order requiring such author, occupier or owner, as the case may be, to remove the cause of and to abate such nuisance to the satisfaction of the municipal manager within a reasonable period specified in such order.

17.4.3 Any person on whom an order has been served in terms of 17.4.2 fails to comply therewith or if the author of the nuisance concerned and the owner and the occupier of the land unit on which such nuisance exists are not known or cannot be found, the municipal manager may cause to be taken all measures which he or she considers to be necessary or desirable for the abatement of such nuisance and any expenses incurred in that connection shall be recoverable by the Council:
   (a) from the author of such nuisance,
   (b) if the author cannot be found, the occupier of the land unit on which the nuisance existed, or
   (c) if there is no such occupier or such occupier cannot be found from the owner of the land unit concerned.

17.4.4 The municipal manager may cause a noise impact assessment to be undertaken by a suitably qualified person and if the results of such assessment show that the Noise Control Regulations Promulgated under the Environment Conservation Act are being contravened, the expenses incurred in respect thereof shall be recoverable under 17.4.3

   (i) Any person who fails to comply with any order served on such person in terms of 17.4.2 or with any condition imposed by the municipal manager in the exercise of his or her powers or the performance of his or her duties thereunder shall be guilty of an offence.

(ii) ANIMALS

17.5.1 The following provisions apply in the Residential Zones:
   (iii) No animals may be kept for business purposes on a land unit in the residential zones.
   (iv) Horses and donkeys may be kept for the personal use of the owner or occupier of a property and his dependants provided that:
      (i) no horses or donkeys shall be kept on a land unit which is less than 8 000 m² in extent, unless Council is satisfied that special factors exist, such as the availability of suitable land in the vicinity for grazing and exercising;
      (ii) an application for an annual permit to keep horses or donkeys shall be submitted by the applicant and may be approved or refused by Council. Such permit shall not be renewed if the applicant has given cause for justifiable and substantial complaint relating to the keeping of horses or donkeys, from neighbours or residents living in the area;
      (iii) the applicant shall submit to Council, for its prior approval, plans of stables and shall construct the stables in accordance with Council’s requirements;
      (iv) stables must be properly maintained, and manure must be handled, to the Council’s satisfaction so as not to cause any public nuisance.
(a) Poultry, rabbits and other small animals may be raised for domestic, non-commercial use in residential areas subject to any Council by-law relating to the keeping of poultry and animals.

(b) No person shall keep on any land unit, cattle, sheep, goats, pigs, indigenous mammals or other wild animals, without the permission of Council, notwithstanding whether such animal is kept for commercial or domestic purposes.

17.6 SITE DEVELOPMENT PLANS

17.6.1 The following provisions shall apply with regard to site development plans:

(a) A site development plan shall contain the information specified in the definition of “site development plan” unless the Council agrees to waive certain requirements.

(b) If considered necessary by the Council, or required by a competent provincial authority, the submission of a site development plan shall be accompanied by a traffic impact assessment or a traffic impact statement.

(c) The Council may approve a site development plan which is submitted for its approval, or may require amendments, or may refuse to approve the site development plan.

(d) In circumstances where a site development plan is required in terms of this by-law, no application for subdivision of land, or for building plan permission in terms of the National Building Act, shall be approved by the Council, unless a site development plan has first been approved.

(e) The property shall be developed generally in accordance with the site development plan as approved by the Council, and to the satisfaction of the Council.

(f) Application may be submitted to the Council for amendment of an approved site development plan.

(g) The Council shall process an application to approve or amend an approved site development plan in accordance with its policy for transparency, public participation and administration of such applications.

(h) When approving a site development plan or amendment to a site development plan, the Council may impose conditions of approval.

17.6.2 The site development plan for a property shall not depart from the zoning provisions for that property unless a departure application has first been approved.

17.7 PROPOSED PUBLIC STREET, STREET WIDENING AND STREET CLOSURE

17.7.1 The Council may indicate on its zoning map:

(a) new public streets which it proposes to establish

(b) public streets which it proposes to widen

(c) public streets which it proposes to close.

17.7.2 Such indications are intended for the information of the public, and to assist the Council in achieving the general planning and development principles. The zoning of the land in question does not change until the new public street, widening or closure has been approved in terms of relevant legislation, and any further legal procedures relating to rezoning have been complied with.
CHAPTER 18
PARKING, LOADING AND INFRASTRUCTURE

GENERAL POLICY STATEMENT
The approach adopted in terms of the Road Access Guidelines (PAWC) is that off-street parking is preferred in order to maximise operational and safety efficiencies on arterials. In addition, off-street parking should be provided and laid out in a manner which facilitates easy access and avoids back-up into the street system. The Road Access Guidelines however, do recognise that on-street parking is desired in many cases although this has been shown to reduce road capacity, road safety and poses a risk to pedestrians, in particular children, emerging between parked vehicles.

18.1 PARKING, LOADING AND ACCESS
The following parking requirements shall apply to all zones except Residential Zone 4: Incremental Housing.

Off-street parking requirements
18.1.1 In cases where parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the Council, parking shall be provided in accordance with the attached Table B “Off Street Parking Requirements”. The Council shall determine off-street parking requirements for land uses not stipulated in Table B.

(a) The column in Table B which is headed “Normal Areas” refers to standard requirements which apply to areas where public transport is not being specifically promoted. The column which is headed “PT1 Areas” refers to areas where the use of public transport is to be promoted, but where the Council considers the provision of public transport to be inadequate. The column which is headed “PT2 Areas” refers to areas where the use of public transport is to be promoted and the Council considers the provision of public transport good.

(b) Areas which are initially determined to be PT1 Areas may be changed to PT2 Areas once the Council is satisfied that the provision of public transport to be adequate.

(c) If an area has not been specifically identified by Council as a PT1 or PT2 area, then the parking requirements for Normal areas shall apply.

18.1.2 Areas designated as “PT1” or “PT2” Areas shall be identified on the map.

Alternative parking requirements
18.1.3 As an alternative to compliance with the required off-street parking, the owner may with the approval of the Council:

(a) acquire the prescribed area of land for the required parking facilities elsewhere in a position approved by the Council, and level, surface and maintain this land it to the satisfaction of the Council;

(b) acquire rights to a parking facility for the required parking elsewhere in a position approved by the Council, and

(c) shall register a notarial deed against such land or parking rights to the effect that the Council and the public shall have access thereto for the purpose of parking, and the cost of registration of the servitude shall be borne by the owner.
### TABLE B: OFF-STREET PARKING REQUIREMENTS

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Normal Areas</th>
<th>PT1 Areas</th>
<th>PT2 Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling house</td>
<td>2 bays per dwelling</td>
<td>1 bay per dwelling</td>
<td>1 bay per dwelling</td>
</tr>
<tr>
<td>Double dwelling</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group dwelling</td>
<td>1.75 bays per dwelling</td>
<td>1 bay per dwelling</td>
<td>1 bay per dwelling</td>
</tr>
<tr>
<td></td>
<td>0.25 bays/unit for visitors</td>
<td>0.25 bays/unit for visitors</td>
<td>0.25 bays/unit for visitors</td>
</tr>
<tr>
<td>Flats</td>
<td>1.25 bays per dwelling</td>
<td>1 bay per dwelling</td>
<td>0.5 bays per dwelling</td>
</tr>
<tr>
<td></td>
<td>0.25 bays/unit for visitors</td>
<td>0.25 bays/unit for visitors</td>
<td>0.25 bays/unit for visitors</td>
</tr>
<tr>
<td>Second dwelling</td>
<td>1 additional bay</td>
<td>1 additional bay</td>
<td>Nil</td>
</tr>
<tr>
<td>Boarding house</td>
<td>3 bays per 4 bedrooms</td>
<td>2 bays per 4 bedrooms</td>
<td>2 bays per 4 bedrooms</td>
</tr>
<tr>
<td>Guest House</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>1 bay per bedroom plus 20 bays</td>
<td>1 bay per bedroom plus 15 bays</td>
<td>0.75 bays per bedroom plus 5 bays</td>
</tr>
<tr>
<td>Old age home</td>
<td>1 bay per 2 bedrooms</td>
<td>1 per 2 bedrooms</td>
<td>1 per 2 bedrooms</td>
</tr>
<tr>
<td>Hospital (general and private)</td>
<td>1 bay per bed</td>
<td>1 bay per bed</td>
<td>1 bay per bed</td>
</tr>
<tr>
<td>Clinic/Medical consulting rooms</td>
<td>4 bays per consulting room</td>
<td>4 bays per consulting room</td>
<td>3 bays per consulting room</td>
</tr>
<tr>
<td>Funeral parlour</td>
<td>1 bay per 4 seats</td>
<td>1 bay per 4 seats</td>
<td>1 bay per 4 seats</td>
</tr>
<tr>
<td>Single shops</td>
<td>4 bays per 100 m² GLA</td>
<td>2 bays per 100 m² GLA</td>
<td>1 bay per 100 m² GLA</td>
</tr>
<tr>
<td>Shopping centre</td>
<td>6 bays per 100 m² GLA</td>
<td>4 bays per 100 m² GLA</td>
<td>2 bays per 100 m² GLA</td>
</tr>
<tr>
<td>Offices</td>
<td>4 bays per 100 m² GLA</td>
<td>2 bays per 100 m² GLA</td>
<td>1 bay per 100 m² GLA</td>
</tr>
<tr>
<td>Industrial</td>
<td>2 bays per 100 m² GLA</td>
<td>2 bays per 100 m² GLA</td>
<td>1.5 bays per 100 m² GLA</td>
</tr>
<tr>
<td>Industrial hive</td>
<td>4 bays per 100 m² GLA</td>
<td>3 bays per 100 m² GLA</td>
<td>1.5 bays per 100 m² GLA</td>
</tr>
<tr>
<td>Service station</td>
<td>4 per repair bay Minimum of 8 bays Plus 4 bays per 100 m² GLA</td>
<td>4 per repair bay Minimum of 8 bays Plus 4 bays per 100 m² GLA</td>
<td>4 per repair bay Minimum of 8 bays Plus 4 bays per 100 m² GLA</td>
</tr>
<tr>
<td>Place of assembly/worship/Entertainment</td>
<td>1 bay per 8 seats</td>
<td>1 bay per 8 seats</td>
<td>1 bay per 15 seats</td>
</tr>
<tr>
<td>Schools</td>
<td>1 bay per classroom/office plus 1 per 10 students</td>
<td>2 bays per 3 classrooms plus 1 per 15 students</td>
<td>1 bay per 2 classrooms</td>
</tr>
<tr>
<td>Place of instruction (other than schools)</td>
<td>1 bay per classroom/office plus 1 per 6 students</td>
<td>2 bays per 3 classrooms plus 1 per 10 students</td>
<td>1 bays per 2 classrooms plus 1 per 20 students</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 per 25 m² GLA</td>
<td>0-1 per 25 m² GLA</td>
<td>0-1 per 25 m² GLA</td>
</tr>
<tr>
<td>Recreation, sport</td>
<td>1 bay per 8 seats</td>
<td>1 bay per 10 seats</td>
<td>1 bay per 15 seats</td>
</tr>
<tr>
<td>Conference centre</td>
<td>8 bays per 10 seats</td>
<td>6 bays per 10 seats</td>
<td>4 bays per 10 seats</td>
</tr>
</tbody>
</table>

*GLA means gross leasable area*
Additional parking and site access requirements

18.1.4 The following additional parking and site access requirements shall apply to all zones except Residential Zone 4: Incremental Housing and Business Zone 5: Service Station.

a) Vehicle access shall be limited to one carriageway crossing per site per public street or road abutting the site.

b) A carriageway crossing may comprise a single lane not exceeding 4.0 m in width where it crosses the street boundary, or combined entrance and exit lanes not exceeding 8.0 m in width where they cross the street boundary.

c) Notwithstanding (a) above, where the total length of any street boundary of a site exceeds 30.0 m in length, one additional carriageway crossing may be permitted provided that no two carriageway crossings are closer than 15.0 m to each other.

d) If the corner at a street intersection is not splayed, vehicle carriageway crossings shall not be closer than 10.0 m to such corner.

e) If the corner at a street intersection is splayed, vehicle carriageway crossings shall not be closer than 10.0 m from such corner or 5.0 m measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.

f) Parking areas shall be used for the parking of vehicles which are lawfully allowed on them and any activity which causes an obstruction for the vehicular traffic, or pedestrian in the use of the sidewalk is prohibited.

g) Parking areas shall be constructed to the satisfaction of the Council.

h) Notwithstanding conditions (a)-(g) the Council may lay down more restrictive requirements in connection with parking and site access if deemed necessary from a pedestrian or traffic safety point of view.

Parking layout plan

18.1.5 A parking layout plan must:

(a) be submitted to the Council for all parking areas in excess of 6 parking bays, or if required by the Council for a lesser number of bays.

(b) indicate the way in which it is intended that vehicles shall park, the means of entrance and exit, and landscaping proposals, and

(c) the Council may approve or disapprove the parking layout plan and impose conditions of approval.

Motorcycle and Bicycle Spaces

18.1.6 The following provisions for motorcycle and bicycle parking spaces shall apply:

(a) The Council may require that parking be provided for motorcycles and bicycles.

(b) For every four motorcycle and six bicycle parking spaces provided, a credit of one parking bay may be given towards the parking requirements provided that:

(i) the total credit shall not exceed 2.5% of the parking bays required;

(ii) the minimum dimension for a motorcycle space shall be 2.2 m in length and 1.0 m in width;

(iii) the minimum dimension for a bicycle space shall be 2.0 m in length and 0.6 m in width;

(iv) bollards and racks, or other devices for storing and protecting the bicycles and motorcycles should be installed to the satisfaction of the Council.

Parking for the Physically Disabled

18.1.7 Parking shall be provided to ensure easy and convenient access for physically disabled persons to services and facilities generally open to the public and to residential uses in special circumstances, and the following provisions shall apply:

(a) The Council may require that at least one parking bay per land unit is capable of use by a physically disabled person.

(b) In any parking facility serving the public, parking for physically disabled persons shall be provided as follows:
PHYSICALLY DISABLED ACCESSIBLE PARKING

<table>
<thead>
<tr>
<th>Total no of parking bays</th>
<th>Required number of bays accessible to the physically disabled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-50</td>
<td>1</td>
</tr>
<tr>
<td>51-100</td>
<td>2</td>
</tr>
<tr>
<td>101-150</td>
<td>3</td>
</tr>
<tr>
<td>151-200</td>
<td>4</td>
</tr>
<tr>
<td>For every additional 100 bays</td>
<td>1 additional parking bay</td>
</tr>
</tbody>
</table>

(c) Parking bays for physically disabled persons shall be a minimum of 2.5 m in width and 5.5 m in length.
(d) Parking bays for physically disabled persons shall be provided with an adjacent access aisle that shall be a minimum of 1.5 m in width. Access aisles may be shared between two adjacent bays for physically disabled persons.
(e) Parking for physically disabled persons and access aisles shall be level.
(f) Parking bays for physically disabled persons shall be located as near as possible to accessible building or site entrances and shall be located to provide convenient access to curb ramps.
(g) Each parking bay reserved for physically disabled persons shall be marked on the parking surface with the International Symbol of Accessibility.
(h) Additional signage indicating the parking bay as reserved for the exclusive use by physically disabled persons may be required by the Council, including a sign warning drivers of the possibility of towing due to unauthorised use and providing information regarding the recovery of vehicles.
(i) Where five or less parking bays are provided, at least one bay shall be 4.0 m wide and marked to provide a parking bay of 2.5 m with an access aisle 1.5 m., but the bay need not be reserved exclusively for physically disabled persons only.
(j) Physically disabled parking provided in terms of this section shall count toward fulfilling off-street parking requirements.

Combined parking requirements
18.1.8 The following provisions for combined parking shall apply:
(a) Where two or more one land uses share a common parking area, the Council may reduce the amount of parking that would be required to be provided for the independent uses, provided that the Council is satisfied that the utilisation of the same parking area by different activities, is not concurrent.
(b) Common bays may not subsequently be reallocated to selective uses, without the consent of the Council.

Loading And Off-Loading Facilities
18.1.9 The following provisions for loading and off-loading shall apply:
(a) The Council may, for the purpose of preventing the obstruction of traffic on any public street adjacent to a land unit, require the owner to submit proposals, to the satisfaction of the Council, for suitable and sufficient space on the land unit for any loading, offloading or fuelling of vehicles which are likely to occur under normal circumstances.
(b) No owner or occupant of a land unit referred to in (a) above, shall undertake or knowingly permit loading, offloading or refuelling of vehicles otherwise than in accordance with the proposals as approved by the Council.
18.2 REFUSE DISPOSAL

18.2.1 The Council may, for the purposes of collecting refuse, require the owner or occupant to install a refuse receptacle on the land unit which shall:
   (a) be of sufficient size to accommodate the refuse generated from the land unit for one week,
   (b) be located adjacent to a public street or, at the Council’s discretion, in a position which will provide acceptable access to a refuse collection vehicle,
   (c) be designed in a manner that is architecturally compatible with the surrounding structures and screened from public view, and
   (d) comply with any other reasonable condition the Council may impose relating to health, pollution control, safety or aesthetics.

18.3 ANTENNAE SYSTEMS

GENERAL POLICY

The following general policies and principles apply in all zones unless these policies and principles are superseded by a more specific Council policy, or by-law.

(i) A wide range of service providers are involved in the telecommunications and cellphone industry, which has lead to a proliferation, and even duplication of masts and antennae. However former parastatal service providers, have traditionally not been subject to the same approval processes as private industry. There is a need for a uniform set of rules to apply to all service providers in order to minimise negative impacts.

(ii) While it is recognised that this use needs to be regulated, telecommunication masts are becoming part of the urban and rural landscape and the by-law should not adversely affect the delivery of an efficient telecommunication service.

(iii) The Council should seek to strike a balance between antenna infrastructure and economic development on the one hand, and the conservation of visual, tourist, environmental and heritage characteristics on the other.

(vi) The Council should ensure that precautionary measures with regard to the health of the relevant community and security of the base station and antennae as prescribed in the National Environmental Management Act are established and complied with,

(v) Masts tend to have less impact in areas with high visual absorption potential, such as urban or industrial areas, than in areas with high visual sensitivity and low visual impact absorption potential such as residential, rural and wilderness areas.

(vi) Attention is required, not only to the appearance of the masts themselves, but also to the visual impact of containers and related mechanical services. Access roads, power lines, fencing and signage at base stations often add to the visual impact.

(vii) Alternatives site locations should be explored early in the planning process in order to minimise the impact of the antenna support structure, rather than relying only on camouflage to reduce the impact.

(viii) The Council should encourage and facilitate the co-location of cellular telecommunication infrastructure where possible, in order to limit proliferation, ameliorate visual impact and facilitate effective control.

Objective

The objective of this section is to provide the Council with minimum requirements that need to be complied with, in the absence of a Council by-law dealing with cellular telecommunication infrastructure and other private and commercial antennae systems.

Application for Commercial antenna

18.3.1 No commercial antenna may be erected, modified or have its radio-frequency emissions altered without the prior written consent of the Council in accordance with the following procedures in terms of this by-law:
(a) An application for Council’s consent to erect a commercial antenna shall include the following information:
   (i) A locality plan of the proposed site, indicating the erf number, street address, current zoning of the site, and the land uses of the subject and surrounding properties;
   (ii) Information about the type of proposed antenna, including a dimensioned plan of the structure in relation to the site boundaries, a front and side elevation of the structure to scale including any other buildings or structures on the site, and proposed lighting of the structure;
   (iii) A site development plan including proposed mitigation measures;
   (iv) If required by the Council, a visual impact assessment of the proposal, including photographic material in order to adequately evaluate the proposal.

(b) The Council may request the applicant to provide information about technically viable alternative sites or structures, and to motivate why co-location at such sites or structures is not proposed.

(c) In the event of an application by a person other than the land owner, the applicant shall submit a duly executed power of attorney to the Council.

(d) The applicant shall comply with the requirements as determined by the Environment Conservation Act.

(e) The Council may approve the application for a period not exceeding 15 years and impose conditions including but not limited to:
   (i) visual impact mitigation
   (ii) reasonable precautionary measures in regard to the health of the relevant community, and
   (iii) security of the base station and antennae.

Radio Frequency Emissions
18.3.2 The following provisions shall apply in the interests of a healthy environment:
   a) All cellular telecommunication infrastructure or combination of such infrastructure must comply with the ICNIRP public exposure standards.
   b) No cellular telecommunication infrastructure or combination of such infrastructure may at any time operate with radio-frequency emission levels that exceed the ICNIRP public exposure standard, and shall operate below such standard where technically and financially feasible.
   c) If an application is made for a shared site, the total projected radio-frequency emission levels for the entire installation must be submitted to the Council as part of the application.
   d) The Council may cause regular measurements to be made to ensure that the operation of all cellular telecommunication infrastructure in its area of jurisdiction complies with the ICNIRP public exposure standard, at the cost of the network provider.
   e) In the event that such measurement shows that the ICNIRP public exposure standard is exceeded, the consent of the Council shall lapse and the Council may cause the cellular telecommunication infrastructure to be decommissioned at the cost of the network provider.

Decommissioned antennae
18.3.3 The following provisions shall apply with regard to decommissioned antennae:
   a) The owner or operator of the antenna system shall remove all infrastructure relating to the antenna system.
   b) Where the site has been disturbed the owner or operator of the antenna system shall rehabilitate the site to its original state or to a state acceptable to the Council.
   c) Where the owner or operator fails to comply with (a) and (b) above the Council may remove the antenna system and related infrastructure, and rehabilitate the site at the cost of the owner or operator.

Satellite dish antenna systems
18.3.4 The following provisions shall apply with regard to domestic satellite dish antenna systems:
   (a) Satellite dish antenna systems that are mounted on the ground shall be placed in a position which minimises the visual impact on the surrounding area.
(b) Satellite dish antenna systems which are mounted to the side of a building shall be:
   (i) placed so that they are not visible from the public street or surrounding area, or
   (ii) architecturally screened so as to minimise the impact on the surrounding properties and from the public streets.

(c) Satellite dish antenna systems that are mounted on the roof of a building shall be
   (i) set back as far as practically possible from the edge of the building, or
   (ii) architecturally screened so as to minimise the impact on the surrounding properties and from the public streets.

(d) The colour of satellite dish antenna systems shall be single, non-glossy colour of cream, off-white, beige, dark green, black or grey.

18.4 INFRASTRUCTURE AVAILABILITY AND SERVICE LEVIES

18.4.1 Engineering services installed by an owner or developer shall comply with the minimum standards for the provision of engineering services as laid down by the Council.

(a) The installation and provision of engineering services shall, in the absence of a service agreement, be the responsibility of:
   (i) the owner or developer for all internal engineering services within the boundaries of the property concerned, and
   (ii) the Council for external engineering services which lie outside the boundaries of the property concerned, and to which the internal services connect.

(b) The owner or developer may make a contribution in whole or in part for the cost of external services if:
   (i) the Council does not have sufficient funds, or
   (ii) the installation of such external services does not conform to the Council's current capital expenditure programme. The conditions relating to such contribution shall be negotiated between Council and the owner or developer, and shall be recorded in a services agreement.

(c) Council may impose a levy on new development in order to provide public open space, or to recover the cost of funding the provision of external services, or for some other purposes, provided such levy is consistently applied and in conformance with any guidelines laid down by the Provincial Government of the Western Cape.
CHAPTER 19

SUBDIVISION AND CONSOLIDATION OF LAND

19.1 SUBDIVISION OF LAND

Subdivision Applications

19.1.1 The Council may grant or refuse an application for the subdivision of a land unit in accordance with the Planning Law subject to conditions, which include any conditions imposed in terms of a Subdivisional Area zoning.

19.1.2 The Council shall not grant a new subdivision unless it is satisfied that, for each land unit created, there is adequate and lawful means of:

(a) access from a public street,
(b) water supply if required,
(c) sewage disposal if required.

Minimum Subdivision Size

19.1.3 The zoning map may designate areas where a minimum subdivision size is specified for a land unit, in which case the nett erf area of a new subdivision and any remainder, shall not be less than the minimum size specified.

Subdivision Permitting Attached Dwelling Units

19.1.4 Subsequent to the granting of a subdivision permitting two or more adjoining land units with attached dwelling units to be held under separate title, the owners shall

(a) maintain such part of any retaining wall, roof, pipe, gutter, wiring or other structure that is common to the adjoining land units or attached dwelling units,
(b) maintain every part of such wall, roof, pipe, gutter, wiring, or other structure which is on or traverses such land units or attached dwelling units,
(c) permit access to such land units or dwelling units for the purposes of maintaining, repairing, renewing or altering to any wall, roof, pipe, gutter, wiring or any other structure,
(d) not make any alterations to or demolish any part of the buildings erected on such land units, including boundary walls and fences, or change the exterior colour scheme or materials of such buildings, without the written consent of the Council.

Utility Services

19.1.5 Subsequent to the granting of a subdivision, the owner of any land unit must, without compensation allow:

a) gas mains, electricity, telephone and television cables, water pipes, foul sewers, stormwater pipes, ditches and channels from any other land unit or land units to be conveyed across the land unit concerned,
b) installations such as mini-substations, meter kiosks and service pillars to be installed thereon, if considered necessary by the Council, in such manner and position as may from time to time be reasonably required, and must allow the right of access to the land unit at any reasonable time for the purpose of constructing, removing or inspecting any works connected with the above.

Bank Stability

19.1.6 Subsequent to the granting of a subdivision, the owner of any land unit must, without compensation:

(a) receive such material or permit such excavation on the land unit as may be required to allow the use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, or
(b) alternatively the owner may elect to build retaining walls to the satisfaction of, and within a period to be determined by the Council.
Subdivision Not Confirmed
19.1.7 The Council may permit a building or structure to be erected on a land unit forming part of a subdivision which has not been confirmed.

19.2 CONSOLIDATION OF LAND

Application of Development Management Provisions to Consolidated Land Units

19.2.1 When two or more individual land units are consolidated, the boundaries of the consolidated land unit shall for the purposes of administering this by-law, be the new cadastral boundaries as shown on an approved land survey diagram. Former building lines, coverage and other provisions which previously applied to individual land units, shall not remain in force over those former land units, but shall apply to the consolidated land unit in accordance with this by-law.

19.2.2 Where two or more individual land units are combined to form a consolidated land unit, and Council receives a pre-application enquiry or building plan application which would, in its opinion:
(a) substantially alter the character of the area, with negative consequences, as a direct result of the size of the consolidated land unit, and
(b) include a larger surface area of building, larger massing of structure, or reduction of space between built elements, than would have been possible prior to consolidation due to the building lines, floor space or coverage provisions that formerly applied to the individual land units in terms of this by-law,
Council may impose additional development management provisions.

19.2.3 The additional development management provisions referred to above may:
(a) relate to the massing, spacing and position of buildings on the consolidated land unit, and
(b) be more restrictive than the development management provisions that would normally apply to the consolidated land unit in terms of this by-law, but
(c) not be more restrictive than the development management provisions which applied to the former individual land units, prior to consolidation, unless the land is rezoned.
CHAPTER 20
INTERPRETATION AND DEFINITIONS

20.1 INTERPRETATION

Rules for interpretation

20.1.1 The following rules of interpretation shall apply:

a) In this by-law, in the register and in any note on the zoning map, the word and expressions shall have the meanings assigned to them in accordance with the definitions contained in section 20.2, except where a contrary interpretation is clear from the context. Interpretation of words not defined in this chapter will have the meanings assigned to them in the “New Shorter Oxford English Dictionary” published by Oxford University Press, except where a contrary interpretation is clear from the context.

b) Headings contained in this by-law shall be used for reference purposes, but shall not be construed to govern, limit or modify the meaning or intent of any provision of the zoning scheme.

c) The masculine gender includes the feminine and neuter, and visa versa, and the singular include the plural, unless the context indicates otherwise.

d) Whenever reference is made to a law, ordinance or by-law, the reference applies to all substitutions, amendments and additions of that law, ordinance or by-law.

e) Whenever reference is made to the use of a building, the reference applies also to the erection of a building, to the use of part of a building and to the use of a land unit, whether a building is erected on the land unit or not.

f) It is understood that the terms “must” and “shall” are mandatory, and the term “may” is not mandatory, unless the context clearly indicates otherwise.

g) The Council’s interpretation of the text shall prevail unless the contrary is proven.

Methods of Measuring Distances and Levels

20.1.2 The following provisions apply with regard to the method of measuring distances and levels:

(a) Where reference is made or implied to the distance between boundaries or between a building and a boundary, this distance shall be measured in the following manner:

   (i) The boundary or boundaries and all points of the building shall be projected onto a horizontal plane, and all measures shall be made in such a plane.

   (ii) The distance between a point on a building and a boundary shall be measured at right angles to the building.

(b) Where reference is made to a portion of a boundary “opposite” a building, such portion shall be defined by drawing lines in a manner described in regulation (a) from points on such building, at right angles to such boundary.

(c) Where reference is made to a grade-line, or to the level of the ground or of a roof, parapet or other thing, such level shall be calculated in accordance with recognised geometric principles. In any case where the levels involved are so irregular that calculation in accordance with these principles is impractical or leads to a result which is not in accordance with the intent of the zoning scheme, the Council shall determine the level.

Interpretation of Boundaries

20.1.3 Where uncertainty exists as to the boundaries of use zones, the following rules apply in the order listed:

(a) Boundaries shown as following or approximately following any public street or road shall be construed as following the street cadastral boundary.
(b) Boundaries shown as following or approximately following any land unit boundary shall be construed as following such boundary.
(c) Boundaries shown as following or approximately following natural features shall be construed as following such features.
(d) In the event of further uncertainty as to the boundaries of a use zone, the Council shall make a determination.

**Interpretation of Category of Use and Zoning**

20.1.4 The Council shall determine the category of use or zoning, and its decision shall be final unless the contrary is proven, where:

a) there is uncertainty or dispute about zoning categories;

b) there is conflict between the provisions of a zoning map, these regulations, this by-law and the register, and

c) there is uncertainty or dispute about the zoning of property.
DEFINITIONS:

20.2.1 In this by-law:

* “4x4 trail” means a series of roads, tracks and routes, designed for use by off-road vehicles as a recreation or adventure facility, and includes buildings normally required for the administration and maintenance thereof, but does not include holiday accommodation or tourist facilities;

A. “abattoir” means a place where livestock or poultry is slaughtered and prepared for the distribution thereof to butcher shops and food markets;

“activity corridor” means an area of generally higher intensity urban use or land suitable for intensification, parallel to and on both sides of an activity spine, and includes any associated higher order transportation routes such as railway lines and through roads;

“activity spine” means a public street, incorporating an existing or planned public transport route, and adjacent land used or intended for mixed use development;

“additional dwelling unit” means a dwelling unit that may be erected, with the consent of the Council, on a land unit in Agricultural Zone 1 in addition to the main dwelling house and a second dwelling unit; provided that:
(i) the additional dwelling unit shall remain on the same land unit as the main dwelling house and second dwelling unit;
(ii) the total number of dwelling units, including the main dwelling house, second dwelling unit and any additional dwelling units, shall not exceed a density of one dwelling unit per 10 ha., subject to a maximum of five additional units per land unit;
(iii) the additional dwellings units must be harmoniously designed; and
(iv) no additional dwelling unit shall be erected within 1 km of the high water mark.

“adult entertainment business” means an establishment, where for any form of consideration, films, photographs, books, magazines or live performances are hired, sold or occur, which are characterised by an emphasis on the display or description of pornographic or erotic sexual activities or human genitalia. Adult entertainment business includes a massage parlour or escort agency where the massage or manipulation of the human body is administered with the purpose of obtaining an erotic response, unless such manipulation is administered by a registered medical practitioner or similar professional person;

“advertise”, when used in the context of making known a matter referred to in this by-law, means one or more of the methods of making known which, according to the policy or guidelines of the Council, is the most suitable method to reach as many people as possible who may have an interest in or are directly affected by the matter, including:
(i) serving a notice, or
(ii) displaying a notice board on a land unit, or
(iii) publishing a notice in the press, or
(iv) holding public meetings, or
(v) having radio broadcasts, or
(vi) constituting and implementing consultative forums or entering into social compacts whether before or after the submission of an application,
and “advertising” and “advertisement” have corresponding meanings;

“advertisement” when used in the context of outdoor advertising, means any visible representation of a word, name, letter, figure or object or of an abbreviation of a word or name, or any sign or symbol or light, which is not intended solely for illumination or warning against danger;
“Advertising on Roads and Ribbon Development Act” means the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940);

“agricultural industry” means an enterprise for the processing of agricultural products on or close to the land unit where these agricultural products are grown or produced, and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products, and includes, inter alia, wineries and farm packing stores, but does not include service trades;

“agriculture” means the cultivation and/or utilization of land for crops and plants, or the keeping and breeding of animals, or the operation of a game farm, including use on an intensive basis of the natural veld or land, and includes only such activities and buildings as are reasonably connected with the main farming activities, but excludes an agricultural industry;

“air rights” means the development of a defined space above or below a public street, railway line or another transport usage, and the allocation of rights for such purposes;

“antenna” means a wire, rod, satellite dish, TV antenna and other similar devices, used to transmit or receive transmission waves;

“appeal” means a petition, in terms of the Planning Law, to the competent authority for review of a decision made under the Planning Law or this by-law;

“area of control” when used in the context of outdoor advertisement, means the degree of advertising control to be applied in a specific area, such as maximum, partial or minimum control, in accordance with the visual sensitivity if the area and traffic safety conditions;

“associated” 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;

“aqua-culture” means the breeding and harvesting of water flora or fauna in artificially constructed dams or holding tanks or suspended from floating supports, for commercial purposes;

“atrium” means a covered courtyard comprising a void within a building that extends for one or more storeys in height, but does not contain floors that penetrate into the void. An atrium contains a floor and a roof or a ceiling;

“authority usage” means a use which is practised by or on behalf of a public authority, and the characteristics of which are such that it cannot be classified or defined under other uses in this by-law, and includes a use practised by:

(i) the State, such as a military training centre and installation, police station, correctional institution or jail,
(ii) the Provincial Government, such as a road station and road camp,
(iii) the Council, such as fire services, sewage purification works, a waste control site, a reservoir, a composting installation, or water purification works with related uses, (and limited accommodation for staff who are required to be on standby for emergencies), or
(iv) a public utility, such as, a telecommunication facility;

“average depth” in relation to a land unit means:

(i) an average perpendicular distance between the public street or road and the points at which the side boundaries meet the rear boundary, or
(ii) in the case of a corner site, the average of the perpendicular distance between each public street or road and the point at which the side boundaries meet, or
(iii) in the case of a panhandle or very irregular property, the average depth as determined by the Council;

“average width” in relation to a land unit means:

(i) the average of the length of the street boundary and the rear boundary, or
(ii) in the case of a corner site, the average of the length of the shortest street boundary and the opposite side boundary, or
(iii) in the case of a panhandle or a very irregular property, the average width as determined by the Council;

B. “balcony” means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings or by main containing walls of rooms abutting such projecting floor, and includes a roof, if any, over such floor and pillars supporting such roof;

“base flood” means the level of flood water that on average is exceeded every one hundred years (also called a 1 in 100 year flood);

“base zone” means that zone which determines the basic land use and development management provisions for a land unit in terms of this by-law, before the application of any overlay zone;

“basement” means that space in a building between the floor and ceiling which is partly or completely below the grade-line, provided that a basement shall be deemed to be a storey for the purpose of a height measurement where any portion extends more than 1,0 m above the lowest level of the ground immediately contiguous to the building;

“bed and breakfast establishment” means a dwelling house or second dwelling unit in which the occupant of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere, provided that:
(i) the dominant use of the dwelling house concerned shall remain for the living accommodation of a single family, and
(ii) the property complies with the provisions pertaining to a bed and breakfast establishment;

“billboard” means any screen or board larger than 4,5 m², supported by a freestanding structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an outdoor advertisement and which is also commonly known as an advertising hoarding. The main function of a billboard is to advertise non-locality bound products, activities or services; (SAMOAC)

“bioregion” means a geographical space that contains one whole or several nested ecosystems characterised by landforms, vegetative cover, human culture and history;

“bioregional planning” means an internationally recognised concept and process aimed at achieving sustainable development;

“biosphere reserve” means areas or terrestrial and coastal or marine ecosystems, or a combination thereof, which are internationally recognised within the framework of the Man and the Biosphere Programme of the United Nations Educational, Scientific and Cultural Organisations;

“boarding house” means a building where lodging is provided, with or without meals, together with such outbuildings as are normally used therewith, and includes an old age home, building in which rooms are rented for residential purposes, and residential club; but does not include a dwelling house, group house, double dwelling house, institution, place of instruction, hotel, bed and breakfast establishment or flats;

“bottle store” means an establishment where the dominant use is the retail sale of alcoholic beverages for consumption off the property, and includes an off sales facility which is under the same management as a licensed hotel;

“boundary” in relation to a land unit means one of the cadastral lines separating such land unit from another land unit or from a public street or road;

“building” without in any way limiting its ordinary meaning, includes:
(i) any roofed structure,
(ii) any external stairs, steps or landings of a building and any gallery, canopy, balcony, stoep, verandah, porch or similar feature of a building,
(iii) any walls or railings enclosing any feature referred to in (ii), and
(iv) any other portion of a building;

“building line” means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited;

“bulk” has the same meaning as floor space;

“business premises” means a building or property from which business is conducted and includes a shop, office, financial institution and building for similar uses, but does not include a place of assembly, place of entertainment, institution, service station, motor repair garage, industry, industrial hive, noxious trade, risk activity, restaurant, adult entertainment business or bottle store;

“builder’s yard” means a property which is used for the storage of material and equipment which:
(i) is required for or is normally used for construction work,
(ii) was obtained from demolitions of structures or excavations of ground, or
(iii) is necessary for or is normally used for land improvements, such as storage of material used for building roads, for installing essential services, or for any other construction work (e.g.: of sand or bricks), whether for public or private purposes;

C. “cadastral line” means a line representing the official boundary of a land unit as registered in the Deeds Office or as a record on a diagram or general plan approved by the Surveyor General;

“camping site” means a property or part thereof in which tents or caravans are utilised for accommodation for visitors, and includes ablution, cooking and other facilities for the use of such visitors;

“canopy” means a cantilevered or suspended roof, slab or covering (not being the floor or balcony) projecting from the wall of a building;

“caravan” means a vehicle which has been equipped or converted for living or sleeping purposes and which can be readily moved;

“carport” means a roofed structure for the housing of motor vehicles which is open at the entrance and at least on one other side;

“carwash” means a building or structure equipped with mechanical equipment for the purpose of washing motor vehicles;

“cellular telecommunication infrastructure” means, but is not limited to, any one or more of the following:
(i) antenna support structure including any solid or lattice structure, mast pole, monopole, guyed tower, lattice tower, freestanding tower or other structure designed and primarily used to support antenna;
(ii) antenna structure including any system of wires, poles, rods or similar devices, used for the transmission or reception of electromagnetic waves, attached to a building or a mast, and includes cabling between the equipment room and the antenna;
(iii) base station site including the land, antenna support structure, and all associated infrastructure such as antenna, microwave dish, equipment room and access road;
(iv) equipment room including a structure to house cellular telecommunication equipment associated with an antenna support structure and/or antenna. This may be a separate building
used exclusively for the equipment or it may be a container or a room or rooms within a building with another predominant use;

(v) microwave dish including any device incorporating a reflective surfaced that is solid, open mesh, or bar configured that is the shape of a shallow dish, cone, horn or other, and is used to transmit and/or receive electromagnetic waves;

“cemetery” means a place where the dead are buried and may include buildings that are necessary for the administrative and clerical uses associated therewith, but does not include a crematorium;

“clinic” means an institution where patients are given medical treatment or medical related advice, and may include a medical centre, an outpatients’ centre or a wellness centre with associated uses, provided that a clinic shall not contain live-in facilities for more than twenty persons, including patients and staff;

“commencement date” means the date on which this by-law came into operation;

“commercial antenna” means a facility incorporating a high mast, for the transmission and/or receiving of electromagnetic waves, and includes a television station, a radio station and a cellular communication tower;

“commercial kennel” means kennel services for dogs, cats and similar animals, and includes commercial breeding, boarding kennels, pet motels and dog training centres;

“common boundary” in relation to property means a boundary common with the adjoining property other than a street boundary;

“conference facility” means a place of assembly with or without overnight accommodation, which also supplies meals, which normally is an additional activity to a primary function such as a hotel, or restaurant and where the building restrictions will be those of the primary function, except that additional parking may be required;

“consent” means special permission granted by the Council, after due consideration of all relevant facts and after following a reasonable and lawful process, in terms of which a specific type of land use or activity is permitted, in addition to the primary use rights applicable to the property concerned;

“consent use” means the additional use right or a variation of a development management provision that is permitted in terms of the provisions in a particular zone, only with the consent of the Council;

“conservation worthiness” when used in the context of a Heritage Area Overlay Zone, means the degree of cultural or historical significance of a place and its relative value for conservation, as determined by the Council;

“correctional institution” means a building where children are housed and trained on instruction of a court of law, and includes a reformatory, place of detention or industrial school, whether private or public, but does not include a jail;

“Council” means the Council for which this by-law applies, and includes the municipal manager, a committee, or an official where the committee or official has received delegated authority to decide a matter on behalf of the Council;

“coverage” means the total area of a land unit that may be covered by buildings, expressed as a percentage of the nett erf area of such land unit, and shall include:

(a) walls and buildings,

(b) solid roofs,
(c) stairs, steps, landings (except entrance landings and steps), galleries, passages and similar features, whether internal or external, and
(d) canopies, verandahs, porches, balconies, terraces and similar features;

provided that the following portions of buildings shall be disregarded in the calculation of coverage:
(i) stoeps, entrance steps and landings;
(ii) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the wall of the building;
(iii) eaves not projecting more than 1,0 m from the wall of the building;
(iv) a basement provided that the basement ceiling does not project above the ground level;

“crèche” means a facility for the day care of young children in the absence of their parents, and may provide care for more children than are permitted at a day care centre;

“crematorium” means a building where the dead are reduced to ash, and includes facilities for associated religious and administrative functions;

D. “day care centre” means the use of portion of a dwelling house or outbuildings by the occupant to provide day care, pre-school, play group or after school care services for children provided that: no more than 20 children shall be registered at a time, or on the property at any time;
(ii) the services are primarily day care and educational and not medical,
(iii) the services do not operate outside the hours of 06h00 to 18h00,
(iv) the dominant use of the dwelling house shall remain for the living accommodation of a single family;

a child care service for 5 or less children may be regarded as an occupational practice, and child care service for more than 20 children shall be regarded as a crèche or place of instruction;

“dBA” means the physical unit used to describe noise level, which shall be measured in accordance with accepted scientific principles, as described in the Noise Control Regulations promulgated in terms of the Environment Conservation Act, 1989;

“declared road” means a road proclaimed in terms of the Roads Ordinance, 1976 (Ordinance 19 of 1976);

“department head” means the head of the department, or the person, that is charged with the administration of this scheme;

“departure” means:
(i) an altered development rule or development management provision that is imposed in terms of the Planning Law, which could be permanent, or
(ii) a use right granted on a temporary basis in terms of the Planning Law, which shall lapse after a time period specified in the approval;

“development framework” means a plan or written strategy approved by the Council as envisaged in 19.12;

“development management provision” means a development rule or restriction, in terms of this by-law, which sets out the permissible extent of use or development of a property;

“display” in relation to a sign, without in any way limiting its ordinary meaning, includes the erection of any structure for the support of such sign;

“district distributor road” means a public street declared by Council to be a district distributor road on the basis that it functions as an important distributor of traffic in an area or district;

“dominant use” means the predominant or major use of the property, and may consist of primary or consent uses permitted on the property;
“**double dwelling house**” means a building designed as a single architectural entity, containing two dwelling units on one land unit;

“**dwelling house**” means a building containing only one dwelling unit;

“**dwelling unit**” means a self-contained inter-leading group of rooms with not more than one kitchen, used for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith;

E. “**eaves**” means a portion of a roof projecting beyond the face of a building, including any gutters;

“**ecosystem**” means a self-sustaining and self-regulating community of organisms and the interaction between such organisms with one another and with their environment;

“**encroachment agreement**” means an agreement between an owner and the Council relating to the projection of portions of a building or structure from the owner’s property onto or over the Council’s property;

“**engineering services**” means infrastructure for the provision of water, electricity, sewerage, stormwater disposal, streets, roads and pedestrian walkways, including all related services and equipment;

“**entrance steps and landings**” means steps and landings to a building, including any low walls and railings, if such steps and landings are not within the main containing walls of the building;

“**environmental impact assessment**” means a report concerning the impact on the environment of specified proposed activities, and such report shall comply with requirements laid down by the Council for environment impact assessments;

“**environmental management plan**” means an operational plan which organises and co-ordinates mitigation, rehabilitation and monitoring measures in order to guide the implementation of a proposal and its on-going maintenance after implementation;

“**Environment Conservation Act**” means the Environment Conservation Act, 1989 (Act 73 of 1989);

“**erection**” in relation to a building or structure includes:
(i) the building of a new building or structure,
(ii) the alteration or conversion of, or addition to, a building or structure, and
(iii) the re-erection of a building or structure which has completely or partially been demolished, and “**erect**” has a corresponding meaning;

“**extractive industry**” means the process of extracting, mining, winning or quarrying of raw materials from the ground including gravel, sand and stone and includes buildings connected with such operations, and crushing plant;

F. “**family**” means:
(i) a single person maintaining an independent household, or
(ii) two or more persons directly related by blood or marriage maintaining a common household, or
(iii) no more than five unrelated persons maintaining a common household;

“**farm stall**” means a building, located on a farm, which does not exceed 100 m² in floor space, including storage facilities, where a farmer sells products produced and processed on his farm to the general public;
“farm shop” means a building, located on a farm, which does not exceed 100 m² in floor space, including storage facilities, where the farmer sells goods, whether to his employees or to the general public;

“flats” means a building of more than one storey containing two or more dwelling units, together with such outbuildings as are ordinarily associated therewith; but not including double dwelling houses or group houses, provided further that in those zones where flats are permissible, one dwelling unit shall also be permissible, whether or not with the consent of the Council, in a building approved for other purposes than for flats;

“flood” means a general and temporary condition of partial or complete inundation of land areas from the overflow of a body of water;

“floodway” means the channel, river or other watercourse and adjacent land areas that must be kept free of structures and other obstructions in order to discharge the base flood without increasing the water surface elevation;

“floor” means the inner, lower surface of a room, garage or basement and includes a terrace or atrium to which the occupants of a building have access;

“floor factor” means the factor (expressed as a proportion of 1) which is prescribed for the calculation of maximum floor space of a building or buildings permissible on a land unit. If the floor factor is known, the maximum permissible floor space can be calculated by multiplying the floor factor by the net erf area;

“floor space” in relation to any building means the area of a floor which is covered by a slab, roof or projection, provided that:
(i) any area, including a basement, which is reserved solely for parking or loading of vehicles, shall be excluded;
(ii) external entrance steps and landings, any stoep and any area required for external fire escapes shall be excluded;
(iii) a projection including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1 m beyond the exterior wall or similar support, shall be excluded;
(iv) any uncovered internal courtyard, lightwell or other uncovered shaft which has an area in excess of 10 m² shall be excluded;
(v) any arcade, with a minimum width of 2 m, which provides access through the building concerned from public parking, a public street or open space, to some other public parking, public street or open space, and which at all times is open to the public, as well as any covered walkway, the roof which allows light to pass through, shall be excluded;
(vi) any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access, shall be excluded;
(v) subject to (viii) below, any balconies, terraces, stairs, stairwells, verandahs, common entrances and common passages covered by a roof shall be included;
(vi) any stairwells, liftwells or other wells, in the case of multi-storey buildings, shall only be counted once;
(vii) in the case of multi-storey buildings, any stairwells, lightwells or other wells, and any atrium, shall only be counted once.

Floor space shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one storey, the total floor space shall be the sum of the floor space of all the storeys, including that of basements;

“funeral parlour” means property where the dead are prepared for burial or cremation and includes facilities for associated administrative and religious functions;
G. “garage” means a building for the storage of motor vehicles, but does not include a motor repair garage or service station;

“grade-line” means an imaginary surface that corresponds with the straight lines connecting the highest and lowest natural levels of ground immediately contiguous to a building, and for the purposes of height control may be regarded as a plane which encompasses the outer edges of a building;

“green house” means a structure with the sides primarily made of a transparent material such as glass, perspex or plastic for the purpose of growing delicate plants or hastening growth of plants under controlled environmental conditions;

“gross density” means a measure of the number of dwelling units in a specified area, and is calculated, for the purposes of these by-laws as follows:

\[
\text{Gross density of dwelling units per hectare} = \frac{\text{Total dwelling units in a specified area}}{\text{Extent of the specified area in hectares}};
\]

“gross leasable area” means the total floor space designed for, or capable of, occupancy and control by tenants, measured from the centre line of the joint partitions to the inside finished surface of the outside walls, but shall exclude toilets, lift shafts, service ducts, vertical penetrations of floors, interior parking and loading bays;

“gross parking space” means an area which incorporates one parking bay plus circulation and landscaping space for one parking bay;

“ground floor” means the lowest floor of the lowest storey of a building, provide that:
(i) Subject to (ii) below, the floor level of the ground floor shall at no point, extend more than 1,5 m above the lowest natural level of the ground immediately contiguous to the building.
(ii) Any ground floor which has a floor level higher than the distance specified in (i) above, shall be deemed to be part of two storeys incorporating both the ground floor and the next storey above, being the second storey;

“ground level” see “natural level of the ground”; 

“ground storey” means the lowest level of a building, the base of which is the ground floor, but does not include a basement;

“group house” means a dwelling unit which forms part of a group housing scheme;

“group housing” and “group housing scheme” means a group of separate and/or linked dwelling units where every dwelling unit has a ground floor; is planned, designed and built as a harmonious architectural entity and arranged around or inside a communal open space in a varied and ordered way; and such dwelling units may be cadastrally subdivided;

“group housing site” means one or more land units on which a group housing scheme or retirement village may be erected;

“guest house” means a dwelling house which is used for the purpose of letting individual rooms for residential transient accommodation, with or without meals, and which exceeds the restrictions of a bed and breakfast establishment, provided that:
(i) the property is retained in a form which can easily be re-used by a family as a single dwelling house, and
(ii) all amenities and provision of meals shall be for the sole benefit of bona fide lodgers;
H. “height” of a building means a vertical dimension of the building from the grade-line to the highest point of the building measured in metres or in number of storeys, provided that:
(i) the height restriction which refers to storeys does not apply to roofs, domes, chimneys, flues, masts and antennae; and
(ii) elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building, shall be deemed to constitute a storey, unless enclosed within the roof or hidden behind parapet walls, not exceeding 2,0 m in height, in which case they shall be deemed to form part of the top storey;

“Heritage Resources Act” means the National Heritage resources Act, 1999 (Act 25 of 1999);

“high water mark” means the high water mark as defined in the Sea Shore Act, 1935 (Act 21 of 1935);

“hillside area” means that area which has a slope of 1 in 5 or greater;

“holiday accommodation” means a harmoniously designed and built development, used for holiday or recreational purposes, whether in private or public ownership, which:
(i) consists of a single enterprise in which accommodation is supplied by means of short term rental or time sharing only, and
(ii) may include the provision of a camping site and mobile home park,
(iii) may also include a restaurant and indoor and outdoor recreation facilities, but
(iv) does not include a hotel;

“holiday housing” means dwelling units, mobile homes or camp sites that are harmoniously designed and built, for holiday or recreational purposes, and which may be separately alienated by means of sectional title division, the selling of block shares or the subdivision of property.

“home occupation” means the practicing of an occupation, or trade, or the conducting of an enterprise from a dwelling unit by one or more occupants of the dwelling unit; provided the dominant use of the dwelling unit concerned shall remain for the living accommodation of a single family, and the provisions pertaining to home occupation in this by-law are adhered to;

“hospital” means a facility designed as an integrated complex for the diagnosis, care and treatment of human illness, and includes live-in facilities for patients;

“hotel” means property used as a temporary residence for transient guests, where lodging and meals are provided, and may include associated conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel; as well as premises which are licensed to sell liquor for consumption on the property, but does not include an off-sales facility;

“house shop” means the conducting of a retail trade from a dwelling house or outbuilding by one or more occupants of the dwelling house concerned, who shall reside in the dwelling house; provided that the dominant use of the dwelling house concerned shall remain for the living accommodation of a single family;

“house tavern” means an enterprise, conducted from a dwelling house or outbuilding, by the occupant of the dwelling house concerned, for the sale of alcoholic beverages and may include consumption of alcoholic beverages by customers on the property, provided that the dominant use of the dwelling house concerned shall remain for the living accommodation of a single family;

I. “industry” means a property, which in the Council’s opinion, is used as a factory and in which:
(i) an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; or

(ii) livestock (including poultry) are slaughtered; or

(iii) electricity is generated for the use in processes referred to in (i) and (ii) above;

industry includes an office, caretaker’s quarters or other uses which are subservient and ancillary to the use of the property as a factory, but does not include a noxious trade or risk activity;

“industrial hive” means a complex of uniformly designed buildings, containing a mix of retail and manufacturing activities, and arranged in an orderly manner around common spaces, which may include common parking and access;

“institution” means a property used as a social, health or welfare facility, or for the administration thereof, and includes a hospital, clinic, home for the aged, indigent or handicapped, reformatory or place of detention, whether of a commercial or charitable nature, but does not include a jail;

“integrated development framework” means a development framework which deals with the integration of different strategies and sectoral plans relating to development, such as spatial, economic, social, infra-structure, housing, institutional, fiscal, land reform, transportation, environmental or water plans, to attain the optimal allocation of limited resources in a particular geographic area, and may include an integrated development plan as defined Systems Act;

“integrated development plan” means a plan envisaged in section 25 of the Systems Act; “intensive animal farming” means the breeding, feeding and keeping of animals or poultry within confined pens or buildings on an intensive basis for commercial purposes;

“intensive horticulture” means the cultivation of plants under a roof, or in greenhouses for commercial purposes;

“jail” means a place for the confinement of persons convicted and sentenced to imprisonment, or of persons awaiting trial;

“land” means land with or without improvements, including land covered with water;

“land unit” means a portion of land registered or capable of being registered in a deeds registry;

“landscaping” means the planting or placement of plants, the moulding of earth and installation of outdoor features such as walkways and paving for the purpose of protecting and promoting aesthetic appeal, scenic beauty, character and value of property, as well as promoting the reduction of noise pollution, storm water runoff, air pollution, visual pollution or light glare;

“landscape plan” means a plan indicating detailed landscape proposals including walkways, paving, planting, water features, recreation areas, engineering services and any other such land uses;

“land survey certificate” means a certificate issued by professional land surveyor;

“Land Use Planning Ordinance” means the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) of the Western Cape Province and includes regulations made thereunder;

“Less Formal Township Establishment Act” means the Less Formal Township Establishment Act, 1991 (Act 113 of 1991);

“level of the footway” means:

(i) in the case of a footway which has been constructed within a road reserve, the level of the back of the footway, and
(ii) in the case of a footway that has not been constructed within a road reserve or is to be 
constructed, such level as the Council may determine;

“linked”, in relation to the definition of “group housing”, means to be connected by means of a wall or 
garage;

“loading bay” means an area measuring not less than 4,5 m x 7,5 m which is clearly demarcated for 
loading and off-loading of goods from commercial vehicles. The loading bay shall have vehicular 
access to a public street to the satisfaction of the Council;

“lodger” means a person who pays rent in return for bedroom accommodation within another 
person’s dwelling unit;

“lodging” means bedroom accommodation which is made available for payment, and the services 
ordinarily related to such accommodation;

M. “main road” means a public street which is defined as a main road in terms of section 4 of the roads 
ordinance (Ordinance No 19 of 1976);

“Management agency” means an agency with jurisdiction to administer and/or exercise control over 
a wilderness area or statutory conservation area;

“maximum floor space” means the greatest total floor space which is allowed for a building or 
buildings on a land unit. Such maximum floor space is calculated by multiplying the floor factor by the 
net erf area of the land unit or that portion of the land unit which is situated within a particular zone; 
provided that where the land unit is situated within two or more zones to which different floor factors 
apply, the maximum floor space for the whole land unit shall be the total of the maximum floor space 
for each portion of the land unit;

“medical consulting rooms” means building, not being a hospital or clinic, which are used for 
human medical or medical related consultation, examination or treatment, but does not include live-in 
facilities;

“mezzanine” means an intermediate floor in a building, especially a low one between the ground 
floor and the first floor. For the purposes of measuring height, a mezzanine shall be counted as a 
storey;

“mining” means an enterprise which practices the extraction of raw materials from the earth, 
whether by means of surface or underground methods, and includes, but is not limited to, the removal 
of stone, sand, clay, coalin, ores, minerals, gas and precious stones;

“mobile home” means transportable, factory-constructed structure with the necessary service 
connections, which is designed so that it can be used a permanent dwelling;

“motel” means a hotel, which is specifically designed for the convenience of motorists and includes 
the provision of parking facilities;

“motor repair garage” means a business or concern where motor vehicles are provided with fuel for 
payment or reward and includes the repair or overhauling of motor vehicles, spray-painting, panel 
beating, black-smithery or body work and service station;

“motor vehicle” means a vehicle designed or used for propulsion by means of an internal 
combustion or electrical engine, and includes a motor cycle, a trailer or caravan, but does not include 
a vehicle moving exclusively on rails;

“municipality” has the same meaning as Council.
“municipal manager” means the municipal manager of Council, or an official, acting under delegated powers, charged with the responsibility to administer this by-law;

N. “National Building Act” means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);


“natural level of the ground” means the level of the land surface on a land unit:
its unmodified state, or
in a state which has been graded, with the Council’s approval, for the purposes of development, provided that:
(i) any grading for the purpose of development shall connect evenly with the existing levels of abutting land units;
(ii) where land is excavated, the excavated level is deemed to be the natural level of the ground;
(iii) where it is not possible to determine the natural level of the ground due to irregularities or disturbances of the land, the Council shall determine a level for the purpose of administering this by-law;
(iv) where land is excavated and the excavated material is used to extend a building site (cut to fill), the Council shall define a level for the purposes of administering this by-law;

“nature conservation” means the use and management of land with the objective of preserving the natural biophysical characteristics of that land, such as the flora and fauna, but does not include tourist facilities;

“nature reserve” means a national park or some other park which is in the ownership of a public authority or has been declared as such in terms of legislation and remains in private ownership; it consists of an area which is utilised as a game park or reserve for flora and fauna in their natural habitat, but does not include accommodation facilities for tourists or holidaymakers;

“nett erf area” means the total area of a land unit, excluding all land reserved for public streets, roads or road widening purposes;

“noise level” means a reading on an integrated impulse sound level meter taken in accordance with accepted scientific principles, as described in the Noise Control Regulations promulgated in terms of the Environment Conservation Act, 1989;

“non-conforming use” means a use of property that was lawful before the commencement date, but which does not conform to the use or development management provisions stipulated in this by-law.

“noxious trade” means an offensive, poisonous or potentially harmful trade, use or activity which, because of fumes, emissions, smell, vibration, noise, waste products, nature of material used, processes employed, or other cause, is deemed by the Council to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area;

O. “occupant” means any person who physically inhabits a building, a structure or land, or any person having the charge or management thereof and includes the agent of any person absent from the area or whose whereabouts is unknown;

“occupational practice” means the same as “home occupation”;

“offices” means property used for the performance of an administrative function or the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, and includes a post office or magistrates office;
“office park” means a group of office buildings which are designed and built as a harmonious architectural entity; arranged in an orderly manner within a landscaped environment, and involving shared use and management of amenities such as roads, services, access control or common property;

“outbuilding” means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit, and includes a building which is designed to be normally used for the garaging of motor vehicles, for storage purposes and any other normal activities in so far as these are usually and reasonably required in the connection with the main building, but does not include a second dwelling unit;

“outdoor advertisement” when used in the context of outdoor advertising, means any visible representation of a word, name, letter, figure or object, or of an abbreviation of a word or name, or of any sign or symbol or light, which is intended to promote the sale of goods or services and is capable of being seen by passing members of the public;

“overlay zone” means a category of zoning applicable to a particular area or land unit, which stipulates additional development management provisions for a land unit or area, in addition to the underlying zoning or base zone requirements, and may include parameters relating to consent use limitations, subdivision, urban renewal, environmental protection or any other purpose, as set out in this by-law; an overlay zoning may add further development management provisions in a particular area or zone which may be more or less restrictive than for the land units which are not covered by the overlay zoning; and “overlay zoning” has a corresponding meaning;

“owner” in relation to land, means the person or entity in whose name that land is registered in a deeds registry, and may include the holder of a registered servitude right or lease, any successor in title;

“owners’ association” means an association with jurisdiction registered in terms of the Companies Act 1973 (Act 61 of 1973), membership of which shall be compulsory for all owners of property for which it is established;

P. “package of plans” means the hierarchy of plans specified in terms of this by-law in section 16.7.3; “panhandle” means a narrowed part of a property which provides a link with a street;

“parking bay” means an area measuring not less than 5,0 m x 2,5 m for perpendicular parking and 6,0 m x 2,8 m for parallel parking, which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Council;

“pergola” means any unroofed horizontal or approximately horizontal grille or framework, such that the area in the horizontal projection of the solid portions thereof does not exceed 25 % of the total area thereof;

“petrol filling station” see “service station”;

“place of assembly” means a public hall, a hall for public (social) functions, a music hall, a concert hall, a hall for display which is not directly related to a commercial enterprise, a town hall or a civic centre;

“place of entertainment” means a theatre, cinema, dance hall, amusement park, sports centre, billiards room, games arcade, skating rink, or similar place;

“place of instruction” means a crèche, pre-primary school, school, college, technical institute, university, research institution, convent, (public library), public art gallery, museum or other centre of education and includes an associated hostel, but excludes a correctional institution or jail;
“place of worship” means a church, synagogue, mosque, temple, chapel or other place for practicing a faith or religion, and includes any building and a residence associated therewith, but does not include a funeral parlour, cemetery or crematorium with related chapel;

“Planning Act” means the Western Cape Planning and Development Act, 1999 (Act 7 of 1999);

“Planning Law” means the Townships Ordinance, the Planning Ordinance, or succeeding legislation governing the preparation and administration of zoning schemes in the Western Cape, whichever is applicable;

“Planning Ordinance” means the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) of the Western Cape Province and includes regulations made thereunder;

“plant nursery” means a property which is used for the sale of plants, gardening products and gardening equipment;

“porch” means a roof (not being the floor of a balcony) projecting from the outside of a building above a doorway, and forming a covered entrance to such building, and includes any paved area there-under and any low walls or railings enclosing such paved area and any pillars supporting such roof;

“precinct plan” means a plan, approved by the Council, as envisaged in this by-law in section 19.12;

“premier” means the premier of the Western Cape Province;

“primary distributor road” means a public street declared by the Council to be a primary distributor road;

“primary use” in relation to land or buildings means any use specified in this by-law as a primary use, being a use that is permitted without the need first to obtain the Council’s consent;

“private open space” means any land which is or will be in private ownership, or municipal land on a long term lease, with or without access control, used primarily as a private site for outdoor sports, play, rest or recreation, or as a park, garden, or play area or for nature conservation;

“private parking” means property which is reserved exclusively for parking purposes, if such parking is not normally accessible to the general public;

“private road” means land reserved for the passage or parking of motor vehicles, which is privately owned and does not vest in the Council or other public authority;

“property” means land together with all buildings and structures on the land;

“public authority” means a state department, municipality or organ of state or the Provincial Administration;

“public nuisance” means any act, omission or condition which, in the Council’s opinion is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or which adversely affects the safety of the public, having regard to

(i) the reasonableness of the activities in question in the area concerned, and the impacts which result from these activities, and

(ii) any noise levels stipulated in overlay zones applying to the land unit concerned;
"public open space" means land which is under or will be under the ownership of the Council or other public authority, which is not leased on a long term basis, and which is set aside for the public as an open space, park, garden, picnic area, playground or square or for nature conservation;

"public parking" means property that is accessible to the general public for parking purposes with or without a fee;

"public place" means any land indicated on an approved plan as public place and in respect of which ownership vests in the Council in terms of the Planning Law, or in terms of any other law;

"public street" means any land indicated on an approved plan, diagram or map as having been set aside as a public throughway for vehicles and pedestrians, of which the ownership as such vests in the municipality in terms of the Planning Act, or in terms of any other law;

"publish in the press" means to publish a notice in such newspaper or newspapers as the municipal manager may from time to time determine or the Provincial Gazette, or in both a newspaper or newspapers as contemplated herein and the Provincial Gazette, and "publication in the press" has a corresponding meaning;

R. "rear boundary" of a land unit means every boundary thereof (other than a street or side boundary) which is parallel to, or is within 45° of being parallel to every street boundary of such land unit and which does not intersect a street boundary, provided that in the case of a panhandle property the Council shall determine which boundary, if any, is the rear boundary;

"register" means the document held by the Council in connection with all departures, consent uses, site development plans, conditions relating to use rights or special zone development management provisions;

"restaurant" means a commercial establishment where meals and liquid refreshments are prepared and/or served to paying customers for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the property;

"retirement village" means group housing that conforms to the following additional conditions: (i) each dwelling unit shall be owned by a person who is 50 years of age or older, and occupied by at least one person who is 50 years of age or older, (ii) a range of care and other facilities shall be provided to the satisfaction of the Council, and

"rezoning" means the amendment of a zoning scheme in terms of the Planning Law in order to effect a change of zoning in relation to a particular land unit or units;

"riding school" means a place or undertaking for the leasing of horses and riding instruction against payment and includes the care and stabling of such horses;

"risk activity" means an undertaking where the material handled or the process carried out is liable to cause combustion with extreme rapidity and give rise to poisonous fumes, or cause explosion, and includes activities involving dangerous and hazardous substances that are controlled in terms of national legislation;

"road" includes a public street and private road;

S. "satellite dish antenna" means an apparatus capable of receiving or transmitting communications from a satellite;
“scenic drive” means a public street which is declared as a scenic drive by the Council in recognition of the high visual amenity alongside that public street including background vistas of mountain, open country, coastline or city;

“scenic drive corridor” means all land within 200 meters on either side of a scenic drive as measured perpendicular from the centre line of the road reserve;

“scrapyard” means a property which is utilised for one or more of the following purposes:
(i) storing, depositing or collecting of junk or scrap material or articles the value of which depends mainly or entirely on the material used in the manufacture thereof
(ii) the dismantling of second hand vehicles or machines to recover components or material, and
(iii) the storing or sale of second hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred;

“second dwelling unit” means a dwelling unit which may be erected with the consent of the Council on a land unit where a permitted dwelling house has first been erected, provided that:
(i) this by-law authorises the Council to grant its consent for a second dwelling unit in the zone concerned,
(ii) the second dwelling unit shall remain on the same cadastral unit as the dwelling house,
(iii) the second dwelling unit shall have a lesser floor area than the dwelling house,
(iv) the second dwelling unit shall comply with the other requirements specified in this by-law;

“second storey” means the storey above the ground floor;

“Sectional Titles Act” means the Sectional Titles Act, 1986 (Act 95 of 1986);

“sectoral plan” means any written strategy or plan which deals mainly with one of the sectors or elements or particular subjects that form part on an integrated development framework and which may be an economic, land reform, environmental, housing, water, service or transport, plan;

“service agreement” means a written agreement which is concluded between a developer of immovable property and the Council, in terms of which the respective responsibilities of the two parties for the planning, design, provision, installation, financing and maintenance of internal and external engineering services and the standard of such services are determined;

“service station” means property for the retail supply of fuel and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhauling of motor vehicles and washing of vehicles, but does not include spray-painting, panel beating, blacksmithery or body work. Any portion of a shop or business premises which incorporates facilities for retail supply of fuel for the use of motor vehicles, shall be deemed a service station;

“service trade” means an enterprise which is:
(i) primarily involved in the rendering of a service for the local community such as the repair of household appliances or the supply of household services, and
(ii) not likely to be a source of disturbance to surrounding properties, and
(iii) employs at most 10 people, and
(iv) not liable, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions, and
(v) includes a builder’s yard and allied trades, laundry, bakery, dairy depot and similar types of uses, but
(vi) does not include an abattoir, brick-making site, sewage works, service station or motor repair garage;

“setback” means the line delimiting the area measured from the centre line of a particular public street, within which no building or other structure, including a boundary fence, may be erected;
“shelter” means a unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such material does not comply with the standards of durability intended by the National Building Act;

“shop” means property used for the retail sale of goods and services individually or in relatively small quantities to the public; it includes a retail concern where goods which are sold in such a concern are manufactured or repaired, provided that the floor space relating to such manufacture or repair shall not comprise more than one-third of the floor space of the shop; “shop” does not include an industry, service trade, motor repair garage, service station, restaurant, adult entertainment business, bottle store or industrial hive, and if such uses are included with a shop on a land unit, they shall be regarded as separate uses subject to such separate development management provisions;

“side boundary” means a boundary of a land unit other than the street boundary or the rear boundary;

“sign” means any sign, sign-writing, mural, graphic design, signboard, screen, blind, boarding or other device by means of which an advertisement or notice is physically displayed; and includes any advertisement or object, structure or device which is in itself an advertisement or which is used to display an advertisement;

“site development plan” means a plan which shows details of proposed development including;
(i) existing bio-physical characteristics of the property,
(ii) the layout of the property indicating the use of different portions of the property,
(iii) the position, use and extent of buildings,
(iv) sketch plans and elevations of proposed structures including information about their external appearance,
(v) the alignment and general specification of vehicle access, roads, parking areas and pedestrian footpaths,
(vi) the position and extent of private, public and communal space,
(vii) typical details of fencing or walls around the perimeter of the land unit and within the property,
(viii) electricity supply and external lighting proposals,
(ix) provisions for the disposal of stormwater, sewage and refuse,
(x) water supply,
(x) external signage details,
(xii) general landscaping proposals including vegetation to be preserved, vegetation to be removed,
(xiii) vegetation to be planted, external paving, and measures for stabilising outdoor areas where applicable,
(xiv) the phasing of the development,
(xv) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill,
(xvi) statistical information about the extent of the proposed development, floor area allocations and parking supply, and
(xvi) any other details as may reasonably be required by the Council;

“slope” means the degree of deviation of a surface from the horizontal, usually expressed as a ratio and calculated for the purpose of this scheme as follows:
\[ \text{Slope} = \frac{1}{\text{Horizontal distance}} \times \frac{\text{Vertical rise}}{1} \]

“special usage” means a use which is such, or in respect of which the development management provisions are such, that it is not otherwise catered for in this by-law;

“stoep” means an uncovered paved area or projecting floor outside and immediately adjoining a building, at or below the level of the ground floor thereof, and includes any low walls or railings enclosing such paved areas or floors;
“storey” means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above the ceiling, provided that: a basement does not constitute a storey, a roof, or dome which forms part of a roof, shall not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation, in which case it is deemed to be a storey, any storey which is greater than 3 metres but equal to or less than 6,0 metres in height, shall for the purpose of the height measurement, be deemed to be two storeys, and every additional 3 metres in height or portion thereof, shall be deemed to be an additional storey;

“street” in the context of provisions pertaining to street building line, setback, street boundary, street corners, off-street parking, site access or loading requirements, includes a public street and a private road;

“street boundary” means the boundary of a land unit and a public street or private road;

“structure” without in any way limiting its ordinary meaning, includes any building, shelter, wall, fence, pillar, pergola, steps, landing, terrace, sign, ornamental architectural feature, swimming pool, fuel pump and underground tank, and any portion of a structure;

“structure plan” means a plan approved in terms of section 4(6) or 4(10) of the Planning Ordinance;

“subdivide”, in relation to land, means to subdivide land whether by means of: survey; the allocation, with view to a separate registration of land units, of undivided portions thereof in any manner, or the preparation thereof for such subdivision;

“subdivisional area” means land zoned in a manner permitting subdivision as contemplated by the Planning Law;

“subdivision plan” means a plan which reflects the prescribed information, including but without being limited to, the relative location of proposed subdivided land units, public places and public streets on a land unit that is to be subdivided;

“substitution scheme” means a zoning map or development management provisions which replace, in terms of the Planning Law, any other zoning map or portion thereof, or which replace the Subdivisional Area Zoning allocated in terms of the Planning Law;

“sustainability” means optimally fulfilling current needs without compromising the attainment of the needs of future generations;

“sustainable resource usage” means the gathering of flora and/or fauna within a nature reserve or nature conservation area for sale or use by a person or organisation other than the competent Management agency; provided that such use

(i) is sustainable
(ii) does not deplete the resources below acceptable levels; and
(iii) is not to the detriment of the eco-system;

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

T. “terrace” means an area to which occupants of a building have access, created on a flat roof over a portion of a storey, resulting from the setting back of part of the building above such a storey;

“this by-law” mean this zoning by-law which has been approved by the Council in terms of the Planning Law;
“total floor space” of a building means the sum of the floor space of all the storeys of that building, including basements;

“tourist facilities” means amenities for tourists or visitors such as lecture rooms, restaurants, gift shops, restrooms or recreational facilities, but does not include a hotel or overnight accommodation;

“town housing” and “town housing scheme” means a housing development, which is a row or group of linked or attached dwelling houses, designed and built as a harmonious architectural entity, of which every dwelling house has a ground floor;

“Townships Ordinance” means the Townships Ordinance No 33 of 1934 and includes all regulations made thereunder;

“traffic impact assessment” means a study of demand for travel generated by a proposed development in relation to the existing and planned road system, where the development generates more than 275 trips or increases daily trips by more than 20% over existing levels;

“traffic impact statement” means a statement of demand for travel generated by a proposed development in relation to the existing and planned road system, where the development generates less than 275 trips and increases daily trips by less than 20% over existing levels;

“transport usage” means a transport undertaking based on the provision of a transport service and includes public and private undertakings such as airports, railway stations, bus depots, taxi ranks, public transport interchanges and associated purposes;

“trees worthy of preservation” means a protected tree listed under section 12 of the National Forest Act, No 84 of 1998, a tree taller than six m and a tree with trunk and with a circumference of more than 1.5m measured one metre from the ground, that is not declared an invader plant for the Western Cape under section 2(3) of the Conservation of Agriculture Resources Act; No 43 of 1983;

“truck stop” means a facility with direct access from a freeway, inter city road or major transport route which provides a range of rest, service and fuelling facilities for heavy duty, long haul vehicles and trucks;

U. “urban conservation” means the development or maintenance of the built environment in a prescribed manner, aimed at maximisation of its historic, aesthetic or social attributes and the enhancement of the value of the area, both for present and future uses;

“urban edge” means a demarcated line which may follow cadastral boundaries or not, and inter related policy which serves to manage, direct and control the outer limit of urban expansion;

“used" in addition to its ordinary meaning includes designed or intended to be used;

“use right” in relation to property, means the right to utilise that property in accordance with its zoning including any lawful departure therefrom;

“use zone” means that part of the scheme, which has been shown on the zoning map by means of a specific notation or bordering or any other distinguishing manner, in order to identify the permitted use of the land;

“utility usage” means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and includes water reservoirs and purification works, electricity substations and transmission lines, waste water pump stations and treatment works, but does not include roads, transport usage or parking.

V. “verandah” means a covered area (not being an area which is part of a yard or parking area) or projecting floor outside and immediately adjoining a building at or below the level of the ground floor
thereof, and includes both such area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing such paved area or floor;

W. “warehouse” means a building used primarily for the storage of goods, except those that are offensive or dangerous, and includes property used for business of a predominantly wholesale nature, but does not include property used for business of a predominantly retail nature;

“waste disposal site” means a place where household, commercial or industrial waste products are stored, salvaged, treated or disposed of in a lawful manner, and includes sanitary infill;

“wetlands” means land where the water table is usually at or near the surface and which, in normal circumstances, supports or would support vegetation typically adapted to life in saturated soil;

“wilderness conservation” means the management and protection of natural areas that are largely unspoilt, undeveloped and remote, so that natural processes can take place largely unaffected by human intervention;

“winery” means a place where wine is made and may include a selling point to the general public and wine-tasting area;

“worker accommodation” means a private settlement of restricted size established and managed as a legal institution or housing managed by means of legal agreement that is situated within an agricultural or rural area and where residence is restricted to bona fide rural workers and their dependants, on farms, forestry or conservation areas.

Z. “zone” when used as a noun, means land which has been designed for a particular zoning, irrespective of whether it comprises one or more land units or part of a land unit;

“zone” when used as a verb in relation to land, means to designate the land for a particular zoning;

“zoning”, when used as a noun, means a category of directions regulating the development of land and setting out the purposes for which the land may be used and the land use or development management provisions applicable in respect of the said category of directions, as determined by relevant zoning scheme by-laws;

“zoning map” means an approved map or maps showing the zones and land units in respect of land situated within the municipal area;

“zoning scheme” means a scheme which has been approved by the Council, for the zoning of land and consists of zoning scheme by-laws, register and a zoning map;

“zoning by-law” has the same meaning as “this by-law”.
PART V
SCHEDULES AND ANNEXURES
SCHEDULE 1:
GENERAL PLANNING AND DEVELOPMENT PRINCIPLES

This schedule should be read in conjunction with the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) and the Promotion of Access to Information Act, 2000 (Act 2 of 2000)

GENERAL PLANNING AND DEVELOPMENT PRINCIPLES

1. PRINCIPLES OF PLANNING AND DEVELOPMENT LEGISLATION, POLICY, ADMINISTRATIVE PRACTICE, REGULATIONS AND BY-LAWS
Laws, regulations, policy and guideline documents on planning and development should: be clear and generally available to those who are likely to be affected thereby; provide guidance and information to those affected thereby in addition to serving as regulatory measures; be aimed at promoting trust and acceptance among those likely to be affected thereby; and give further content to fundamental rights as set out in the Constitution.

2. PRINCIPLES OF DECISION-MAKING AND DISPUTE RESOLUTION
Each proposed development should be judged on its merits and no specific land use should be regarded in advance or in general as being less important or desirable than any other land use, unless a development framework or structure plan indicates that a specific type of land use should be protected. Decisions should be taken on the advice of suitably qualified and experienced persons in the employ of the authority concerned and experts in the field of agriculture, planning, engineering, geology, mining, management of the environment, law, surveying or any other field determined by the Provincial Minister.
Before a decision is taken, the desirability of referring for mediation a dispute about development or planning between parties should be considered.
If the authority concerned considers mediation to be desirable, the dispute should be referred for mediation, but if mediation is undesirable, or if mediation has failed, a public inquiry should be conducted or a decision taken.
Before any important decision is taken the desirability of conducting a public inquiry into the matter should be considered.
If a public inquiry is to be conducted before a decision is taken, it should be open to the public, and any person entitled to appear at the inquiry may be represented by any other person. Reasons in writing for a decision should be furnished on request. The department head should keep a record of reasons given for decisions taken by the Provincial Administration of Western Cape, and the chief executive officer (municipal manager) for decisions taken by the Council Such Record should be made available for inspection by members of the public, and any person or body should be able to publish the reasons.
A decision taken should be subject to review by any competent division of the High Court.

3. PRINCIPLES OF ROLEPLAYER PARTICIPATION AND HUMAN RESOURCES DEVELOPMENT
Members of communities affected by planning and development should be actively involved in the planning and development process.
The skills and capacities of all persons involved in planning and development, including the disadvantaged, should be developed.
All sectors of the economy (government and non-government sectors) should be encouraged to contribute toward planning and development so as to maximise the ability of all spheres of government to undertake planning and development, and to this end: authorities should endeavour to clearly define and make known the functions and responsibilities of all sectors of the economy with regard to planning and development and the desired relationship between these sectors, and an authority which is responsible for the administration of Planning Law and any other law relating to planning should furnish particulars of the legislation concerned and of persons responsible for its administration to any person requiring such information.

4. PRINCIPLES OF DEVELOPMENT IN GENERAL
Efficient land development administrative practices should be promoted.
Development should result in security of tenure and should provide for the widest possible range of tenure alternatives, including individual and communal tenure. In the development of land the rightful interests of any occupants of that land should be duly taken into account. The various levels of government should co-ordinate the interests of the various sectors involved in or affected by development so as to minimise conflicting claims to scarce resources. The effective functioning of a development market base on open competition between suppliers of goods and services should be stimulated.

5. PRINCIPLES OF SPATIAL ENVIRONMENT RESTRUCTURING
Provision should be made for rural and urban planning and development, and the development of existing and new formal and informal settlements should be facilitated. The illegal occupation of land should be discouraged, with due recognition of informal development processes. Sufficient land for permanent development and temporary reception areas should be identified and developed in accordance with national and provincial policies. Efficient and integrated planning and development should be promoted by: the integration of social, economic, institutional, environmental and physical aspects of planning and development; integrated development and planning in rural and urban areas with a view to mutual support; providing residential and employment opportunities in close proximity to or integrated with each other; the optimal utilisation of existing resources, including resources with regard to agriculture, land, minerals, bulk infrastructure, roads, transport and social facilities; encouraging a diverse combination of land uses, including mixed land uses; discouraging the phenomenon of urban sprawl, protecting the agricultural resource base and encouraging the development of more compact cities; contributing towards the correction of historically distorted spatial patterns of settlement in the Western Cape, and encouraging environmentally sustainable planning and development practices and processes.

6. PRINCIPLES OF SUSTAINABLE DEVELOPMENT
Sustainable development should be promoted by: promoting development within the fiscal, institutional and administrative means of the Province; promoting the establishment of viable communities; promoting sustained protection of the environment; meeting the basic needs of all communities in an affordable manner, and ensuring the safe use of land, with due regard to factors such as geological formations, dangerously undermined areas and flood plains.

7. PRINCIPLES OF ENVIRONMENT PROTECTION
Development should harmonise with the ecological characteristics of the environment. Development should heed the natural processes which control any specific environment. Development of unsuitable environments, such as areas with a high water table, swamps, flood plains, steep slopes and areas sensitive to drift-sands, should be discouraged. Development planning should heed the aesthetic properties of landscapes and the environment.
### SCHEDULE 2: PRINCIPLES DERIVED FROM NATIONAL LAWS, PROVINCIAL LAWS AND POLICIES

#### LIST OF PRINCIPLES DERIVED FROM NATIONAL LAWS, PROVINCIAL LAWS AND POLICIES

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INTEGRATED DEVELOPMENT PLANNING

GENERAL POLICY STATEMENT

A Integrated Development Planning

(i) Within the context of local government, integrated development planning is a form of planning that involves linkages and co-ordination between all the sectors of activity that impact on the operation of the local authority. It may be described as a participatory approach to integrate economic, sectoral, spatial, social, institutional, environmental and fiscal strategies in order to support the optimal allocation of scarce resources between sectors and geographical areas and across the population, in a manner that provides sustainable growth, equity and the empowerment of the poor and the marginalized.

(ii) The Integrated Development Plan is the principal tool for municipalities to realise their developmental mandate and each municipal council is required to adopt an Integrated Development Plan for the development of the municipality.

(iii) Integrated Development Plans are aimed at enabling the integrated development and management of a municipal area. An Integrated Development Plan adopted by a municipal council must guide and inform all planning, development and management actions and decisions in the municipality.

(iv) The Integrated Development Plan must reflect:
(a) the municipal council’s vision for the long term development of the municipality;
(b) an assessment of the existing level of development of in the municipality;
(c) the council’s development priorities and objectives for its elective term;
(d) the council’s development strategies;
(e) a spatial development framework;
(f) the council’s operational strategies;
(g) applicable disaster management plans;
(h) a financial plan; and
(i) key performance indicators and performance targets.

(v) Every Integrated Development Plan must include a spatial development framework which shall amongst others:
(a) set out the objectives that reflect the desired spatial form of the municipality;
(b) contain strategies and policies regarding the manner by which to achieve the objectives and policies and must indicate desired patterns of land use in the municipality in order to:
• address spatial reconstruction of the municipality, and
• provide strategic guidance in respect of the location and nature of development and conservation within the municipality,
(c) set basic guidelines for a land use management system in the municipality,
(d) contain strategic assessment of the environmental impact of the spatial development framework,
(e) be aligned with the spatial frameworks reflected in the integrated development plans of neighbouring municipalities, and provide a visual representation of the desired spatial form of the municipality, which representation:
• shall indicate where public and private land development and infrastructure investment should take place,
• shall indicate desired or undesired utilisation of space in a particular area,
• may delineate the urban edge,
• shall identify areas where strategic intervention is required, and
shall indicate areas where priority spending is required.

(vi) In the preparation, amendment or review of an integrated development plan, spatial development framework or other sectoral plan, or in the amendment or review of a structure plan, the Council must have regard to the natural and developed environment and the promotion of ecologically sustainable development as required by Planning Law.

(vii) The general principle is that, through the spatial development framework and the Integrated Development Plan, spatial planning, land use management and land development must be sustainable, equitable, efficient, integrated and based on fair and good governance. The aim is to promote normative based spatial planning, land use management, land development and environmental management.

B Integration of the spatial development framework and land use management

(i) In the Western Cape the preparation and approval of spatial development frameworks is based on the methodology and principles of bio-regional planning.

(ii) The spatial development framework should set basic guidelines for a land use management system in the municipality. This may include aspects dealing with the intensity of development, areas where development is appropriate and should be encouraged, areas where conservation should be pursued, and strategies that support the development and conservation objectives of the municipality.

(iii) The spatial development framework operates as an indicative plan guiding the Council's management decisions, while the detailed daily administration of land development and land use change is managed through the zoning scheme, which records the land use and development permissions accruing to a piece of land. The zoning scheme and its implementation therefore has to be consistent with and give effect to the spatial development framework.

(iv) The way in which the spatial development framework and the zoning scheme relate to individual land development or land use change applications depends on whether or not the proposed change is consistent with the spatial development framework in the opinion of the Council.

(a) In exercising its discretion the Council’s decisions with regard to land use or subdivision must be consistent with the spatial development framework.

(b) Where an application is sought that is inconsistent with the spatial development framework, an application to amend the spatial development framework will also need to be submitted. The spatial development framework must be amended before or when the application is granted.

(c) Where the spatial development framework provides no guidance regarding the desirability of the application, the provincial and national norms shall apply and guide decisions taken by the Council.

C The proactive role of zoning in integrated development planning

(i) Zoning schemes are not exclusively control orientated or reactive, but also include a strong proactive element in that they provide clear indications of what is acceptable.

(ii) Apart from making provision for different zones, the zoning scheme creates mechanisms whereby the strategies reflected in the spatial development framework may be implemented.

(iii) The spatial development framework may indicate areas of particular environmental sensitivity or significance, or areas where development should be managed and guided to achieve a desired built form, or to minimise the environmental impact. Through the establishment of overlay zones the Council may impose additional development management provisions to control both the type and form of development in a particular area. In this manner the zoning scheme makes provision for heritage overlay zones, environmental protection overlay zones, scenic route overlay zones, activity spine overlay zones, urban edge overlay zone, environmental overlay zones, and other overlay zones. The environmental protection overlay zone may for instance be established to control development on steep slopes in areas identified for development in the spatial
development framework but where environmental concerns have been identified in the strategic assessment of the environmental impact of the spatial development framework.

(iv) The spatial development framework may indicate areas where development intensity may be increased or where a greater mix of uses should be promoted. Through the creation of a local area overlay zone the Council may authorise automatic consent use approvals in order to support the objectives of the Integrated Development Plan as reflected in the spatial development framework, by permitting a greater intensity of development and variety of uses.

(v) The zoning scheme recognises that one cannot plan for every eventuality and every circumstance, and that some activities are so unique or they do not easily fall into any of the categories of zones. The zoning scheme makes provision for special zone to deal with such cases, allowing the Council to consider the application and to accommodate it in the zoning scheme.

(vi) In some cases the Council may require additional development management control mechanisms to be in place to provide for the adequate management of a particular development. Approved site development plans, environmental management plans and business plans would then provide the Council with development management mechanisms that are site specific.

(vii) The zoning scheme therefore provides the Council with a planning tool that facilitates the implementation of its IDP objectives as reflected in the spatial development framework.

ENVIRONMENTAL MANAGEMENT

GENERAL POLICY STATEMENT

(i) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.

(ii) Development must be socially, environmentally and economically sustainable.

(iii) The applicable environmental management principles and policies in terms of national and provincial legislation, must be given effect to in considering and deciding applications under this by-law.

A Integrated Environmental Management

(i) Integrated Environmental Management (IEM) provides the philosophy for the incorporation of environmental management principles into decision-making. These principles are described in Section 2 of the National Environmental Management Act (NEMA) 1998, (Act 107 of 1998).

a. Integrated Environmental Management promotes sustainable development and the equitable use of resources. The principles underlying integrated environmental management provide for a democratic participatory, holistic, sustainable, equitable and accountable approach.

b. Integrated environmental management incorporates several instruments for environmental assessment and management that can be applied at different levels of environmental impact management. The basic principles that underpin integrated environmental management are

- a broad understanding of the terms “environment”;
- informed decision making’
- accountability for decisions and for the information on which they are based,
- an open, participatory approach to planning proposals,
- positive and pro-active planning,
- identifying impact, anticipating consequences, prevention of damage, and
- a risk averse and cautious approach.

c. Chapter 5 of the National Environmental Management Act makes provision for integrated environmental management. The purpose of the chapter is to promote the application of
appropriate environmental management tools in order to ensure integrated environmental management of activities. The general objective of integrated environmental management in terms of the Act is set out in Section 23(2) of the Act as follows:

- to promote the integration of the principles of environmental management set out in Section 2 of the Act into the making of all decisions that may have a significant effect on the environment,
- to identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for prevention or mitigation of activities, with the view of preventing or minimising negative impacts, maximising benefits, and compliance with the principles of environmental management,
- to ensure that the effects of activities on the environment receive adequate considerations before actions are taken in connection with them,
- to ensure adequate and appropriate public participation in the decisions that may affect the environment,
- to ensure the consideration of environmental attributes in management and decision making which may have a significant effect on the environment, and
- to identify and employ the modes of environmental management best suited to ensuring that a particular activity pursued is in accordance with the principles of environmental management.
- To prevent unacceptable environmental impact.

This sets the parameters for a code of practice that is directed at ensuring that environmental considerations are fully integrated into all stages of the development process in order to achieve a desirable balance between conservation and development.

d. The aim of environmental management should be sustainable development. In terms of the National Environmental Management Act sustainable development means, "the integration of social, economic and environmental factors into planning, implementation and decision making, so as to ensure that development serves present and future generations".

e. Chapter 2 of the National Environment Management Act sets out environmental management principles which apply throughout the Republic to actions of organs of state that may significantly affect the environment. These principles therefore need to be taken into consideration with regard to any decision taken by the Council.

f. The aim of integrated environmental management is that careful planning incorporating the appropriate level of assessment, will expedite the process and allow for informed decision-making in both the planning, review and implementation of proposals. It comprises an iterative process of assessment at various levels of detail which informs the decision whether further environmental impact assessment is required or not, when appropriate.

B Strategic Environmental Assessment (SEA)

(i) Related to integrated environmental management is Strategic Environmental Assessment (SEA) which may be described as a process of prior examination and appraisal of policies, plans and programmes and other higher order or pre-project initiatives. Strategic Environmental Assessment may be regarded as a process of integrating the concept of sustainability into decision-making and should include the principle of evaluating the opportunities, which the environment offers and the constraints it imposes.

(ii) The main objective of the Strategic Environmental Assessment is that it should ensure that environmental issues are identified and addressed from an early stage in the process of formulating policies, plans and programmes, and incorporated throughout integrated planning and environmental management process. It is a pro-active management tool facilitating linkage and co-ordination between all sectors that impact on the environment.
(iii) Strategic environmental assessment provides an instrument for environmental assessment at the planning and programme level. The following substantive principles underpin the SEA:
- The integration of the concept of sustainability into the objectives and outcomes of plans and programmes.
- The identification of opportunities and constraints which the environment places on the development of plans and programmes.
- The setting of criteria for levels of environmental quality or limits of acceptable change which should reflect both public views and scientific information.

(iv) The Council is required to include a strategic environmental assessment, of the environmental impact of the spatial development framework, as part of its Integrated Development Plan. This provides the Council with the means of integrating the concept of sustainability into the planning for its area of jurisdiction. As the SEA defines limits of acceptable change, this should indicate the ability of the environment to sustain development. These limits may therefore be used to guide planning in order to ensure that development does not degrade or deplete environmental resources. In addition environmental opportunities, which may be enhanced through appropriate planning may be identified.

(v) This process therefore provides the Council with a powerful tool for environmental conservation, as it allows the Council to demarcate areas of significant conservation worthiness that need to be conserved, identify environmentally sensitive areas and to stipulate the appropriate guidelines and policies to guide decision-making should development be contemplated in such areas. The strategic environmental assessment may therefore indicate areas where environmental impact assessment is required and stipulate the level of environmental impact assessment that will be appropriate.

(vi) By incorporating strategic environmental assessment into this level of the planning process the potential conflict between development and the environment can, to a large degree, be reconciled, by clearly stating the policy on development and conservation of sensitive areas.

(vii) Incorporating strategic environmental assessment into Integrated Development Planning enables the Council to be proactive with regard to the environment, by assisting in the promotion of conservation at a strategic level, the identification of key projects directed at the protection of the natural environment and the development of strategies to integrate environmental management to achieve sustainability.

(viii) This level of planning does not in itself protect the environment as it only prescribes policy, procedures and the intended action for conservation. The IDP could therefore indicate core conservation areas where zoning might provide the appropriate level of protection, areas where biosphere reserves should be established and buffer zones and transition zones are established and afforded the appropriate level of control through the establishment of environmental protection overlay zones, unique agricultural areas where a strict approach to development is required or identify heritage areas that should be protected through the establishment of a heritage area overlay zone.

C Environmental Impact Assessment (EIA)

(i) Environmental impact assessment (EIA) is the environmental management tool that is used at the decision making stage in integrated environmental management.

(ii) The purpose of environmental impact assessment is therefore:
- to aid decision making,
- to aid the formulation of development actions, and
- to promote sustainable development, and
- To prevent unacceptable environmental impact.
(iii) **Environmental impact assessment** is the process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of proposed projects and physical activities prior to major decisions and commitments being made. It is a detailed study of the environmental consequences of a proposed course of action.

(iv) **Within the context of Integrated Environmental Management** it is most often used as decision support tool to assess the environmental effects of a decision, project, undertaking or activity.

(v) Environmental impact assessment may be prescribed by legislation or required by the Council where it is of the opinion that a proposed land use or activity is likely to have a significant impact on the environment. These by-laws therefore create the mechanism and procedure whereby the Council may require and manage an environment impact assessment not provided for in other legislation.

(vi) Through this process the environmental impact of a proposal may be determined and inform the decision to approve an application or not. This is not limited to applications to the Council in terms of Planning Law but also relates to permits or authorisations required in terms of other legislation.

(vii) Where approval is granted by the Council or other competent authority the EIA process may also inform the manner in which proposals are implemented and the environmental control mechanisms that may need to be put in place in order to mitigate negative environmental impacts and to reconcile development with the sustainability concept.

**D Environmental Management Plans (EMP’s)**

(i) Informed by the outcome of the environmental impact assessment the Council or competent authority may require that environmental management plans be submitted for approval. In terms of these by-laws the Council may required the submission of environmental management plans for their consideration and approval, as a condition of approval for a rezoning or consent use.

(ii) The environmental management plan is a plan that organises and co-ordinates mitigation, rehabilitation and monitoring measures in order to guide the implementation of the proposed development. The contents of the environmental management plan may be informed by the outcomes of the environment impact assessment conducted at the project evaluation stage or be determined by the outcomes of the strategic environmental assessment as part of the integrated development plan at the strategic level.

(iii) The goal of the environmental management plan is to ensure that environmental controls are in place so that development has the minimum negative impacts on the specific site, or surrounding area, or any other areas or natural systems that may be affected by the development.

(iv) The environmental management plan is intended to guide and manage construction and operational activities as they relate to the environment, by presenting practical techniques, methods and guidelines for the execution of specific activities or requirements, which could potentially impact on the environment, if not suitably managed.

(v) Environmental management plans may be required at different stages of development. A construction phase environmental management plan may be required which apply during either the bulk services phase of development or the building erection phase of development or both as the case may be. An operational phase environmental management plan may be required which will manage the development in the long term, once construction has been completed. In some cases where an activity is discontinued a decommissioning phase environmental management plan may be required, as in the case of mining activities.

(vi) Typically an environmental management plan:
- describes mitigation measures in detail,
• identifies specific individuals or organisations responsible for undertaking tasks on the site in order to minimise and manage environmental impacts,
• provides for environmental monitoring, and
• provides for environmental auditing.

(vi) The purpose of environmental monitoring is to ensure that all parties are aware of their obligations in terms of environmental management and protection on site, that requirements and guidelines are complied with as set out in the environmental management plan, serves as an early warning system and helps to identify and correct unanticipated impacts. The environmental management plan may make provision for an environmental site officer who is responsible for managing this process. This typically forms part of the construction phase environmental management plan.

(vii) Environmental auditing involves comparing the impacts predicted in the environmental impact assessment with those that actually occur on site. The audit may be for both the predicted impacts and of mitigation measures and conditions of development.

(viii) Monitoring and auditing can make important contributions to better planning and environmental management. The outcomes of this most detailed level of integrated environmental management can contribute to all aspects of the integrated environmental process, from understanding the environment and its requirements and potential for impacts to framing effective mitigation measures.
ANNEXURES
ANNEXURE A  
LIST OF SPECIAL ZONE ANNEXURES IN TERMS OF BY-LAW 15.2

<table>
<thead>
<tr>
<th>NAME OF THE SPECIAL ZONE</th>
<th>ANNEXURE NUMBER FOR SPECIAL ZONE REGULATIONS (IF APPLICABLE)</th>
<th>REFERENCE NUMBER (IF APPLICABLE)</th>
</tr>
</thead>
</table>

NOTE: Special Zones Annexures bear the letter A. This is followed by a number that distinguishes between different Special Zone Annexures in the municipal area. The Special Zone may be indicated on the zoning map by indicating the code SP followed by this number i.e. SP.A1, SP.A2 etc.
## ANNEXURE B

LIST OF HERITAGE AREA OVERLAY ZONE ANNEXURES IN TERMS OF BY-LAW 16.1

<table>
<thead>
<tr>
<th>NAME OF THE HERITAGE AREA OVERLAY ZONE</th>
<th>ANNEXURE NUMBER FOR HERITAGE AREA REGULATIONS (IF APPLICABLE)</th>
<th>REFERENCE NUMBER (IF APPLICABLE)</th>
</tr>
</thead>
</table>

NOTE: Heritage Area Overlay zones bear the letter B. This is followed by a number that distinguishes between different Heritage Area Annexures in the municipal area. The Heritage Area Overlay Zone may be indicated on the zoning map by indicating the code HAO followed by this number i.e. HAO.B1, HAO.B2 etc.
ANNEXURE C

LIST OF ENVIRONMENT PROTECTION OVERLAY ZONE ANNEXURES IN TERMS OF BY LAW 16.2

<table>
<thead>
<tr>
<th>NAME OF THE ENVIRONMENT PROTECTION OVERLAY ZONE</th>
<th>ANNEXURE NUMBER FOR ENVIRONMENT PROTECTION OVERLAY ZONE REGULATIONS (IF APPLICABLE)</th>
<th>REFERENCE NUMBER (IF APPLICABLE)</th>
</tr>
</thead>
</table>

NOTE: Environment Protection Overlay Zone Annexures bear the letter c. This is followed by a number that distinguishes between different Environment Protection Overlay Zone Annexures in the municipal area. The Environment Protection Overlay Zones may be indicated on the zoning map by indicating the code EPO followed by this number i.e. EPO.C1, EPO.C2 etc.
**ANNEXURE D:**

**LIST OF BIOREGIONAL PLANNING OVERLAY ZONE ANNEXURES IN TERMS OF 16.3**

<table>
<thead>
<tr>
<th>NAME OF THE BIOREGIONAL OVERLAY ZONE</th>
<th>ANNEXURE NUMBER FOR BIOREGIONAL OVERLAY ZONE REGULATIONS (IF APPLICABLE)</th>
<th>REFERENCE NUMBER (IF APPLICABLE)</th>
</tr>
</thead>
</table>

**NOTE:** Bioregional Overlay Zone Annexures bear the letter D. This is followed by a number that distinguishes between different Bioregional Overlay Zone Annexures in the municipal area. The Bioregional Overlay Zones may be indicated on the zoning map by indicating the code BRO followed by this number i.e. BRO.D1, BRO.D2 etc.
ANNEXURE E:

LIST OF URBAN EDGE OVERLAY ZONE ANNEXURES IN TERMS OF 16.4

<table>
<thead>
<tr>
<th>NAME OF THE URBAN EDGE OVERLAY ZONE</th>
<th>ANNEXURE NUMBER FOR URBAN EDGE OVERLAY ZONE REGULATIONS (IF APPLICABLE)</th>
<th>REFERENCE NUMBER (IF APPLICABLE)</th>
</tr>
</thead>
</table>

NOTE: Urban Edge Overlay Zone Annexures bear the letter E. This is followed by a number that distinguishes between different Urban Edge Overlay Zone Annexures in the municipal area. The Urban Edge Overlay Zones may be indicated on the zoning map by indicating the code UEO followed by this number i.e. UEO.E1, UEO.E2 etc.
ANNEXURE F:

LIST OF SCENIC DRIVE OVERLAY ZONE ANNEXURES IN TERMS OF 16.5

<table>
<thead>
<tr>
<th>NAME OF THE SCENIC DRIVE OVERLAY ZONE</th>
<th>ANNEXURE NUMBER FOR SCENIC DRIVE OVERLAY ZONE REGULATIONS (IF APPLICABLE)</th>
<th>REFERENCE NUMBER (IF APPLICABLE)</th>
</tr>
</thead>
</table>

NOTE: scenic Drive Overlay Zone Annexures bear the letter F. This is followed by a number that distinguishes between different Scenic Drive Overlay Zone Annexures in the municipal area. The Scenic Drive Overlay Zones may be indicated on the zoning map by indicating the code SDO followed by this number i.e. SDO.F1, SDO.F2 etc.
### ANNEXURE G:

**LIST OF LOCAL AREA OVERLAY ZONE ANNEXURES IN TERMS OF 16.6**

<table>
<thead>
<tr>
<th>NAME OF THE LOCAL AREA OVERLAY ZONE</th>
<th>ANNEXURE NUMBER FOR LOCAL AREA OVERLAY ZONE REGULATIONS (IF APPLICABLE)</th>
<th>REFERENCE NUMBER (IF APPLICABLE)</th>
</tr>
</thead>
</table>

**NOTE:** Local Area Overlay Zone Annexures bear the letter G. This is followed by a number that distinguishes between different Local Area Overlay Zone Annexures in the municipal area. The Local Area Overlay Zones may be indicated on the zoning map by indicating the code LAO followed by this number i.e. LAO.G1, LAO.G2 etc.
ANNEXURE H

LIST OF SPECIAL PLANNING AREA OVERLAY ZONE ANNEXURES IN TERMS OF 16.7

<table>
<thead>
<tr>
<th>NAME OF THE SPECIAL PLANNING AREA OVERLAY ZONE</th>
<th>ANNEXURE NUMBER FOR SPECIAL PLANNING AREA OVERLAY ZONE REGULATIONS (IF APPLICABLE)</th>
<th>REFERENCE NUMBER (IF APPLICABLE)</th>
</tr>
</thead>
</table>

NOTE: Special Planning Area Overlay Zone Annexures bear the letter H. This is followed by a number that distinguishes between different Special Planning Area Overlay Zone Annexures in the municipal area. The Special Planning Area Overlay Zones may be indicated on the zoning map by indicating the code SPAO followed by this number i.e. SPAO.H1, SPAO.H2 etc.
ANNEXURE I:
LIST OF ACTIVITY SPINE OVERLAY ZONE ANNEXURES IN TERMS OF 16.8

<table>
<thead>
<tr>
<th>NAME OF THE ACTIVITY SPINE OVERLAY ZONE</th>
<th>ANNEXURE NUMBER FOR ACTIVITY SPINE OVERLAY ZONE REGULATIONS (IF APPLICABLE)</th>
<th>REFERENCE NUMBER (IF APPLICABLE)</th>
</tr>
</thead>
</table>

NOTE: Activity Spine Overlay Zone Annexures bear the letter I. This is followed by a number that distinguishes between different Activity Spine Overlay Zone Annexures in the municipal area. The Activity Spine Overlay Zones may be indicated on the zoning map by indicating the code ASO followed by this number i.e. ASO.I1, ASO.I2 etc.
ANNEXURE J:

LIST OF AIRPORT OVERLAY ZONE ANNEXURES IN TERMS OF 16.9

<table>
<thead>
<tr>
<th>NAME OF THE AIRPORT OVERLAY ZONE</th>
<th>ANNEXURE NUMBER FOR AIRPORT OVERLAY ZONE REGULATIONS (IF APPLICABLE)</th>
<th>REFERENCE NUMBER (IF APPLICABLE)</th>
</tr>
</thead>
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</table>

NOTE: Airport Overlay Zone Annexures bear the letter J. This is followed by a number that distinguishes between different Airport Overlay Zone Annexures in the municipal area. The Airport Overlay Zones may be indicated on the zoning map by indicating the code AO followed by this number i.e. AO.J1, AO.J2 etc.